the Navy, accompanied by a report (No. 2590)—to the House Calendar.

Mr. LIND, from the Committee on Commerce, reported with amendment the bill of the Senate (S. 3173) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, accompanied by a report (No. 2591)—to the House Calendar.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. FORMAN: A bill (H. R. 11197) for the erection of a public building at Belleville, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. TUCKER: A bill (H. R. 11206) to amend section 572 of the Revised Statutes so as to provide for the holding of the regular terms of the circuit and district courts for the western district of Virginia—to the Committee on the Judiciary.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A joint resolution (S. R. 95) to surrender certain bonds, drafts, and other papers in the Department of State to Robert S. Hargous, administrator of Louis S. Hargous, deceased—Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

A bill (H. R. 11067) for the relief of the Mount Zion Society—Committee on War Claims discharged, and referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BURTON: A bill (H. R. 11198) to remove the charge of desertion from the military record of Vernon H. Gray—to the Committee on Military Affairs.

Also, a bill (H. R. 11199) granting a pension to Mary E. Morris—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 11200) increasing the pension of Walter B. Hamilton—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 11201) granting a pension to Martin Staubly, alias Martin Striblin—to the Committee on Invalid Pensions.

By Mr. TAYLOR, of Tennessee: A bill (H. R. 11202) for the relief of Samuel Hicks—to the Committee on War Claims.

By Mr. THOMAS: A bill (H. R. 11203) for the relief of William A. Deannon—to the Committee on War Claims.

By Mr. WHEELER, of Alabama: A bill (H. R. 11204) for the relief of Patrick Daily—to the Committee on War Claims.

Also, a bill (H. R. 11205) for the relief of the heirs of William Wheeler—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOUTELLE: Petitions from various associations in the fourth district of Maine, for a national Sunday-rest law—to the Committee on Labor.

By Mr. BURTON: Petition for payment of claim of Gustav A. Balger—to the Committee on War Claims.

By Mr. COLEMAN: Petition of citizens of Louisiana, including three State senators and ten representatives of Louisiana, asking favorable consideration of House bill introduced by Hon. H. DUDLEY COLEMAN, for the benefit of the Louisiana State University and Gilbert Academy, of Louisiana—to the Committee on the Public Lands.

By Mr. DE LANO: Petition numerously signed protesting against the original-package decision as inimical to the dairy interests of New York—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DOLLIVER: Petition of Earl Rogers, A. M. Brower, and 19 others, citizens of Eaton County, Michigan, asking Congress for appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of Winnebago Alliance, of Winnebago County, Iowa, for the same purpose—to the Committee on Rivers and Harbors.

Also, petition of citizens of Kossuth County, Iowa, for the prompt passage of House bill 5978, entitled "A bill prohibiting the transportation of intoxicating liquors from any State or Territory of the United States or the District of Columbia into any other State or Territory contrary to or in violation of the laws thereof"—to the Committee on the Judiciary.

Also, petition of citizens of Humboldt County, Iowa, for same relief—to the Committee on the Judiciary.

Also, petition of citizens of Carroll County, Iowa, for same relief—to the Committee on the Judiciary.

By Mr. GEAR: Petition of W. G. Ross and 104 others, citizens of Jefferson County, Iowa, praying for the enactment of a law prohibiting the transportation of intoxicating liquors into a State in violation of the laws of such State—to the Committee on the Judiciary.

By Mr. GROUT: Resolution of second Vermont convention on prohibition—to the Committee on the Judiciary.

By Mr. HERBERT: Petition of P. H. Smith, J. M. Bracton, and 38 others, citizens of Escambia County, Alabama, asking Congress for appropriation of money for a complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

By Mr. PERKINS: Petition of Seneca New York Indians against House bill 10130—to the Committee on Indian Affairs.

By Mr. RUSSELL: Petition of Martin Staubly, alias Striblin, for a pension—to the Committee on Invalid Pensions.

By Mr. JOSEPH D. TAYLOR: Petitions from various associations in Ohio, praying for the passage of a national Sunday-rest law—to the Committee on Labor.

By Mr. TAYLOR, of Tennessee: Petition on claim of Samuel Hicks of Washington County, Tennessee—to the Committee on War Claims.

Also, petition in matter of the claim of G. F. Jocknick—to the Committee on War Claims.

SENATE.

MONDAY, *June* 30, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a petition of 38 citizens of Somers Township, Preble County, Ohio, praying for the free coinage of silver; which was ordered to lie on the table.

He also presented a petition of the Methodist Episcopal Church, of Logan, Ohio, a petition of the Methodist Episcopal Church, of Saybrook, Ohio, a petition of the Christian Church, of West Liberty, Ohio, and a petition of the United Presbyterian Church, of Toronto, Ohio, praying for the enactment of laws to prevent the transmission of obscene literature through the mails; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MCMILLAN presented the petition of Dr. O. E. Herrick and 88 others, members of the Michigan State Medical Society, praying that sugar of milk be retained on the free-list; which was referred to the Committee on Finance.

Mr. PADDOCK presented a petition of citizens of Tucson, Ariz., praying for the repeal of the law withdrawing lands from settlement for irrigation purposes; which was ordered to lie on the table.

Mr. EDMUNDS presented a petition of the National Woman's Christian Temperance Union, signed by Frances E. Willard, president and superintendent of department for promotion of social purity, and other officers of the union, praying for the passage of a law providing for a commission on the subject of the social vice; which was referred to the Committee on Education and Labor.

Mr. WASHBURN presented resolutions adopted by the Patriotic Order, Sons of America, Camp No. 1, of Minnesota, remonstrating against the desecration of the nation's flag; which were referred to the Committee on Education and Labor.

Mr. EVARTS presented the petition of the New York Board of Trade and Transportation, praying for a continuation of appropriations for the improvement of the Harlem River; which was ordered to lie on the table.

He also presented a petition of citizens of New York, praying for the passage of the bill giving preference to veterans of the late war in appointments to the public service; which was referred to the Committee to Examine the Several Branches of the Civil Service.

Mr. PLUMB presented a petition of Sergt. McCoy Post No. 210, of Randolph, Kans., praying for the donation of the remainder of the Fort Dodge military reservation for the purposes of a soldiers' home; which was referred to the Committee on Public Lands.

He also presented a petition of the Leavenworth County Farmers' Alliance, of Kansas, praying for the passage of what is known as the Stanford bill, providing for the loan of money by the Government on real-estate security; which was ordered to lie on the table.

He also presented a petition of Baker University, of Baldwin, Kans., praying for the passage of such laws as will enable the State authorities to enforce the prohibitory law in the State of Kansas; which was ordered to lie on the table.

Mr. SPOONER presented a petition of Dodge Post, No. 44, Department of Maryland, Grand Army of the Republic, and a petition of Rankin Post, No. 10, Grand Army of the Republic, both praying for the passage of the bill providing for the transfer of the revenue-marine service to the Navy Department; which were ordered to lie on the table.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 833) providing for the erection of a public building at Paris, Tex.;

A bill (H. R. 3940) to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona;"

A bill (H. R. 4635) granting certain privileges to the Union Railway Company of Chattanooga, Tenn.;

A bill (H. R. 6946) providing for the sale of navy-yard and United States naval hospital lands in the city of Brooklyn, N. Y.;

A bill (H. R. 8342) for the removal of the United States court-house building at Baltimore, Md.;

A bill (H. R. 9289) to provide for a term of court at Danville, Ill.; and

A joint resolution (H. Res. 166) authorizing J. B. Bernadou, United States Navy, to accept two vases presented to him by the Government of Japan.

REPORTS OF COMMITTEES.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred the bill (H. R. 789) opening to settlement a portion of the Fort Randall military reservation in South Dakota, reported it with an amendment.

Mr. TELLER. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 1331) to amend section 11 of an act entitled "An act to enable the people of Colorado to form a State constitution and State government, for the admission of the said State into the Union on equal footing with the original States," to report it with a recommendation that it be indefinitely postponed. This report is made because the Department of the Interior has determined that the State is entitled to the relief sought in the bill without the passage of an act by Congress.

The PRESIDENT *pro tempore.* The bill will be postponed indefinitely.

Mr. WALTHALL, from the Committee on Public Lands, to whom was referred the bill (H. R. 10639) to amend section 2, act of May 30, 1862, reported it with amendments.

Mr. GEORGE, from the Committee on the Judiciary, to whom was referred the bill (S. 62) to define trusts, and to provide for the punishment of persons engaged in their creation or in carrying them out, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PLUMB, from the Committee on Public Lands, to whom were referred the following bills, reported adversely thereon; and the bills were severally postponed indefinitely:

A bill (S. 3797) for the repayment of purchase-money in certain cases;

A bill (S. 3939) to abolish landlordism, and for other purposes;

A bill (S. 2362) to provide for commutation of timber-culture entries;

A bill (S. 2168) requiring the Secretary of the Interior to cause patents to be issued at once for all lands entered under the homestead, pre-emption, or timber-culture laws, where final proof was made prior to January 1, 1889, and an innocent third party has acquired an interest in said land by deed, mortgage, or otherwise; and

A bill (S. 1425) to open abandoned military reservations in the State of South Dakota to homestead entry.

He also, from the Committee on Public Lands, to whom the subject was referred, reported a bill (S. 4171) to authorize the leasing of school lands in the Territory of Oklahoma, and for other purposes; which was read twice by its title.

Mr. PLUMB. I give notice that I will ask the Senate at the very first moment, some time to-day or early to-morrow, to consider this bill.

The PRESIDENT *pro tempore.* The bill will be placed on the Calendar.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred an amendment intended to be proposed by Mr. CALL to the bill (S. 2781) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, asked to be discharged from its further consideration; which was agreed to.

Mr. EVARTS, from the Committee on the Judiciary, to whom was referred the bill (S. 434) to provide for the preparation of a Federal code of procedure, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the Committee on the Library, to whom was referred the bill (S. 2671) for the purchase of a historical book of reference from Austin & Co., reported it without amendment.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, reported favorably an amendment offered by himself June 25, concerning the trust fund of the Chickasaw Nation, intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES, of Arkansas. From the Committee on Territories I report favorably without amendment the bill (S. 4165) to authorize the board of supervisors of Maricopa County, Arizona, to issue certain bonds in aid of the construction of a certain railroad.

Mr. STEWART. There has been no meeting of the Committee on Territories since that bill was introduced. It has not been considered by the committee, and I object to the report being made without a meeting of the committee.

Mr. JONES, of Arkansas. I am directed by a majority of the committee to make the report.

The PRESIDENT *pro tempore.* The bill will be placed on the Calendar.

Mr. PLATT. I desire to say that I do not concur in the report which has just been made with reference to the Maricopa County bonds.

STATUTES AT LARGE FOR SENATE LIBRARY.

Mr. EVARTS. I am instructed by the Library Committee to report favorably without amendment a resolution of the Senate that I ask may be considered.

The PRESIDENT *pro tempore.* The resolution will be read.

The Secretary read the resolution, submitted by Mr. GRAY April 23, 1890, as follows:

Resolved, That the Secretary of State be, and he is hereby, authorized and directed to furnish the library of the Senate with 50 copies of volume 20 of the Statutes at Large of the United States.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. SHERMAN. I should like to ask the Senator who reported the resolution whether those copies are for distribution.

Mr. EVARTS. No; for the use of the Senate in the library.

The resolution was agreed to.

EULOGIES ON THE LATE REPRESENTATIVE COX.

Mr. EVARTS. Mr. President, I ask leave to make a statement. I am desired by the Senator from Indiana [Mr. VOORHEES], who is detained by illness and will be unable to attend in the Senate to-morrow, he desiring to take a part in the commemorative addresses on the occasion of the decease of my late colleague, Mr. Cox, to request that, as he will be unable to attend, owing to his illness, for a week, a postponement may be made. I concur in that wish, and therefore announce that on Tuesday of next week at 3 o'clock I shall call up the communication from the other House.

BILL INTRODUCED.

Mr. PLUMB introduced a bill (S. 4172) for the relief of Paul Gregory; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. McMILLAN, Mr. PLATT, and Mr. SPOONER submitted amendments intended to be proposed by them, respectively, to the sundry civil appropriation bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PRINTING-PRESSES OF BUREAU OF ENGRAVING AND PRINTING.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate, as soon as may be, with all the information in his possession as to—

First. The number of hand plate-printing presses purchased or ordered for use in the Bureau of Engraving and Printing since April 1, 1889, and the amount of their total cost, together with the stoves and other things that go with them in order to make them complete.

Second. The number of hand plate-printing presses that have been repaired and put in order since April 1, 1889, and the cost of putting them in repair, together with the stoves and other belongings.

Third. The number of hand roller-presses that have been put in use since the 30th of June, 1889, to take the place of the nineteen steam plate-printing presses then in use and the total cost of these hand-presses and their fixings, including the stoves.

Fourth. The amount of extra time or overtime worked by other employés in the Bureau of Engraving and Printing than the plate-printer, and the total amount paid for such overwork since the 30th of June, 1889, up to date, and the amount estimated from date to June 30, 1890.

Fifth. The number of merchantable impressions printed in the Bureau of Engraving and Printing on steel-plate printing-presses from the 1st of July, 1889, to June 30, 1890, both dates inclusive, and the cost of printing, *i. e.*, the wages paid the plate-printers, their assistants, superintendents, etc.

Sixth. The number of merchantable impressions printed in the Bureau of Engraving and Printing on steel-plate presses from July 1, 1888, to June 30, 1889, both dates inclusive, and the cost of printing the same, including the items specified in the preceding paragraph.

ADMISSION OF IDAHO.

Mr. DAWES. I present a conference report on the legislative, executive, and judicial appropriation bill.

The PRESIDENT *pro tempore.* The Chair would state to the Senator from Massachusetts that the message has not yet come from the House of Representatives, and therefore the report is not in order at this time, the bill and papers being in the possession of the other House.

Mr. PLATT. If that be so, I ask that the Senate take up the unfinished business.

The PRESIDENT *pro tempore.* The Secretary will report the unfinished business by title.

The SECRETARY. A bill (S. 658) to provide for the admission of the State of Idaho into the Union.

Mr. DAVIS. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Minnesota rise to morning business?

Mr. DAVIS. I do not. I wish to appeal to the Senator from Connecticut.

Mr. PLATT. Let me get the Idaho bill before the Senate.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, if there be no objection.

Mr. PLATT. The bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union was passed by the House of Representatives and is now lying on the table of the Senate. There is no important difference between the two bills. I ask that House bill 4562 may be substituted for the Senate bill.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent that the bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union may be substituted for and take the place of the bill of the Senate on the same subject, the title of which has been read, as the unfinished business. Is there objection?

Mr. GORMAN. I notice that the Senator from Arkansas [Mr. JONES] is now present, and I ask that the question be again stated.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent that the House bill for the admission of Idaho may be substituted for and take the place of the Senate bill on the same subject, the same being the unfinished business.

Mr. JONES, of Arkansas. As far as I am concerned, Mr. President, I have no objection to that course.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union is before the Senate as in Committee of the Whole and will be read at length.

OATHS IN SOLDIERS' CLAIMS.

Mr. DAVIS. I ask the Senator from Connecticut to give way for a moment to allow me to move for the present consideration of House bill 578.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut yield?

Mr. PLATT. I will until I hear what the bill is.

Mr. DAVIS. It is the bill (H. R. 578) in relation to oaths in pension and other cases.

The PRESIDENT *pro tempore*. Is there objection to the unfinished business being temporarily laid aside? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 578) in relation to oaths in pensions and other cases; which was read, as follows:

Be it enacted, etc., That any and all affidavits and declarations to be hereafter made or used in any pension or bounty cases or in claims against the Government for back pay or arrears or increase of pension, or for quarterly vouchers, may be taken by any officer authorized to administer oaths for general purposes in the State, city, or county where said officer resides. If such officer has a seal and uses it upon such paper, no certificate of a county clerk, or prothonotary, or clerk of a court shall be necessary; but when no seal is used by the officer taking such affidavit, then a clerk of a court of record, or a county or city clerk, shall affix his official seal thereto, and shall certify to the signature and official character of said officer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9066) making appropriations for the legistative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes.

JOHN E. WALTON.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2076) granting an increase of pension to John E. Walton, which was, in line 5, to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John E. Walton, late of Company C, One hundredth Pennsylvania Volunteers, and pay him at the rate of $40 per month in lieu of the pension he is now receiving under certificate numbered 176641.

Mr. PIERCE. I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from North Dakota that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

ADMISSION OF IDAHO.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union.

Mr. PLATT. Now let the bill be read.

The PRESIDENT *pro tempore*. The bill will be read at length, as in Committee of the Whole.

The Secretary read the bill.

Mr. PLATT. I ask that the report may be read. The report proper is short. I desire that it follow the bill in the RECORD.

The PRESIDENT *pro tempore*. The Secretary will read the report.

Mr. MORRILL. It will be remembered that when the tariff bill was reported notice was given that it would not be called up until to-day. I understand there are several conference reports on general appropriation bills that will be pending to-day and perhaps an appropriation bill to be reported. This being the last day of the fiscal year, I do not intend to interfere at all with any such business, and give notice that at the earliest practicable moment the tariff bill will be called up.

Mr. SPOONER. I should like to inquire of the Senator from Vermont whether he expects to call up the tariff bill before a week from to-day for discussion.

Mr. MORRILL. I hope to do so. I think it is very important that we get that bill through the Senate early.

Mr. PLATT. I desire to say that I can not consent to any suggestion that interferes with the order of business, which is now under consideration, and much as I believe in the tariff bill and as anxious as I am to see it passed, I do not think it can be taken up until the consideration of the Idaho bill is concluded.

Mr. GORMAN. Mr. President, I should like the attention of the Senator from Vermont a moment. I did not hear distinctly what the Senator from Vermont said. I desire to say that we have now no understanding as to the order of business in the Senate such as is usual, and I think it would facilitate the public business very much if the Senator would fix a time some few days hence when the tariff bill can be considered, subject of course to the pending bill and the appropriation bills. It would add very much to the convenience of those of us on this side of the Chamber who desire to have something to say about that bill; and if the Senate would fix a day in the latter part of this week, or at the beginning of the next, subject of course to the pending bill—the Idaho bill—and the appropriation bills.

Mr. MORRILL. I have already stated that it was not the purpose to interfere with the appropriation bills or with conference reports, but that at as early a moment as practicable the tariff bill would be called up.

Mr. TELLER. I would suggest to the Senator from Maryland that it is not possible to call up the tariff bill this week. I do not think anybody need expect that. We shall probably adjourn over from Thursday until Monday, and I have no doubt this bill with the appropriation bills will take more time than that. We probably shall not get through the Idaho bill this week.

Mr. PLATT. Oh, yes.

Mr. TELLER. I doubt it.

Mr. PLATT. We ought to get through the Idaho bill to-morrow.

Mr. TELLER. That, of course, will depend on the appropriation bills.

Mr. REAGAN. I desired to submit some remarks this morning on the subject of Senate bill 1642, in relation to the free zone of Northern Mexico, but, if it is not agreeable to the Senator from Connecticut for me to do so now, I desire to give notice that to-morrow morning after the morning hour I shall ask the indulgence of the Senate to submit some remarks on that bill, which I regard as one of very great importance and which should receive the consideration of the Senate.

Mr. PLATT. I wish the Senator from Massachusetts [Mr. DAWES] would give me his attention. The Idaho bill having been read, I desire that the report which was made in the Idaho case, and which is only four pages, shall be read, so that it can go in the RECORD in connection with the bill, and then I desire to have the memorial of the constitutional convention, which has not yet been printed, go in the RECORD with the constitution. It will not be necessary to read those, but it will make up a connected case in the RECORD.

Mr. ALLISON. Let them all go in the RECORD without reading.

Mr. PLATT. I am quite willing, if unanimous consent is given, that the memorial and the other papers shall be placed in the RECORD without reading.

Mr. DAWES. I will state to the Senator from Connecticut that I have delayed calling up the conference report on the legislative appropriation bill because of a difference between the record of proceedings in the other House and the message which has already been received here. That difference is quite essential in parliamentary proceedings. I have sent back to see which is correct, and therefore I am not in the Senator's way.

Mr. PLATT. Then I ask that the report may be read.

The Secretary proceeded to read the report submitted by Mr. PLATT from the Committee on Territories February 18, 1890, but before concluding was interrupted by

Mr. PLATT. Mr. President, I ask unanimous conset that the report may be printed in the RECORD without reading the rest of it, and that the memorial of the members of the constitutional convention of Idaho praying for admission under the constitution may also be printed in the RECORD without reading, and also the constitution adopted by the convention held at Boisé City. It is scarcely worth while to take the

time of the Senate in reading these long documents through, and I presume there will be no objection to inserting them in the RECORD. That will make a connected case for the admission of the State.

Mr. JONES, of Arkansas. I scarcely see the necessity of those documents being printed in the RECORD unless they are read, because they have been printed in document form and are in the hands of members of the Senate. I am rather inclined to think that the memorial ought to be read, but I hardly see the necessity for the constitution going into the RECORD at all. I imagine everybody has read it who takes any interest in the subject.

Mr. PLATT. Does the Senator desire that the reading of the report shall be concluded? It is, perhaps, half read through.

Mr. CULLOM. I do not think it is of any use to read either of them, unless possibly it may be the memorial. It just fills up the RECORD, and Senators have copies of them.

Mr. PLATT. I will not ask to have the constitution printed in the RECORD.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Connecticut, that the remainder of the report may be printed in the RECORD, and also the memorial?

Mr. BUTLER. I think the report of the committee ought to be printed in the RECORD, and I think that the memorial ought to be printed. They both contain information important to the Senate and to the country.

Mr. PLATT. Very well. I withdraw my request.

Mr. JONES, of Arkansas. Some Senators desire to hear the memorial read.

Mr. BUTLER. I trust the Senator from Connecticut will not withdraw his request to print the memorial in the RECORD. I see no objection to that.

Mr. JONES, of Arkansas. Unless some Senator wishes it read I will not insist upon it, but the Senator from North Carolina [Mr. VANCE] said he would like to hear the memorial read. So far as I am concerned, I am willing that the remainder of the report may be printed and that the memorial be read and that the constitution shall not be printed in the RECORD.

Mr. PLATT. I will then simply ask that the reading of the rest of the report may be omitted, and that the memorial may be read.

The PRESIDENT *pro tempore*. If there be no objection, the remainder of the report will not be read, but the whole document will be printed in the RECORD.

The report is as follows:

The Committee on Territories, to whom was referred the bill (S. 658) entitled "A bill to provide for the admission of the State of Idaho into the Union," together with the memorial of the people of the Territory of Idaho, praying for the admission of that Territory as a State, having considered the same, respectfully submit the following report:

Idaho was organized as a Territory March 3, 1863, with an area of 325,000 square miles. In 1868, by the creation of the Territories of Montana and Wyoming, its area was reduced to its present size. Its settlement, growth, and development, at first slow, have recently become rapid and substantial, so much so that the foundations of a rich and prosperous commonwealth are already laid.

In the last Congress a bill was reported by the Senate Committee on Territories authorizing the people of the Territory of Idaho to hold a convention for the purpose of framing a constitution and to submit the same to Congress if ratified by a vote of the people of the Territory. Pressure of business prevented action by the Senate upon this bill.

After the adjournment of Congress, Governor E. A. Stevenson issued a proclamation recommending that the people of the Territory should elect delegates to a convention to be held at Boisé City on the 4th day of July, 1889, to frame a constitution for the State of Idaho. Governor Stevenson was succeeded in office by Governor George L. Shoup, who assumed the duties of the office on the 1st day of May, 1889. On the 11th day of May, Governor Shoup issued a supplementary proclamation indorsing the recommendations made by Governor Stevenson.

In pursuance of these proclamations an election was held, and seventy-two delegates were chosen to the convention. About sixty delegates appeared on the day named for holding the convention, and during the progress of the convention all but three of the delegates were present and took part in its deliberations. The convention was in session thirty-four days. Its proceedings were characterized by harmony and non-partisanship, and it framed a constitution of which a copy is hereto appended. (Appendix A.)

This constitution was submitted to a vote of the people of the Territory of Idaho, for adoption or rejection, at a special election called by proclamation of the governor, in pursuance of an ordinance adopted by the convention on the 5th day of November, 1889. At this election the constitution was ratified by a vote of 12,398 in favor of the constitution to 1,733 votes against it, 13 votes being returned as scattering—a total vote of 14,184.

The people of the Territory, in their memorial to Congress, pray that Idaho may be admitted as a State in the Union under the constitution thus framed and ratified by the people.

An examination of the constitution adopted shows it to be republican in form, in harmony with the principles of our Government, well adapted to the wants of its people, and wise in its recognition of progressive ideas. Shall the prayer of the people be granted and Idaho added without delay to the Union of States?

In the opinion of the committee, the answer to this question should be in the affirmative. A Territorial government precedes, and is in itself a pledge of statehood. When the time comes in the history of a Territory when the number and character of its people, its resources, and prospects of development are such as to satisfy Congress that statehood, if conferred, will result in wise and beneficent government, easily and gladly sustained, there should be no hesitation about admission.

It is the opinion of the committee that Idaho fulfills these conditions. Its population, though it is now probably less than the unit of representation in the House of Representatives, is of a character that can be relied upon to maintain a State government according to its wisely guarded constitution. Its inhabitants, drawn chiefly from the older States, are imbued with a just idea of the duties and responsibilities of citizenship, and ardently desire an opportunity to exercise the same rights which as citizens they have hitherto enjoyed in those States. The population is steadily and rapidly increasing, and the material resources of the Territory are such as to make it certain that a steady growth of population will be sustained.

No census having been taken since 1880, the number of inhabitants can only be estimated. Governor Shoup estimated it last year at 117,225, which, in the opinion of the committee, is a conservative estimate. The present rapid development of the Territory warrants the belief that within the first year after admission the population of the State would be at least 150,000.

The area of the Territory of Idaho is 86,294 square miles, or 55,228,160 acres. It extends from the British possessions on the north to Utah and Nevada on the south; from Montana and Wyoming on the east to Washington and Oregon on the west, having a length from north to south of about 410 miles, and varying in width from 41 to 306 miles.

Its agricultural lands are estimated at 16,000,000 acres, or about 26,500 square miles; its forest lands at 10,000,000 acres, its grazing and mineral lands at 30,000,000 acres, leaving about 8,000,000 acres of mountainous land and about 1,200,000 acres covered by lakes and rivers.

In Northern Idaho the land does not, for the greater part, require irrigation. In Southern Idaho irrigation is required and is easily supplied, and when irrigated the land is exceedingly fertile and productive. The surveyor-general of the Territory reports 240,000 acres reclaimed and in process of reclamation. But Idaho will not be dependent on a single industry. Its forests, its mines, and its grazing lands supplement its agricultural resources.

The value of live-stock in the Territory is estimated at over $11,000,000. The output of gold, silver, and lead amounted last year to $17,340,600; and since 1862 the production of minerals has reached the enormous total of $157,720,962. Of its capacity to produce lumber, Governor Shoup, in his annual report to the Secretary of the Interior, says:

"The quantity of timber in the Territory, when reduced to feet, is beyond calculation, and if properly protected will produce sufficient lumber and fuel for this and neighboring States and Territories for hundreds of years to come."

The assessed value of property in the Territory is about $25,000,000. This does not include mining property nor lands entered upon but not yet patented. The actual value of property in the Territory is estimated at $85,000,000.

It has 18 counties organized, 385 school districts, 24,071 children of school age, and school property valued at $344,300. It has a system of public schools, and is thoroughly earnest in the progressive education of its children. It has built a capitol building at a cost of $100,000, an insane asylum at a cost of $50,000, has located and begun work on a university, all without the aid of the General Government. Its annual Territorial and county expenses are $533,000, of which the General Government pays only $28,000. The bonded indebtedness of the Territory is $146,000. On the 1st day of January it had sufficient money to pay all its floating indebtedness and leave a balance in the treasury of about $60,000.

The foregoing brief and imperfect statement of the extent and the resources of the Territory of Idaho and of the efforts of its people for development must satisfy all impartial minds that Idaho may be safely admitted as a State. The bill which has been considered by the committee is similar to the enabling act reported by the committee at the last session of Congress in its provisions relating to the disposition of public lands and courts. And the convention heretofore referred to, in framing its constitution, complied with the provisions of the act as to the compact between the proposed State and the United States.

Section 3 of Article VI of the proposed constitution is as follows:

"No person is permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idotic, or insane, or who has at any place been convicted of treason, felony, embezzlement of the public funds, bartering or selling or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship; or who, at the time of such election, is confined in prison on conviction of a criminal offense; or who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or of the United States forbidding any such crime; or who, in any manner, teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society, which teaches, advises, consents, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or which teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State; nor shall Chinese or persons of Mongolian descent, not born in the United States, nor Indians, not taxed, who have not severed their tribal relations and adopted the habits of civilization, either vote, serve as jurors, or hold any civil office."

Strenuous opposition was made to the admission of Idaho under its proposed constitution by the representatives of the Mormons residing in said Territory because of the section above quoted. About 20,000 Mormons reside in Idaho Territory, mostly in the four southeastern counties. They were represented before the committee by counsel and by Mr. William Budge, a bishop of the Mormon Church and president of what is known as "A Stake" in Idaho. The section of the constitution referred to is copied from the Territorial law requiring a test oath to be taken by voters in the Territory in order to entitle them to vote. A claim was made in the Territorial court that the law which made the right to vote depend upon an oath to be taken by the applicant, denying his connection with the practices and organizations and associations referred to in section 3 as aforesaid, was contrary to the Constitution of the United States. In the Territorial court the constitutionality of such law was affirmed; the case was appealed to the Supreme Court of the United States, and has been argued and decided since the bill under consideration has been pending before the committee. The unanimous decision of the Supreme Court sustained the constitutionality of the law. The opinion, delivered by Judge Field, is appended to this report, marked Appendix B.

The committee see nothing in the section in the proposed constitution above quoted which should prevent the admission of the State. If any of the citizens of Idaho are bigamists or polygamists or are living in violation of any law of the State or United States passed for the prevention of bigamy of polygamy, a sense of justice and a regard for the good order of the State require that they should be excluded from exercising a control in its organization and conduct. So, if they belong to and support and aid or encourage any association which teaches and advises and aids persons to be bigamists and polygamists, or which sets up an obligation to such association above the law of the State, they ought to be excluded.

No persons will be excluded from the privilege of voting, holding office, or serving as a juror, by the constitution of Idaho, unless they are in fact bigamists or polygamists, or are advising, counseling, aiding, or encouraging such crimes, or unless membership in the Mormon Church brings them within the prohibitions of the proposed constitution. This is a question of fact to be determined by the courts, and when it shall appear to the courts that bigamy and polygamy have ceased, and that the Mormon Church no longer enjoins or encourages or advises persons to enter into such relations and no longer puts allegiance to the church higher than allegiance to the State, nobody will for such reasons be disfranchised or excluded from the right to hold office by the constitution of Idaho. Until such time arrives, the committee believe that exclusion upon such grounds is both justifiable and necessary.

It is the conclusion of the committee that Idaho's right to admission is full and complete. Some verbal and formal amendments to the bill are suggested, and so amended the committee recommend that the bill do pass.

The PRESIDENT *pro tempore*. The memorial will now be read.

The Secretary read as follows:

MEMORIAL.

To the Senate and House of Representatives of the United States:

Your memorialists, the people of the Territory of Idaho, through their representatives in convention assembled, respectfully represent:

That for more than twenty-six years last past, under a Territorial organization, we have cheerfully yielded obedience to the Constitution and laws of the United States, and have recognized to its fullest extent the right of Congress to make all needful rules and regulations respecting the Territory.

That disclaiming any disloyal feeling in any manner toward the General Government, but asserting our fealty to and veneration for the Constitution of the United States, we are mindful of the undisputed right of the people of any section of our common country peacefully to assemble and represent by petition their grievances to Congress, and in this spirit we respectfully represent:

That in our opinion the present system of Territorial government is unrepublican and undemocratic in theory, and in practice deprives vast numbers of loyal, peaceable, and patriotic American citizens of the right of self-government;

That under it strangers to our wants, interests, and requirements are sent among us to fill all the principal offices; and the life, liberty, and property of our people intrusted to the hands of officials in whose selection we have had no voice;

That such a system and policy is wholly unsuited to our present condition and works to a disadvantage by retarding the development of our growing and diversified interests;

That since the advent of railroads, connecting our Territory with all points of the compass, our population and resources have been largely augmented and increased, rendering a more perfect system of government in accord with the spirit of American institutions a paramount necessity to our people:

Therefore, in order to enlarge our liberties and place us upon a level with the citizens of our common country in the full enjoyment of all the rights, privileges, and immunities of American citizenship,

Your memorialists, with the approbation and at the request of the people of Idaho, have met in convention and formed a constitution, republican in form, for the State of Idaho, and herewith present a certified copy thereof for your consideration and approval; and if, upon an examination thereof, you find the same unobjectionable in substance and in form, your memorialists earnestly pray that the Territory of Idaho may be speedily admitted into the Union thereunder; and your memorialists will ever pray.

Done in open convention at Boisé City, Territory of Idaho, this the 6th day of August, A. D. 1889.

Wm. H. Clagett, president; Geo. Ainslie, W. C. B. Allen, Robt. Anderson, H. Armstrong, Orlando B. Batten, Frank W. Beaul, Jas. H. Beatty, J. W. Ballentine, A. D. Bevan, Henry B. Blake, Frederick Campbell, Frank P. Cavanah, A. S. Chaney, Chas. A. Clark, I. N. Coston, Jas. I. Crutcher, Stephen S. Glidden, John S. Gray, Wm. W. Hammell, H. S. Hampton, H. O. Harkness, Frank Harris, Sol. Hasbrouck, C. M. Hays, W. B. Heyburn, John Hogan, J. W. Howe, E. S. Jewell, G. W. King, H. B. Kinport, Jas. W. Lamoreaux, John Lewis, Wm. C. Maxey, A. E. Mayhew, W. J. McConnell, Henry Melder, John H Myer, John T. Morgan, A. B. Moss, Aaron F. Parker, A. J. Pierce, A. J. Pinkham, J. W. Poe, Thos. Pyeatt, Jas. W. Reid, W. D. Robbins, Wm. H. Savidge, Aug. M. Sinnott, James H. Shoup, Drew. W. Standrod, Frank Steunenberg, Homer Stull, Willis Sweet, Sam F. Taylor, J. L. Underwood, Lycurgus Vineyard, J. S. Whitton, Edgar Wilson, W. W. Woods, John Lemp, N. J. Andrews.

I, Charles H. Reed, secretary of the Idaho constitutional convention, which convened at Boisé City on the 4th day of July, A. D. 1889, and adjourned on the 6th day of August, A. D. 1889, do hereby certify that the foregoing is a true and literal copy of a memorial adopted by said convention.

In witness whereof, I have hereunto set my hand, at Boisé City, Idaho Territory, this 2d day of December, A. D. 1889.

CHAS. H. REED, *Secretary.*

UNITED STATES OF AMERICA, TERRITORY OF IDAHO,
Executive Department.

I, George L. Shoup, governor of the Territory of Idaho, do hereby certify that the signature of Chas. H. Reed, as the secretary of the constitutional convention which assembled at Boisé City on the 4th day of July, A. D. 1889, and adjourned on the 6th day of August, A. D. 1889, is the genuine signature of him, the said Chas. H. Reed.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the Territory of Idaho. Done at Boisé City, this 2d day of December, A. D. 1889.

[SEAL.] GEO. L. SHOUP.

By the governor:

E. J. CURTIS,
Secretary of Idaho.

Mr. PLATT. Let the names be printed in the RECORD without reading. They are the names of the members of the constitutional convention.

The PRESIDENT *pro tempore*. It will be so ordered, in the absence of objection.

AGRICULTURAL APPROPRIATION BILL.

Mr. PLUMB. I now ask that the pending order, the bill for the admission of Idaho, be laid aside temporarily, and that the Senate proceed to the consideration of House bill 10716, being the agricultural appropriation bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10716) making appropriation for the Department of Agriculture for fiscal year ending June 30, A. D. 1891.

The PRESIDENT *pro tempore*. The Secretary will proceed with the reading of the bill. If there be no objection, the amendments reported by the Committee on Appropriations will be acted upon as they are reached in reading the text of the bill. The Chair hears no objection, and that order will be pursued.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, under the head of "Department of Agriculture, office of the Secretary," on page 2, line 10, before the word "clerks," to strike out "two" and insert "three;" and in line 11, after the word "four," to strike out "three thousand six" and insert "five thousand four;" so as to read:

Three clerks of class 4, $5,400.

The amendment was agreed to.

The next amendment was, on page 2, line 25, to increase the total amount of the appropriations for compensation of the Secretary of Agriculture, Assistant Secretary, and the clerks and employés in the office of the Secretary from $78,700 to $80,500.

The amendment was agreed to.

The next amendment was, in the appropriations for "document and folding room," on page 6, line 22, before the word "hundred," to strike out "four" and insert "six;" in the same line, after the word "two," to strike out "clerks" and insert "chief folders;" and in line 1, on page 7, before the word "hundred," to strike out "two" and insert "four;" so as to make the clause read:

Document and folding room: One superintendent, $1,600; 2 chief folders at $1,000 each, $2,000; 1 clerk, $660; 6 folders at $600 each, $3,600; 1 laborer, $600; in all, $8,460.

The amendment was agreed to.

The next amendment was, on page 8, line 5, after the word "herbarium," to insert "and for labor in preparing the same;" in line 9, after the word "plants," to insert "including cost of reports and illustrations thereof;" and after the word "local," at the end of line 11, to strike out "botanist" and insert "botanists;" so as to make the clause read:

Botanical investigations and experiments, division of botany: Purchasing specimens, paper, and all necessary materials for the herbarium and for labor in preparing the same, and for investigations and experiments with grasses and forage plants, including the establishment and maintenance of experimental grass stations, and of other economic and medical plants, including cost of reports and illustrations thereof, and for traveling and other necessary expenses connected therewith, and for employing local botanists in the field for exploration and collection of plants in little known districts, $40,000; and the unexpended balance of appropriations under this head for the current fiscal year is hereby reappropriated and made available for the fiscal year 1891.

The amendment was agreed to.

The next amendment was, on page 8, line 23, after the word "traveling," to insert "within the United States;" so as to make the clause read:

Investigating the history and habits of insects, division of entomology: Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, arboriculture, and horticulture; experiments in ascertaining the best means of destroying them; publishing reports thereon, and for illustrations, chemicals, traveling within the United States, and other expenses in the practical work of the Division of Entomology, $25,000.

The amendment was agreed to.

The next amendment was, on page 9, line 9, before the word "thousand," to strike out "twenty" and insert "twenty-five;" so as to read:

Silk section, sericulture: To enable the Secretary of Agriculture to collect and disseminate information relating to silk culture; to purchase and distribute silk-worm eggs and mulberry trees; and conduct at some point in the District of Columbia experiments with automatic machinery for reeling silk from the cocoon, and to pay expenses incurred in collecting, purchasing, preparing for transportation, and transporting the cocoons used in these experiments, and to pay the expenses of stations connected with said section, and necessary traveling expenses, $25,000.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Kansas [Mr. PLUMB] to the language in line 11, on page 9, where the bill reads:

The Secretary of Agriculture is hereby authorized to sell in open market any all reeled silk.

Mr. PLUMB. The word "and" should be inserted after the word "any;" so as to read "any and all reeled silk."

The PRESIDENT *pro tempore*. That amendment will be made in the absence of objection. The Chair hears none.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 10, line 2, before the word "thousand," to strike out "ten" and insert "fifteen;" so as to make the clause read:

Division of ornithology and mammalogy: For investigating the geographic distribution of animals and plants, and for the promotion of economic ornithology and mammalogy, and investigation of the food-habit of North American birds and mammals in relation to agriculture, horticulture, and forestry; for publishing reports thereon, and for illustrations, field-work, traveling and other expenses in the practical work of the division, $15,000, of which sum $1,000 may be applied on account of expenses incurred during the fiscal year ending June 30, 1890.

The amendment was agreed to.

The next amendment was, on page 10, at the beginning of line 10, to strike out "Investigation of food adulterations and;" in line 14, after the word "expenses," to strike out "the purchase of food samples and condiments in the investigation of the adulteration of food;" and in line 18, before the word "thousand," to strike out "five" and insert "three;" so as to make the clause read:

Investigations and experiments relating to textile fibers, division of microscopy: Microscopical apparatus, chemicals, photographic illustrations and drawings and other necessary supplies; traveling expenses; the purchase of textile fibers, and ascertaining their relative strength and forms, and for experiments in decorticating and cleansing fibers, $3,000.

The amendment was agreed to.

The next amendment was, on page 12, line 6, after the word "forestry," to insert "and for experiments in the production of rainfall;" and in line 9, before the word "thousand," to strike out "eight" and insert "ten;" so as to make the clause read:

Report on forestry—division of forestry: To enable the Secretary of Agricult-

ure to experiment and continue an investigation and report upon the subject of forestry, and for experiments in the production of rainfall, and for traveling and other necessary expenses in the investigation, and the collection and distribution of valuable economic forest-tree seeds and plants, $10,000.

Mr. REAGAN. I desire to ask the Senator who reported the bill what nature of experiments for the production of rainfall it is contemplated shall be employed.

Mr. PLUMB. That will be in the discretion of the Secretary of Agriculture.

Mr. REAGAN. Perhaps the Secretary may be able to facilitate nature in some way, but I do not know exactly how he is to accomplish it. I do not care about making an appropriation in the dark.

Mr. PLUMB. There is a good deal of interest in the subject of the precipitation of moisture in various portions of the country, and the Senator will see that the amount is not an alarming sum.

Mr. VANCE. I rise for the same purpose which I suppose occasioned the rising of the Senator from Texas [Mr. REAGAN], to wit, to ask how this rainfall is to be artificially produced and to ask if there is any power in Congress under the Constitution to create artificial rainfalls. It seems to me that that is a matter which was not provided for by the desires of our fathers and I should like to know how it is to be done. [Laughter.]

Mr. BLAIR. Under reserved powers.

Mr. PLATT. Under the general-welfare clause.

Mr. PLUMB. If the Senator from North Carolina objects to the amendment on constitutional grounds, I hope he will proceed with his argument.

Mr. VANCE. I did not hear what the Senator said.

Mr. PLUMB. I say if the Senator objects to the amendment on constitutional grounds, I hope he will argue it on that basis, so that we shall have the benefit of his opinion upon that subject.

Mr. VANCE. When a proposition is advanced that is in the face of the experiences of mankind and of nature, the burden of proof rests upon the one who makes the proposition. I simply ask how the rainfall is going to be produced in a country where there is no rain produced by nature? If that can be done, it will be a great step towards the enriching of this world and the changing of it.

The PRESIDENT *pro tempore*. The question recurs upon the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the proviso to the clause making appropriations for "purchase and distribution of seeds—seed division," on page 13, line 2, after the word "plants," to insert "and;" so as to read:

Provided, That all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates to Congress for distribution remaining uncalled for at the end of the fiscal year shall be distributed by the Secretary of Agriculture.

The amendment was agreed to.

The next amendment was, in the same clause, on page 13, after the word "as," at the end of line 18, to insert "near as;" so as to read:

Provided, however, That the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents.

The amendment was agreed to.

The next amendment was, in the last proviso to the same clause, on page 13, line 20, after the word "seed," to strike out "packets" and insert "pockets;" so as to read:

Printing seed-pockets, labels, postal-cards, circulars, etc., labor, paper, ink, type, and other necessary material for printing, and for purchasing and repairing printing-presses, $5,400.

The amendment was agreed to.

The next amendment was, on page 15, after the word "dollars," in line 7, to strike out the following proviso:

Provided, That $4,000 of said sum shall be used only for repairs of buildings and water and gas pipes.

So as to read:

Furniture cases and repairs: Repairing buildings, heating apparatus, furniture, carpeting, matting, water and gas pipe, new furniture, and all necessary material and labor for the same, including lumber, hardware, glass, and paints, $10,000.

The amendment was agreed to.

The next amendment was, on page 15, line 12, before the word "thousand," to strike out "four" and insert "two;" so as to read:

Library: Purchase of necessary books, periodicals, and papers, and for expenses incurred in completing imperfect series, $2,000.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for "salaries and expenses, Bureau of Animal Industry," on page 16, line 7, after the word "dollars," to insert "together with the unexpended balance of the appropriation for this purpose for the fiscal year 1890;" in line 19, after the word "reports," to strike out "and books;" and in line 20, after the word "relating," to strike out "thereto" and insert "to animal industry;" so as to read:

For carrying out the provisions of the act of May 29, 1884, establishing the Bureau of Animal Industry, $350,000, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1890; and the Secretary of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, and in such manner as he may think best, to prevent the spread of pleuro-pneumonia and other diseases of animals, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals, and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia, or other diseases of animals, from one State into another, and for printing and publishing such reports relating to animal industry as he may direct.

The amendment was agreed to.

The next amendment was, on page 17, line 22, before the word "thousand," to strike out "sixty" and insert "seventy-five;" so as to make the clause read:

Agricultural experiment stations: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under provisions of an act approved July 2, 1862, and of the acts supplementary thereto," $675,000, $15,000 of which sum shall be payable upon the order of the Secretary of Agriculture to enable him to carry out the provisions of section 3 of said act of March 2, 1887; and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary, and to incur such other expenses in traveling, stationery, and office fixtures as he may find essential in carrying out the objects of the above acts, and the sums apportioned to the several States shall be paid quarterly, in advance.

The amendment was agreed to.

The next amendment was, on page 18, line 18, after the word "services," to insert "including $500 additional temporary compensation to the chief chemist;" and in line 21, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

Experiments in the manufacture of sugar: To enable the Secretary of Agriculture to continue experiments in the production of sugar from sugar-cane, sugar-beets, and sorghum, and especially for culture experiments, looking to the improvement of those sources of sugar, and for experiments in the more complete separation of the sugar from the molasses, and including all necessary expenses in these experiments, namely, traveling expenses, purchase of samples, apparatus, and supplies, chemical services, including $500 additional temporary compensation to the chief chemist, and other expenses incidental to the experiments, $50,000, or as much thereof as may be necessary, to be made immediately available.

Mr. REAGAN. I desire to offer an amendment to come in at the end of the paragraph.

The PRESIDENT *pro tempore*. Does the Senator desire to interfere with action on the pending amendment?

Mr. REAGAN. No, sir.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, to strike out the clause from line 23, on page 18, to line 4, on page 19, inclusive, as follows:

Experiment Station, Department of Agriculture: To enable the Secretary of Agriculture to prepare such portions of the Arlington estate as may be assigned to him by the Secretary of War as an experimental station and farm, and for expenses incurred in removing the present experimental station of the Bureau of Animal Industry to said estate, $25,000.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. REAGAN. I offer the amendment which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. After the word "available," in line 22, page 18, it is proposed to add the words:

Twenty-five thousand dollars of which shall be expended in the State of Texas.

Mr. PLUMB. If the Senator will permit me a moment, I will move to strike out the words "to be immediately available," in line 22. They are not necessary, and striking them out will not interfere with his amendment.

Mr. REAGAN. Very well.

Mr. PLUMB. I move to strike out the words "to be immediately available," on line 22, page 18.

The amendment was agreed to.

Mr. PLUMB. The Senator's amendment will come in after the word "necessary."

Mr. REAGAN. Yes, after the word "necessary," in line 22.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. After the word "necessary," in line 22, page 18, it is proposed to insert:

Twenty-five thousand dollars of which shall be expended in the State of Texas.

So as to read:

Traveling expenses, purchase of samples, apparatus, and supplies, chemical services, including $500 additional temporary compensation to the chief chemist, and other expenses incidental to the experiments, $50,000, or as much thereof as may be necessary, $25,000 of which shall be expended in the State of Texas.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. REAGAN].

Mr. REAGAN. Mr. President, I ask for this amendment simply as a direction to the Secretary of Agriculture. Texas offers much the largest field of any in the country for the production of sorghum and a very large field for the production of cane sugar. During the last winter gentlemen representing the Agricultural and Mechanical College of Texas, and representing also the experimental station there, visited this city with a view to enlist the Secretary of Agriculture in

aiding them to make some experiments as provided for under this paragraph of the bill for the more complete separation of sugar from molasses, etc. At that time of course nothing could specifically be done. Now, we have had appropriations, some $200,000 expended in Kansas on this subject, some $75,000 in Iowa, and perhaps as much in Louisiana—I do not know exactly the amount, but there has been a considerable sum expended in Louisiana. But there is none applied in the very extensive region of country covered by Texas, and there is great interest felt there in the subject. It may be made a source of great wealth to that country, and there is great interest felt in it there by the people engaged in experimenting in sugar production and the separation of sugar from molasses. If the amendment is not objected to by the committee, I should like very much to have the direction given to let a portion of this fund be expended in that State.

Mr. PLUMB. I sympathize very heartily with the view which the Senator expresses, not only as to the proper expenditure of a sum of money in Texas, but as to the result which he hopes will grow out of that expenditure; but it would be manifestly improper to direct that one-half of this money should be spent in Texas, or in fact, as I think, to give direction as to where any of it should be spent. The amount which has been expended heretofore has not been quite so large as was stated by the Senator from Texas, and it has not been divided at all in the way which he seems to think.

Mr. REAGAN. I spoke on this subject from my own information from the Department of Agriculture.

Mr. PLUMB. The Senator is incorrect, at all events, as to the amount of money expended in Iowa. I do not think any has been spent in that State, at all events only a small amount. But that is neither here nor there. The policy of the Department in making these expenditures has been to make them in connection with what private parties were doing. Wherever the Department has found private capital enlisted in this venture, it has endeavored to do, in the way of experimenting in connection with what the private parties had in hand, that which would enlarge the scope of the experiment and give to it a more satisfactory result.

Mr. COKE. Will the Senator from Kansas allow me to make a suggestion?

Mr. PLUMB. Yes.

Mr. COKE. There have been propositions made, and they are still pending, by parties in Texas, who are conducting sugar-planting on a large scale, offering to put the labor and land and everything pretty much that is needed at the command of the Secretary of Agriculture for the purpose of carrying on these experiments. Those propositions have been made, and I have communicated them myself to the Secretary of Agriculture here. He did not have appropriations, he said, under which he could accept them.

If the appropriation is made, as requested by my colleague, for the expenditure of $25,000 of the money in Texas, there is no State in which money is expended for this purpose where the Government will be aided to a greater extent than in Texas by private capital already engaged in the business. They are anxious to put at the command of the Government very nearly everything that is needed in order to carry on the experiment.

Mr. PLUMB. I have no doubt that would be the case, but it will be much more liable to be the case if the statute does not require it to be expended there in such a way that these parties might naturally feel that they were independent. In addition to that, unless enough is given to do everything which may be required, it would be an unjust discrimination to say that one-half of this entire sum should be spent in Texas to the exclusion of other places where the need might be just as great.

I have no doubt that the Secretary will expend in Texas whatever may be proper in proportion to the demand elsewhere in connection with the entire amount appropriated. I would have been glad to have seen this sum made larger, in order that more of it might be expended there as well as elsewhere.

But the Senator will remember that there has been great interest taken not only in this question, but in the question of the production of sugar from sorghum and of sugar from beets also, which extends over a very wide section of country, embracing not only Texas, but Kansas and Nebraska and Iowa, and other localities situated in the same belt, with the same soil and the same climatic conditions; and California, I might as well say, also.

So, to take one half this appropriation and say it shall be expended in Texas would be to do possibly a great injustice, at any rate, to other localities and hamper the industry rather than to help it, and perhaps even embarrass the Department in its expenditure in Texas, because I can readily see how a person, perfectly willing, if the Department were in a condition to bargain with him, to do his full share, might say, "As long as the Department can not bargain with me at all and is bound to spend this money here I will assume an independent attitude."

Mr. REAGAN. I see the force of the suggestion made by the Senator——

Mr. MITCHELL. Allow me to ask a question. I want to know how much was appropriated last year.

Mr. PLUMB. About $40,000.

Mr. MITCHELL. Can the Senator tell me where that sum was expended?

Mr. PLUMB. I do not not know where all of it was expended, but part of it was expended in Delaware, a portion of it in Louisiana, a portion of it in Nebraska, and I think possibly a small portion in the State of Iowa, and some in the State of Kansas. I am not certain whether some of it was not expended in the State of California; my impression is that it was.

Mr. MITCHELL. What I wished to inquire was whether any of it was expended on the Pacific coast or not.

Mr. PLUMB. I think some of it was expended in Oregon or California.

Mr. MITCHELL. Has it been expended for the purpose of encouraging private enterprise?

Mr. PLUMB. It has been expended in making chemical and other experiments which were necessary to solve the question whether sugar could be made properly out of sorghum or beets. It took various shapes, although it did not take the shape of any purchase of machinery or anything of that kind.

Mr. REAGAN. I recognize the force of the suggestion of the Senator from Kansas, that this provision might require the Secretary to expend this money whether there was any private enterprise concerned in the experiments in the production of sugar from cane, beet-roots, and sorghum, and I am willing to amend and enlarge the amendment so as to cover the idea which the Senator has; that is, by adding the words "to assist such private enterprises as may be engaged in making such experiments."

I regret that I did not know this matter was coming up to-day, because I have some papers that would have given information which I can only refer to vaguely now by recollection. But there is a company making cane sugar in the lower part of my State, as I remember it, which has been making extensive preparations and employing a great deal of new and improved machinery and has succeeded in extracting a larger amount of saccharine from the given amount of cane than when it employed the centrifugal process of drying sugar.

Mr. GIBSON. That is Cunningham's.

Mr. REAGAN. Yes, sir; Cunningham's. Then besides, there is the experiment station at Bryan, Tex., which is also experimenting in this line, and it is proposed by the citizens there to establish a station, I think in Cooke County, in the northern part of the State, in very rich land, where ribbon cane can not be grown but where sorghum is grown with great success. I do not know what may be expected in the production of the sugar-beet in that country. Now, in some parts of California it is a great success. I do not know exactly what its success would be in our latitude and climate and soil, but the experiment might well be made. In the vast area of our country there, materially agricultural, where private enterprise is doing all it can to carry on these very experiments, it seemed to me desirable that some portion of the fund for these experiments should be expended in that State.

Mr. PADDOCK. I should like to inquire of the Senator if he is able to state that no part of the appropriation for the last fiscal year for this purpose was expended in the State of Texas.

Mr. REAGAN. No, sir; no part of it has ever been expended there.

Mr. PADDOCK. Very little if any of it was expended in my State, but I have been advised that the fund was very evenly distributed through the States, and that as many as twenty States probably participated in the fund.

Now, Mr. President, there has been no money used under that appropriation to speak of in my State; and I am able to say to the Senator that a plant for the manufacture of beet sugar is being put in in my State which is nearly ready for operation, which has involved an investment of five or six hundred thousand dollars, and that without any aid whatever, I understand, from the General Government. Therefore, if the Senator from Texas is to have $25,000 set aside by a special provision for his State, I should feel constrained, considering what my State has done without aid, to demand that it, too, should have the benefit of a proviso for quite a considerable sum. I should be very glad if the State of Texas could have $25,000 or as much as may be necessary, and I have no doubt if the bill passes and the appropriation is made according to the terms of the bill Texas now, in the light of the information he has given, would be sure to get its fair share.

Mr. REAGAN. Considering the amount of money that has been appropriated for this purpose and the large extent of Texas, an agricultural country producing extensively the very things to be experimented on, I do not think it is asking too much to ask that $25,000 be expended there, as it seems that unless we can get an act of Congress directing it we can not get any money expended there. I shall therefore leave to the Senate the question whether we are to have any expenditure in that State for that purpose.

Mr. DOLPH. Mr. President, I hope the Senator from Texas will not insist on his amendment. It seems to me to be rather a vicious way of dividing up this fund. We have on the Pacific coast great areas of soil, as we think, particularly adapted to the raising of sugar-beets. As the Senator knows, the making of beet sugar is a successful industry already in California; and Oregon and Washington undoubtedly have a large extent of territory that is adapted to beet-raising.

As long as the expenditure of the appropriation is left to the sound discretion of the Secretary of Agriculture, I do not think the Pacific coast or the State I have the honor in part to represent will be disposed to find any particular fault, even if Texas should receive a very large amount of the appropriation; but if we commence this scramble for a division of such an appropriation, I should think myself not very much alive to the interests of my own State if I did not ask for a slice myself, to be expended in my State, and all the forty-two States of the Union would probably come in for a share, and Congress would determine where it is to be expended rather than the Secretary of Agriculture. I think therefore that the amendment is wrong in principle.

Mr. ALLISON. I was about to ask if the amendment of the Senator from Texas is amendable, or if the power of amendment is exhausted. I only wanted to say that if it can be amended I should like to give the other half to Iowa.

Mr. PADDOCK. I think there is another question more pertinent even than that.

Mr. ALLISON. It seems to me that it would be very proper to divide this between Texas and Iowa, especially as respects sorghum experiments. They represent about the two extremes of climate that can be expected to grow sorghum. I submit to the Senator from Texas that the other half should be given to Iowa. So I move that amendment if it is in order.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The suggested amendment is in order.

Mr. MITCHELL. I suppose that will exhaust the right of amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana [Mr. GIBSON], who has been trying to get the floor for some time.

Mr. GIBSON. Mr. President, I should be inclined to concur in the amendment of the Senator from Iowa if there were no other States except Texas and Iowa in the Union, and I were controlled by considerations that did not apply to the State of Louisiana at all. But a few years ago we secured an appropriation which was the beginning of these experiments in the manufacture of sugar, and the Department has already made several successful experiments in the State of Louisiana. We have nearly doubled the amount of sugar that may be obtained from a ton of cane by the experiments that have been made by the Government of the United States, by the application of the diffusion process, as it is called—the process applied in Germany and France to the manufacture of sugar from beets. We have also succeeded in making many improvements in the old method of milling.

That has been a great gain for the people of that State. The government of the State has also established several experiment stations which are being conducted under accomplished scientists and practical men. We believe further and more successful methods may be adapted to the manufacture of cane into sugar. We have also by improved methods of cultivation and fertilization increased largely the production of cane per acre. In old times we produced in that State only about a hogshead or a hogshead and a half, say a ton, of sugar to the acre; we now produce as much as two tons of sugar per acre.

Our sugar, too, grades higher in the market. It is graded on the average at about 16 by the Dutch standard. So the outlook for that industry in the State of Louisiana is very encouraging. We have not only increased the yield of cane per acre nearly double, but we have increased the production of sugar from a ton of cane itself about two-fold.

We may hope at an early day without any extension of area and better methods of cultivation and manufacture to double the production of sugar in the State of Louisiana.

I trust, Mr. President, that this whole matter may be left to the discretion of the Department to determine how and where these experiments should be made.

Mr. GORMAN. Will the Senator allow me to interupt him?

Mr. GIBSON. Certainly.

Mr. GORMAN. Do I understand the Senator to say that the results he has mentioned came from appropriations made by the Agricultural Department?

Mr. GIBSON. Not altogether, but mainly by the Government experiment with the diffusion process, which it was enabled to make by an appropriation made five or six years ago.

Mr. GORMAN. That is a very remarkable statement.

Mr. GIBSON. It was an appropriation similar to this. The amendment was offered by the Senator from Kansas [Mr. PLUMB] or myself, I forget which. At all events we concurred in that policy; and I take this occasion to congratulate him upon the successful results that have attended the experiment in the State of Louisiana.

Mr. GORMAN. I would inquire of the Senator if that was supplemented by the State action and private enterprise.

Mr. GIBSON. It has been since supplemented by State action and private enterprise. We have model farms established by the State of Louisiana, aided by private subscriptions, at the head of which is one of the most distinguished scientists, Professor Stubbs, in the country. He is aided by young men whom he instructs in the application of science to agriculture and the mechanic arts, and is achieving results that justify the confident hope that we may produce in the United States sugar from cane and beets in sufficient quantities to supply the people of the whole country, and thus save to them the enormous annual drain of a hundred millions in gold to countries whose tariffs exclude our own commodities. The sugar industry, expanded as it will be by the natural resources of our climate and soil, if not discriminated against by our tariff laws, will largely diversify our pursuits and afford an enlarged market for our farmers.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Texas [Mr. REAGAN].

Mr. ALLISON. What has become of the modification of the amendment which I offered?

The PRESIDING OFFICER. The Chair did not understand the Senator from Iowa to put the amendment in such a shape that it could be announced at the desk. If he has done so, his amendment will be stated.

Mr. ALLISON. Well, Mr. President, I withdraw it..

The PRESIDING OFFICER. The Senator from Iowa withdraws his amendment. The question recurs on the amendment offered by the Senator from Texas [Mr. REAGAN].

The amendment was rejected.

Mr. FAULKNER. On page 2, line 18, before the word "hundred," I move to strike out "four" and insert "eight;" so as to read:

One engineer, who shall be captain of the watch, $1,800.

I call the attention of the Senator from Kansas who has charge of the bill to the fact that this is in accordance with the estimate of the Secretary of Agriculture, but it was omitted by inadvertence by the Committee on Appropriations in the House of Representatives.

Mr. PLUMB. That is in accordance with the estimate. I do not know why it was left out in the House of Representatives.

The amendment was agreed to.

Mr. COKE. I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The Senator has not indicated on his amendment where it is to come in the bill.

Mr. PLUMB. The amendment which the Senator from Texas has had printed does not give the necessary information. What he designs is to have an amendment added after the word "dollars" in line 25, on page 8. He wants the proviso to follow the word "dollars," and the amount also to be increased to $27,500, in place of $25,000.

The PRESIDING OFFICER. The amendment offered by the Senator from Texas [Mr. COKE] will be read.

The SECRETARY. On page 8, line 25, after the word "dollars," add the following proviso:

Provided, That $2,500, or so much thereof as may be necessary, may be expended for an investigation into the natural history of and remedies for the cotton-boll worm, for compensation of additional temporary agents of the division of entomology, for traveling expenses, chemicals, insecticide apparatus, and other necessary expenses in this investigation.

Mr. COKE. The first part of the amendment was not read by the Secretary.

Mr. PLUMB. The two propositions do not necessarily go together. They ought to be voted on separately.

Mr. COKE. Mr. President, the object of this amendment is to give the Agricultural Department the means of investigating the cotton-boll worm. Great benefit has been derived by the cotton planters of the South from the investigations of the Department as to the army worm, and the planters who raised cotton can now manage and control that worm and easily destroy it; but the boll worm is very much more destructive than the army worm. It utterly destroys any crop that it takes hold of; and it is very much desired that an investigation be made by the Agricultural Department into the nature of that insect in order that we may ascertain some means of destroying it. This amendment is to accomplish that object.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. COKE].

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Texas [Mr. COKE] offers a further amendment, which will be stated.

The SECRETARY. On page 8, line 25, before the word "dollars" strike out "twenty-five thousand" and insert "twenty-seven thousand five hundred;" so as to read:

Twenty-seven thousand five hundred dollars.

The amendment was agreed to.

Mr. MITCHELL. After the word "dollars," in line 9, on page 9, I move to insert:

Provided, That $5,000 of the above amount may, in the discretion of the Secretary of Agriculture, be expended in collecting further information relative to the wild native silk-worm in the State of California and in further developing the use and value of its silk product.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oregon [Mr. MITCHELL]. [Putting the question.] The noes seem to have it.

Mr. MITCHELL. Let us have another vote.

The PRESIDING OFFICER. The Chair will put the question again.

Mr. MITCHELL. There can not be any objection, it seems to me, to this amendment.

Mr. GORMAN. I suggest to the Senator from Oregon whether it is not better to let this matter remain in the discretion of the Secretary of Agriculture. We have just now voted down an amendment making a specific appropriation of $25,000 for the State of Texas. It was voted down by an almost unanimous vote of the Senate, and I think quite properly.

Mr. MITCHELL. This proposition is a little different, as I can explain to the Senator from Maryland in a moment. That amendment related to an appropriation made for the development of the sugar interest generally. Here is a proposed appropriation of $25,000 for developing the mulberry silk-worm business. My amendment proposes to divert, if in the discretion of the Secretary of Agriculture he thinks it should be done, $5,000 of the amount to procuring further information in regard to the native silk-worm in California and developing its uses and value, etc.

Mr. VANCE. Does the Senator's amendment increase the appropriation?

Mr. MITCHELL. It does not increase it a dime.

Mr. GORMAN. Neither did the amendment of the Senator from Texas [Mr. REAGAN] increase the appropriation. There was a general appropriation of $50,000 to promote sugar culture. We have now a general provision of $25,000 to be expended for the silk industry, all to be done under the discretion of the Secretary of Agriculture. Now the proposition is that $5,000 of that $25,000 shall be diverted to California. It is a discrimination, it seems to me, that we ought not make. We voted down the proposition of the Senator from Texas——

Mr. MITCHELL. We can not hear what the Senator is saying.

Mr. ALLISON. I can not hear a word.

Mr. PLATT. I can not hear anything.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. GORMAN. The appropriation that is contained in the bill of $25,000 will enable the Secretary of Agriculture to take $5,000 of it and spend it in California, or anywhere else in this country that he sees proper. I think myself that it is very unwise to designate a particular locality or State for any of these expenditures.

Mr. MITCHELL. I differ entirely with the Senator from Maryland. I think it is a very wise thing to make a suggestion in this bill to the Secretary of Agriculture that it might perhaps be very proper to continue investigations that have been going on for the last four or five years in California in reference to the native silk-worm of that State, and in making experiments in reference to the use and value of the silk produced by that worm. It has been developed already that there is a worm in that State, and perhaps in Southern Oregon and in Nevada, that produces a cocoon that develops a fine quality of silk, not a superior quality, but the same kind of silk that was produced originally in the East Indies, and the same character of silk that is now exported from the East Indies in very large amounts and is now being used in at least two States in this Union, in Connecticut and New Jersey.

There are very large amounts of this product exported from the East Indies and being manufactured into various qualities of the silk product. It is very largely used in France. Millions of bales are used there annually, it is said, and it has been developed by experiments already tried under appropriations heretofore made by Congress that a very large product of this quality of silk can be produced on the Pacific coast, especially in the State of California.

Now, this is no direction to the Secretary of Agriculture. It is simply a suggestion. It is simply a provision that if, in his judgment, after looking over the whole ground, this is a proper thing to do, then he has authority to divert $5,000 of this money to making further investigation as to this native silk-worm. He would not be confined, as I think he is now under the provisions of the bill, and I have no doubt that is the construction he will place upon it, in any further investigation to experiments in regard to the mulberry silk-worm.

Mr. GORMAN. Why does the Senator say that?

Mr. MITCHELL. I have no doubt that will be the construction placed upon it, and that is the reason why I rather insist on this amendment. If it were a direction to the Secretary, without giving him any lee-way, perhaps it should not be incorporated in the bill; but as it is simply in the nature of a suggestion, leaving it to him and giving him authority, without any question, to use this appropriation for that purpose, it seems to me it ought to be permitted to go in. I do not understand that the Senator in charge of the bill has any particular objection to it, and I hope the Senator from Maryland will allow it to go in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. MITCHELL].

Mr. PLATT. Let the amendment be read, so that we may all understand it.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. After the word "dollars," in line 9, on page 9, insert the following proviso:

Provided, That $5,000 of the above amount may, in the discretion of the Secretary of Agriculture, be expended in collecting further information relative to the wild native silk-worm in the State of California, and in further developing the use and value of its silk product.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDING OFFICER. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. GORMAN. Before the bill is reported to the Senate, I should like to ask the Senator in charge of the bill to favor the Senate with a statement showing the amount of unexpended balances that are reappropriated in the bill—unexpended balances in the appropriations for the current year, which terminate to-day. I find on page 8 of the bill, for instance, and again on page 16, special provisions for the reappropriation of amounts. I should like to inquire as a matter of record why those unexpended balances are reappropriated.

Mr. PLUMB. The unexpended balances on page 16 amount to between $40,000 and $50,000, and those on page 6 are, as I am informed, between $4,000 and $5,000.

I agree, Mr. President, that is not a good way to appropriate money. It is, however, sometimes done. The excuse for it in these cases arises largely out of the fact that the Secretary has been reorganizing the Department, putting it into a more systematic shape for the work which he is required by statute to do, and in doing this he has had to intermit a portion of the time some of the expenditures which otherwise were going on, and in addition to that he has had to project some expenditures comparatively into an indefinite future, in such a way as to make it exceedingly desirable that the money appropriated last year may be continued in order that there may be no break in the operations of the different divisions.

I do not anticipate that this will lead to any repetition of this method of expending the public money, although the Senator is aware that this occurs occasionally in other appropriations as well as in the appropriations for the Department of Agriculture.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. GORMAN. I merely made the inquiry for information.

Mr. PLUMB. I wish to state in this connection that the amount of the estimates for the Department of Agriculture for the coming fiscal year was $1,838,430. The amount appropriated in this bill by the House of Representatives was $1,753,600, to which the Senate has added, on the report of the Committee on Appropriations, $25,000, making a total of $1,778,600. There has been added in the Senate $2,500 by the amendment of the Senator from Texas [Mr. COKE], which makes the total that much larger.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, further insisted on its disagreement to the amendments numbered 2, 21, 22, 23, 24, and 25, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BUTTERWORTH, Mr. CANNON, and Mr. FORNEY managers at the further conference on the part of the House.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, and 34.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 26, 27, 28, 29, and 30; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$64,638.90;" and the Senate agree to the same.

On amendments numbered 2, 21, 22, 23, 24, and 25 the committee of conference have been unable to agree.

H. L. DAWES,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.

BENJ. BUTTERWORTH,
J. G. CANNON,
WM. H. FORNEY,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report.

Mr. DAWES. The condition of the bill is now perfectly plain to the Senate. All differences between the two branches have been adjusted and the adjustment agreed to by the conferees of the two

branches, except the two matters which pertain to the clerks for Senate committees and the clerks for Senators. Those points are open, and those only. The Senate, it will be observed, made the clerks of Senate committees and the clerks for Senators annual clerks at a salary of $1,800 a year. To that the other House have not yet agreed. If there be no other motion I move that the Senate further insist upon its amendments and agree to the further conference asked by the House of Representatives. Any other motion may take precedence of this.

Mr. STEWART. I should like to make an inquiry. There was an appropriation for the Carson mint, the mint at Denver, and the mints at some other places, which was cut down by the other House below the estimate of the Department. The Director of the Mint called my attention to it in a letter, and I understand a letter was addressed to the Committee on Appropriations by the Secretary of the Treasury. I should like to inquire what has been done by the conference committee in regard to those items.

Mr. DAWES. That matter has passed beyond the control of both Houses some time since, and it is out of my mind just what has been done.

Mr. GORMAN. What was the particular item?

Mr. DAWES. The Carson mint.

Mr. STEWART. And the Denver mint. The amount appropriated was below the amount recommended in the estimate.

Mr. DAWES. If the Senator will take my copy of the bill and turn to it he will find a record of it.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

Mr. DAWES. The report, I understood, had been concurred in, and the motion is now pending that the Senate insist further on the amendments yet undisposed of.

The PRESIDING OFFICER. The report has not been concurred in by the Senate. The question is on concurring in the report.

Mr. STEWART. Before that vote is taken I should like to know the condition of the amendment with regard to Carson mint and several others that were put in by the Senate. The Senator from Iowa, when he had charge of the bill, made certain amendments to correspond with the recommendations of the Secretary of the Treasury as to additional appropriations for the Carson mint and for the Denver mint and for some of the assay offices.

Mr. DAWES. While the Senator is looking into that——

Mr. STEWART. I should like to know what has been the fate of those amendments.

Mr. DAWES. Those were passed upon several days ago in accepting the first report made by the first committee of conference. I am unable to state at this moment, but the Senator from Iowa will inform the Senator in a few moments. The question now pending is whether the Senate will accept this report. After the acceptance of the report the further disposition of the bill will be open in the Senate; but the acceptance of or disagreement to this report would not affect that question at all.

Mr. STEWART. All right.

The PRESIDING OFFICER. Does the Senator from Nevada insist upon occupying the floor?

Mr. STEWART. No; if the Senator from Iowa can make an explanation in a moment, I yield.

Mr. ALLISON. I can make a very good one at this moment, but I am afraid it will not be quite satisfactory to the Senator from Nevada.

I observe in looking over the amendments that the Senate recedes from the two amendments relating to the assay office in Nevada, and that the House recedes in relation to the mint at Denver.

Mr. STEWART. I do not understand why that should have been done.

Mr. ALLISON. The Senate also receded in respect to the amendment in relation to the mint at Philadelphia, where we increased the appropriation $20,000. But, as I understand, these amendments are not involved at all in this conference report.

Mr. DAWES. Not at all.

Mr. ALLISON. They have passed away.

Mr. DAWES. They were involved in the first conference report which was accepted, and it is settled now unless by unanimous consent we could go back and undo all that has been done thus far. I will state to the Senator that there was a good deal of struggle about the amendments.

The PRESIDING OFFICER. The question is on concurring in the report of the conference committee.

Mr. STEWART. I hope it will not be agreed to.

The report was concurred in.

Mr. DAWES. I will state further to the Senator from Nevada that the action of the conference committee in relation to the items named by him now comes to my mind. While the House conferees were very persistent in endeavoring to cut down the increases of appropriations caused by the amendments of the Senate, the committee of conference on the part of the Senate labored faithfully to maintain the position of the Senate on them all. They were obliged, however, to yield some in order to obtain others, and they used their best discretion as to where they could yield amendments increasing appropriations in order to save others. If they made a mistake in reference to the Carson City mint they regret it very much, but the matter has passed now so far that I do not see how it can be remedied.

The PRESIDING OFFICER. The Chair would inform the Senator that there is no motion before the Senate.

Mr. DAWES. I move that the Senate further insist upon its amendments disagreed to by the House of Representatives, and agree to the further conference asked by the House of Representatives thereon.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts.

Mr. GORMAN. Mr. President——

Mr. STEWART. May I make a remark now?

Mr. GORMAN. Certainly; I give way to the Senator.

Mr. STEWART. I can not understand, when we have the regular estimates of what is necessary to carry on a particular mint, and when the Secretary of the Treasury has addressed a letter to Congress stating that there is so much money necessary to carry it on, the mint being in full operation, why it should be denied the necessary money to properly carry it on. I do not understand that at all, and I do not think it is just. I do not think it is good legislation. These conference reports come in by numbers and nobody's attention is called to them. The attention of neither of the Senators from Nevada was called to the fact that the conferees were going to abolish that mint, but here it is done, for there is not enough money voted to carry it on.

It seems to me there ought to be some way of remedying this; and I ask unanimous consent that the item may be considered by the conferees in connection with this motion and insist that the conferees again consider that item with regard to the Carson City mint, for I do not think they intend in this way to stop the operations of the mint.

Mr. DAWES. I trust the Senator will do the conference committee the justice to believe that they have maintained the position of the Senate to the uttermost of their ability.

I will suggest a parliamentary difficulty in the way of the motion of the Senator, and that is that we can not confer upon a matter already settled unless the two Houses agree to go back and undo what they have done and embrace that in a new conference.

I regret very much that the Senator did not call the attention of the Senate to it when the conference report was first made to the Senate, and then if the reasons were so considerable as to justify a rejection of that conference report I have no doubt the Senate would have rejected it.

But the Senator must understand, and old experienced Senators here must understand, that the very object of a conference is to bring the two Houses together, and it is utterly impossible to bring them together by an agreement entirely on one side. Something must be yielded on one side as well as on the other; and between all the mints and assay offices of the land, the House insisting that they would not agree to all of the increased appropriations of the Senate, the Senate committee thought it wise to yield that one.

I repeat the regret of the committee that it has disappointed the Senator. There was no intention on the part of the committee to do any wrong to Carson City, but as compared with all the other mints, and as it met the insistence of the conferees on the other side, I do not see how it can be remedied now except in a deficiency bill.

Mr. STEWART. With the understanding that an effort shall be made to remedy this in the deficiency bill, and that the committee will aid in that, I shall not object further.

Mr. DAWES. I can not, of course, make any promise. I will state to the Senator that, so far as is consistent with my ideas of duty, I will do all I can to meet the Senator's views.

Mr. STEWART. I can not see why this mint should not receive the amount estimated by the Department as necessary for it to go on in the ordinary way. If there is any reason why, because it is located in Nevada, it should be discriminated against specially, I do not understand it.

Mr. DAWES. There was no such intention.

Mr. STEWART. Well, it has been discriminated against, and I do not know of any other reason for it unless because it is in Nevada.

Mr. GEORGE. I wish to make a parliamentary inquiry. I should like to know the exact state of the question before the Senate at this time.

The PRESIDING OFFICER. The Chair will state that the Senator from Massachusetts [Mr. DAWES] made a conference report upon a bill in which part of the amendments between the two Houses were agreed to, and some not agreed to. The conference report has been agreed to, and the Senator from Massachusetts now moves as to the amendments not disposed of that the Senate further insist upon those amendments.

Mr. GEORGE. I should like to know what amendments are not disposed of.

The PRESIDING OFFICER. The Chair will have to call on the Senator from Massachusetts to announce that.

Mr. GORMAN. I was about to state what the question is that is before the Senate.

Mr. President, there is nothing left by this conference report except two items, one of which is to provide for annual clerks to committees

which are not so provided for now by law, paying them $1,800 per annum each for their services. The second proposition is to make clerks to Senators who are not chairmen of commitees annual at $1,800 per annum.

Mr. GEORGE. On amendments made by the Senate, as I understand.

Mr. GORMAN. When the bill was reported to the Senate from the Committee on Appropriations, the Committee on Appropriations recommended that these clerks to Senators and to committees be allowed a compensation of $1,500 per annum. The Senate by a vote increased those amounts from $1,500, as recommended by the Committee on Appropriations, to $1,800. So when we went into conference on this bill the Senate conferees presented the proposition of these twenty-six committee clerks and twenty-six or twenty-five clerks to Senators at $1,800 per annum, together with an increase of the messenger force of the Senate and various other expenses attendant upon this body. The House of Representatives rejected every proposition for the increase of the pay of the Senate officers and for the increase of the number, and the increase that was found necessary for our contingent fund for conducting our machinery, etc., and the spectacle has been presented of the other co-ordinate branch of this Legislature declining for some time and finally yielding in this last conference to appropriations sufficient to pay the ordinary running expenses of this body, but they do reject and have declined up to this moment to permit us to employ the clerks of committees annually or the clerks to Senators annually, and upon that proposition we now stand, and that alone.

Mr. GEORGE. Will the Senator state now what was the condition of the House bill with respect to these clerks of committees and clerks of Senators when it came over here, so that I may know, if we recede from our amendments, what will be the law upon that subject?

Mr. GORMAN. The clerks would then stand at a compensation of $6 a day during the session.

Mr. GEORGE. The House gave us that?

Mr. GORMAN. The House gave us that.

Mr. GEORGE. Then I should like to ask if that is not the compensation which the clerks of Senators and the clerks of committees have been receiving all the time up to now.

Mr. GORMAN. It is the exact compensation; but, Mr. President, the Senate in its wisdom thought it was wise to employ these gentlemen during the entire year, and the Senate fixed their compensation at $1,800 per annum, the Committee on Appropriations having recommended $1,500 in each case, as I remember, and I think I am correct in that.

Mr. President, when it comes to that proposition we find revived the old controversy which has been going on for a number of years, whether the Senate shall regulate its own affairs and whether it shall determine (of course within reasonable bounds) how many officers it shall employ and what compensation shall be paid them. As I understand, there is no objection elsewhere, and no objection, so far as I am able to ascertain, from the gentlemen who represent the House of Representatives, to the Senate having a sufficient number of employés, but they take the extraordinary ground that because there are three hundred and twenty-five members of the House of Representatives and only eighty-four members of the Senate, the members of the House, on the ground that they have more labor to perform, are as much entitled to personal clerks and committee clerks as members of the Senate, when the fact is that two Senators representing a State have all the work that necessarily concentrates upon the whole delegation in the other House, and there is no comparison between the amount of labor and the amount of committee work in the two Houses.

The Senator from West Virginia [Mr. FAULKNER] says it is greatly in excess in the Senate. Yes, and as it has been stated this is unquestionably a legislative body and all matters that come here are considered very thoroughly and completely, and there can not be any question on the part of any Senator that to facilitate the public business the provision allowing clerks is a wise and proper one.

But, Mr. President, it is useless for this matter to go back to a committee of conference unless the Senate determine by a vote that the adjustment be as made heretofore, which is that this provision shall stand, and shall so instruct the conferees by a vote of the Senate. If it is the determination on the part of the Senate that we are to surrender this right—for I regard it as such—that we shall permit another branch to determine how many persons we shall employ in this body and the exact compensation which shall be paid to them, I think the wise thing would be to surrender now and save another conference, and let the Senate recede from its amendment and let this great bill become a law, which is necessary to the affairs of the Government and which ought to be in effect to-morrow or to-day——

Mr. HALE. It ought to be signed to-day.

Mr. GORMAN. It ought to be signed to-day, as the Senator from Maine says. But for one I would stand and say to the other House, as in the past, as we have treated them on every occasion, "If you have determined that any number of officers is necessary for the conduct of your business we will give them to you, and we demand the same right on the part of the Senate." There never has been a controversy of this sort in which there has not been a surrender on the part of the body objecting to it. There never has been a case within my knowledge where the Senate has not granted to the House all it asked, and in this identical bill which is now before us, the House having omitted to provide for all the officers that they desired, they came to the Appropriations Committee, and the Senate gladly made the additions on the bill while it was in the Senate. It is true it was put on the bill while it was in the Senate. It is true it was but for a single clerk, but we made him an annual clerk at $2,000 per annum.

There is great inequality in the bill as it stands if these amendments of the Senate be not adhered to. The clerks—I will not take the time to read them all—of all the important committees of this body are paid fairly at $2,200 per annum, and there are assistant clerks and assistant messengers for certain committees. They were obtained by resolution of the Senate. There has been no equal distribution of them, and it was only possible to have an equal distribution by permitting Senators who are not chairmen of great committees and Senators who are not chairmen of any committees to have this allowance. Now, such a provision has been made. The same contest was made when the position was made at $6 a day for the session. I have before me, but I will not stop to read it, the debate which occurred upon that proposition. It was then said by the House of Representatives that we were exceeding our authority, that we were extravagant, and that we ought not to make a provision for clerks at all.

The Senator from Ohio [Mr. SHERMAN] and the then Senator from Delaware, Mr. Bayard, and all who were in the body at that time and took part in the discussion, held that we had the right within reasonable bounds to determine the number of our employés and their compensation, and the Senate stood firm on this identical bill in 1884, and, as usual, the other House, the House objecting, receded and provision was made for them. The same condition of affairs exists to-day.

Now, if the Senate simply in the *pro forma* way which is proposed adopts this report and submits to another conference without any expression upon its part, it will be regarded unquestionably as a complete surrender on the part of the Senate, and we shall probably not have an agreement. I say so because of what I have seen and heard on this matter and know of it in conference. It seems to me that the Senate ought to say now what it desires and instruct its conferees accordingly.

Mr. TELLER. I should like to ask the Senator from Maryland how we should express our determination on that or any other provision any more than we do by asking for a further conference. What method would the Senator suggest?

Mr. GORMAN. I would suggest that we should call the yeas and nays upon the proposition and let it be understood that the vote "yea" means that the Senate is firm in this matter. If we are to surrender by a vote of the Senate, as I said a moment ago, I would infinitely prefer to do it now rather than to go through the farce of another conference if we do not know when we go in that it is the will of this body that we shall adhere to these amendments.

Mr. TELLER. It is hardly possible that the Senate will propose to surrender the right to say what clerks it shall have. We practically concede that to every Department of the Government by making the appropriations conform to the estimates of the clerical force that they need; and certainly nobody knows better than the Senate does what the Senate needs to do the business which is intrusted to it. I do not think there is anybody here who wants to surrender that right, whatever he may think about this particular question; and, as is suggested by the Senator from Maryland [Mr. GORMAN], I have no doubt that if we surrender now we shall have in all time hereafter to yield to the House of Representatives upon this question and be at the mercy of the House.

It does seem to me that the rule the Senate has always maintained and has conceded to the other House as to the right of each body to select its own force and determine what amount of help it needs is the proper one, and that it ought to be maintained. I voted myself to give to each Senator a clerk at $1,800 a year, because I do not believe that good clerks can be had for less. I do not believe we have a right to call on men who are competent to discharge the duties of a clerk properly for less money than that. We give to the clerks in the various Departments who do not do as important work as our clerks do even more than that.

Whether I believed the amount was proper or not, I would not surrender the right of the Senate to determine this question for itself. That seems to be the paramount thing just now—not whether we shall give $1,500 or $1,800, but whether we shall reserve to ourselves the right to say what force we want and what payment is just and right. We can not afford to do less than to stand by this and to have it understood by the committee that, no matter whether the House agrees or whether it does not, we propose to stand by what we have done.

Mr. HALE. Mr. President, the real issue that is raised between the two Houses is not a question of the Senate deciding what its force shall be so much as it is what the pay of that force shall be. Under the present arrangement, which the House of Representatives consented to, reluctantly at first, but at last putting it into their own bills, that is, the bills which they prepare, every Senator has a clerk.

It took a long and hard fight to establish that proposition, but upon page 8 are found the provisions which in the House bill as it came to the Senate cover the general clerks of committees and the provision for clerks to Senators at $6 per day.

Mr. GORMAN. During the session.

Mr. HALE. If the Senate recedes and abandons the contention that has been going on during these conferences, every committee has a clerk at $6 a day for the session and every Senator has a clerk at $6 a day for the session. Now, the Senate has not been content with that, but goes on and increases the clerks who have been getting $6 a day for the session and the Senators' clerks to $1,800 a year, and the House lifts its hand in protest against that.

Mr. MITCHELL. Does the Senator think that is the proper thing to do?

Mr. HALE. Undoubtedly the Senate had a right to put that on.

Mr. MITCHELL. And we did do it.

Mr. HALE. We did do it.

Mr. MITCHELL. And now the question is whether we shall recede from our former action deliberately taken.

Mr. HALE. The House protests against that, and the Senator from Colorado and other Senators say that it is the right of the Senate to increase the salaries of its employés to any extent. If the argument goes for anything, the Senate may increase the compensation to $1,800 this year, $2,000 next year, and $2,500 the next year, and the House can not say "nay" upon it.

I do not think courtesy between the two Houses goes to that extent, Mr. President. We are both legislative bodies. The House is performing duties of the same kind as the Senate. The House reluctantly consented to Senators' clerks at $6 a day for the session, and is making the contest now, and of course we are making still more apparent the difference between the House and the Senate.

It is not a question of increasing the force. The House does not propose to interfere with the Senators' clerks who are already established at $6 a day for the session, but when we go beyond that and increase the expenditure for the force here, not in numbers but in salaries, fifty or sixty or more thousand dollars, and the House has nothing corresponding, that body in the exercise of its right as a co-legislative branch of the Government protests, and I do not think, as I said, that the rule of courtesy between the two Houses forbids either House under such circumstances from entering its protest.

Suppose, as I said the other day, that the House of Representatives had chosen to double the pay of every employé, does any Senator hold that the Senate must blindly adopt that rule laid down by the House and vote for it because the House has determined to do that? And if next year it doubled it again, who will say that the Senate should have no voice in fixing the compensation?

The truth is, that there ought to be some relation between the force of the Senate and the force of the House of Representatives. The two bodies are the bodies which must consider the subject of the force of the two Houses. So, for one, as the House of Representatives have not in any way encroached upon the present privileges of the Senate and its force in extent, I am willing to vote to recede, and all the more freely because that is going to be the outcome.

Mr. GEORGE. Mr. President, may I ask the Senator from Maine to be good enough to state what are the expenses, respectively, of the Senate and of the House of Representatives?

Mr. HALE. They are about the same.

Mr. GEORGE. About the same, and there are three hundred and thirty members over there, I believe, and there are only eighty-four here.

Mr. FRYE. Mr. President, of course my colleague can see that there was some injustice and some inconvenience in having these clerks paid simply for the session. It leaves the Senators without any clerks during vacation, when to a certain extent they need clerks then for the public business. Suppose——

Mr. TELLER. I should like to suggest to the Senator that it leaves a certain portion of the Senators with annual clerks, amongst whom may be included the Senator who has just been addressing the Senate.

Mr. FRYE. It would be supposed, perhaps, that it left me with an annual clerk, although I have never had one, and although my committee has had an annual clerk I have never had a clerk in vacation.

Mr. HALE. I never asked a clerk of my committee during vacation to attend to a stroke of work, and I not want to do so.

Mr. TELLER. If the Senator will yield to me a moment——

Mr. FRYE. I had not got through with my question. Suppose, to obviate that injustice and inconvenience, the Senate had proposed a reasonable salary for such clerks as we employ, would there have been any difficulty in the House assenting to it, in my colleague's opinion?

Mr. HALE. That is a question which I think the House should consider, because it is a body like ours, doing like labors with ours, and the members of the House need clerks, I will not say, perhaps, as much as Senators, and yet you can not very well discriminate between the two. A member of the House has a great deal of hard work to do, as well as a member of the Senate, and I never saw much difference in the work, having had the honor of belonging to each House. I never could see much difference in the work. A busy man will be working all the time, whether in the House or in the Senate. If I were in the House to-day, I should feel the same sense of wrong that Senators, upon a general appropriation bill providing for all the branches of the Government, were allowed clerks in and out of vacation while members of the House had none. If the House was not ready to embark in the scheme of giving clerks to its members, I would not take away from them the right of a co-ordinate legislative branch to scrutinize our expenditures.

Mr. FRYE. Is there objection to the employment of these clerks annually, provided the salary shall be a reasonable salary?

Mr. HALE. I do not know, I will say to my colleague, what the objection is in detail on the part of the House.

Mr. GORMAN. I should like to answer the question and say that is precisely the objection. It is not the question of compensation. That was an open matter for adjustment. The conferees of the Senate not only were ready to offer to adjust that, but the House conferees objected to the employment annually of these clerks.

Mr. HALE. Annually. They do not object to the employment of clerks by the session.

Mr. GORMAN. They object to the employment of clerks annually.

Mr. HALE. They put in the bill session clerks, but they object to the annual salary of clerks.

I do not believe, Mr. President, that the Senate can maintain this contest very long. You may have a new conference, but it will be found that the House conferees are obdurate and the Senate is seeking to put a provision in against the will of the House, and the House conferees will simply lie back and say "no," and the bill be held up with all the vast concerns that pertain to it, and in the end the Senate will recede on this matter. Therefore I agree with what has been said, that if that is to be done it had better be done now, so that the bill can pass and we may not put the Departments to inconvenience by a continuing resolution, rather than to recede in a week or a fortnight from now. I think that will be the outcome.

Mr. TELLER. If we have the right to say what shall be the force, we must have the right to say what shall be its compensation. One is valueless without the other. That does not appear now to be the controversy.

Mr. HALE. The Senator speaks of the right. He means the right granted by courtesy between the two Houses, not a right by law.

Mr. TELLER. Of course not by law, but by courtesy—a courtesy that we have claimed and that has been conceded to the Senate for a great many years.

It must be presumed that in presenting to the House a bill either as to the number of clerks or the amount of compensation to be paid them it will be a reasonable bill. Nobody has the right to suggest, as the Senator does, that we are doubling or anything of that kind. There has been the grossest inequality with reference to this clerical force by the Senate for many years. There are twenty-five committees which have annual clerks, and not more than five of them require annual clerks any more than all the rest of the committees do. There has been a Committee on Census here that never met for a straight year, and that had an annual clerk, and the chairman, the head of that committee, is the Senator from Maine.

Mr. HALE. Let me say right there, as the Senator is unable to continue this discussion without making what he evidently wants to be considered a personal allusion——

Mr. TELLER. Not at all.

Mr. HALE. I want to say one word about the clerk of the Committee on the Census.

Mr. TELLER. Certainly; I have no objection to that.

Mr. HALE. I found that clerk, when I became chairman of the committee, established and fixed at a rate which I knew nothing about before. I had no hand in establishing the rate, and it has continued ever since, but it is larger than the labors of the committee ought to require. I have always been in favor of a committee taking all these clerks and arranging them according to their duties and importance and arranging their pay, and that committee ought to go in with the rest, and we can all better afford to abandon this contest now because we have got a committee appointed to consider that matter.

I will say additionally that so far as its being any benefit to me when Congress adjourns, that clerk goes about his business wherever he pleases. I do not employ him or use him or benefit by him during the vacation between the sessions, and in the last three or four years and during the next two years he has done and will be doing more duties and more work than three-fourths of the committee clerks of the body.

Mr. TELLER. Undoubtedly.

Mr. HALE. There are certain years that he does very little. There are other years in which he is doing very valuable service, working hard for the committee.

I should not have made this explanation, because I do not want to bring in personal matters, but it seems the Senator from Colorado could not debate the question without bringing in something of that kind.

Mr. TELLER. Mr. President, I had not the slightest idea of disturbing the Senator from Maine. I alluded to his committee because that is one of several which absolutely have nothing to do. The clerk of

that committee in eight years out of ten, or at least seven years out of ten, has nothing whatever to do.

Mr. HALE. Cut him down, then.

Mr. TELLER. I can mention other annual clerks, however, who have as little to do as he and even less than he. There is a species of favoritism here that is not agreeable, and the Senator who now has for the first time suggested that his clerk be cut down has never made the suggestion before.

I had no desire or intention of offending the Senator or saying anything personal at all. But he seems to stand as the champion of economy and for the surrender of this heretofore admitted courtesy at least on our part.

The Senator does not need this clerk, whatever the Senate may do. I suppose if he does not use this clerk he employs some man. Undoubtedly he does not get along without a clerk and he employs some man during the vacation to do his work and pays him out of his own pocket.

Mr. HALE. I do it myself.

Mr. TELLER. If the Senator does his work himself he must have a great deal less to do than some of the rest of us have to do or he could not do it. I know Senators on this floor who can not do their work. For one I am willing to say that I can not do mine. I put in as many hours as any man in this Senate and I can not do it. I get requests from every State in this Union, and from every section where there is a soldier, where there are people interested in legislation. We all get these requests, and it is utterly impossible for any one man to do this work.

Since I have been in the Senate, when I have had a clerk I have hired other men to do extra work for me, as other Senators have done. There is no comparison between the members of this body and the members of the other House in general as to the amount of work which they have to do. I, for one, believe the Senate ought to insist upon having an annual clerk for every member of this body, or else we ought to return to the old system by which every clerk was dismissed at the end of the session.

Mr. DAWES. I desire to add to the explanation made by the Senator from Maine [Mr. HALE] in reference to the clerk of the Committee on the Census, that that clerk was accorded to that committee when a distinguished Senator from Ohio was chairman of that committee and in very ill health, and it was on account of his position and his health that that was made an annual clerk, and has continued so ever since.

Mr. TELLER. I should like to suggest to the Senator that the position of every Senator in this body is the same, and the Appropriations Committee have no right to consider one Senator in preference to another.

Mr. DAWES. All that may be, but I believe the Senator will not think it out of order for me to allude to the health of some Senator under circumstances under which the Senate accorded to a Senator a clerk. The last Congress accorded to a distinguished Senator in this body a clerk during the vacation because of physical disability. The Senate is not above such considerations, however the Senator from Colorado may be.

Mr. STEWART. Mr. President, it seems to me that the Senate ought to take the common-sense business view of this question. The pretense of economy which is exercised in depriving ourselves of the necessary aid to carry on the public business is at the expense of the people. There are many things in which there might be economy, but there is certainly no economy in depriving Senators of the necessary assistance to discharge their public duty. The country understands that the compensation of Senators is too low; that it is a practical denial to poor men of the right to come to the Senate. Poor men with families can not come here and discharge the duties. The compensation to Senators and to members of the House is much less—it is not, in my judgment, half as much as those persons fitted for those positions can make in ordinary business; and the expense of coming here adds largely to the burden that they have to bear. Practically the Senators and the members of the House give their services without compensation. What they receive comes far short of paying the expenses.

Now, the attempt is to deprive them of ordinary assistance to do the business properly. The House of Representatives could very well afford to ask for clerks for themselves. They can make it up in other economy if they understand the business of the country and know where to economize and have more time to discharge their duties. It would be good economy for the House of Representatives to put in the appropriation bills clerks for themselves. There is no economy in us placing the representatives of the people in either House in such a position that they can not acquire all the information and discharge all the duties necessary to the legislation of the country. Great responsibilities rest upon members of the two Houses. Their whole time is devoted to the public business, and it is beyond the physical capacity of any Senator to discharge all the duties which devolve upon him; and it is ridiculous to say that we shall go bungling along without the necessary clerical force here while all the Government Departments have all that they require.

I think the Senate, in deference to its duty to the public, should adhere to its position in this matter. I hope the House will have the patriotism to provide themselves with the facilities for discharging the public duties, and let them be well performed. I think if we should back down now it would be an acknowledgment that we do not need what we have asked for, and we shall go on in the same manner, and many Senators will attempt to do the work themselves to the injury of their health. It would take twenty-four hours to answer the correspondence I receive daily, to say nothing of obtaining the information necessary for the practical discharge of my duties here.

Take any one of the committees that has investigations to make. Take a Senator who is upon the Committee on Claims with the work that is imposed upon him, if he has no assistance he can not perform it. Take the Committee on Military Affairs with its vast amount of labor, take all the committees, those gentlemen that are not chairmen of committees must investigate those questions or be ignorant of them. Is it not better to give them an opportunity to know the facts of the cases that come before them, so that they may legislate intelligently, by affording them the necessary assistance, or let the work go on haphazard without a general knowledge of what is requisite?

I think it would be wrong to yield this point at this time. I think the House, if they reflect upon it, will come to the same conclusion that we do—that it is economy to provide each Senator and each member with such assistance as to enable him to discharge the duties of his office.

I do not think the Senators or Members should be deprived of the necessary clerical force to enable them to do the public business, and it is masquerading before the public to pretend to economy in this way. We ought to have the manliness to say what is necessary for us to discharge our public duties as much as any of the Departments of the Government, and I hope we shall adhere to this in the most positive manner. Let us be understood now.

Mr. GEORGE. I desire to say that I concur very fully and entirely with the very just remarks made by the Senator from Maine [Mr. HALE] upon this question. I do not propose to elaborate; he has expressed the views so well. I may say this, though, in excuse for the action of the House, that the House has conceded to us, each one of us, a clerk at the price which we fixed ourselves, and at the same time the House denies to each one of its members that same provision. I do not think, therefore, Mr. President, that there is any occasion for complaint on the part of the members of this body of illiberality as against the House of Representatives.

I hope, therefore, that the Senate having fixed with deliberation some years ago, where the circumstances were very similar to what they are now, the sum of $6 a day for the clerks to Senators during the session, will recede from what I regard as its improper action of a few days ago in making the clerks annual and raising the salary to $1,800.

Mr. FAULKNER. Mr. President, it strikes me after reading the debate upon the conference report in the House of Representatives that the real question at issue between the Senate and the House is as to the right of the Senate to insist upon making these clerks annual. In discussing the difference between the two Houses the member who had charge of the conference report distinctly announced to the House that on the question of salary, in his judgment, the amount as fixed by the Senate was too high, and that in the judgment of the conferees of the Senate it was too high, and further, that he believed it could be reduced by having another conference of the committees of the two Houses.

The PRESIDENT *pro tempore*. The Chair thinks it is out of order to allude to what has been done in the other House to influence the judgment of the one in which a question is pending.

Mr. FAULKNER. I should think, Mr. President, that a Senator in speaking of a discussion in the other House has a right to quote here the RECORD as to the subject-matter of that discussion and the views expressed by members of that House bearing upon the question now before the Senate for consideration for the purpose of showing the difference between the two Houses.

The PRESIDENT *pro tempore*. It has always been held that it interferes with the independence which ought to exist between the two Houses to allude in one to what has occurred in the other as a means of influencing the judgment of those who are called upon to vote on any proposition.

Mr. FAULKNER. I am not trying to influence the Senate by what may have been said by any member of the other branch of Congress, but I am trying to ascertain and to let the Senate know what is the issue between the House and the Senate.

There are two questions presented in this conference report. The one question is that we desire to make these annual clerks instead of session clerks. The other is embodied in the same clause of the appropriation bill, which provides that the salary shall be fixed at $1,800 a year. Now, I want to see where the difficulty is between the two Houses, but, of course, if the Chair thinks I am out of order in referring to a public discussion, printed in the RECORD, which is frequently done on this floor, as showing the difference between the Senate and House, and not with a view of influencing in any way the vote by any Senator, I shall, in accordance with the rule which I have always adhered to, yield to the judgment of the Chair.

The PRESIDENT *pro tempore*. The Chair thinks it quite clear, and the Senator will not fail to observe the great difficulty which might result in the heat of discussion if reference could be made to debate occurring in the other House.

Mr. SHERMAN. The Chair undoubtedly states the rule of parliamentary law, but it is evaded so easily, and that has been done so often that I think the Senator ought to have found by this time how easily it can be done. The Senator has the right to say "it has been said elsewhere" or "such and such has been said," without referring to the place where it was said. I do not think there is any sense in the rule, although the Chair does right in calling attention to it. Still it is very easily evaded, and if the Senator will act upon the suggestion I give him he can state "it was said elsewhere so and so."

Mr. FAULKNER. Mr. President, it has been said in a body that is not deliberative [laughter] that the reason why secretaries are not provided in both branches of Congress is because there is a want of courage upon the part of certain gentlemen interested in these matters in one branch who decline to assume the responsibility to demand it, and not because of the fact that there is not a necessity in a deliberative body having similar duties and labors to the Senate that every member who is engaged in the public business and has imposed upon him the enormous amount of public service which is required in such deliberative body ought not to have some assistance in performing those public duties.

For myself, I can state without any hesitation that I would regard it almost as essential to have this clerk during the vacation as during the session of the Senate. During a Senator's absence from Washington in vacation a large amount of mail accumulates and numerous requests are addressed to him in reference to departmental business of vital interest to his constituents, and if he has some one here that he can rely on to keep him advised in reference to these matters he can promptly judge of the necessity of his personal presence to perform that public duty required of him by the wants and interests of those he represents. It furnishes him the means through which he is promptly informed of what is demanded of him, and the public business is transacted with more dispatch than by sending these letters and applications from Washington back to his home, from which he is frequently absent in the recess of Congress, causing delay in responding to the requests of his constituents. A confidential clerk avoids the inconvenience by promptly communicating any matter of importance, thus enabling him by letter or in person, whether absent or at home, to give attention to the business of those he represents. Mr. President, I am not fixed in my own judgment as to the proper amount of the compensation for these clerks. I am perfectly willing for the conferees of the Senate to decide that question as they may deem best; but in reference to the clerks being employed by the year, I do hope that the Senate will insist upon its amendment, and leave the question of compensation to be adjusted by the conferees.

Mr. DAWES. Mr. President, the amendments are so separated that the Senate can express its opinion first upon that one making the clerks annual and next as to their compensation, if it sees fit.

The committee hold themselves bound to maintain the position of the Senate, whatever that may be, and do not propose to yield until the Senate in some way or other indicates its will. The peculiarity of this situation is such that the Senate conferees are in a very delicate position. They desire to maintain the wish of the Senate without regard to their own views, and they do not feel quite at liberty, without some indication on the part of the Senate, to negotiate in reference to the compensation any more than in reference to the annual character of the clerkships. But still if there is any way that the Senate can indicate its desires the conferees will be glad to be instructed.

Mr. FAULKNER. I did not know that the amendments were so separated that they could be acted upon in that way. Personally I feel that the action of the Appropriations Committee was perhaps the correct action; but on the subject of the clerks being annual I must say that I have a very decided opinion, and I hope the Senate will show their determination to maintain that proposition. As for the duties of the clerk of a Senator being equal to those of a clerk of a committee I am satisfied that there is almost the same amount of labor imposed upon one as upon the other. I know, for example, taking the work performed by my own clerk as an illustration, that his entire time from 9 o'clock in the morning until 12 o'clock at night is entirely occupied in the public business which I have to perform and which he assists me in doing. I do not know of over five evenings during the present session of the Senate that the clerk I have employed has not been engaged up to 11 and often until 1 o'clock at night in the public business.

I have no private business to engage his attention; his time is given to the public service. I am satisfied that his compensation, even if fixed as high as $1,800, would not be extravagant or inequitable compensation when compared with other officeholders in the city of Washington who perform similar work, and for that reason I do not object to the compensation being made as high as $1,800, though I would have sustained the views of the committee fixing it at $1,500 had I not been paired with the Senator from Pennsylvania.

Mr. DAWES. The Senator will observe that on the eighth page of the bill, the twenty-second amendment of the Senate was to strike out of the clause relating to the committee clerks the words "$6 per day during the session." Now, if the Senate adheres by a yea-and-nay vote to that amendment, that will settle the question of the annual character of those clerks. If the Senator will look at the twenty-fourth amendment it proposes to strike out of the clause relating to Senators' clerks the words "during the session."

Now, if the Senate in like manner, by a yea-and-nay vote, shall adhere to that amendment, then, upon the question of the annual character of these two classes of clerks, the expression of the opinion of the Senate, by a yea-and-nay vote, will be recorded. Then, you take the twenty-third amendment, which provides compensation for committee clerks, and the twenty-fifth, which provides compensation for Senators' clerks, and leave those open for negotiations in some way or indicate anything in any way you please, recede with an amendment will fix it, if the Senate desires to do that.

Mr. FAULKNER. I will ask the Senator from Massachusetts, as one of the conferees representing the Senate, if the Senate should insist upon these amendments and the House should agree to the annual employment of clerks, whether he would not feel justified in fixing the compensation of those clerks at such an amount as the conferees of the Senate would feel authorized to do?

Mr. DAWES. I could tell better if I could get an opinion of the Senate. For the purpose of getting at this, I will move that the Senate insist upon the twenty-second amendment.

Mr. GORMAN. That is right.

Mr. TELLER. What amendment is that?

Mr. DAWES. That is the amendment relating to committee clerks, striking out $6 per day during the session.

Mr. FAULKNER. That makes them annual?

Mr. DAWES. That makes them annual.

Mr. FAULKNER. An affirmative vote would declare in favor of making them annual?

Mr. DAWES. Yes. I ask that the question may be taken by a rising vote.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. On page 8, line 22, strike out the words "six dollars per day during the session" and insert "$1,800 each."

The PRESIDENT *pro tempore*. The Senator from Massachusetts will observe that this proposed amendment is to strike out and insert. Therefore the question can not be taken as he proposes.

Mr. DAWES. That only shows how little I know about the rules. I withdraw my suggestion.

Mr. REAGAN. I do not want to debate this question, but only to say that it seems to me $1,800 is too much either for the committee clerks or for Senators' clerks. I want to add, too, that inasmuch as the compensation of our employés has to be made pursuant to laws enacted by the two Houses of Congress, I think we owe it to the House of Representatives to respect their views about what sort of laws they feel authorized to consent to.

Mr. MORGAN. Mr. President, in the Land Office, I think, there are perhaps ten or eleven chiefs of division, as they are called, who get $1,800 a year. One of the clerks of those divisions gets $2,000 or $2,200 a year. Now, not one of those chiefs of bureau has duties or labors corresponding to the duties and labors of a Senator, and yet he is sustained by this vast array of clerks at $1,800 a year. I can not understand why it is that a Senator is not entitled to have a clerk at a compensation equal to one of the leading clerks or chiefs of division in the Land Office. So it is throughout the entire range of all the bureau service in this Government.

Now, it is a rather humiliating thing that Senators have to arise and ask their brother Senators and the other House for a sufficiency of clerical force and labor to enable them to perform the duties that are devolved upon them here by their position. I feel it, and I presume that every other Senator on this floor feels it. There are gentlemen on that side and on this side, too, who are able to make these expenditures out of their own pockets, in addition to the other large expenditures that every Senator is obliged to make here over and above his salary. They are able to make the expenditure out of their ample fortunes, and they have us at a disadvantage. They can go for low salaries, for reduced allowances, and the like, and perhaps make some little popularity at home among a certain class of people by doing it; but I would not undertake to deprive a brother Senator of the facilities of discharging his duties in this body and to his constituency on an account like that. We deserve to have the assistance of the Treasury of the United States to enable us to perform our public duties in this high station that we occupy.

At the close of a session of Congress all my colleagues in the other House go home, and whether it is the long recess or whether it is the short recess, they stay there unless they visit Washington occasionally on some business or other. It is expected of the Senators from my State that they shall remain practically in the city of Washington, and that they shall transact the business of the people of the entire State of Alabama, and they have a very great amount of it, with the Government of the United States, visiting the different Departments, and watching every pension case and every claim for public land, and every

other controversy that comes here—every passport, and innumerable things that our attention is drawn to continually.

The burden upon the Senator's life would be intolerable, and that is all there is about it, if he has to stay here in the vacation without a clerk or else his people have to go unprovided with assistance of this kind, and transact the business that they flood in upon him. A Senator who has been here for some ten, twelve, or fifteen years, of course, is known, at least by name, to every person in his State who has any business to transact here. The result is that in the absence of members of the other House, and even while they are here, the Senators from the State are flooded with labors that it is absolutely impossible for them to perform without clerical assistance.

Now, not speaking immodestly about it, I take my own case. I am on five standing committees of the Senate, besides two select committees. If they were all to sit every week it would be seven days in the week, including Sunday, that I would have to be at work. As it is I have but one day in the week that I have any opportunity of devoting to my own personal affairs or to the transaction of outside business for my constituents. Without the assistance of a clerk I could not possibly get along, my constituency would go without this beautiful and vast endowment of garden seed that we have sent out through our distributor here, the almoner of the vegetation of the country; they would have to go without vast numbers of speeches that are made and sent to us, and that we sometimes make ourselves and desire to send out, and public documents of various kinds. If I had not had the assistance of a clerk my little committee-room would be so full of documents that I could not get into it to-day—documents that I never could have had the physical ability to have franked out of this Capitol.

I say this is rather a humiliating spectacle, that a Senator has to rise on this floor and beg the other House or beg his colleagues here that they will give him enough assistance to enable him to live and do the work that the duties of his office impose upon him. Nobody can come here in the absence of such assistance as this and afford to do the work for the compensation that we get; there is no gentleman who can do it, to say the least. There are low men I suppose in the United States, and men perhaps of a certain sort of ability, who would like to come in here and do that kind of work for the people, but take a man who is able to earn a living outside of this body, he does not want to do it. The result would be after a while that from the South as well as the North we should have this body filled up with a set of very wealthy gentlemen who are able to go out and furnish to the Government of the United States the money with which to get assistance to do the work of the people.

I do not work here for myself. I work here for the people whom I represent, and only for them. I do not work any more than numbers and numbers of Senators on this floor. We devote our lives to their service, and, Mr. President, it looks to me as if it were the very height, or the depth, rather, of parsimony to deny to ourselves, and have ourselves denied by the action of any other body, enough of assistance to get along with the public labor.

A Senator who can not leave his clerk in Washington City during the long vacation, and who must visit his constituency occasionally, and who is sent off on very important and very indispensable public duties, on committees, not junketing by any means, comes back here towards the month of December for the purpose of getting hold of his business again, and he finds stacks and stacks of correspondence that it is impossible for him ever to answer. The business of his constituents has been neglected, and all because the man has not the money to employ some clerk to stay here and take care of his affairs.

A clerk of a Senator is a man who ought to stand and does stand nearer to him than any human being in his business relations. He must be a confidential man. He must be a man who can open your private letters, who understands the current of your business, who will ascertain many, many things that ought not to be made public for the sake of the writers as well as the person to whom the letters are addressed. It is a confidential relation, and if you have to break that up at the end of every short session of Congress or the beginning of a long vacation, and detach yourself from your clerk and send him home, and perhaps skirmish around to get a new man at the beginning of the next session, is a very decided inconvenience. It is wrong to expect it.

Now, we have all these extra duties to perform that require us to make this attendance upon these committees that I have been speaking of. In addition to that we have treaties to consider, we have all denominations of business to consider that are sent here by this great Government, and, Mr. President, it is a matter of physical impossibility for a man, it makes no difference how strong he is, to transact the business of this great office that we hold here, doing the whole of it by his own manual labor.

So I am not affected by these arguments which speak about the duty of comity that we owe to the House of Representatives and our right to prescribe to ourselves what is a proper allowance of clerks and what ought to be their salaries. It may not be a legal right, but the Senator from Colorado put it upon the right ground. When we want to ascertain from a departmental officer in the United States what service is necessary in his Department or bureau, we provide by law that he shall make a statement of the service necessary and make an estimate of the salary that ought to accompany it. We have to make our own statements and our own estimates. We do it here by our votes upon appropriation bills and otherwise, and I think we are as much entitled to be heard by the other House upon matters of this kind as if we were a bureau officer or a Department chief and had sent in a regular estimate under the laws of the country for the support and assistance that we need.

Therefore, I am in favor, sir, of adhering to the action of the Senate, taken very deliberately and for good reasons, upon this appropriation.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on the motion made by the Senator from Massachusetts [Mr. DAWES].

Mr. DAWES. The general motion was made that the Senate further insist and accede to the request of the other House for a further conference.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate further insist upon its amendments undisposed of, and agree to the further conference asked by the House of Representatives.

Mr. DAWES. On that I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Massachusetts demands the yeas and nays.

Mr. DAWES. I will first call for a division.

Mr. STEWART. Let us have the yeas and nays.

Mr. DAWES. Very well.

The yeas and nays were ordered.

Mr. GEORGE. I should like to have the precise question stated upon which we are to vote.

The PRESIDING OFFICER. The Senator from Massachusetts presenting the report moves that the Senate further insist upon its amendments undisposed of and agree to the further conference asked by the House of Representatives thereon. The Secretary will call the roll on agreeing to the motion of the Senator from Massachusetts.

The Secretary proceeded to call the roll.

Mr. DOLPH (when Mr. BROWN'S name was called). I am usually paired with the senior Senator from Georgia [Mr. BROWN], but I have information that he desires to be paired in favor of this motion, and I have therefore made a transfer of the pair to the Senator from North Dakota [Mr. PIERCE]; and I am at liberty to vote.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. I transfer that pair to the Senator from Massachusetts [Mr. HOAR], and I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY], but I understand that he would vote "yea," and I will therefore vote. I vote "yea."

Mr. MORRILL (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS]. Not knowing how he would vote, I withhold my vote.

Mr. PETTIGREW (when his name was called). I am paired with the Senator from Florida [Mr. CALL], but I am informed that he would vote "yea" on this proposition, and I therefore vote. I vote "yea."

Mr. DOLPH (when the name of Mr. PIERCE was called). I have already announced the pair of the senior Senator from Georgia [Mr. BROWN] with the Senator from North Dakota [Mr. PIERCE]. I am desired by the Senator from North Dakota to state that if present, he would vote "nay."

The roll-call was concluded.

Mr. COKE. I am paired with the Senator from Indiana [Mr. VOORHEES], who is absent. If he were here, I should vote "nay."

Mr. HAMPTON. I am paired with the senior Senator from Rhode Island [Mr. ALDRICH]. Can his colleague [Mr. DIXON] tell me how he would vote?

Mr. DIXON. I think my colleague if present would vote "yea."

Mr. HAMPTON. Under that authority I vote "yea."

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. ALLISON (after having voted in the affirmative). I am paired with the senior Senator from Missouri [Mr. COCKRELL], but understanding that on this question he would vote "yea," I allow my vote to stand.

The result was announced—yeas 39, nays 8; as follows:

YEAS—39.

Allen,	Dixon,	Hiscock,	Pugh,
Allison,	Dolph,	Jones of Arkansas,	Sanders,
Barbour,	Evarts,	Jones of Nevada,	Sherman,
Blair,	Farwell,	McMillan,	Spooner,
Butler,	Faulkner,	Mitchell,	Stewart,
Casey,	Frye,	Morgan,	Stockbridge,
Colquitt,	Gibson,	Pasco,	Teller,
Cullom,	Gorman,	Payne,	Vance,
Davis,	Gray,	Pettigrew,	Washburn.
Dawes,	Hampton,	Power,	

NAYS—8.

Berry,	Hale,	Ingalls,	Reagan,
George,	Hawley,	Platt,	Walthall.

ABSENT—37.

Aldrich,	Coke,	Manderson,	Stanford,
Bate,	Daniel,	Moody,	Turpie,
Blackburn,	Edmunds,	Morrill,	Vest,
Blodgett,	Eustis,	Paddock,	Voorhees,
Brown,	Harris,	Pierce,	Wilson of Iowa,
Call,	Hearst,	Plumb,	Wilson of Md.
Cameron,	Higgins,	Quay,	Wolcott.
Carlisle,	Hoar,	Ransom,	
Chandler,	Kenna,	Sawyer,	
Cockrell,	McPherson,	Squire,	

So the motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the managers at the further conference on the part of the Senate; and Mr. DAWES, Mr. PLUMB, and Mr. GORMAN were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House insisted upon its amendments to the bill (S. 3163) to reorganize and establish the customs collection district of Puget Sound, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LIND, Mr. SWENEY, and Mr. CAMPBELL managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the joint resolution (H. Res. 138) to increase the number of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and to fill vacancies in such board, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CUTCHEON, Mr. WILLIAMS of Ohio, and Mr. LANHAM managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 8909) making appropriations for the naval service for the fiscal year ending June 30, 1891, and for other purposes; and

A bill (H. R. 9856) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1891.

ADMISSION OF IDAHO.

The PRESIDENT *pro tempore*. The Senate resumes consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union.

Mr. CULLOM. Mr. President, the consideration of all the facts connected with the admission of new States into the Union is important, and should be so regarded by Congress. The presentation of the credentials and the admission of a new Senator to a seat in this body is a privileged question of the highest order. So the admission of a new State is a question of the highest consideration. The statesmen who framed the Constitution, after determining upon the organization of the Government into three great separate and co-ordinate departments, proceeded to the consideration of other questions or features of the Constitution, the necessity of which had been made apparent by the history of the Confederacy, and among other important subjects considered was the admission of new States into the Union. The necessity of extending the boundaries of the United States and increasing the number of States was regarded as important as the population began to press to the westward.

As has been said, I believe during the discussion of the bill for the admission of Wyoming, the ordinance of 1787 made provision for the establishment of new States in the Northwest Territory, and declared that when any of them should have 60,000 free inhabitants it should be admitted into the Union, or into Congress as the expression is, on an equal footing with the original States.

All along in the history of the Republic new States have been knocking at the door of the Union for admission, and, after due consideration, have been admitted on an equal footing with all the rest. They have been admitted in pursuance of enabling acts by Congress and without any previous action by Congress preparatory to their admission. It may be said to be entirely in order to admit a State when in the judgment of Congress it is fit to become a member of the national family, and to reject it if in the judgment of Congress for any reason it is not. The fact that it has or has not come to Congress in pursuance of an enabling act, in my judgment, is of no sort of consequence.

The simple provision of the Constitution is that "new States may be admitted by Congress into this Union." (See section 3, Article IV.) The language of the Constitution conveys the idea of discretion on the part of Congress, but the fathers evidently meant that that discretion should be exercised with due regard to the interests of the people of the Territory asking admission as a State, as well as of the Union of which the State was seeking to become a part.

Congress is bound in the performance of its duty under the Constitution to inquire into all the facts pertaining to the Territory, its resources, its population, and its institutions, in addition to the inquiry into the question whether the constitution presented is republican in form. Were this not so there could be no reason for delay on the part of Congress in deferring the admission of Utah, for its population and resources have been abundant for years.

It was argued with much earnestness on the part of those opposed to the admission of Wyoming, and I suppose the same arguments will be urged against the admission of Idaho, that there have been no enabling acts authorizing these Territories to call and hold conventions and make constitutions, so that they might hereafter come to Congress and ask to be admitted. The three distinguished Senators from Arkansas, Alabama, and Delaware all urged that the manner of the coming of these Territories for admission as States is irregular, and the Senator from Delaware asks, why this bustle and haste? or words to that effect. Well, Mr. President, if the rule had been that no Territory could be or ever had been admitted as a State without coming in under a previous enabling act there might be force in the argument and position, but any supposed rule on that question has been disregarded, as many of the States of the Union have been admitted without previous enabling acts.

The record shows that the States of Tennessee, Oregon, Iowa, Michigan, California, Vermont, Kentucky, Maine, Arkansas, and Florida were admitted into the Union without previous enabling acts; so of Nebraska, as it failed to follow the act of Congress; and that great empire, Texas, was admitted into the Union as a State, I believe, by joint resolution. They were admitted in accord with the judgment of Congress after investigation of the facts belonging to each application as a Territory seeking admission as a State. In the case of Wyoming, which the Senate voted to admit on Friday last, the Legislative Assembly memorialized Congress for an enabling act in 1888. Bills were introduced in Congress to enable the people of Wyoming to form a State constitution, and though one was unanimously reported in this body, for want of time it failed to pass.

Subsequently the several boards of supervisors of the counties memorialized the governor, chief-justice, and secretary of the Territory to apportion the Territory into delegate districts, and to the governor to call an election for a constitutional convention, following the bill reported by the committee to the Senate, though not passed or acted on. Subsequently, and since the adoption of the constitution, the Legislature of the Territory memorialized Congress for the admission of the Territory as a State in the Union.

The Senator from Alabama was apparently much concerned about the want of evidence of what had been done in the Territory in calling and holding conventions, the returns, etc. Mr. President, I think the evidence was abundant to show all the facts necessary to justify the action of Congress in admitting the State. While additional facts might have been furnished with propriety, yet abundant evidence of the substantial facts was supplied.

As to Idaho, the bill for the admission of which is now under consideration, it comes here without having had an enabling act and asks admission as a State. During the last Congress a bill was reported to the Senate from the Committee on Territories authorizing the people of Idaho to hold a convention and frame a constitution to be submitted to the people with a view to the admission of the Territory as a State in the Union. Like that of the Wyoming bill, it was not acted on by the Senate for want of time.

After the adjournment of Congress the then governor, Stevenson, issued a proclamation calling upon the people of the Territory to elect delegates to a convention to be held at Boisé City, the capital of the Territory, on the 4th of July, 1889, to frame a constitution for the State. Governor Stevenson was succeeded in office by Governor Shoup on the 1st of May, 1889, and on the 11th of May he supplemented his predecessor's proclamation by indorsing his recommendations. The previous governor, Governor Stevenson, if I may be allowed to say so, was a Democrat, appointed by the late President Cleveland, and the present governor, Governor Shoup, was appointed by the present President of of the United States.

In pursuance of these proclamations an election was held and seventy-two delegates were chosen, and during the convention all but three, as stated, appeared and took part in the deliberations of the convention.

The convention which was convened by the governors of Idaho (one a Democrat, the other a Republican) to frame a constitution was nonpartisan in its work, and the constitution agreed on by the body of men composing the convention was framed in July and voted on in November following, giving ample time to the people to consider it. There was comparatively little disagreement as to the wisdom of its adoption. More than 14,000 votes were cast at the election, and of that number only 1,733 were cast against the constitution, and, as I am informed, these votes were given by voters scattered over the Territory in the different counties and represented the various objections to particular clauses of the constitution.

No constitution was ever made in a Territory, State, or nation which proved satisfactory to all the people to be influenced by it. Men who know tell me that no objections to the constitution were urged, so far as known, by voters in the Territory on account of the apportionment clause, as it was not an issue.

Governor Stevenson made the apportionment of delegates to the convention, which was accepted without criticism or objection by either political party. The result of the election gave the Republicans a majority in the convention. The officers of the convention were divided between the two parties, as were the chairmanships of committees.

So I may say, Mr. President, that all the facts go to show that there was substantially no political controversy existing in the Territory with reference to its admission as a State or in anything that was done in order to bring about that result. There was no politics in the movement from the beginning to the end, and any attempt to drag politics into the question of admitting Idaho as a State in the Union comes from Democrats here, and not from the Territory.

In the discussion of the question by the Senator from Missouri there is this fact which he overlooked or was not aware of: The Mormons are disfranchised in Idaho, and hence they were not counted in the apportionment for members of the Legislature.

I am referring in these remarks especially to what was said by the Senator from Missouri [Mr. VEST], as when he addressed the Senate he announced, I believe, that whatever he had to say on the question of the admission of these Territories would be said all at the same time.

Bear Lake County, referred to as a Democratic stronghold, has not, I am informed, 100 legal voters in it. At the election in 1888 there were but 82 votes in the county. That county is the hot-bed of Mormonism. There are more polygamists in that county than there are legal voters.

The counties of Lemhi and Custer referred to are settled by as intelligent and patriotic citizens as can be found anywhere. And the county of Shoshone, which the Senator from Missouri compared with Bear Lake, contains what is known as the Cœur d'Alêne mines, and is one of the richest mining regions in the world. The members of the Idaho convention, Democrats and Republicans alike, agreed that Bear Lake County, with its 82 legal voters, was not entitled to as great representation as the 1,800 in Shoshone, or the 797 in Custer, or the 763 in Lemhi County.

The Mormons are confined to the counties of Bingham, Oneida, Cassia, and Bear Lake, and because they were not voters they were not counted in making the apportionment for the Legislature.

The people of Idaho of both parties are determined that so long as they have the right to control the question the Mormon population shall have no voice in the control of the Territory, or, if admitted, of the State. If Congress should decline to admit Idaho now under their present constitution with the provision in it prohibiting bigamists and polygamists, or those living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of the Territory, State, or United States forbidding any such crime, it will not change the position of the people of Idaho. The action of those people on that question as embodied in their statute and in the constitution has been sustained by the Supreme Court of the United States, and the law-abiding people of the Territory expect to stand by it.

No Democrat from Idaho has objected to the apportionment. Objections either to the constitution, to the apportionment, or to statehood by Senators on this floor reflect the wishes and opinions of the Mormons of Idaho mainly, and not those of either Democrats or Republicans. No protest, so far as I can learn, against the constitution or the admission of the Territory has come here from the people of the Territory. The people expect to be admitted, and almost universally desire to be admitted.

To go back, Mr. President, to the question of the regularity or irregularity of the admission of the State: When California was asking for admission, Mr. Berrien, a Senator from Georgia, and a member of the Judiciary Committee, made a report in which he used the following language:

> The power conferred by the Constitution on Congress is to admit new States, not to create them. According to the theory of our Government the creation of a State is an act of popular sovereignty, not of ordinary legislation. It is by the will of the people of whom the State is composed, assembled in convention, that it is created.

California had no enabling act. It came to Congress with a constitution, a State government created by the people, and asked admission, and was admitted. William L. Dayton, then a Senator, said:

> California is a State, a State *de facto*. It exercises the powers of an organized government. Whether it is or shall be a State *de jure* depends on the action of this Government.

Hannibal Hamlin, then a Senator, and still living, an honored and aged statesman and patriot, said:

> The Cons titution is silent as to any power to create a State. The convention that framed the Constitution did not consider any proposition of that sort. It clearly never e ntered the minds of that body to insert any provision for creating new States.

I give, Mr. President, quotations from Madison, Hardin of Kentucky, Benton, Buchanan, John C. Calhoun, Clay, Sumner, and could give many more, showing that no objection should be urged against the admission of Idaho because it does not come here in pursuance of an enabling act; that that is a matter of no substantial consequence. The important thing for Congress to determine is whether, when a community, or a State, if you please, comes to Congress and asks for admission, it comes with those conditions surrounding it that justify Congress in admitting it as a State in the Union.

In discussing the question of the admission of Tennessee, Mr. Madison said:

> The inhabitants of that district of country were at present in a degraded situation; they were deprived of a right essential to freemen, the right of being represented in Congress. Laws were made without their consent or by their consent in part only. An exterior power had authority over their laws; an exterior power appointed their executive, which was not analogous to the other parts of the United States and not justified by anything but an obvious and imperious necessity.
>
> He did not mean by this to censure the regulations of this provisional government, but he thought where there was doubt Congress ought to lean towards a decision which should give equal rights to every part of the American people.

In the debate in relation to the admission of Missouri, Mr. Hardin, of Kentucky, used the following language:

> The Constitution, when it says "new States may be admitted by Congress into the Union," is silent upon the subject of numbers or boundary, but leaves that subject to the sound discretion of Congress. The manner in which that discretion has been exercised has been so uniform and invariable that it amounts to a law. It is, Mr. Chairman, a proclamation to the inhabitants of all the Territories that whenever their numbers approach the fifty or sixty thousand they shall be at liberty to burst from around them the bonds and chains of Territorial servitude and vassalage and assume and exercise the rights of self-government as the inalienable rights of mankind.

Mr. Barbour, a Representative from the State of Virginia and subsequently one of the judges of the Supreme Court, said:

> On my part it is contended that the power of Congress is limited to the simple alternative of admitting or not admitting, and even this power is subject to modification; that they have not a moral right to refuse admission to a Territory whose situation and circumstances suit it for admission.

Mr. Benton, in commenting upon the case of Michigan, said:

> Conventions were ordinary acts of the people. They depended upon the inherent and inalienable rights. The people in any State may at any time meet in convention without a law of their Legislature and without any provision of Congress, any provision in their constitution, and may alter or abolish the whole frame of government as they please. The sovereign power to govern themselves was in the majority, and they could not be divested of it.

In a speech delivered in the Senate in February, 1849, Mr. Calhoun said:

> I hold it to be a fundamental principle of our political system that the people have a right to establish what government they may think proper for themselves; that every State about to become a member of this Union has a right to form its own government as it pleases, and that in order to be admitted there is but one qualification, and that is that the government shall be republican. There is no express provision to that effect, but it results from that important section which guaranties to every State in this Union a republican form of government.

The following extract is taken from a report by Mr. Clay in relation to the admission of California:

> There are various instances prior to the case of California of the admission of new States into the Union without any previous authorization by Congress. The sole condition required by the Constitution of the United States in respect to the admission of a new State is that its constitution shall be republican in form.

Mr. Buchanan, on the question of the admission of Michigan, I believe, used the following language:

> The precedent in the case of Tennessee has completely silenced all opposition in regard to the necessity of the previous acts of Congress to enable the people of Michigan to form a State constitution. It now seems to be conceded that our subsequent approbation is equivalent to our protest. This can no longer be doubted. They have the unquestionable power of waiving any irregularities in the mode of forming the constitution, had any such existed.

In relation to the admission of California Mr. Benton used the following in answer to objections urged to the admission of that State because it did not come under an enabling act authorizing the people to frame a constitution:

> The fact is admitted, but its consequence is denied. Congress has full power over the admission of new States, and may dispense with all preliminary forms when it pleases and come direct to the question of admission. It has admitted more new States without than with the previous authority of an act of Congress to form a constitution. Eight have been so admitted: Vermont, in 1791; Kentucky, 1792; Tennessee, 1796; Maine, 1820; Arkansas, 1836; Michigan, 1837; Florida, 1845; and Iowa, 1846—eight in all, a majority of the whole number ever admitted and stretching over a period of sixty years and reaching back to the venerable times of our early history when Washington was President and the fathers of our political church were still at the altar.

So far as I am concerned I believe it has come to be a recognized right of Congress to investigate and look into all the facts pertaining to the condition of the Territory, and if in the judgment of Congress the facts do not justify the admission of a Territory it is clearly in my opinion the right of Congress to keep it out.

Now, Mr. President, I do not think I need to say more on the question of regularity or in answer to the charge that the Republican party of either Territory has undertaken to secure an advantage over the Democratic party in calling the conventions or in districting the new States under their respective constitutions.

The Senator from Alabama has manifested much opposition to the admission of Wyoming because the boards of supervisors of the several counties of that State petitioned the governor, the chief-justice, and the secretary of the Territory to apportion the Territory into districts in the same manner as provided in the bill reported from the Committee on Territories for an enabling act for the Territory. Those three distinguished officers did exactly the thing that the enabling act provides which the Senator advocated as a substitute for the admission bill and the same provision will be found in the bills for enabling acts introduced by a half-dozen Democrats in this Congress.

I call the attention of the honorable Senator from Alabama [Mr. MORGAN] to the fact that the enabling act introduced by the honorable Senator from Arkansas [Mr. JONES] as a substitute for the bill admitting Wyoming, which, as I suppose, would be expected to apply to Idaho as well, provided for exactly the same thing: that the governor, the chief-justice, and the secretary should do what was done in the case of Wyoming. The fact is that there are a half-dozen enabling acts introduced by different members of the Senate and of the other House of both parties, all of them containing exactly the same provision.

Mr. President, I think I have shown that there is nothing extraordinary or very unusual in the manner of the coming by these States to Congress to ask for admission into the Union. I think it can not truthfully be charged that there has been any design or effort by either great party in either of the Territories to secure a political advantage in the preparation made for admission; and I am sure there has been no scheming for political advantage by the Committee on Territories in bringing these bills into the Senate. They are here because the committee regarded it as a duty to bring them here and secure the admission of these States as a duty to the people within their borders and as a duty under the Constitution of the United States.

The Senators from Arkansas and Alabama seem to insist that there must be something wrong, some partisan purpose or design, on the part of the Republican members of the Committee on Territories, or we would favor the admission of New Mexico and Arizona along with Wyoming and Idaho. Well, Mr. President, we are entirely innocent, I assure you and the distinguished Senators. The fact is we have scarcely been asked to admit either of those Territories.

Mr. PAYNE. I beg pardon. Will the Senator allow me to ask him if there was not a bill before the Committee on Territories for the admission of New Mexico?

Mr. CULLOM. I will show just what was done. A memorial was presented by the chairman of a committee to memorialize Congress for the passage of an enabling act permitting the people of New Mexico to vote for and against the adoption of the constitution which had been adopted by the convention of the Territory. A delegation, I believe, of one hundred was appointed to come here for that purpose, but only one man appeared.

Mr. PAYNE. Will the Senator allow me?

Mr. CULLOM. Certainly.

Mr. PAYNE. That has been surrended and abandoned by all parties in New Mexico. All that the united delegation of all parties asked for was a new enabling act.

Mr. CULLOM. So far as an enabling act is concerned, I admit that that is here, but the proposition now is to insert in a bill before this Congress a proposition to admit both those Territories, and I insist, and I think the honorable Senator from Ohio will agree with me, that neither of those Territories has come here in such a manner as to justify us at the present time in placing them alongside of Wyoming and Idaho.

Mr. PAYNE. I prefer that the Senator should not complicate the case of New Mexico with Arizona. I have nothing to say about Arizona at present. but I repeat, as to New Mexico, a delegation composed of the most respectable men of both parties, officers and ex-officers, and the leading men of that Territory, have been before these committees, and they have a bill pending providing for an enabling act.

Mr. CULLOM. In the first place, the delegation that the Senator refers to came here for another purpose. They came here to get a bill through allowing them some share of the public lands for the benefit of the schools of that Territory.

Mr. PAYNE. If the Senator will allow me to correct him, they asked for the school bill, the bill which I introduced, giving them land for school purposes, because they saw no possible way to get through their first bill for an enabling act.

Mr. CULLOM. Their first intention, as I understand it, was to get legislation on the land question, and then they turned their attention, without authority, from the Territory to the question of an enabling act to get the Territory into the Union.

Mr. PAYNE. It was just the other way. It was the enabling act first and then the land question afterwards.

Mr. CULLOM. Mr. President, I am not prepared to say that, if New Mexico will show a reasonably united disposition to come into the Union as a State, I will not favor her admission. A couple of years ago, with the light that I then had on the subject, I did not believe that the time had come when New Mexico should be admitted. But the people of that Territory have made more rapid progress of late than heretofore; they are rapidly qualifying themselves in the study of the English language, their courts are improving, the Territory possesses great resources, and in my judgment it will be but a very short time, possibly at the next session of Congress, if they come here in a united manner, that we would feel it our duty to vote for the admission of that Territory as a State into the Union.

I do not believe that the honorable Senators who oppose the admission of Wyoming and Idaho seriously desire that the two Territories of New Mexico and Arizona shall be admitted as States now, with the limited information before us as to the condition of the two Territories and the wishes of their people. I certainly can not support a bill for the admission of either without further information in regard to them.

I come now to the question of fact, whether Idaho is worthy of a place by the side of the other forty-two States of this Union; forty-three, counting Wyoming. I regard her constitution as republican in form. I assume no question will be raised on the constitution unless our friends, who seem to feel that we are seeking a political advantage, shall raise a question over section 3, article 6, in regard to suffrage and elections. As that provision, or one in terms substantially like it, has been passed upon by the Supreme Court I assume that no serious opposition will be founded on that section.

Passing by the fundamental law I come to the question, Has the Territory sufficient population and resources and are all the conditions satisfactory to justify statehood? In 1880 the population was 32,619. Of the total population at that time there were 6,698 children of school age. Taking those two facts a table is made which I find embodied in a report by Mr. DORSEY, of the House of Representatives, from the Committee on Territories, estimating the number of children and total population from 1880 to and including 1889, which shows a total population of 117,225. It is, I think, reasonably certain that there are 100,000 or more people, exclusive of Indians, in Idaho Territory. The Territory was created March 3, 1863.

The average annual gain I find stated by Hon. FRED. T. DUBOIS, the able Delegate from the Territory, in population from 1881 to 1889, inclusive, was 10,500, which would make the population 127,000. But for the last two years it has grown more rapidly than before, and the per cent. of increase, therefore, is greater. Whether these calculations are based on reliable information I can not say; but, Mr. President, there can be no doubt that the population of that Territory exceeds the population of any one of one-half of the twenty-nine States admitted into the Union since the adoption of the Constitution of the United States. I will give here a list of the States admitted, the date of their admission, and their population at the time of admission.

State.	Date of admission.	Population when admitted.
Vermont	March 4, 1791	85,539
Kentucky	June 1, 1792	73,677
Tennessee	June 1, 1796	77,262
Ohio	November 29, 1802	41,915
Louisiana	April 8, 1812	76,556
Indiana	December 11, 1816	63,897
Mississippi	December 10, 1817	75,512
Illinois	December 3, 1818	34,620
Alabama	December 14, 1819	144,317
Maine	March 15, 1820	298,335
Missouri	August 10, 1821	66,586
Arkansas	June 15, 1836	52,240
Michigan	January 26, 1837	200,000
Florida	March 3, 1845	54,477
Texas	December 29, 1845	250,000
Iowa	December 28, 1846	81,920
Wisconsin	May 29, 1848	210,596
California	September 9, 1850	107,000
Minnesota	May 11, 1858	150,042
Oregon	February 14, 1859	52,465
Kansas	January 29, 1861	107,206
West Virginia	December 31, 1862	376,683
Nevada	October 31, 1864	6,857
Nebraska	March 1, 1867	*60,000
Colorado	August 1, 1876	*150,000
South Dakota	November 2, 1889	†700,000
North Dakota	November 2, 1889	
Montana	November 8, 1889	‡156,086
Washington	November 11, 1889	‡186,393

*Estimated.
†October 10, 1888.
‡Estimated November 1, 1889.
‡Estimated September 30, 1888.

Leaving the question of the population, what can be said of the area and resources of Idaho Territory? It was organized with an area of 325,000 square miles. In 1868, by the creation of Montana and Wyoming, its area was reduced to 86,294 square miles. It contains 55,228,160 acres, 16,000,000 acres of which are said to be agricultural, 10,000,000 acres of forests, 31,000,000 acres mineral and grazing lands, and 1,228,000 acres of water. The great Snake River, said to be equal to the Ohio, traverses the Territory from east to west. The Salmon River makes its way through the Territory for 500 miles, while there are a large number of other streams and tributaries which furnish abundance of water for all purposes, including irrigation.

Mr. President, the State of Idaho has a great future. It is destined to be one of the richest States in the Union, capable of supporting millions of people. The agricultural statistics for 1889 show 4,000,000 bushels of wheat, over 2,000,000 bushels of oats, 1,150,000 bushels of barley, over 1,000,000 bushels of potatoes, and that there were raised quantities of other agricultural products. The mines of the Territory produced during the year 1889 $17,344,600 of gold, silver, lead, and copper. Over one hundred and fifty millions have been taken from the mines in Idaho.

It is abreast of the times in educational work, its public schools are worthy of any community, old or young, and it does not seem to me

that there is any point of view from which the question can be examined which does not force a conclusion that it is our duty to pass the bill under consideration and thereby admit the State.

Much has been said against the female-suffrage provision of the Wyoming constitution. The constitution of Idaho does not contain such a provision. Whatever may be the wisdom or unwisdom of that provision, it is not in this constitution.

For my own part, I think worse things can happen to this country than that woman suffrage should be adopted by the States, though I do not think the women of the land desire it. The denial of the right of suffrage to a great class of citizens upon whom it has been conferred by the Constitution is fraught with greater danger than the conferral of that right upon the women of the land. But I do not desire to say more on that question at present, except that by our vote on the admission of Wyoming we neither affirm nor deny the wisdom of that provision of the Wyoming constitution.

Mr. PAYNE. May I interrupt the Senator to ask him if in that vote he and his party did not directly and precisely approve of that provision?

Mr. CULLOM. I do not understand that we did. We simply pass the bill that admits the State into the Union, and it happens to be in the constitution. Of course the Government accepts the constitution, but by that declaration that we make I do not understand that the Senate or anybody in it is specifically avowing his approval of every item in the constitution under which it comes in.

Mr. PAYNE. I only desire to call the attention of the Senator from Illinois to the language used in the legislation adopted by the Senate. It is that we "approve, ratify, and confirm" that constitution.

Mr. CULLOM. So we do, and so it has been done in every other instance in the admission of States, but I still insist that by that declaration we do not commit ourselves to the proposition that we are in favor of woman suffrage or any other item involved in the constitution.

Mr. President, I shall say no more on the question of the admission of Idaho; I believe the case is fully made out in favor of her admission into the Union as a State.

A few words touching the general condition, resources, and future of the great country west of the Missouri River, and I shall close.

I do this because I have felt that the country scarcely realizes the wonderful development and resources of our territory west of the Missouri River.

Who regrets to-day the admission into the Union of Kansas, called the central State of the American Union, lying on the western border of the Missouri River? It had about the same population in numbers at the date of its admission as is now to be found in each of the proposed States of Wyoming and Idaho. I need not dwell upon the wonderful growth and development of that State in population and wealth since the date of its admission in 1861. It has already become one of the great Commonwealths of the nation.

Look at Nebraska, lying to the north of her, admitted into the Union March 1, 1867, with an estimated population of 60,000, with its eastern border upon the Missouri River. The State has rapidly grown in population and wealth, until to-day its farms are sufficient to fill the granaries of the world, almost; and its greatest city, Omaha, compares in magnificence with the great cities of the oldest States in the Union.

We are all familiar with the two Dakotas recently admitted into the Union. But a few years ago they were uninhabited by white men; now together containing within their limits over 700,000 intelligent, enterprising people developing the resources of those two great States, making them the homes of the highest civilization.

Wyoming and Idaho have already been referred to and have been shown to possess great capabilities for wealth and for the comfort and happiness of man. The resources of Wyoming in coal and oil will prove a marvel to the American people and to the world in a very few years.

Montana and Washington are great empires in territory, rich in mines and forests and valleys, and destined to become the homes at no distant day of millions of free and happy people.

Nevada has often been referred to in this body as an argument against the admission of other new States on the Pacific coast or in the region of the Rocky Mountains. It was admitted into the Union in October, 1864. It has produced hundreds of millions of dollars of gold and silver. Few if any mines have been found in the world equal to the Comstock and other mines in Nevada. I believe not less than $600,000,000 have been dug out of the mines of that State. Nevada, it is true, has not advanced in population of late, but the time will come when the lands of that State will be subject in great part to irrigation and it will become a wealthy and populous State.

California and Oregon, bordering on the Pacific Ocean on the west, the first admitted into the Union in 1850 and the other in 1859, are rapidly becoming great States and are producing vast quantities of agricultural products and fruits, and each contains within its borders great seaport and other cities.

The Pacific coast in a few years will be as attractive in its great cities as is now the Atlantic coast. These great States since the days of railroads are growing in population and wealth and are already the homes of the highest civilization.

Mr. President, I shall detain the Senate by a reference to but one more State.

Colorado was admitted into the Union in 1876, the centennial year of our national Independence. Those who do not travel westward can scarcely realize what can be found in that State. We all know it to be a great mining State, giving to the world millions of the precious metals every year; but you will be astonished when I tell you that 180,000 car-loads of freight came into the city of Denver in 1889. You may be astonished when I tell you that 34,400 car-loads of agricultural produce, valued at $12,000,000, came to that city from Kansas and Nebraska. You may be surprised when I tell you that 1,800 car-loads of fruit were taken to that city from California.

The city of Denver contains 100,000 people, and it is said that Bishop Warren, of the Methodist Church, stated publicly that the finest church building of the United States belonging to that great church organization stands in that beautiful city; and it is said also that in educational facilities the city of Denver stands No. 3 in the list of all the cities of the Union.

I might refer to Utah as possessing great resources, with nothing to hinder its development and early statehood but that blighting institution, polygamous Mormonism, which I trust and believe is in process of ultimate extinction.

Mr. President, I have taken occasion to briefly refer to the great section of our common country lying west of the Missouri River, to its resources, development, and progress, because I have sometimes felt that the people of the older States, East and South, do not fully realize the extent, the growth, and the grandeur of that part of the Union. Its agricultural land, its plains, and valleys will soon be settled and cultivated; its mountains will be explored and its mines developed. Let not Congress hinder the march of progress by denying to any portion of the people of that great section rights to which they show themselves to be entitled as American citizens. The prosperity of the whole country is what we all seek and for which we should all as representatives of the people labor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a joint resolution (H. Res. 185) to provide temporarily for the expenditures of the Government; in which it requested the concurrence of the Senate.

REPORT OF LIBRARIAN OF CONGRESS.

Mr. EVARTS, from the Committee on the Library, submitted the annual report of the Librarian of Congress, exhibiting the progress of the Library during the calendar year 1889.

He also, from the same committee, reported the following resolution; which was referred to the Committee on Printing:

Resolved, That the annual report of the Librarian of Congress be printed, and that 500 additional copies with covers be printed for the use of the Librarian.

EXTENSION OF APPROPRIATIONS.

Mr. ALLISON. I ask the Chair to lay before the Senate the joint resolution just received from the other House.

The PRESIDENT *pro tempore* laid before the Senate the joint resolution (H. Res. 185) to provide temporarily for the expenditures of the Government; which was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all appropriations for the necessary operations of the Government and of the District of Columbia, under existing laws, which shall remain unprovided for on the 30th day of June, 1890, be, and they are hereby, continued and made available for a period of thirty days from and after that date, unless the regular appropriations provided therefor in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1891, and a sufficient amount is hereby appropriated out of any money in the Treasury not otherwise appropriated to carry on the same: *Provided*, That no greater amount shall be expended for such operations than will be in the same proportion to the appropriations for the fiscal year 1890 as thirty days' time bears to the whole of said fiscal year: *Provided further*, That the total expenditures for the whole of the fiscal year 1891 under the several appropriations hereby continued shall not exceed in the aggregate the amounts finally appropriated therefor in the several bills now pending, except in cases where a change is made in the annual, monthly, or per diem compensation, or in the numbers of officers, clerks, or other persons authorized to be employed by the several appropriations hereby continued, in which cases the amounts authorized to be expended shall equal thirty three-hundred-and-sixty-fifths of the appropriations for the fiscal year 1890, and three-hundred-and-thirty-five three-hundred-and-sixty-fifths of the appropriations contained in the several bills now pending when the same shall have been finally passed, unless the salaries or compensation of any officer shall be increased or diminished without changing the grade or the duties thereof, in which case such salary or compensation shall relate to the entire fiscal year and run from the beginning thereof.

Mr. ALLISON. This is the usual and necessary joint resolution in case appropriations have not been made for the fiscal year prior to June 30, and it is necessary that it should be passed and receive the signature of the President this day. So I ask unanimous consent that the joint resolution may be considered at this time.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. SALLIE H. MICHLER.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 1546) granting an increase of pension to Mrs. Sallie M. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler, United States Army.

The amendments of the House of Representatives were, in line 2, in the name of Mrs. Sallie M. Michler, to strike out "M" and insert "H," and to amend the title so as to read: "A bill granting an increase of pension to Mrs. Sallie H. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler."

Mr. SAWYER. I move that the Senate concur in the House amendments. They merely correct the name.

The amendments were concurred in.

JAMES H. SHOWALTER.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 1741) granting increase of pension to James H. Showalter.

Mr. PADDOCK. I move that the Senate non-concur in the House amendments and ask a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PADDOCK, Mr. MOODY, and Mr. FAULKNER were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10716) making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1891, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FUNSTON, Mr. CONGER, and Mr. HATCH managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 11223) making an appropriation to supply a deficiency in the appropriation for compensation of members of the House of Representatives and Delegates from Territories; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 578) in relation to oaths in pension and other cases;

A bill (H. R. 2361) for the relief of Asa Ellis, collector of internal revenue for the first collection district of California;

A bill (H. R. 3886) to incorporate the North River Bridge Company and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road;

A bill (H. R. 8149) to increase the limit of cost of the public building authorized by act of Congress approved March 2, 1889, to be erected at Fort Worth, Tex.;

A bill (H. R. 9677) to authorize the county of Pulaski, in the State of Georgia, to maintain a high wagon and foot bridge across the Ocmulgee River at or near Hawkinsville, in the State of Georgia;

A joint resolution (H. Res. 183) to provide for the unexpended balance, $99,439.07, for discharging claims of letter-carriers for extra compensation under the eight-hour law, approved May 24, 1888, and appropriated for the fiscal year ended June 30, 1888; and

A joint resolution (H. Res. 185) to provide temporarily for the expenditures of the Government.

ADMISSION OF IDAHO.

Mr. PLUMB. I move that the Senate proceed to the consideration of the conference report on the bill making appropriations for the District of Columbia.

Mr. PLATT. That motion, if carried, would not displace the pending order?

The PRESIDENT *pro tempore*. Not at all.

Mr. PLATT. If the Senator from Kansas will permit me, I should like to say in regard to the bill for the admission of Idaho that I hoped it might be considered and concluded this afternoon, but this being the 30th of June has been necessarily given up very much to appropriation bills and conference reports, and I shall not press the bill further to-night, but I will ask the Senate to kindly consider it to-morrow and to dispose of it to-morrow. I think there will be no objection to that. I have heard of one or two Senators on the other side who desire to speak upon it, and after some conference with the Territorial Committee on the other side I think we may safely conclude that we can get a vote to-morrow afternoon.

Mr. STEWART. The Senator does not ask unanimous consent?

Mr. PLATT. No; I do not ask unanimous consent for an agreement to that effect.

HOUSE BILL REFERRED.

The bill (H. R. 11223) making an appropriation to supply a deficiency in the appropriation for compensation of Members of the House of Representatives and Delegates from Territories was read twice by its title, and referred to the Committee on Appropriations.

DISTRICT APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the report of the committee of conference on the bill (H. R. 3711) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1891, and for other purposes. The report of the committee of conference has been read and is printed at length in the RECORD of Saturday's proceedings. The question is on concurring in the report.

Mr. SHERMAN. I wish to call the attention of the Senate to the last amendment which appears in the report. I ask that it be read.

The PRESIDENT *pro tempore*. The amendment referred to will be read.

The Secretary read as follows:

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following amendment:

"SEC. 3. That any street-railroad company in the District of Columbia authorized to run cars drawn by horses which has changed or may change its motive power on any of its lines now constructed to cable or electricity, or change its rails in accordance with the provisions of law, shall have the right to issue and sell, at the market price thereof, stock of said company to an amount necessary to cover the cost of making said changes, the cost of said changes and the amount of said stock sold, together with the price per share, to be fully set forth under the oath of the president of said company, and filed with the commissioners of the District. And any company availing itself of the privilege herein granted shall within eighteen months wholly dispense with horses as motive power on all portions of its line, and substitute therefor the power provided for in the "act making appropriations for the expenses of the government of the District of Columbia," approved March 2, 1889, or other modern motive power which shall be approved by the commissioners of the District of Columbia, not involving the use of overhead wires.

"SEC. 4. That any street-railroad company operating its lines in the District of Columbia which during the calendar year 1889 earned, declared, and paid dividends on its capital stock exceeding 10 per cent. upon the face thereof, shall hereafter sell to all persons eight tickets for and at the price of 25 cents, each ticket to be good for one continuous passage over its entire line, and to entitle the holder thereof to passage on any line within the scope of this section."

And the Senate agree to the same.

Mr. SHERMAN. Mr. President, as I am to a certain extent, I think, chiefly responsible for the introduction of this legislative provision in an appropriation bill, I wish to call the careful attention of the Senate to the additions made by the committee of conference to the provision the substance of which was introduced by myself.

I have no serious objection to the modification made to the clause that I first submitted to the Senator from Kansas [Mr. PLUMB], but the second clause of that amendment practically abrogates and nullifies the laws creating corporations running street-cars in this city. I think it would be safe to say that no corporation could run a railroad and pay the current expenses under the second section of the amendment inserted by the conference committee. It relates to a matter that was never sent to the conference committee and it is a new subject-matter entirely.

In order to give the Senate the exact condition of this matter, I ought to state that I concurred in a debate in the last session of Congress in pretty severe criticism upon the fact that the street-railroads of this city did not keep up with the times, did not keep pace with improvements in railroads of the same class in the other cities of the country. Thereupon I was called upon by an officer of one of these companies, and he said they were perfectly ready, at least his company was perfectly ready, to proceed to adopt modern devices, new motive power, in the conduct of these railroads, but that they had no authority to do it; that they were unable to get the authority.

I was very much surprised at that. I said I had no doubt that Congress would cheerfully give any railroad company authorized by law to construct a street line the authority to adopt any modern device for motive power, but that there was a strong sentiment in Congress against overhead wires, and that had been expressed by a very vigorous debate here led by the Senator from Maine [Mr. HALE].

Thereupon I introduced in the last session of the last Congress an amendment which was embodied in the appropriation act for the District of Columbia, and which provided:

That any company authorized by law to run cars propelled by horses within the District of Columbia is hereby authorized to substitute for horses electric power by storage or independent electrical batteries or under-ground wire, or under-ground cables moved by steam power, on the whole or any portion of its roadway, with authority to purchase and use any terminal grounds and facilities necessary for the purpose; and any such street-railway company electing to substitute such power on any part of its tracks or road-beds on the streets of the District of Columbia shall, before doing so, cause such part of its road-beds to be laid with a flat grooved rail and made level with the surface of the streets upon each side of said tracks or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks.

This provision was simply an authority for any District street railroad that chose to adopt modern expedients to run a railroad. There were other provisions added, but it is not necessary to read those; they were added either in the House or the Senate. This provision was

adopted by the unanimous consent of both Houses of Congress, so far as I now know. It simply gave to any railroad choosing to use modern motive power the right to do so.

Under that provision one of the railroads of this city, and the chief one, probably, in point of length of road and magnitude, did during the last summer and up to the winter construct about three miles and a half or three miles of double-track cable road, said to be very good, perhaps one of the best roads of the kind in the United States, and it is now in successful operation.

Pending this, and while it was going on, the same gentleman who brought to my attention the necessity of a grant of power called upon me and said that under their charter as it existed they had authority to issue so much stock, $500,000 I believe was the amount, and $500,000 of bonds. As a matter of course, they could only pay for this new improvement by the issue of stock or bonds. They were advised by their attorneys that they could not issue any more stock than the amount already issued, $500,000, and they therefore issued bonds solely for the construction of this road, which cost, I am told, from $750,000 to $1,000,000 for the road-bed and for the necessary buildings. He called my attention to that fact and asked me if I thought that Congress would be willing to give them authority, instead of issuing it all in bonds, to issue a portion of it in stock, and I told him I thought there would be no objection to such a proposition.

The ground of complaint was that they could issue only $500,000 of stock, and as they had already issued $500,000 of bonds under the old régime they were compelled to issue something in the neighborhood of a million dollars of bonds for the Seventh street road, and as they intended during the next season to go on and complete their line of road, which I believe was about 15 miles of single track or 7½ miles of double track, they would require to pay for those roads about two million and a half of dollars, and they did not like to overload their corporation with so large an amount of bonds, but wished to have the authority to issue a portion of it in stock, the stock as a matter of course to be divided and taken by the old stockholders instead of bonds.

Thereupon he gave me the draught of a provision. I took it to several members of the District Committee and I found no objection to it. They said they could see no reason why it should not be adopted. I communicated it to the Senator from Kansas and it seemed to meet his approval, and he had the assent of the Committee on Appropriations and I think without objection, by unanimity in the Senate, that provision was inserted as it stood originally in the bill which passed the Senate, simply authorizing these railroad companies instead of issuing bonds for the entire expense of these new improvements to issue at their option either stock or bonds. That was the provision which was sent to the committee of conference.

Although I do not think the committee of conference have improved the simple proposition that I mentioned, which met the sanction of every one here, I do not object to the details in regard to it. They have added some provisions about it requiring this new work to be done in eighteen months. Whether it can be done in that time or not, I do not know. The railroad companies' men take their chances with that. They have also provided that this stock shall be sold at public auction. It would be very difficult, indeed, to ascertain the value of this stock, because all additional stock issued necessarily depreciates the value of that which has been previously issued, especially if it was above par.

Therefore it has been usual in such cases for companies to allow their stockholders to subscribe for the new stock and also to subscribe for the new bonds. That is a matter entirely for them, because the stockholders own the road. I do not, however, object or enter into any controversy in regard to the provisions and the modifications made of that clause of this amendment.

I will ask the Secretary to again read what is called section 4, the second clause of the proposed amendment, reported by the committee of conference.

The PRESIDENT *pro tempore*. The Secretary will read the section indicated.

The Secretary read as follows:

SEC. 4. That any street-railroad company operating its lines in the District of Columbia, which during the calendar year 1889 earned, declared, and paid dividends on its capital stock exceeding 10 per cent. upon the face thereof, shall hereafter sell to all persons eight tickets for and at the price of 25 cents, each ticket to be good for one continuous passage over its entire line and to entitle the holder thereof to passage on any line within the scope of this section.

Mr. SHERMAN. Now, Mr. President, it will be observed that the fare on this road is reduced from its present rate of 5 cents to 4 cents for a single passage. Now they have to give six tickets for 25 cents, when they are purchased in the form of tickets, and I am told that the great body of fares is paid by tickets—three-fourths or more. So the present charge for running over any point on the road to any other point of the road, with the right to connect with any branch, is 4⅓ cents.

Mr. EDMUNDS. Four and one-sixth cents.

Mr. SHERMAN. The president of the company said about 4⅓ cents. They record the number of passengers they carry, and they know how much their income is, and they say it yields them about 4⅓ cents. This bill reduces it down to 3 cents, or, in other words, eight tickets for 25 cents, which would be 3⅛ cents. To show that that would bankrupt this company, although it is a strong company, let me give you the actual figures, for I have before me the official report made by this company in Miscellaneous Document 161, sent to the House of Representatives.

I find the entire income of this railroad derived from passenger receipts—and that is the only income it has—is $664,233.45. The reduction made in this bill is more than one-fourth, between one-fourth and one-third, as you will see, so that, taking the same number of passengers traveling on the road next year as traveled last year and taking the passenger receipts as the basis and reducing the passenger receipts one-fourth, it would be a reduction of its income of $145,000 a year, which would be the loss of revenue to this company.

When it is remembered that, although this is the most prosperous street-railway company in the city of Washington, the highest dividend ever paid to its stockholders was $100,000 a year for one year and the interest upon their bonds was only forty-odd thousand dollars, the loss of revenue here would take away all the money that has heretofore been divided among the stockholders and all the money which they pay for interest on their bonds, and leave a less sum per annum than the actual expenses of running the road.

Here are the expenses given, the sum total of the ordinary expenses of running the road, and the total expense, excluding the cable railway, and the dividends. The total expense of running the road was $515,162, which is more by $25,000 than the entire receipts of the road would be upon the basis proposed by this conference report.

Now, when you remember that there is no city in the United States among the multitude of omnibus lines or street-car lines or any other sort of transit of that kind where the fare is less than it is in Washington; when you see the actual expense of this road, which is admitted to be managed with great economy, and perhaps a little too much economy, so that the actual expenses of the road will be twenty-five or thirty thousand dollars more than the receipts will be, it is apparent that it will bankrupt the company and disable them not only from paying dividends upon their stock, but from meeting the interest upon their debt. And remember that this proposition comes at a time when the company has expended nearly a million dollars in building one of the best cable roads probably in the United States and when it is further called upon to expend about two million and a half of dollars to complete its improvements by making a magnificent line of railway on the Avenue and on Fourteenth street, etc., running from Georgetown through. I will venture to say, considering the length of the line run, that there is no railroad in the United States that could be conducted anywhere on this basis, because you must remember that this line runs not only from Georgetown to the navy-yard, but every ticket carries with it the right to go on any of the side lines to the river, or to the head of Seventh street, or the head of Fourteenth street, and it is practically impossible for any street-car line to subsist under a rate of 3 cents a passenger.

I know that in foreign countries the rates are higher than this. The rates in Paris, if I remember aright, are from 20 centimes to 30 centimes, 4 cents and 6 cents, and the 4-cent passengers ride above. In England I think the rate is about the same or a little higher. In Philadelphia I am told the rate of fare is 6 cents, with 1 cent additional for a transfer check. In New York the rate is 5 cents per passenger.

Now, Mr. President, what I desire is to call the attention of the Senate to this. I think certainly the conferees acting upon the question did not wish to do an injustice. As I was somewhat instrumental, I may say, in proposing these legislative provisions, which I did for the purpose of securing the best possible motive power for the cars in this city, I should dislike to see these people when they are just engaged in carrying out great improvements ruined and injured in their property. I look upon it, without imputing any such intention to the conferees, as in the nature of a confiscation.

I trust the Senate will allow this matter to go back to the committee of conference and allow them to reconsider it in view of the facts I have stated. I have no doubt they desire to do justice. My own opinion is that this amendment ought to be confined simply to an authority to be given to these companies to issue stock in proportion to the bonds issued, so that the amount of stock would be something like equal to the bonds. It would be better if it was all represented by stock, better for the company, better for the people, and better for the District of Columbia. Each of these companies should be represented by enough stock to be about the value of the property.

According to the statement contained in this paper they expended before they built the cable line about $1,100,000, one-half of which is represented by bonds and the other half by stock. Upon the date of this report, which was made the 1st of January last, the cost of this property was $1,600,000, which included a portion of the expenses of the cable road, and is now increased, I am told, to about $2,000,000, because all this expenditure has been made since the 1st of January. If they are allowed to go on according to their present plan and complete this railroad, the aggregate cost of the road will probably be about four or four and a half million dollars, according to the statement given me.

There can be no motive in these stockholders to do injustice to each

other. They own the property. All I desire is to see that their vested rights shall not be taken away from them. The power of Congress, undoubtedly, to change and modify this charter ought not to be used so as to do injustice to men who have invested their money under the laws of the United States.

Mr. EDMUNDS. It appears to me the fundamental difficulty is that the Senate on a previous occasion when it passed this bill undertook on an appropriation bill to insert a distinct and separate piece of legislation that had nothing whatever to do with appropriating the moneys of the District and of the United States for carrying on the operations of government here. The Senate conferees are not responsible for that, but the Senate is; and it sent this subject of this street railway or any others, whatever they might be, as everybody perfectly well knows—the Senate with its eyes open sent it to a conference, because it put in an amendment of a purely legislative character, that had nothing whatever to do with the business of the Committee on Appropriations, but had to do with the duties and business of the Committee on the District of Columbia; put it into the bill here in the Senate apparently; possibly it was reported by the committee, but I think not.

That is an error that we are falling into all the time. I have seen on former occasions, and we may again see when we come to the legislative bill on the occasion this year of appropriations for the judicial establishment of the United States, where the supposed business of the Committee on Appropriations is and its real business—and it does not try to get out of it, I agree—to make an appropriation for the payment of judges and marshals, and so on, and so on, under existing law.

Mr. GORMAN. It was not reported from the committee.

Mr. EDMUNDS. The Senate put in this piece of legislation, so that we can not very well complain of the conferees of the Senate for having dealt with the subject. They may have dealt with it erroneously, but it never ought to have been here at all. This illustrates what we shall have to come to in some way at this session or the next, in contriving some means of possibly excluding from the matter of paying money out of the Treasury to subserve the purposes of existing law and existing duties the various schemes of legislation which may have a more or less remote relation with the moneys to be appropriated.

Some Senator, the chairman of the Committee on the Judiciary, for instance, or whoever he may be, or some member of the House of Representatives, or some lawyer rushes into the room of the Committee on Appropriations and says, "Here is just a little bit of a matter that I should like to have you just put in in connection with this expenditure, that hereafter the commissioners of the circuit courts shall do so and so," or "that the judge shall do so and so," or "that the rule for charging juries shall be so and so," or that "there shall be another assistant marshal or assistant clerk" and so on, and somehow or other once in awhile it comes out that we find out, nobody's attention being called to it, and the Committee on Appropriations doing their very best with the light they have, and having all this responsibility of every Department of the Government, put in a piece of legislation that is found out the next year to be altogether injudicious and altogether unwise; and the great majority of the people of the country who think anything about it or know anything about it, the lawyers and judges particularly, begin to write to the chairman of the Judiciary Committee of the House of Representatives and the chairman of the Judiciary Committee of the Senate inquiring "What in the world did you pass any such a law for?"

Well, the chairmen of the respective committees respond: "We did not know anything about it; we never heard of it." There is a statement in the New Testament somewhere that we never so much as heard that there was such a law. The Committee on Appropriations have done it not in undertaking to absorb or grasp jurisdiction, but in yielding to somebody's importunity and not having the opportunity and time, nor is it their mission, to understand the whole scope of the workings of the judicial establishment.

I only speak of that to illustrate, for it goes all around, and so I say the evil of this whole business is that the Committee on Appropriations does not vigorously set itself against all petitions and applications and beggings by myself or anybody else, and confine itself to doing the duty that is imputed to it by the rules, and that is to recommend the appropriation of the necessary moneys of the United States to carry on the Government as it is, and not to undertake to branch out into considering what is the best policy about public lands, what is the best policy about the Territories, what is the best policy about agriculture, what is the best policy about foreign relations, what is the best policy about the judicial establishment, and so on, and so on, and so on. That committee would have work enough to do if it would resist all our importunities in these respects and stand by what would then be a clear and definite mission that it had in hand.

So much for the general observation which I am compelled to make in view of this very thing. Now, we have the District appropriation bill and we have a Committee on the District of Columbia, one of whose missions it is, clearly and undoubtedly, to deal with the administration and behavior of these railways, and it is the mission of no other committee. All that the Committee on Appropriations has to do is to provide what money it thinks is necessary to carry out the District establishment as it is. If it is necessary to have another street railway, it is not the mission of the Committee on Appropriations to determine whether that is wise or not wise. If the Senate determine it to be wise, it is the committee's mission to report the proper appropriation to carry it on, if any appropriation is necessary. It is the mission of the Committee on the District, and so on round and round.

But the Senate, I say—it is not the fault of the committee—has put into this bill a piece of pure and simple legislation, and the conferees on the part of the Senate taking that as the instruction of the Senate have undertaken to put it into a shape that on the whole they thought would be wise. Whether it is wise or not is open to great doubt. The Senator from Ohio [Mr. SHERMAN] has shown, if his figures are correct, that the effect of it as to the Washington and Georgetown Railroad Company is that dividends must stop and the payment of interest or the payment of their bonds must stop unless they can get a much larger patronage on this reduced rate of 3 cents and a little over during the next year.

Well, nobody wants to do that, I take it, as arbitrary and obnoxious as that railway company has been and all its compeers almost, and perhaps all, paying no attention to the law which, for instance, requires them to have the pavements between their tracks at all crossings of streets and on the outside conform to the street pavements, so as to give the people who go in carriages—and by carriages I include the poorest horse cart of the country market-woman as well as the landau of the President of the United States—perhaps it is safer to say, so as to give all vehicles a safe passage. There is not a railway in the whole city that cares anything more about that positive requirement of Congress than I do about what the new moon will be next year; and in only one or two instances when the commissioners of the District, whose business it is to enforce these laws, have had their special attention called to some of these crossings that had become absolute nuisances, that they have in some way or other persuaded one or two of these companies to fix one particular place of crossing according to law, and all the others are entirely outside of the law.

I had one experience myself, which I believe I have mentioned once before, and it is worth mentioning again. I applied to the District commissioners in respect of one crossing that interested me personally no more than a dozen other persons who passed it every day, and I was coolly told by the commissioners that they would look after the matter and see what could be done. Months and months went by and nothing was done, and then I humbly appealed to the railway corporation itself, and immediately, I suppose out of grace and favor and not out of any obligation of law, that particular nuisance was corrected.

So, as I say, I have no special sympathy with these corporations, who seem to be masters of the commissioners and masters of the District in respect of what they wish to do or do not wish to do, as the case may be, and who pay no attention to the requirements of law about paying their assessments in regard to public improvements along their lines where they are required to pay them. But when, as my friend from Ohio says, by the conference report we come to deal with one particular corporation—no matter how bad it has been heretofore—it ought to be in this particular instance treated with justice; and if we are going to say on a conference report and in an appropriation bill that this corporation shall carry passengers at a rate that will not pay, we ought to consider it twice.

That is all I have to say.

Mr. PLUMB. Mr. President, I am glad to have the opportunity to state just how this whole matter came, and I am very glad before I come to make that statement that the Senator from Vermont [Mr. EDMUNDS] has made his remarks. As the bill was about passing the Senate the Senator from Ohio [Mr. SHERMAN] came to me and handed me the amendment, as he himself has stated, as it appears in the bill at page 9, in these words:

SEC. 4. That any street-railroad company in the District of Columbia now authorized to run cars drawn by horses, which shall change its motive power on any of its lines to cable or electricity, in accordance with the provisions of law, shall have the right to issue stock for an amount equal to the cost of making said change, said amount to be approved by the Commissioners of the District of Columbia.

I objected first to offering the amendment, saying that it was legislation, that it had not the sanction of the Appropriations Committee, and I thought, while it seemed proper enough, it was not proper to put it upon an appropriation bill. I finally submitted the matter to all the members of the District Committee who were present in the Chamber, and to several members of the Appropriations Committee, all of whom gave their assent, some of them saying about it that it was a very excellent thing and ought to be done. It was then moved by me and adopted.

The Senator from Ohio, in responding to my objection to putting it into the bill, said—and that had great force with me—that the appropriation bill already carried a specific provision requiring the railroad companies to do certain things which required the outlay of money, and that this was the best way of providing the money. We thought so too, and that therefore it was in the line of what already had been done by the sanction of both Houses upon appropriation bills.

While I am on that point and looking right to my friend from Vermont, I will call his attention to the fact that he himself had as much to do as any other member of the Senate in fashioning the amendment

which was adopted on the appropriation law of 1889 whereby these railroad companies were required to substitute grooved rails for the present rails and given the opportunity to substitute electric or other power for horse power. The Senator from Vermont shakes his head, but I will convict him out of the RECORD if he needs conviction.

Mr. EDMUNDS. You will have to convict me by the RECORD.

Mr. PLUMB. I will do so. My recollection is very distinct because it was against my protest all the way through. The Senator from Missouri [Mr. VEST] moved the amendment, and it finally was substantially agreed to by consent in the Senate that the Senator from Missouri [Mr. VEST] and the Senator from Vermont [Mr. EDMUNDS] should put that into shape to be adopted, and it was debated here for hours in the Senate, the Senator from Vermont participating in the debate, the whole thing being subject to objection, and no objection by him or anybody else being interposed; otherwise it could not possibly have gone into the bill.

Mr. EDMUNDS. The Senator is immensely mistaken.

Mr. PLUMB. Not a bit of it. I will convict the Senator out of the RECORD and will establish the truth of every word I have said about it.

The Senator from Ohio, if my recollection serves me, offered a part of the amendment giving authority to these companies to change their motive power; but the legislation in which the Senator from Vermont was interested, and which he did his best to have adopted, and it was adopted, and he did not object, but advocated it, was an amendment putting burdens upon these companies in the way of requiring them to change their rails and to accommodate themselves to the conditions imposed in the bill; and, if I am not mistaken, he made the statement he made to-day about the difficulty he had in having them comply with the law, and how finally, as a matter of grace to himself, they did certain things that he thought they ought to do.

That measure of legislation was the subject of great consideration in the conference which ensued between the two Houses. I remember very well going to the Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations, with whom I felt privileged to advise, and saying that I thought we ought to give it all up because of the apparently irreconcilable differences between the Senate and the House conferees as to the terms, and it appeared almost impossible to get an agreement. But he said to me in view of the unanimous action of the Senate and the apparent determination to do something, and this being within reach, it seemed as though we ought to make an extra effort to get it in, if possible, and that effort resulted in the adoption of the law to be found on page 797 of the Statutes of 1889.

I will ask that the provision be inserted in my remarks at this point, as it is too long to read.

The PRESIDENT *pro tempore*. The provision of the statutes referred to by the Senator from Kansas will be inserted, if there be no objection. The Chair hears none.

The provision is as follows:

That any company authorized by law to run cars propelled by horses within the District of Columbia is hereby authorized to substitute for horses electric power by storage or independent electrical batteries or underground wire, or underground cables moved by steam power on the whole or any portion of its roadway, with authority to purchase and use any terminal grounds and facilities necessary for the purpose; and any such street railway company electing to substitute such power on any part of its tracks or road-beds on the streets of the District of Columbia shall, before doing so, cause such part of its road-beds to be laid with a flat grooved rail and made level with the surface of the streets upon each side of said tracks or road-beds, so that no obstruction shall be presented to vehicles passing over said tracks: *Provided*, That, in the event said companies, or either of them, shall fail for the period of two years from the passage of this act to exercise the powers and privileges hereinbefore given, such companies are hereby required to cause said rails and road-beds to be relaid with the flat grooved rail hereinbefore mentioned, so as to be level with the streets upon each side of said tracks or road-beds, and the cost of making the changes hereinbefore required shall be paid by the corporations or persons owning or operating said street railroads, and if, after being notified by the commissioners of the District of Columbia, in writing, to comply with the terms of this act, the said corporations, or either of them, shall not within ninety days thereafter begin the work required and complete the same within a reasonable time, not more than twelve months from the expiration of said period of ninety days, it shall be the duty of the commissioners to cause the necessary changes in said rails and road-beds to be made as soon as practicable; and shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of 10 per cent. per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company; and if the said certificates are not paid within one year the said commissioners of the District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be sold at public auction to the highest bidder: *Provided further*, That after the passage of this act no other rail than that herein mentioned shall be laid by any street-railway company in the streets of Washington and Georgetown, and all companies granted franchises or extensions by the Fiftieth Congress shall have extension of one year's time within which to lay their tracks. So much of the charters of the street-railway companies of the District of Columbia as is inconsistent with this section is hereby repealed: *Provided further*, That the foregoing requirements as to motive power, rails, and road-bed shall not apply to street railroads outside the city of Georgetown and the boundary limits of the city of Washington: *And provided*, That the authority hereinbefore granted in each and every particular shall be exercised only with the approval of the commissioners of the District of Columbia, expressed by resolution of said board.

Mr. PLUMB. The amendment under consideration presented by the Senator from Ohio had this merit, that it was germane to that which the Senate had done in the first instance led by the Senator from Vermont, and that, the two Houses having concurred in it, it had met with apparently universal favor, and it was being operated under by the railroads themselves, and it seemed as though, while acceding a privilege to them apparently, at the same time it provided a better method of raising the money necessary to carry out the law of 1889 than would be the case if they were to issue bonds; and so the amendment was offered and adopted and went into conference.

Mr. President, when we came to get into conference on that amendment some changes were suggested, as was natural. But there came to the knowledge of the conferees this state of facts: That one of the railroad companies of this city, for the purpose of providing itself with funds to make the change required by the law of 1889, had issued what they called convertible bonds, bonds drawing 5 or 6 per cent. interest, I do not know exactly, but not a very high rate of interest.

Mr. GORMAN. It was 5 per cent.

Mr. PLUMB. It is stated to be 5 per cent. by the Senator from Maryland and others near me. This was coupled with the agreement, as I understand, having more or less formality about it, but at all events something which conveyed the belief that these bonds were to be exchangeable for stock before their maturity and within some brief period of time; and the rather remarkable spectacle was exhibited of bonds drawing 5 per cent. going up in the market of the city of Washington to 280, nearly multiplying in value within a few months' time more than threefold; and of course it did not take long to put two and two together to the extent of seeing that this was because they were exchangeable under some peculiar circumstances yet to arise for stock which was worth three for one in the market, and thereby somebody was to make an enormous profit. I think the profit on the construction of the Seventh-street line alone, for which these bonds were issued, would have been not less than a million and a half of dollars, and that profit was to be made by simply the turn of the hand, with no more risk than any Senator would have in exchanging one gold dollar for another.

Mr. President, I do not begrudge these railroad companies the fair profits which they may make in compliance with law and in the service mutually of themselves and the public, but it did not seem fair—and I think I can safely appeal to the Senate on that point—that the law of Congress should be made a shelter of a speculation of that kind, whereby, without any risk whatever, within the brief period of two months, a handful of favored individuals should multiply their investment three or four fold, and, as the Senator from Massachusetts [Mr. DAWES] suggests, of course take it from the people of the District of Columbia or the people of the United States who travel over their railroad in the end.

That did not seem fair. It did seem perfectly fair, and does yet, that these companies, being under the command of the law to make certain large investments for the purpose of changing their plan and of putting down new rails and substituting new motive power for that now in use, in order that the public might be better accommodated, etc., and that it might be done under the command to do it within a brief period of time, should have authority to issue something upon which the money could be raised. They might not be able, some of them would certainly not be able, to pay for it out of their current revenues. It was the character of the improvement, which would be well described as permanent; and in all similar enterprises when anything of that kind is done it is done by the issue of bonds or stock or something else, in order that these investments may be made and the improvements made within a reasonable time, of course the future earnings of the road being applied to their payment.

But in this case the future earnings of the road are not pledged for the payment of the interest on the investment. But those who had managed this matter and who had got these bonds into their hands were to have paid back to them three dollars for one, and anything that after this was to be expended was to be done in that line hereafter, which would have resulted as to all the roads in this District of Columbia in making a profit of ten to fifteen million dollars. Rather a wholesome speculation that was!

Of course it has another phase. As the Senator from Ohio says, it was the money of the stockholders themselves and it was their own road. They own the road anyway, and whether they swapped stock worth $3 for a bond worth $1 is perhaps no concern of the public; and yet the public does guard with more or less of jealousy the issue of new stock and new bonds, because it is well known that they always make this an excuse for the maintenance of their road and also to give currency to operations whereby the investing public are often defrauded by buying stock that has a less value than it seems to have.

The conference committee came to the consideration of this bill with this knowledge—not at first, for it did not understand the matter in the beginning—but we finally agreed upon the substitute as section 4 which is contained in the report of the committee and which we thought was entirely fair to the public and fair to the railroads. And this is the way the conference arranged it:

SEC. 3. That any street-railroad company in the District of Columbia authorized to run cars drawn by horses, which has changed or may change its motive power on any of its lines now constructed—

The Senate will observe that we did not extend this privilege to railroads that might hereafter be created or to lines hereafter to be con-

structed, leaving all that question open and endeavoring to have this as far as possible relate to the lines which were under the command embodied in the law of 1889—

to cable or electricity, or change its rails in accordance with the provisions of law, shall have the right to issue and sell, at the market price thereof, stock of said company to an amount necessary to cover the cost of making said changes, the cost of said changes and the amount of said stock sold, together with the price per share, to be fully set forth, under the oath of the president of said company, and filed with the Commissioners of the District.

Now, Mr. President, one result of that was just this, which I have stated as the result certain to follow the adoption of the amendment as originally proposed: Given the necessity of raising a million of dollars of money for the purpose of making these required changes, and the stock being worth $300 in the market, which I understand is about the market price of the stock of the principal railroad company here, the sale of $333,000 of the stock would raise the necessary money, and therefore there would only be $333,000 of the stock out to be a charge against the public that the public was to respond to in the shape of dividends.

But under the provision that went into the bill originally the company could issue $1,000,000 at par, which would be worth $3,000,000. That is the difference. They could issue $1,000,000 in place of $333,000, and that million dollars of stock would be worth from the moment it was issued $3,000,000, because, while it is true, as the Senator from Ohio said, if you flood the market with a large amount of stock it affects it value, at the same time the stockholders themselves would take it, and it would not necessarily go on the market, and, in addition to that, every dollar of the earning power of the railroad is to be enhanced in the end by this change of power.

Under the present operations of the law of 1889 with regard to the change of motive power, if they should remain as they are now, and the more especially if Congress should not charter competing lines of railroads, the stock of this railroad company—I use this by example, because it is spoken of, though what I have to say applies in a large measure to all of them—would be worth, in place of 3 to 1, 5 to 1. I have been told, on what I conceived to be good authority, that the Seventh-street line, which has been changed to a cable line, is earning more money than it ever earned before, and there has been a very large increase since that change, and not only an increase in the earnings, but a very considerable diminution in the expense of operation.

Mr. EDMUNDS. You mean an increase of profits?

Mr. PLUMB. Yes; that is to say, there has been an increase in the gross earnings and a diminution of the expenditures, and not only a relative diminution, but an absolute diminution.

Mr. EDMUNDS. That would not prove that there was an increase of the profits. That would depend upon the amount necessary to build this cable line compared with the former income. They might carry a thousand more passengers to-day and the daily cost might be $100 less, and yet there might be quite a loss on the capital necessary to do that thing.

Mr. PLUMB. I have it from what appeared to me to be fair authority. I may be mistaken.

Mr. EDMUNDS. I only wished to know what the Senator meant.

Mr. PLUMB. I mean the profits of operating the Seventh-street line to-day as compared with the time before the cable power was put in show an increase. When I say a profit, I mean a profit over and above the cost of the line and the cost of its operations.

Mr. EDMUNDS. Based upon what?

Mr. PLUMB. Based upon the actual capitalization. That is what I have been told and believe.

Mr. EDMUNDS. I only made the inquiry. I hope it is true.

Mr. PLUMB. Now, Mr. President, when we got that far in this conference and having before us all the time the controversy relating to the law of 1889, having before us these constant complaints which are being made and the instruction given to us last year practically to agree upon something which would do the public some good in connection with the management of these railroad lines, it was somewhat natural that we should follow it by this other provision:

And any company availing itself of the privilege herein granted shall, within eighteen months, wholly dispense with horses as motive power on all portions of its lines and substitute therefor the power provided for in the act making appropriations for the expenses of the government of the District of Columbia, approved March 2, 1889, or other modern motive power, which shall be approved by the commissioners of the District of Columbia, not involving the use of overhead wires.

Mr. FAULKNER. I should like to ask the Senator what is his construction there as to "availing itself of the privilege herein granted," as applied to the question of changing the form of rail. Suppose they only change the form of rails and do not change the motive power, does it still require them to do away with horse power if they change the rail?

Mr. PLUMB. Undoubtedly. If any railroad company, unless I wholly mistake the force of language, avails itself of the privilege of this section for the purpose of issuing any new stock, it thereby becomes bound within eighteen months to dispense entirely with the use of horses as a motive power over all portions of its lines. That is my construction of it, and I think that is the only one that is correct.

After that had been tentatively agreed upon and put into shape what occurs in section 4 was suggested.

Mr. President, I have no knowledge whatever in regard to these railroads except as I encounter them physically, or as disclosed by the statistics of the District, or as disclosed in the reports which they have made, which I have not examined with any care. There was on that committee a member who represents a district which adjoins territorially the District of Columbia, Hon. Mr. MCCOMAS, from Maryland, and the people of the city of Washington are largely his constituents. His voice in the Committee on Appropriations in regard to matters of this kind and in conference has unusual weight.

The other members of the committee have been connected with this subject-matter also fully as long as any member of the subcommittee on the part of the Senate, and they seemed to think that these companies were making money and that if any company was making so much money as is named in this section, to wit, 10 per cent. on its capital, the time had arrived when they might fairly divide with the public the profits from it, and the suggestion therefore was made by them and acceded to by us that this provision in regard to selling eight tickets for a quarter of a dollar might be incorporated.

It may possibly have been done without as much consideration of the possible effect upon the fortunes or the finances of the company as it ought to have had, but the conference was a protracted one and this item gave rise to a great deal of delay and a great deal of discussion, with the result which I have named.

It is not fair to compare the financial condition of that company at present with what it was last year as an evidence of what will result from the operation of this provision of law if it shall become a law, but it is the universal experience that where rates of fare are cut down the travel enormously increases.

The late President of the United States, Mr. Cleveland, vetoed a bill when he was governor of the State of New York which was passed by the Legislature of that State requiring the elevated railroads of the city of New York to carry passengers for 5 cents, and yet within two years from the time he vetoed that bill the companies themselves of their own motion reduced the fare to 5 cents and made money by it. Simply looking at it as a matter-of-fact man and with the desire, of course, to do no injustice to anybody, he said these companies are not earning as much as they are entitled to under the law, and I can not see that it will be fair for them now to be required to carry passengers at 5 cents; but the companies were wiser, and, being composed of men who are not in the habit of giving something when they do not get anything in return, they reduced the fares first for certain hours in the morning and certain hours of the evening, in order that the laboring men might have the advantage of it, and, following it in a year or so by a reduction from 10 to 5 cents, found their revenues increased; and, as the Senator from Maryland [Mr. GORMAN] suggests, the companies of this District have had a similar experience; that is, as they have reduced their fares they have found that their earnings have increased.

I am not going to say that I know this will come; I do not know anything about it; but I say that, unless all human experience is worth nothing in the consideration of this problem, it may fairly be expected that the revenues of these companies will be materially enhanced by reason of the increase of travel upon their lines brought about by the diminution of the fares.

Mr. EDMUNDS. If my friend from Kansas will allow me, who is not replying to what I said about the impropriety of this sort of thing on appropriation bills, he imputed to me responsibility for what occurred in 1889, I think it was. I have got the CONGRESSIONAL RECORD, and I find just what I had to do with it if he will pardon me for stating it in two minutes.

Mr. PLUMB. Certainly.

Mr. EDMUNDS. It appears, Mr. President, on the 25th of January, or probably the 24th, as the top heading is "January 25, 1889," the District appropriation bill being pending, that the Senator from Missouri [Mr. VEST] offered an amendment which provided that street railway companies should change their rails to a grooved rail—I condense it in order to save time—and that if they did not do it the commissioners should do it, and that they should be sued to recover the amount of money that it cost to do it. Then I appeared upon the scene saying this, the Senator from Massachusetts [Mr. DAWES] having asked to look at it:

While the Senator from Massachusetts is examining this amendment with a view to seeing whether an amendment he offered to it has or has not been adopted, I wish to say for my friend from Missouri [Mr. VEST], who is now absent, that he has asked me to look after this matter in his necessary absence, for him. He is of opinion, and I concur entirely, that the provision about collecting the cost of this change of rails and roadbeds had better be changed to the provisions of the act creating the present government of the District of Columbia.

Which is that they shall issue certificates of indebtedness and so on; and then I go on to say a better way still would be, if the District has to do it, Vermont fashion, to have the commissioners issue a warrant like a tax warrant and collect it out of the company in hand immediately, and afterwards only the question of how that thing should be done was what I had to do with at all, and not as undertaking to put anything on the appropriation bill, but if it were to go on it would be better to have the District tax-payers saved from going into a lawsuit, as we were then in already for three or four or five hundred thousand dollars for similar expenditures. Then later on, when the conference

report came on, it containing the provisions of 1889 which finally passed as quoted by my friend, I referred to the fact that the committee of conference had probably put it in as good condition as it could be made on the appropriation bill.

Therefore my friend, I think, will do me the justice, in view of that record, to say that I had no lot or part in trying to pass legislation of this kind on that appropriation bill, but it being proposed I did my humble part in putting it into such a shape for my friend from Missouri, who was not present, as appeared to be wise.

Mr. PLUMB. I was not specially desirous of fixing any responsibility upon the Senator from Vermont in a matter of this kind, but when a matter of this sort which is of great importance is brought to the attention of the Senate in such a way that the responsibility must be apportioned, I do not mean that on so weak a back as mine shall rest any portion of the responsibility which belongs to another.

Mr. EDMUNDS. That is right.

Mr. PLUMB. And what I said is absolutely and unqualifiedly established by the RECORD which the Senator has read. It is true that even that which he has said now was said as the proxy of the Senator from Missouri, and I suppose for the time being it absolved him from his obligation as the Senator from Vermont, and he was *pro tempore* the Senator from Missouri——

Mr. EDMUNDS. Put it that way if you like.

Mr. PLUMB. Mr. President, if the Senator can escape responsibility while he sits in the Senate and sees the rules of the Senate violated, which he could stop by a single objection, and if he gives the currency of even an objection to it which does not go to the merits or to the parliamentary law involved, he knows how potent that is in the Senate and how persuasive it is upon all of us who are in the habit of following him, and when we find that he can sit here and see a thing of that kind go on without making any protest, the rest of us are only too glad to follow in his wake.

So, Mr. President, it appears that while the Senator from Missouri proposed the amendment the Senator from Vermont helped to lick it into shape, stood by while it was done, making no objection, although an objection from him, though parliamentarily worth no more than an objection from anybody else, would have persuaded everybody in the Senate that it ought never to have been proposed on an appropriation bill or elsewhere.

Mr. FAULKNER. I ask the Senator from Kansas whether he does not remember that the amendment I offered was indorsed as the right thing to be done by the Senator from Vermont, as shown by the RECORD.

Mr. PLUMB. I think it was.

Mr. EDMUNDS. Certainly it was. The Senate was engaged in considering that proposition, and, the Senator from West Virginia having proposed a better way of stating it, I certainly said, as I always do when I think so—and I generally do when he proposes anything—that his statement was much better.

I am not willing to escape any part of my share of responsibility of this vicious sort of performance because I was present and I did not object, but I shall not do so any more [laughter]; and in order to save myself hereafter I now make the point of order that this second section of this conference report is entirely outside of the jurisdiction of the conference.

Mr. PLUMB. Well, Mr. President, as good people as the Senator from Vermont, according to the belief which we all of us have, have been saved by a death-bed repentance.

Mr. EDMUNDS. I hope you are not going to die just now. [Laughter.]

Mr. PLUMB. The Senator from Vermont is saving himself now by repenting. I find, Mr. President, going over this, that the Senator from Vermont made some remarks occupying about a column of the RECORD on that occasion, having special reference to the amendment of the Senator from West Virginia, and that Mr. EDMUNDS, the Senator from Vermont, after I had got through making a few remarks of about half a column in length——

Mr. EDMUNDS. On what page is that?

Mr. PLUMB. Page 1172.

The Senator from Vermont then engaged in a colloquy with whoever wanted to talk about the matter, extending over about a page and a half more of the RECORD on these same subjects.

My recollection was not so good when I first brought this up, because I did not remember half of what took place or half of what the Senator from Vermont had done after offering the amendment, but I was perfectly sure that the Senator consented to putting it in, notwithstanding the fact that one objection would have kept it out.

Mr. BLAIR. Would it be in order to suggest that this matter be postponed until the Day of Judgment? It will all come up there. It can not do any good here. [Laughter.]

Mr. PLUMB. I hope the Senator will not do that, because the Senator from Vermont has got his conscience quiet now by repenting. I want time to repent myself. [Laughter.]

Mr. EDMUNDS. We may not be in the same place.

Mr. BLAIR. I must acquiesce, of course.

Mr. PLUMB. I find that the Senator from Vermont not only took considerable part in this debate, as much as anybody else, but rather more, and his name appears oftener, and of course what he said is twice as good as what anybody else said; and when I asked him some question about what he said in this debate it covers every single phase of this amendment. He knew all about it as to terms, etc., and he certainly will not say he did not know it was an appropriation bill he was putting the amendment upon; and if I were on trial for my life on a matter of this kind I should plead that he misled me into the position I assume upon this proposition, for the fact is I was not in favor of it at any stage, although consenting to it.

I go as far as the Senator from Vermont, with a qualification which I will state in a moment, in regard to this practice of legislation upon appropriation bills.

There are some things, however, that it is practically impossible to provide for otherwise. They are trifling in importance, but they are in the nature of helps to administration. The Committee on Appropriations has had the benefit of the counsel of the Senator from Vermont in a number of things of a legislative kind, and I notice in this same bill of 1889 a provision on page 807 which he very kindly suggested to me and which was put on in conference, to this effect:

> All sums of money heretofore appropriated by Congress or which may hereafter be appropriated and expended in aid of the purchase of real estate shall (subject to any trust deed, mortgage, or other security or incumbrance existing on such property at the time of its purchase, or created at the time of its purchase) be a lien upon such property, and in case of the dissolution of any such corporation as in the preceding paragraph is mentioned, owning such property, or in case of the disposal of such property by such corporation, entitle the United States to reimbursement in proportion to any other contributions or funds used in the purchase of such property.

A plain, unequivocal legislative provision which ought to have come from the District Committee and which ought to have been the subject of a separate statute, and it was the most natural thing in the world to put that provision in the bill in connection with these charities, for which we were being importuned, and where we naturally had some doubt as to the propriety of the appropriations which we were called upon to make for them.

Mr. EDMUNDS. If the Senator will pardon me I will, without repentance, take the responsibility of that clause. I have claimed—and I believe the Senator is right in my having suggested it to him, as he and I converse very freely about appropriations, as he knows—that it would be a wise and proper limitation upon the appropriations made by Congress that the money which Congress pays for real estate for charitable institutions should be a lien upon them, so that the property could not be sold and divided up among the incorporators, if such a base thing could be possible, and I thought and I think still that is a proper thing in an appropriation bill, for that is a limitation upon the expenditure of the money.

Mr. PLUMB. I think so too, but it is legislation all the same, and it only illustrates what I said a moment ago, that there are features of legislation which do not properly bear the characterization which the Senator from Vermont a moment ago gave to all of them alike. There are things which arise in administering these funds, which the Appropriations Committee must necessarily consider, which suggest from time to time such propositions as this; and I say with a great deal of pleasure—which I need not say, because everybody admits that any suggestion the Senator from Vermont makes has the greatest possible merit and is received with the greatest possible consideration by the committee—they are in the right line, and whether on appropriation bills or otherwise they are useful.

But the practice has become altogether too broad. I tried when the subject was before the Senate some years ago to have a limitation put upon the rule which was practical, and which would not be a constant invitation to the Appropriations Committee nor to the Senate to get into the broad legislative field, which we do occasionally enter upon in the consideration of what are practically supply bills.

If there could be some arrangement by which that which was purely incidental to appropriations or something which was even more formal could be brought to the attention of the Senate and only adopted by a yea-and-nay vote in such a way that no one should ever have the right to say that under an appropriation bill he had been misled or that under an appropriation bill nothing of that kind which was legislative had been surreptitiously introduced, great good might grow out of it.

But as it is we maintain the rule of absolute exclusion with exceptions which are bigger than the rule itself, almost, and that, I agree, ought to be stopped. I wished many a time, when a similar question was in conference in former sessions, that we had not taken up this railroad question at all, and I was so disgusted with the whole thing that, as I said before, I was at one time on the point of giving it up, but I consulted with the Senator from Iowa and other Senators who took an interest in the matter, and they thought as we went so far we ought to go further, and we did. That having been done, however, the original error having been committed, what followed was to some extent inevitable. At all events it happened, and happened just as I have stated.

As to the point of order which the Senator from Vermont has made, I can only say that so far as I am concerned I have never known anything about the rules of this body except that whatever the majority wanted was pretty certain to be done. I have never known any prop-

osition which a majority of the Senate desired to have adopted, seriously and earnestly, but they would find some way of doing it, whether it was on an appropriation bill or by a separate provision or what not; and the Presiding Officer of this body, somewhat different, I may say, in that respect from the presiding officer of some other legislative bodies, is not the legislative body itself, but merely the organ; and when he is the organ of it, he is, according to common construction, the organ of the majority, and the office which he performs, therefore, is not vital in any sense to the legislative functions which are exercised by the Senate.

Mr. President, I do not myself believe that the result which the Senator from Ohio has spoken of will be injurious to the railroad companies, certainly not as injurious as has been stated. I believe that there is room for a very material reduction of the price of fare upon the street railroads of this city. Whether this is a wise thing to do or whether this goes too far I will not now undertake to say, although, according to my belief, the provision is all right.

But I want to say in regard to that matter, calling attention to what the Senator from Ohio said in his very frank statement in regard to it, that the first provision, which is merely an enlargement of the provision originally adopted in the Senate, is, in my judgment, now in a shape that will protect the public, while giving to the railroad companies the authority and the means necessary to carry out the provisions of the law of 1889, which are mandatory upon them and which, if they do not carry them out, are to be carried out by the commissioners of the District and charged upon them in the shape of a lien.

Mr. PLATT. Does the Senator think that this arbitary reduction by law of fares in case the railroad companies shall make these improvements which we want them to make will operate to prevent the improvements, so that we shall not get them?

Mr. PLUMB. Upon that I have no information at all.

Mr. EDMUNDS. I insist on my point of order, Mr. President.

The PRESIDENT *pro tempore*. The Chair is of opinion that the point of order can not be raised upon the propriety of the matter inserted by a committee of conference. The Chair does not conceive that there is any question for the Presiding Officer to pass upon, whether the committee have or have not transcended their powers. It is a question for the Senate to determine, upon the report being presented, whether it shall be agreed to or whether it shall be rejected.

Mr. SHERMAN. Mr. President, my own impression is that the better way is that the Senate should enter a formal disagreement and refer the matter to the conference with the request that the fourth section be omitted. As far as I know, while the third section is very severe upon the companies, I have no desire to raise any question about that, but we can instruct our conferees to disagree to the fourth section, I believe it is.

Mr. PLUMB. As the Senate is not very full now and I understand some other Senators desire to say something upon this question, I will move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Chair would state that a conference report must be agreed to or disagreed to as a whole.

Mr. PLUMB. But it can be accompanied with a request or with instructions to the conferees.

The PRESIDENT *pro tempore*. After the action of the Senate. The question is on the motion of the Senator from Kansas [Mr. PLUMB] that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 1, 1890, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 30, 1890.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

AMENDMENTS TO ELECTION LAW.

Mr. SPRINGER. Mr. Speaker, I rise to a question of parliamentary inquiry. Under the resolution by which House bill 11045 is being considered it is provided that duriug the last two days amendments may be offered to any part of the bill in the House with debate under the five-minute rule. I desire to know when that time will begin, as the Chair understands the order.

The SPEAKER. The Chair thinks with the understanding by the House that it will begin at 3 o'clock to-day.

Mr. SPRINGER. I only wanted to have the matter determined in an authoritative way.

SWEARING IN OF A MEMBER.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I rise to a question of privilege. I send to the Clerk's desk the credentials of Hon. W. W. Dickerson, of Kentucky, elected to succeed Mr. CARLISLE from the Sixth district of that State, and ask that he be now sworn in.

The credentials were read at length.

Mr. Dickerson then appeared before the bar of the House and was duly qualified, taking the oath of office prescribed by law.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 833) providing for the erection of a public building at Paris, Tex.;

A bill (H. R. 3940) to amend an act entitled "An act to extend the fees of certain officers over the Territories of New Mexico and Arizona;"

A bill (H. R. 4635) granting certain privileges to the Union Railway Company of Chattanooga, Tenn.;

A bill (H. R. 6946) providing for the sale of navy-yard and United States naval hospital lands in the city of Brooklyn, N. Y.;

A bill (H. R. 8342) for the removal of the United States court-house building at Baltimore, Md.;

A bill (H. R. 9289) to provide for a term of court at Danville, Ill.;

A bill (H. R. 8909) making appropriation for the naval service for the fiscal year ending June 30, 1891, and for other purposes;

A bill (H. R. 9856) making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1891; and

Joint resolution (H. Res. 166) authorizing J. B. Bernadou, United States Navy, to accept two vases presented to him by the Government of Japan.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. OWEN, of Indiana, for three days, on account of important business.

To Mr. SENEY, indefinitely.

To Mr. COGSWELL, for ten days on and after to-day, on account of important business.

FEDERAL ELECTION LAW.

Mr. HANSBROUGH. Mr. Speaker, if in order, I would like to ask unanimous consent for the consideration of a bill.

Mr. MCMILLIN. I demand the regular order. We have but a brief time.

The SPEAKER. The Chair is very glad to have the regular order demanded, but no gentleman seemed to exhibit any desire to speak, and the Chair recognized the gentleman from North Dakota.

Mr. MCMILLIN. I think the desire to be heard on this bill will crop out as we proceed.

The SPEAKER. The regular order is the further consideration of the special order.

Mr. HEMPHILL. I would like to say in advance that the minority of the committee have agreed that it will be impossible to extend the time of any gentleman who is going to address the House to-day, in consequence of the limited time at their disposal, and I hope, therefore, that no gentleman will take offense because objection may be made to an extension of time.

Mr. HERBERT. Mr. Speaker, there is one chapter in our political history so full of bitter memories that every American would gladly forget it forever if he could, the era of reconstruction.

But it must be opened now for the lessons it teaches. The passions of the war were then still burning and the people of the North were driven to approve of reconstruction by just such fierce declamation as the advocates of this bill indulge in. Under the reconstruction laws the negroes and their allies got possession of every one of the reconstructed States except Virginia and West Virginia. Let me give you some of the results.

In Alabama during six years the debt of the State was increased $17,148,000. During the same time millions were added to the debts of counties, cities, and towns.

In North Carolina, during three years, the State debt, including railroad indorsements, was increased by $23,800,000, the assessed valuation of taxable properties being only $120,000,000. Bonds to the extent of $14,000,000 were issued for railroads, not one mile of which was built.

Of the South Carolina debt I find myself unable to give the exact figures. But the debt soon got so large that it could not be managed and the carpet-baggers themselves repudiated it in part. Then they proposed to take a fresh start. But while there was "still left five years of good stealing in the State" they were turned out of power. And then they left the debt at over $6,000,000. Bonds to the amount of $6,000,000 were issued to two railroads, both of which roads passed into the hands of the carpet-baggers. The printing expenses of the State in one year, 1872, amounted to $450,000, which was $171,000 more than the State had paid for the same work in twenty-five years of the past. Fraud, force, corruption, and bribery prevailed to such an extent that the Republican governor, Chamberlain, found himself unable to leave even to attend a dinner of the New England Society, and said, in his letter declining the invitation, "The civilization of the Puritan and the Cavalier, the Roundhead and the Huguenot is in peril."

Georgia had only one Republican governor, Bullock. During his two years' administration the State debt was increased by $6,623,000, and bonds were indorsed amounting to $5,733,000.

In the little State of Florida $4,000,000 of bonds were issued that were subsequently declared unconstitutional; and in addition the increase of the State debt was nearly $1,000,000; and here, as everywhere else, taxation was oppressive, and every resulting dollar was spent or stolen.

In Tennessee the annual expenses of the State government were more than doubled and a bonded debt created of $16,565,546.60.

In Arkansas, during the six years from 1868 to 1874, the average annual expenses of the State government, exclusive of schools and public buildings, were $1,242,000. During the six years from 1880 to 1886, under Democratic rule, the same expenses of the State government averaged annually $278,000. Carpet-bag government cost more than four times as much as Democratic administration, and $5,350,000 of bonds were issued by the Republican State government to railroads. More than three times as many bonds were issued to each road as were allowed by the terms of the law. County debts were piled up in the same manner.

In Mississippi in six years the State debt ran up from practically nothing to several millions of dollars, and enormous sums, raised by State taxation, were all expended. In 1871 the tax rate was four times as much as under Democratic administration; in 1873, eight and a half times as much; in 1874, fourteen times as much. Sixty-four million acres of lands were forfeited for taxes—one-fifth of the lands of the State.

In Texas during four years of Republican rule the rate of taxation was three and a half times greater than it had been under Democratic administration. All the proceeds of this taxation were expended; the State that owed practically nothing at the beginning of this period was left with a debt of $4,414,095.45.

In Louisiana the State tax was found at three and one-quarter mills on the dollar. It was raised successively in 1869, 1870, 1871, and 1872, until it reached 21½ mills, where it remained for years.

Governor Warmoth found the State debt $8,700,000. January 1, 1872, it had risen to $48,029,349.95. Adding parish and municipal obligations, the debt of Louisiana in 1872 was $76,095,056.78.*

The cost of public printing for the State during the first two and one-half years of Warmoth's administration was $1,140,881.70. In previous years the cost of the same printing was, for the same length of time, $92,500. The increase was over eleven-fold.

The assessed value of property in the city of New Orleans when Warmoth was inaugurated was $146,718,790. When Kellogg went out, eight years after Warmoth went in, the assessed value of the same property was $88,613,930. Real estate in the country parishes had shrunk in value from $99,266,839.85 to $47,141,696. City property had depreciated 40 per cent.; country property, 50 per cent.

The question is often asked why the Southern people, knowing the negro well and having so long exercised power over him when he was a slave, did not take control of the colored vote and use it for the purposes of good government. If Mr. Lincoln's plan had been carried out and suffrage had been left under the control of the States this would have been possible. Suffrage under Mr. Lincoln's plan would in time have come to the colored man from the States gradually and as he was fitted to exercise it. Then he would have been the friend of the white men who conferred upon him the right to vote. Then there would have been no race troubles, no color line in politics. The trouble comes from outside interference. The color line was a necessary result of the reconstruction laws and the manner of their enforcement.

As soon as these laws were passed Messrs. Wilson of the Senate and Kelley of the House went down to the State of Alabama to tell the negroes there that the Republican party had freed them, that the Republican party had given them the ballot, and that to the Republican party they all owed their allegiance. These and other eminent statesmen went to other States carrying the same message. And everywhere throughout the Southern States was the Freedmen's Bureau agent, looking forward to office for himself, poisoning the mind of the negro against the Southern white man, swearing him into the Union League, and teaching him there that he could only preserve the liberties the Republican party had given him by voting the Republican ticket. There was no chance then for the Southern man to divide the negro vote and there was no chance to lead it, for the negro trusted only the man that wore the blue.

Under these circumstances what was left for the white man to do but to unite. He was forced to forget the prejudices of the past and assert his natural superiority. In no other manner could he restore good government. He did so, and now the Republican party, on the claim that in certain small sections of the South there is a fraudulent counting of votes, proposes to seize for itself the power to do all the counting. That claim proceeds upon the idea that the Republican party alone can be trusted.

Sir, I challenge a comparison between Republican and Democratic election methods and results everywhere, and especially in the South.

The Republican governments in the South were not only born of the bayonet, but were, most of them, baptized in fraud; and they subsequently sustained themselves by the most flagitious election methods ever known in the history of republican government.

All the elections that inaugurated these governments were held under Republican auspices.

Alabama led off. The election for the ratification of her new constitution was in February, 1868. It continued for five days. Under the law of March 23, 1867, this constitution could only be ratified on two conditions: First, that a majority of all the registered vote should be cast; secondly, that a majority of this majority vote so cast should be for the constitution. At the same election officers were to be voted for to carry on the new government. The Republicans had put out a full ticket. The opposition offered no candidates. They thought to defeat the new constitution by registering and not voting, as they might do according to the law as it was written; and they did defeat it. General Meade, who held the election, reported that the constitution was beaten by 8,114 votes. This, of course, defeated all the Republican candidates; but Congress overrode the general in command, overrode its own law, and legislated into office, by one act, all the defeated candidates. Practically every office in the State, legislative, executive, and judicial, was thus stolen by a single act of Congress, passed by this party which is now so anxious for the purity of elections.

I venture to say that no gentleman on this floor not familiar with the facts can guess the ground the House committee here took in its report upon this Alabama election case. It is in print and speaks for itself. The Congress, after the Alabama election was over, had amended the law under which the election was held, and the House Committee on Reconstruction said that, though the amending law had not passed the Senate before the election, yet, as it had passed the House before that time, "your committee can see no reason why it," the new law, "should not govern in this case." And this was the ground that Congress took. In the preamble to the act admitting Alabama under this constitution and installing these defeated officials it was recited that the act of admission passed because the constitution had received a "majority of the votes cast." Congress did not dare to take issue with General Meade or to assume that the Alabama constitution had received "a majority of the votes of the registered voters," as was required by the law passed by that identical Congress at its first session.

Mr. Speaker, have we any reliable evidence that the Republican party in control of this Congress is any less anxious to control the country than were the Republicans of the Fortieth Congress? Is there anything in this treatment of the people of Alabama that should induce the people of the country at large to give this party full control over the count of votes in every district in the United States, with the Army to back up that count, and then to let them select every juryman that is to try persons charged with election crimes? Is this Alabama case enough to satisfy us that we may safely entrust the power to count themselves into office to the Republican party?

Now let me give you some specimens of the election laws enacted by the States themselves that Congress had set up in the South.

In Alabama there was a heavy penalty imposed upon any one who challenged a vote, and an elector could vote anywhere in the county.

In South Carolina the law left it to commissioners of election to fix the places of election, and they could fix them at any time, even on the day of the election. These commissioners, by law, might keep the box ten days before declaring the result.

In Georgia no registration was required, and there was the fullest opportunity to repeat in a three-day election, no challenges being allowed. The governor appointed a majority of the managers at every box in the State, and often they were all of his party.

In Arkansas the governor appointed the board of registrars; this board appointed all clerks and judges of election, and the courts were forbidden by law to interfere.

In Louisiana the governor appointed the board of registration; this board appointed the supervisors, and the supervisors were not required to live in the parish where they served. Many of them went from New Orleans to serve as judges of election in parishes where they had never set foot before, and sometimes they returned themselves elected to office. The supervisors were liberally paid to make it an inducement for them to carry out the will of their master, and to further insure their conduct Governor Warmoth habitually required them, when appointed, to file with him their resignations, with blanks for dates. When a registrar failed to please him he could fill in the date and accept the resignation.

These laws and all these practices were all right then, for they were in the interest of the Republican party. There was no movement then for a national election law, and there would not have been till this day if these methods had continued to be successful. The Republican party was profiting then by these fraudulent laws and fraudulent methods.

The tax-payers of the South were humiliated and degraded; legislative bodies in the South, a majority of whose members were not taxpayers and many of whom could not read and write, were robbing States of their credit abroad while they plundered the citizen at home. In South Carolina alone there were two hundred trial justices who could not write; in other States there were justices and constables and even judges of commissioners' courts, courts that had full control of county finances, that could not write their names. But the net results were in

favor of the Republican party. These were that in the Forty-first Congress, from March 5, 1871, to March 5, 1873, when the twelve Southern States, including West Virginia, had all been gathered in, these States were represented by twenty-two Republican and two Democratic Senators and by forty-eight Republican and thirteen Democratic Representatives.

You were satisfied, gentlemen, with this monstrous misrepresentation. Nearly all the property, intelligence, and capacity for self-government were on the side of the Democrats; and, divided by the color line, which you forced, we find that the combined majorities of the white population in these States in 1870 were 2,829,262. Now that these majorities have asserted their natural superiority by restoring honest governments to all these States and reversing the representation here, you seek to reconstruct us again.

This bill is to revitalize and solidify again the negro majorities that once dominated and plundered the Southern people; it is to put these colored people into line again under Republican officials and march them again to the polls with the Army behind them. But before I come to discuss the provisions of the bill, let me speak of what Democratic governments have accomplished in the South since the negro went out of power.

Under Republican rule in these States taxable values had everywhere gone down, while taxes and debts went up. Except into Texas, where an immense white majority insured good government, immigration had ceased, public credit was destroyed, and civilization itself was in peril. Under Democratic rule public credit has been everywhere restored. Peace reigns supreme where everything was turmoil and violence. Taxable values in the twelve reconstructed States, including West Virginia, increased from 1880 to 1889 by the sum of $1,112,315,000; and these twelve States, in agriculture, in mining, in manufactures, in railroad mileage, in railroad tonnage, in banking capital, and bank deposits, have increased by a percentage far greater than the other States of the Union combined. Figures already at hand show this, and the census now being taken will demonstrate it.

Northern and Western capital, that for a time was timid and held back, is pouring into every Southern State. From one to two hundred millions of dollars have already gone there for investment, and still it goes. There it finds natural resources unequaled elsewhere, and there it finds honest and stable governments. The lives, liberty, and property of all, white and black, are protected alike, and taxes are low. In the building of towns and cities the South is eclipsing the West. Public-school systems are everywhere improving. The money to support these schools comes mostly from the whites, who own most of the property, but it is expended for the education of whites and blacks alike. The negroes are enjoying more school facilities and accumulating more property than they ever did under the Republican governments they controlled. There is no large body of negroes anywhere in the world making such progress as the colored people now are in the South. And the governing classes are everywhere demanding, as the recent Democratic convention did in Alabama, greater appropriations for the public schools. The negro will soon be in condition, if these States are let alone, to take care of himself, as he ought to do, both as a taxpayer and a voter.

And these are the conditions with which you propose to interfere: By this bill you propose that the Federal Government, or rather that the Republican party, now in charge of the Federal Government, shall go into these States and, by its officials, array again the blacks against the whites, that it shall back them up with the Army of the United States and march them solidly to the polls. You know, gentlemen, full well that when the moneys appropriated by this bill get into these Southern districts the colored men will be told that it is all sent by the Republican party for their benefit; you know that when the Army arrives there they will be told that it was sent to see that they vote the Republican ticket, and when that shall be told to the colored men they will recognize the fact that it is the truth and nothing but the truth. If you gentlemen did not believe that the Republican party was to profit by this bill not one dollar would you vote to carry out its provisions, not one soldier would you send to the South.

Gentlemen, you are not even as consistent or as considerate as your predecessors were who passed the original reconstruction laws. Before they reconstructed the Southern States they reconstructed the District of Columbia. They thought it would be a shame to give the negro the right to vote away a Southern man's property and not give him at the same time the right to vote in the District at the Capital. So Mr. Henry Wilson says, in his history of reconstruction, that "both as a right and an example" they first enacted negro suffrage in the District of Columbia. Then they gave the District a Legislature and a governor, all to be elected by universal suffrage. But many Republican legislators had then, as they have now, property in this District, and they soon concluded that the example would not do; they soon concluded that the negro did not have an inalienable right to vote away their property in the District, and in 1874 a Republican Senate and a Republican House, without ever calling the yeas and nays, took away from the negro and the white man, too, the right to vote in the District of Columbia.

A Republican President approved the bill and for sixteen years not a ballot has been cast in this District.

Why do you not now, when you seem to be so anxious about the rights of the negro, first give back the right that Mr. Wilson said and your party said was his, the right to vote here around this Capitol?

Gentlemen, you know that this arraying of race against race in the South will tend again to bring about race conflicts. You must know that it will endanger again the peace and prosperity of the South, and you know that the frequent use of the military at the polls will tend to destroy free government. If you do not you are ignorant of the fundamental conditions of the problem with which you are dealing. If you do know this and nevertheless insist on the bill, then you are reckless of the consequences.

It is no answer to say that we have no carpet-baggers in the South now. Unprincipled and vicious men are confined to no State and no section of this Union. The North never sent forth a greater scoundrel than Swepson, of North Carolina, than Moses and Crews, of South Carolina, or than many others I could mention.

There are men in every State in the South now ready to put themselves at the head of negro majorities wherever you may muster them together by your supervisors and your Army; yes, ready to cater to their cupidity, to pander to their prejudices, and to lead them, as Moses and Crews did, in any scheme of plunder that may be devised. Is it kindness to the negro of the South to array him against the white man? Is it kindness to the white man, is it justice to the Northern man who has invested his property in that section? Is it in the interest of good government?

That frauds are sometimes committed in Congressional elections in the South no candid man can deny; neither can any honest man deny that frauds are often committed in the North. But I utterly deny that frauds there have been perpetrated to the extent or to anything like the extent claimed by the authors of this bill.

If frauds are committed there, this House has the remedy in its own hands. It is the judge of the elections and returns of its own members. Everybody knows, and knew, as soon as the elections of 1888 were over, that this House was to be Republican, and that a Republican House, after all that had been said in the canvass, would be ready and anxious to turn out every Southern Democrat who it could be made to appear was not fairly elected; there was an effort made to get up contests from the South, yet there were comparatively few contested cases from that region. The number does not begin to compare with what the public had been led to expect from the complaints that were made on the hustings. From those States of the South as to which most complaints are made you have tried six cases, and two of them have been decided in favor of Democrats by this Republican House. This House has turned out more Democrats from the State of West Virginia than from any other State in the Union, and there has been no complaint that the negro question made any figure in any of these cases.

No, Mr. Speaker, when the Republican governments died in the South they left us a fearful legacy of debt and bitter memories. It could not but be that now and then frauds would be resorted to for the prevention of what was deemed to be even worse than fraud. I am not here to deny that this was so. But the South is naturally as much in favor of fair elections as any other portion of our country, and if left to ourselves we will soon solve in the only rational and effectual manner the problems that are upon us. As we are educating our white people so we are educating the negro. We want him to know how to vote intelligently. We wish him to learn that it is not his interest to array himself solidly against the white man; that he is interested in legislation that shall be fair to all, just as the white man is who lives under the same laws and cultivates the same fields. It is a lesson the negro is learning and will learn thoroughly, if the national Republican party will only cease to interfere by outside legislation between the races.

Gentlemen, I beg you to pause and consider. Do not put upon your consciences all the evils that are to come from this bill, that is to perpetuate strife between your fellow-citizens of the South.

We want fair elections, but, sir, we know we can never have them under this bill.

Now let us look at it for a moment.

It proposes to repeal the present jury law, which provides that Democratic and Republican names alike shall be put into the jury-box. I had the honor of proposing that law. It was passed because marshals were packing juries whenever and wherever they desired. When it is repealed Republican officials can pack juries again. The possibility and even probability that this is to be done will encourage Republican election officials and intimidate Democrats. It gives to the Republican party complete supervision over registration of voters. It gives special supervisors the same power over naturalization that was exercised by Davenport in New York in 1873, when he had one Moshen to swear out in packages three thousand warrants to terrorize and frighten voters from the polls, and it gives in cities just as many supervisors at $5 a day as the Republican chief supervisor and marshal may decide on to make a house-to-house canvass and report as to the occupation, naturalization, age, and of course on the politics, venality, etc., of the residents. A more in-

genious scheme to aid the Republican party in carrying the Democratic cities of the North could not possibly be devised.

The bill gives power to appoint any number of deputy marshals, ten thousand and even more in one city, provided only the marshal and the supervisor shall in conferences agree on them. And here let me say I was glad to hear my friend from Pennsylvania [Mr. BUCKALEW] say that Johnny Davenport wrote the bill, and I am willing to believe he did, for I do not like to attribute to the gentlemen from Massachusetts and Illinois [Mr. LODGE and Mr. ROWELL] the motives that must have actuated the real author of the bill when he penned certain sections of it.

I knew the gentleman from Illinois was not the author of it, for he did not know that it provided for an unlimited number of deputy marshals. I am satisfied the gentleman from Massachusetts did not know everything that was in it or he could not have used such honeyed words when discussing it. The truth is, time enough has not been given for anybody to understand it. The gentleman from Maryland [Mr. MCCOMAS] made a long speech about it, or rather about the laws of Maryland, and showed that he had not read it carefully, for he said there was not a blue-coat in it.

It was rushed into a caucus before the Republicans had time to read it; it was pushed in here before Democrats had time to study it, almost before the minority could report upon it, and it is to be rushed through the House without sufficient time to debate it and without one minute's consideration in the Committee of the Whole. Under the bill the supervisor can employ five hundred deputy marshals and supervisors at $5 a day each for twelve days before an election in one city to make this house-to-house canvass. At whatever door they knock it must be opened unto them; the inquiries they can legally make are without number and they can use as bribes the moneys furnished as fees by the Government with absolute immunity. They have only to arrange with such Democrats as are willing for $5 per diem to go as deputy marshals into distant counties where they can not vote and thus keep them away from the polls. And while visiting officially they can electioneer for the party that pays them.

The executive officer of the system is to be a chief supervisor for every Congressional district. This chief supervisor is to put the machinery into play and manipulate it. He is to be chosen from the United States circuit court commissioners. There is no class of officials in the Government more complained of to-day and for years past by the accounting officers of the Treasury—Democratic and Republican, and by the Attorneys-General, Democratic and Republican—than these commissioners. The complaint now is that they surround themselves with spies and informers, harass the citizens that they may multiply fees and rob the Government. From this class the chief supervisors are to be taken, and the bill gives opportunities for making fees without limit. Whenever this officer receives a petition from 100 citizens he shall apply to the court and the court shall appoint three supervisors for each polling place in a district.

The words are mandatory on the court and on the chief supervisor. They must act when petition is made, and, as the pay is $5 per day, the petition will be made in every district. The court is to have no power to appoint except from the names handed in by the chief supervisor. He will hand in and the court is to appoint one Democratic and two Republican supervisors for each box. That he may have opportunity to select Republicans who will be active and Democrats who will be subservient, the law provides that the chief may receive applications for supervisorships at any time between one election and another. This will give ample scope for consultations between this chief and the applicants for trading and dickering. The bill seems to be an improvement even on the methods of Warmoth. It allows the chief to send his hirelings from any one portion of the district to another, just as Warmoth sent his registrars from New Orleans to hold elections in distant parishes. But Warmoth, in order to secure the subservience of his registrars, felt himself obliged to take from each, when appointed, a resignation with date in blank; and whenever the registrar failed to serve his interest the capet-bag governor filled in the date of the resignation and accepted it. Then the pay stopped.

This law, however, saves all necessity of resorting to such devices. It gives on its face power to the chief supervisor to suspend at any time, whether engaged in registering voters or holding an election, and for reasons resting in his own breast, any supervisor whatever, and then the pay stops. Could control over election officers or over registration be more absolutely and completely vested in one man than by giving this power of instantly stopping pay? Certainly the carpet-bag governor of Louisiana did not think so, and I think this House will agree that he was an expert in devising fraudulent election machinery. It does not better the case to say that one supervisor at each poll is to be a Democrat. He may be called a Democrat, but he is not to be selected by a Democrat; he is to be such a Democrat as will suit the views of the Republican chief supervisor—that is to say, a Democrat who will vote the Republican ticket for the $5 a day he is to get. Mr. Speaker, this is not surmise, but actual fact, proven by experience with Republican officials in the South since the days of the carpet-bagger.

Only a few years ago there was a contest here for a seat in the House between my friend General WHEELER, the Democratic candidate, and Mr. Lowe, who was an Independent, run by the Republicans. In that contest about twenty supervisors were examined who had been appointed nominally as Democrats and to represent the Democratic party. Every one of them swore he voted for Lowe. Could that have been accident? Impossible. It was design. Either these Democrats were all bought with the fees, or they were selected because in that election it was known they would not vote the Democratic ticket. So it will be under this bill if it becomes a law. Two zealous partisan Republicans, and one Democrat working for the money and working to suit his employer, may be sent off to hold an election in a county they never set foot in before. When they get there they are supreme, supported by two deputy marshals of the same ilk, and, if need be, by a section of the Army; and if they should be charged by the citizens of that county with any fraud of whatever nature no county court or State court can try them.

The bill provides in the most abundant manner for the removal of every possible case against them to the United States courts, where Republican officials can select the juries that are to try them. Whatever count is made by these supervisors or the majority of them, backed by their deputy marshals and United States soldiers, is to be, unless overruled by a court for errors on the face of the papers, final and conclusive, anything that may be said or done by State officers of election to the contrary notwithstanding. It was by a similar process to this that Louis Napoleon held the election, the *plébiscite*, at which the French Republic ceased to be and the President of France became Napoleon III, Emperor of the French.

When the supervisors at the boxes make their returns they are to be counted by a United States board of canvassers of the Congressional vote for each State.

This board is to be composed of two Republicans and one Democrat. This board is to give the certificate of election upon which the Clerk of the House is to put members upon the roll. If the Clerk of this House does not follow the Republican board of commissioners he is made guilty of felony. It may be, sir, that the complexion of the next House may depend upon the rejection of the returns from some one box in the State, say, of New York, by this board of canvassers, and that every court in that State and the governor of that State may declare that return to be legal and valid.

State authority will stand for naught. Representatives are to be counted in by the officials appointed under this bill, and when once the majority has been determined here by that process that majority will stand throughout that Congress, for I believe there has never been a certified majority here virtuous enough to turn itself out of power.

If this bill passes and if it shall prove effectual to preserve the hold of the Republican party on this Government, if the people do not rebuke it at the first election, what power will they ever have to reverse the policy of the Republican leaders? How shall they ever relieve themselves from unjust taxation, how protect themselves from oppressive legislation?

It is the great virtue of our system of separate State governments that each State makes its own returns. Divided, as we always are, into two great parties, neither of these parties is ever in possession of all the power over the final returns. Napoleon would not have found it so easy to have himself declared Emperor of France if there had been separate returns from independent states as he did when all the provinces were all subject to one central control from Paris. That is why Paris is France. Pass this bill, gentlemen, put all the election machinery of the United States and the Army to back it in control of the Republican party, and you may paraphrase that saying and declare that the national Republican executive committee is the Government of the United States.

It has often been said, Mr. Speaker, that the greatest danger to be apprehended in this country is from the decision of closely contested Presidential elections. You all remember the discontent arising from the seating of Hayes over Tilden. A majority, or, if any of you say not a majority, then you will all admit that a large portion, of the people of the United States believed they had been cheated in the count. That belief, whether well founded or not, arose from the fact that the returning boards of the three contested States, South Carolina, Florida, and Louisiana, were all in the hands of the Republican party and that it was these Republican boards that certified to the election of the Republican electors. The chairman of the national Republican executive committee did not announce the result for some three days after the election.

Even Mr. Hayes gave it up at one time. But messages flew thick and fast over the wires between New York and South Carolina, Florida and Louisiana. Then Mr. Chandler claimed the election of Hayes, and then "visiting statesmen" went in troops to the contested States. The result so arrived at did not and could not give satisfaction. And I tell you gentlemen on the other side of this Chamber that no closely-contested Congressional election in this country will ever give satisfaction if you put all the power over the returns everywhere in the hands of one party. The people love fair play, and that is not fair play. There are many unfair things done in politics and the people submit, because somewhere in our complex system there is a set-off or a compensatory advantage. The Republicans gerrymander Pennsylvania

in a manner that is unfair. They gerrymander New York in a manner that is exceedingly unfair. But the Democrats gerrymander, when they get the power, Ohio and Indiana, and that is in some sense a set-off. So if members are returned unfairly from any State, the fair-minded voter reconciles himself by the thought that, after all, the return was made by the party that controls that State and has the power there, and the other party that has other States probably does the same in them. It may be that now and then one party improperly certifies more members than another. For the sake of argument admit that to be so, and admit, which I do not by any means, that now it is the Democratic party that has the advantage. If you convince the people of that fact they will in the other States more than make it up to you at the polls.

I believe that is the situation to-day. I believe you convinced the people at the North, who do not understand the situation, that we were committing frauds at the South by the wholesale, while you yourselves were entirely innocent, and that by this means you beat us in 1888. But if you pass this bill, if you violate the traditions of the past, if you break down State lines, if you take away power from the State boards that are in the hands of the two parties in almost equal numbers, and take all this power into the hands of the party that is in control here, with the Army to back them, you destroy all hope of fair play in the future, all confidence in the freedom of elections, which lies at the very base of the Government.

The boards of canvassers that are to do the counting are, under the bill, to meet on the 15th of November, or in certain cases a week later. Suppose that next fall the House is in doubt, and that twenty districts are close and doubtful. Long before the 15th of November your national committee will know the situation. In addition to the millions of Government money authorized by the bill, it will have spent hundreds of thousands of dollars raised from private subscription. Do you suppose that after the election its chairman, while the House is still in doubt, will sit still and spend no more money? To ask the question is to answer it. The wires would be hot again, as in 1876, and "visiting statesmen" would be on the road again, as in 1876. And then the laborer was worthy of his hire in 1876; why should he not be now? The members of the returning boards of 1876 nearly or quite all got offices; why should not those of 1890 also get their reward? Gentlemen, you are blind to suppose the people will sustain such a law as this. If they do, it seems to me that the end of free elections and of free government in America is not far away.

Another odious feature of this bill, Mr. Speaker, is that it is so devised as to draw within the jurisdiction of the United States supervisors the Presidential election also. You do not pretend to have any power over that. But by the laws of most of the States Presidential electors are voted for on the same tickets as members of Congress. By letting the State machinery stand you supervise the vote for President and the vote for Congressmen at one and the same time. Is that accidental or intentional?

I have not had time to say much about the use of the Army at the polls. Let me conclude what I have to say with one remark. Abraham Lincoln said, in December, 1863, writing to General Shepley about a forthcoming election in Louisiana, and that was in time of war, that to send members of Congress to Washington elected at the point of the bayonet would be disgraceful and outrageous. Is there not left in this House enough of the spirit of Abraham Lincoln to defeat a bill that expressly gives power to elect members, not only in the South, but in every district of the United States, at the point of the bayonet? Is not such a bill, in the language of Lincoln, "disgraceful and outrageous?"

APPENDIX.

WHY THE SOLID SOUTH? OR, RECONSTRUCTION AND ITS RESULTS.

RECONSTRUCTION AT WASHINGTON UNDER ABRAHAM LINCOLN.

The death of Abraham Lincoln was an appalling calamity, especially to the South. Had the crazy assassin withheld his hand reconstruction could never have been formulated as it was into the acts of March 2 and March 23, 1867.

Mr. Lincoln's leading thought in the conduct of the war was the preservation of the Government of the fathers; and he took issue squarely with those who, like Mr. Sumner, were seeking to take advantage of the times and "change this Government from its original form and make it a strong centralized power." (Nicolay and Hay's Lincoln.—*Century*, October, 1889.) He believed the Government to be, as Chief-Justice Chase afterwards defined it in Texas *vs.* White, "an indestructible union composed of indestructible States." Upon this idea of the Constitution he based his theory of restoration, a theory which, at the time of his death, was well known, though it appears to have since been industriously forgotten. This theory was, that the insurrectionary States, notwithstanding the war, still existed as States; that they were never out of the Union and were always subject to the Constitution. Hence it followed that those people of these several States who were entitled to vote by the laws existing at the date of the attempted acts of secession had, when they returned to their allegiance and were pardoned, the power of reconstruction in their own hands. On this theory President Lincoln aided the people to set up State governments in Tennessee, Louisiana, and Arkansas, all without any aid from Congress.

But from the beginning there were eminent Republicans in Congress who denied the authority of the President to "intermeddle," as they called it, in this business. As early as 1861, Mr. Stevens, of Pennsylvania, had announced the doctrine that the Constitution and laws were suspended where they could not be enforced; that those who had defied them could not invoke their protection, and that Congress could legislate for such rebellious territory outside of and without regard to the Constitution.

Mr. Sumner laid down the proposition, in resolutions introduced February 11, 1862, that, by attempting to secede, a State had committed suicide, and its soil had become territory subject to the supreme control of Congress. Both of these theories, which did not differ in result, denied to the President any power whatever in the premises.

But Mr. Lincoln seems always to have stood on the declaration made by Congress in July, 1861, that the war was being waged "to defend the Constitution and all laws in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects were accomplished the war ought to cease," etc.

Pursuing steadily the spirit of these resolutions, even down to the day of his unhappy death, reconstruction as practiced by him was, simply, restoration of civil authority in the insurgent, but still existent, States, by the people thereof, aided by the military power of the United States.

More than two years after this question of power had begun to be mooted in Congress the President formulated and communicated to that body, in his message of December 8, 1863, the plan he proposed thereafter to follow. In no material particular did it differ from the theory upon which he had theretofore acted. He said: "Looking now to the present and future, and with reference to a resumption of the national authority within the States wherein that authority has been suspended, I have thought fit to issue a proclamation, a copy of which is herewith transmitted."

In the proclamation embracing the plan, he offers pardon to all who will swear "henceforth" to support the Constitution of the United States, etc., and proclaims that when those who, accepting this amnesty, shall have taken the oath of allegiance, each "being a qualified voter by the election laws of the State existing immediately before the so-called act of secession, and excluding all others, shall re-establish a State government, which shall be republican and in no wise contravening said oath, such shall be recognized as the true government of the State," etc.

This was President Lincoln's plan for restoring the insurgent States to the Union. It left the question of suffrage entirely in the hands of those who were qualified to vote under the laws existing at the date of secession. It was precisely this proposition, namely, that each insurgent State, at the time of rehabilitation, must decide for itself whether it would adopt negro suffrage, that angered the Republicans in Congress when acted on by Andrew Johnson, and culminated in the impeachment proceedings.

But Abraham Lincoln and Andrew Johnson were two different persons. Johnson was pugnacious—seeking always to beat down his adversary and never to conciliate. Lincoln, on the other hand, never needlessly antagonized those who could be won to his views, though he was accustomed to adhere to his matured opinions with inflexible purpose, as we shall see he did in this case, in the face of the fiercest opposition.

When this message of December, 1863, went in, many of the Republican leaders were claiming for Congress exclusive jurisdiction over the question of reconstruction under the clause of the Constitution which declares that "The United States shall guaranty to every State in this Union a republican form of government." The counter-claim by the President, that he could aid the people to set up governments for themselves, seemed a challenge.

Congress debated the question at length, and finally, in July, 1864, passed, by a small majority in each House, a bill "to guaranty to certain States a republican form of government."

This bill did not meet the wishes of extremists, because it did not give the ballot to the negro; but, if it became law, it would be a step gained for the extremists. It asserted the jurisdiction of Congress and provided expressly that the President should recognize by proclamation the State governments established under it, only "after obtaining the consent of Congress." The President refused to approve the bill and defeated it by a "pocket veto." July 9 he made a public statement, giving reasons for his course. The bill, he said, was received by him only one hour before the adjournment of Congress, and, among other things, he thought that the system of restoration it provided was "one very proper for the loyal people of any State choosing to adopt it."

But he clearly was opposed to forcing it on any State by law, as he went on to say that he would at all times be "prepared to give the Executive aid and assistance to any such people," that is, people who should "choose to adopt it," the Congressional plan, "when the insurrection should be suppressed," etc. Senator Wade and Representative Henry Winter Davis responded in an angry protest. To the admirers of Mr. Lincoln this document, dated in July, 1864, contains charges that are astounding. After stating that the signers had read the proclamation "without surprise, but not without indignation," the protest contends that want of time for examination was a false pretense. "Ignorance of its contents is out of the question," says the manifesto; and then argues that Mr. Lincoln was cognizant of a plan by which "the bill would be staved off in the Senate to a period too late in the session to require the President to veto it in order to defeat it, and that he," the President, "would retain the bill if necessary, and thereby defeat it."

The protest further says: "The President, by preventing this bill *from* becoming a law, holds the electoral votes of the rebel States at the dictation of his personal ambition," and complains that the will of Congress is to be "held for nought unless the loyal people of the rebel States choose to adopt it." It also calls Mr. Lincoln's action "a studied outrage on the legislative rights of the people."

Here the issue is squarely made whether the President was to restore or the Congress to reconstruct the insurgent States.

The President went on his way.

Long after his plan of restoration had been published to the world, his party, in convention assembled, had approved his "practical wisdom," "unselfish patriotism," and "unswerving fidelity to the Constitution," and now, in November, 1864, on this platform, Mr. Lincoln received 212 electoral votes to 21 for George B. McClellan.

On the 5th of December, 1864, the President sent in his last annual message, which was without any allusion to the question of reconstruction, unless it was in his mind when, speaking of the insurgents, he said: "They can at any moment have peace simply by laying down their arms and submitting to the national authority under the Constitution;" and its closing words possibly had reference to the same subject: "In stating a single condition of peace, I mean to say that the war will cease on the part of the Government whenever it shall have ceased on the part of those who began it."

It is very clear that up to this point Mr. Lincoln was determined never to become a party to any political war upon the Southern States waged for the purpose of compelling them to range under a political banner.

Congress, during the session that ended 1864-'65, either did not care or did not dare to insist on any reassertion of its right to reconstruct. On the contrary, seeing, as it undoubtedly did, that the Confederacy was about to collapse, it adjourned on the 4th of March, leaving Mr. Lincoln an open field for his policy of restoration. Every member of that Congress knew what that policy was. It meant the promptest possible restoration of civil authority in the States by the aid of Executive power. And so, now, shortly before his death, the President went on to prepare, or cause to be prepared, the proclamation for the restoration of North Carolina, which was issued by his successor, Andrew Johnson, May 29, 1865, and was the basis of all Mr. Johnson's subsequent work in that field.

Mr. McCulloch, Secretary of the Treasury during the last few weeks of Lincoln's and throughout the whole of Johnson's Administration, says, in his Men and Measures of Half a Century, page 378: "The very same instrument for restoring the national authority over North Carolina and placing her where she stood before her attempted secession, which had been approved by Mr. Lincoln,

was by Mr. Stanton presented at the first Cabinet meeting which was held at the Executive Mansion after Mr. Lincoln's death, and, having been carefully considered at two or three meetings, was adopted as the reconstruction policy of the Administration."

On the 18th day of July, 1867, General Grant, before the reconstruction committee, said that according to his recollection "the very paper (the North Carolina proclamation) which I heard read twice while Mr. Lincoln was President was the one which was carried right through" by President Johnson.

In the face of these facts it is remarkable that intelligent public opinion should seem to have since settled down to the conclusion that the restoration policy of Andrew Johnson was a departure from that of Abraham Lincoln. Upon the all-important and controlling point that the people of each State were to settle for themselves the question of suffrage, this being a constitutional right they had not lost, the views of Lincoln and Johnson were identical.

It would seem that Mr. Blaine holds a different opinion. He says, in discussing the North Carolina proclamation as issued by Johnson, volume 2, page 77, Twenty Years in Congress:

"It was specially provided in the proclamation that in choosing delegates to any State convention no person shall be qualified as an elector or eligible as a member unless he shall have previously taken the prescribed oath of allegiance and unless he shall also possess the qualifications of a voter as defined under the constitution and laws of North Carolina as they existed on the 20th May, 1861, immediately prior to the so-called ordinance of secession. Mr. Lincoln had in mind, as was shown by his letter to Governor Hahn, of Louisiana, to try the experiment of negro suffrage, beginning with those who had served in the Union Army and who could read and write; but President Johnson's plan confined the suffrage to white men, by prescribing the same qualifications as required in North Carolina before the war."

Not only was this North Carolina proclamation approved by Mr. Lincoln; not only was it consistent with the theory he had so long maintained against such fierce opposition; not only did it leave the question of suffrage exactly where it was left by the message of December 8, 1863, but the very letter referred to by Mr. Blaine, to show a difference between the views of the two statesmen, conclusively proves, when quoted fully, that they both believed that, as was provided in the proclamation Mr. Blaine was discussing, suffrage was a matter for the States to regulate.

Mr. Lincoln's letter to Governor Hahn says: "Now you are about to have a convention which, among other things, will probably define the elective franchise, I barely suggest, for your private consideration, whether some of the colored people may not be let in, as, for instance, the very intelligent, and especially those who have fought gallantly in our ranks.

"But this is only a suggestion, not to the public, but to you alone."

Andrew Johnson made a similar suggestion when he wrote, August 15, 1865, to Governor Sharkey, of Mississippi: "If you could extend the elective franchise to all persons of color who can read the Constitution of the United States in English, and write their names, and to all persons of color who own real estate valued at not less than $250, and pay taxes thereon, you would completely disarm the adversary and set an example that other States will follow."

The difference was that Andrew Johnson did not say: "This is only a suggestion, not to the public, but to you alone."

The letter to Governor Hahn does show that Mr. Lincoln would have been glad to have the States, in regulating the suffrage, make certain exceptions in favor of the negro—exceptions that would not probably embrace 10 per cent. of the colored male adults in any Southern State, and could therefore have done no harm—but the letter also clearly shows that he thought it would be an unwarrantable interference with the rights of the State for the President of the United States to do more than make a private suggestion about the matter. That the writer of this letter would ever have consented to put negro suffrage upon the States by a law of Congress is inconceivable, unless there had come some radical change in his opinions; and this can not be shown.

If no better evidence can be adduced than this offered by Mr. Blaine to show a difference between the plans of two Presidents, and we have seen none, then we are authorized to conclude that the Presidential plan remained the same, from the time it was inaugurated by Mr. Lincoln, in 1862, down to the date when, in March, 1867, Congress concluded to destroy the State governments which the people, acting in accordance with that plan, had set up for themselves—some of them under Lincoln's and others under Johnson's supervision.

In discussing the motives which influenced Congress in refusing to recognize and in finally overthrowing these governments and demanding constitutional amendments, a great American law writer, Judge J. Clark Hare, himself a Republican in politics, in his recent work on American Constitutional Law, page 747, says: "When the South was prostrated by the rebellion the dominant party resolved on measures that would tend to keep them in power and might be necessary for the protection of the colored race."

The author, pursuing, as he declares in his preface, "jurisprudence with an eye single to truth," here affirms that the controlling motive of Congress in reconstructing the States and the Constitution was partisan, with as much confidence as if his statement were based on a decision of the Supreme Court.

ANDREW JOHNSON AND RESTORATION.

Congress adjourned March 4, 1865, not to convene again until the first Monday in December, unless called to meet in extra session.

Johnson was inaugurated President on the 14th of April, 1865, just as the Confederacy fell. As he intended to carry on the work of restoration upon the lines laid down by his great predecessor, he needed no aid from Congress; and so it seemed to be a happy contingency that it was not in session. In his Cabinet were Seward, McCulloch, Stanton, Welles, Dennison, Harlan, and Speed, the same strong men gathered around his council board by the late President, and all still in favor of the Lincoln plan of restoration.

The sudden collapse of the Confederacy was remarkable. Within forty days from the date when General Johnston gave up his sword there was not a single Confederate soldier in arms. The surrender was complete. Submission to the authority of the United States was everywhere absolute. Courts were established; the postal service rehabilitated; tax collectors and tax assessors went about their business.

On the 29th of May, President Johnson issued the proclamation that had been approved by President Lincoln for the restoration of civil government of North Carolina. William H. Holden was appointed provisional governor, with authority to call a convention to frame a constitution of government for the State. Proclamations, similar to that for North Carolina, followed for South Carolina, Georgia, Alabama, Florida and other States.

The people of the late Confederate States accepted with readiness the Presidential policy of reconstruction. In fact, the unanimity with which those who had waged such a desperate conflict against the Union now took again the oath of allegiance to the Constitution of the United States was a phenomenon that startled the Republican politicians; and it must have inspired distrust in the minds of many honest Northern voters.

But it was all in the utmost good faith; and it was not strange.

From the days when the agitation of the slavery question began to divide the country into two sections, the South always talked more about and cared more for the Constitution, which it looked to for the protection of its property rights in slaves, than did the North, which relied on its majority of voters to maintain whatever views of public policy it might happen to entertain. Thus it came about that the South was as devoted to the Constitution as was the North uncompromising for the Union. When, therefore, the Southern States had seceded, the Constitution of the United States became the Constitution of the Confederate States, with such changes only as would emphasize and make still clearer the reserved powers of the States.

It is simply history to say that the people of the Confederate States looked upon themselves during the late war as fighting to perpetuate the Constitution of their fathers. Slavery they deemed merely an incident. Secession they regarded simply as a method by which they could place themselves in position to forever maintain inviolate the Constitution of 1789. Nothing but the spirit of liberty, however mistaken it may have been, could have animated slaveholder and non-slave-holder to make side by side that terrible struggle of four years for the Confederacy, just as similar noble impulses animated the people of the Northern States to pour out so much of their blood and treasure for the Union.

When the Confederacy had died and independence was no longer possible, slavery, it was apparent, had gone down forever. Secession, too, was dead. These two obstacles removed, the pathway to progress in the Union seemed open, and Southern people were invited now by Johnson, as they had been by Lincoln, to come back and claim the protection of the Constitution under which they were born. They had never, in fact, lived under any other.

And now it is quite clear how the Southern people could and did attempt to resume their places in the Union with far greater unanimity than prevailed among them when attempting to go out.

Shortly after the assembling of Congress in December, 1865, the President was able to report that the people of North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and Tennessee had reorganized their State governments. The thirteenth amendment to the Constitution of the United States, abolishing slavery, had been adopted by twenty-seven States, the requisite three-fourths of the whole number, the reconstructed government of five of the seceding States having been counted as part of the twenty-seven.

The conventions of the seceding States had all repealed or declared null and void the ordinances of secession. Every office in North Carolina, South Carolina, Alabama, Georgia, and Louisiana, legislative, executive, and judicial, was filled either by an original Union man or by one who, having been pardoned, had taken the oath of allegiance to the United States.

The laws were in full operation. Senators and Representatives from most of these States were already in Washington asking to be seated in Congress, and the work of restoration, so far as it lay in the hands of the people of these States, was completed. The report to the President made by General Grant, December 18, 1865, was a fair statement of the condition at that time of public sentiment in the South. "I am satisfied the mass of thinking men in the South accept the present situation of affairs in good faith. The questions which have hitherto divided the sentiment of the people of the two sections, slavery and State rights, or the right of the State to secede from the Union, they regard as having been settled forever by the highest tribunal, that of arms, that man can resort to. I was pleased to learn from the leading men whom I met that they not only accepted the decision arrived at as final, but now the smoke of battle has cleared away and time has been given for reflection, that the decision has been a fortunate one for the whole country, they receiving like benefits from it with those who proposed them in the field and in the council."

But by the new State constitutions, which the Southern people had made for themselves, suffrage was confined to white men, just as it was in Connecticut, Ohio, Michigan, and other Northern States; and, too, the Senators and Representatives-elect now asking to represent these late Confederate States were mostly Democrats.

This was the situation when Congress convened in December, 1865. That body was largely Republican in both branches. Would this Republican Congress admit these Democratic States? If not, upon what ground would the refusal be based?

CONGRESS—1865-'66—POLITICS.

The first session of the Thirty-ninth Congress began December 4, 1865. The Speaker of the House of Representatives, Mr. Schuyler Colfax, upon accepting the office, said:

"The Thirty-eighth Congress closed its constitutional existence with the storm-cloud of war still hovering over us; and after nine months' absence, Congress resumes its legislative authority in these council halls, rejoicing that from shore to shore in our land there is peace."

The people of the Southern States had reconstructed their governments upon the idea that peace had come; but this very same House of Representatives, which now began with this declaration of its Speaker, that peace reigned supreme, was to make war upon the State governments of the South, justifying itself upon the theory that the war was not over. The Presidential plan was to be disregarded. Congress, in the language of Mr. Thad. Stevens, henceforth its accepted leader, was to "take no account of the aggregation of white-washed rebels who, without any legal authority, have assembled in the capitals of the late rebel States and simulated legislative bodies."

However completely this generation may have forgotten that Johnson's policy was Lincoln's, that Congress knew it well, for early in that session Mr. SHERMAN said in debate:

"When Mr. Johnson came into power he found the rebellion substantially subdued. What did he do? His first act was to retain in his confidence and in his councils every member of the Cabinet of Abraham Lincoln; and, so far as we know, every measure adopted by Andrew Johnson has had the approval and sanction of that Cabinet."

There can be but little doubt that if Mr. Lincoln had lived he would, during 1865, have progressed at least as rapidly with his plan of reconstruction as did President Johnson; he was always anxious to put an end to military control, and the successful ending of the war would have left him the most popular man this country has ever seen since Washington. Yet even Mr. Lincoln could not have avoided a struggle with Congress.*

In December, 1865, Republican leaders felt that a crisis in the history of their party had come; and many of them were ready to go to any extreme. Mr. Stevens said on the floor of the House of Representatives that if the late Confederate States were admitted under the Presidential plan, *without* any changes in the basis of representation, these States, with the Democrats "that would be elected in the best of times at the North," would control the country; and he said, on the 14th December, 1865:

"According to my judgment, they (the insurrectionary States) ought never to be recognized as capable of acting in the Union or of being counted as valid States until the Constitution shall have been so amended as to make it what its makers intended, and so as to secure perpetual ascendancy to the party of the Union."

Mr. Stevens had two plans: first, to reduce the representation to which the late slave-holding States were entitled under the Constitution; secondly, to enfranchise blacks and disfranchise whites.

But the mind of the Northern voter was not yet ready for negro suffrage. Pennsylvania, Ohio, and other States still denied it. Connecticut, in 1865, gave a majority against it of 6,272. Even in October, 1867, Ohio gave a constitutional majority against colored suffrage of 50,629; and so late as November, 1867, Kansas was against negro suffrage by a majority of 8,938; while Minnesota adhered

*Mr. Stanton, near the close of his life, looking back over those exciting times, declared that "if Mr. Lincoln had lived, he would have had a hard time with his party, as he would have been at odds with it on reconstruction."—*McCulloch, "Men and Measures."*

to the white basis by a majority of 1,298. It was perfectly clear that the people were not now, in the winter of 1865-'66, prepared to indorse the extreme measures that were being mooted at Washington.

What Congress would do was an interesting problem. Mr. Thad. Stevens, however, seems never to have doubted how it would be solved. He predicted that public sentiment within less than two years would come up to his position. But to the accomplishment of such a result time and work were necessary. As a first step, on the 4th of December, 1865, the very day the Thirty-ninth Congress was organized, Mr. Stevens introduced and passed in the House, by a party vote of 133 to 36, under the previous question, without debate, a resolution to provide for a joint committee of fifteen to report on the condition of "the States which formed the so-called Confederate States of America." The Senate assented at once to the formation of the joint committee, and afterwards, on the 23d of February, 1866, finally agreed to a concurrent resolution, which had been the second proposition of Mr. Stevens's original resolution, that neither House should admit any member from the late insurrectionary States until the report of the joint committee on reconstruction, thereafter to be made, should be finally acted on.

Thus it was settled that the people most vitally interested in the two great problems, the basis of representation and the qualification of voters, were to have no part, in Congress, at least, in their solution. But more than that, here was time gained within which the effort could be made to bring the Northern mind up to Mr. Stevens's position.

The joint resolution refusing admittance to Southern Representatives and Senators was not passed without strenuous opposition. It was an open declaration of war upon the Presidential plan. Mr. Raymond, of New York, a distinguished Republican, made a great speech in defense of the President's policy. Mr. Shellabarger, of Ohio, to break the force of Mr. Raymond's argument, talked thus:

"They framed iniquity and universal murder into law. * * * Their pirates burned your unarmed commerce upon every sea. They carved the bones of your dead heroes into ornaments, and drank from goblets made out of their skulls. They poisoned your fountains, put mines under your soldiers' prisons; organized bands whose leaders were concealed in your homes; and commissions ordered the torch and yellow fever to be carried to your cities, and to your women and children. They planned one universal bonfire of the North from Lake Ontario to the Missouri," etc.

Hon. Henry Wilson, in his History of Reconstruction, quotes this and many other similar passionate appeals, intending them, of course, as fair specimens of the arguments which brought about the reconstruction of Federal and State constitutions.

Early in this session Congress sent to the President a civil-rights bill conferring many rights, not including suffrage, however, upon emancipated slaves. This Mr. Johnson vetoed on the ground that it was unconstitutional; and, according to decisions since made by the Supreme Court, it was. The veto of this bill greatly aggravated the quarrel, which was already open and bitter, between the President and Congress. It also lost Mr. Johnson the support of Messrs. Dennison, Harlan, and Speed, who resigned from the Cabinet. Mr. Stanton, too, became an avowed enemy of the President and his policy. But he did not resign. He was advised by Mr. Sumner and others to "stick;" and he remained in the Cabinet as an obstructionist. This was utterly without precedent, and serves well to illustrate the height to which party passion had risen. Another reason for the break in the Cabinet, in all probability, was that Southern Democrats very naturally were supporting President Johnson's policy. Senator Wilson's History of Reconstruction is full of eloquent invectives launched in the House and Senate at Andrew Johnson because he was supported by Democrats, "rebels," "copperheads," "traitors," "importers of poisoned clothing," etc.

The memorable words of Mr. Lincoln in his last annual message were: "The war will cease on the part of the Government whenever it shall have ceased on the part of those who began it." But Mr. Lincoln had passed away and his words had lost their power. Mr. Blaine, in his Twenty Years, even mentions it as a cause of offense that those who were in arms against the Government when Congress adjourned in March, 1865, were, some of them, at the hotels in Washington, demanding to be admitted to seats in the Congress which met in December. The inflammatory debates in the first session of the Thirty-ninth Congress were preliminary to the canvass for members of Congress to be elected in the autumn of 1866. No factor in those elections proved more potential than the rejection by Southern Legislatures of the pending fourteenth amendment to the Constitution of the United States. The clauses on which its acceptance or rejection turned in these assemblies were: section 2, which apportioned Representatives in Congress upon the basis of the voting population; and section 3, which provided that no person should hold office under the United States who, having taken an oath as a Federal or State officer to support the Constitution, had subsequently engaged in the war against the Union.

It was claimed by the friends of the amendment to be especially unfair that the South should have representation for its freedmen and not give them the ballot. The right, however, of a State to have representation for all its free inhabitants, whether voters or not, was secured by the Constitution, and that instrument even allowed three-fifths representation for slaves. New York, Ohio, and other States denied the ballot to free negroes, some States excluded by property qualifications and others by educational tests, yet all enjoyed representation for all their peoples.

The reply to this was that the Constitution ought to be amended because the South would now have, if negroes were denied the ballot, a larger proportion of non-voters than the North. Southern people were slow to see that this was good reason for change in the Constitution, especially as they believed they were already entitled to representation, and conceived that they ought to have a voice in proposing as well as in the ratification of amendments. Five of the restored States had already ratified the thirteenth amendment, and such ratification had been counted valid. If they were States, they were certainly entitled to representation. So they claimed.

It was perhaps imprudent for Southern people at that time to undertake to chop logic with their conquerors, or indeed to claim any rights at all, as the net results of their insistence were that they were called "impudent claimants" by the Republican convention at Pittsburgh, and indeed everywhere in the Republican press.

The insuperable objection, however, to the ratification of the fourteenth amendment was to be found in the clause which required the people of the late Confederate States to disfranchise their own leaders, to brand with dishonor those who had led them in peace and in war.

The rejection of this amendment at the South greatly strengthened the Republican position, because the North, looking at it from a different standpoint, thought the proposition a fair one. If any among those who proposed the amendment intended it should be rejected, it was shrewdly devised; if it was not intended to procure its own rejection, then it was clumsily contrived.

THE FREEDMEN'S BUREAU.

Even before the close of the war public sentiment had demanded some provision for the protection of the liberated slaves, who everywhere came flocking into the Union lines. The result was the establishment by law, March 3, 1865, of a Freedmen's Bureau, which was speedily extended, after hostilities had ceased, into all the late Confederate States. The law made the agents of this bureau guardians of freedmen, with power to make their contracts, settle their disputes with employers, and care for them generally. The position of bureau agent was one of power and responsibility, capable of being used beneficently, and sometimes no doubt it was; but these officials were subjected to great temptation.

Many people, who believed that the newly emancipated slave needed a guardian to take care of him, believed also that if he only had the ballot he could take care of himself and the country too. In fact the sentiment in favor of universal suffrage was already strong, even in the spring of 1865, and it was natural for every bureau agent who might have a turn for politics to conclude that, with the bureau's help, Mr. Stevens and his friends might eventually succeed in giving the negro the ballot. The bureau agent was "the next friend" of the negro. With negro suffrage this official's fortune was made. Without it, of course, this stranger had no hope of office in the South. It was not, therefore, to his interest, if he had political aspirations, that there should be peace between the races.

From conscientious men connected with this bureau General Grant obtained the information upon which he based the opinion, given to the President in the report already quoted from, that "the belief widely spread among the freedmen of the Southern States that the lands of their former owners will, at least in part, be divided among them, has come from the agents of this bureau. This belief is seriously interfering with the willingness of the freedmen to make contracts for the coming year." And he further said: "Many, perhaps the majority, of the agents of the Freedmen's Bureau advise the freedmen that by their own industry they must expect to live. * * * In some instances, I am sorry to say, the freedman's mind does not seem to be disabused of the idea that he has a right to live without care or provision for the future. The effect of the belief in the division of lands is idleness and accumulation in camps, towns, and cities."

The first lesson in the horn-book of liberty for the freedman obviously was, that in the sweat of his face he must earn his bread—a law unto all men since the days of Adam. It is a sad commentary on the workings of the bureau that the best thing General Grant could say of its agents was, that "many, and perhaps a majority of them," did so advise. If these officials were really responsible, as General Grant believed, for the demoralized labor condition at the South—and their power over the freedman is beyond all question—then they were, in fact, organizing chaos where their mission was peace and good order.

Nearly every one of these agents who remained South after reconstruction was a candidate for office; and many actually became governors, judges, legislators, Congressmen, postmasters, revenue officers, etc.

Such a situation as confronted Southern Legislatures in the fall and early winter of 1865 was never before witnessed in America. Prior to 1861 the laws to compel people to industrious habits were not generally so stringent in the South as in the North. This resulted partly from slavery and partly from the easy conditions of life in a mild climate. There were no laws that met the new situation. New and stringent statutes were passed to prevent vagrancy and idleness. There is not space here to discuss these laws. They will be treated of in a subsequent chapter and compared with statutes then in force in Northern States. Suffice it to say now, they did not merit the odium visited upon them by many honest Northern voters, who, not understanding the situation, were led to believe them nothing short of an effort to re-enslave the negro, when their purpose was simply to counteract the teachings that had demoralized the freedman and compel him to industrious habits.

THE COMMITTEE OF FIFTEEN.

The passage of the concurrent resolution in December, 1865, to inquire into the condition of the late Confederate States meant open hostility to the Presidential plan. Having declared war, the dominant party of course exercised great care in selecting members to serve on the committee which was to make this inquiry. Mr. Blaine (volume 2, page 127) says:

"It was foreseen that in an especial degree the fortunes of the Republican party would be in the keeping of the fifteen men who might be chosen." Speaker Colfax and the appointing power in the Senate put on the committee twelve Republicans and only three Democrats, one from the Senate and two from the House.

The field from which testimony was to be drawn was the unrepresented South. On the subcommittee which took testimony as to Virginia, North Carolina, Georgia, Alabama, Mississippi, and Arkansas, there was not a Democrat to call or to question a witness. The only hope of fair play lay in the magnanimity or sense of justice of men who had already voted to refuse admission to the Southern members and who were placed upon the committee with the expectation, as Mr. Blaine has indicated, that they would take care of the Republican party. There is not space here to discuss the evidence of the witnesses, who chose or were chosen to come before these gentlemen. It consists of hundreds of pages of speculative testimony, hearsay, etc.

The crimes committed, in the most peaceful times, within eighteen consecutive months, among any population of 8,000,000, would, if industriously arrayed, make a fearful record. To make that arraignment of the late Confederate States was the task to which this able committee addressed itself in 1866.

The situation in these States was peculiar. When the surviving soldiers returned from the field, around their desolated homes they found 4,000,000 of slaves suddenly manumitted. The returning soldiers were themselves more or less affected by that demoralization which is an unfailing consequence of protracted war. The negroes were demoralized by their newly found freedom. They turned, for the most part, a deaf ear to the advice of their old masters and listened with avidity to the tales that were bruited about, said to have come from the stranger friends who had freed them, to the effect that the lands of their rebel masters were to be confiscated and divided among them.

It is impossible that, under such circumstances, however earnestly all good citizens might strive for the general good, there should not have been friction between the races. Yet, notwithstanding the extraordinary and unprecedented conditions, there was, to General Grant, nothing, as his report already quoted shows, in the situation there in the fall of 1865 that was not creditable to the masses of the people. General Grant was not in politics. The gentlemen of the committee of fifteen were; and a few words as to the treatment of one State, as a sample, will suffice to show that the methods employed were such as to allow no rational expectation of reaching correct conclusions. As to the condition in Alabama only five persons who claimed to be citizens were examined. These were all Republican politicians. The testimony of each was bitterly partisan; under the government of the State as it then existed no one of these witnesses could hope for official preferment.

In his testimony each was striving for the overthrow of his existing State government and the setting up of some such institutions as followed under Congressional reconstruction. When this reconstruction had finally taken place, the first of these five witnesses became governor of his State; the second became a Senator in Congress; the third secured a life position in one of the Departments at Washington; the fourth became a circuit judge in Alabama, and the fifth a judge of the supreme court of the District of Columbia, all as Republicans. There was no Democrat in the subcommittee which examined these gentleman to cross-examine them; and not a citizen of Alabama was called before that subcommittee to answer or explain their evidence. Of the report of this committee, based upon evidence taken by such methods, Mr. Blaine permits himself to say (Vol. II, p. 9): "That report is to be taken as an absolutely truthful picture of the Southern States at that time."

The first session of the Thirty-ninth Congress now came to a close. Besides the passage, over the President's objections, of a still more radical Freedmen's Bureau bill than that defeated by his first veto, it had accomplished little else

than to drive most of the moderate Republicans into the ranks of the extremists. On adjournment members went into the canvass at home. The late Confederate States were held out of the Union, and their status was to be determined by elections at the North. The rejection of the fourteenth amendment, the report of the joint committee of fifteen, the testimony taken by that committee, the evidence furnished by agents of the Freedmen's Bureau, the vetoes and the alleged treachery to the Republican party of Andrew Johnson—these were the material of the canvass. Mr. Johnson had adhered rigidly to Abraham Lincoln's theory of restoration. That theory the Republicans now were assailing and Johnson was on trial as an apostate.

CONGRESS, 1866–'67.

The Republicans came back to the last session of the Thirty-ninth Congress, which began on the first Monday in December, 1866, exulting in a great victory. Never since the beginning of the Government had there been such a campaign during an "off year." Though no President was to be elected, four national conventions had been held; the air was filled with inflammatory speeches, and the dying embers of the passions engendered by the civil war were fanned into flames.

The result of the election was a majority, in the Fortieth Congress, of 31 for the Republicans in the Senate and 94 in the House. The Republicans were greatly elated. President Johnson, who was still ready with his vetoes, was the only obstacle in their path. It was proposed to remove him by impeachment. As put by Mr. Shuckers, himself a Republican, in his Life of C. J. Chase (page 547), the Republican leaders at this juncture "felt the vast importance of the Presidential patronage; many of them felt, too, that according to the maxim that to the victors belong the spoils the Republican party was rightfully entitled to the Federal patronage; and they determined to get possession of it. There was but one method and that was by impeachment and removal of the President."

On the 7th of January, 1867, Mr. Loan offered a resolution that, "for the purpose of securing the fruits of the victories gained," impeachment of the President was necessary. On the same day Mr. Kelso, also "for the purpose of securing the fruits of the victories gained," introduced impeachment resolutions. Then Mr. Ashley moved and carried resolutions for the appointment of a committee to inquire for grounds on which the President could be impeached. No proof was offered; the committee was to hunt for proof. The President's "bank account was examined. His private conduct in Washington was carefully scrutinized. Men were employed to investigate his public and private character in Tennessee. But nothing was found to his discredit." (McCulloch, page 394.) Notwithstanding the futility of this effort, in one form or another the impeachment programme survived until the next winter, when President Johnson furnished an excuse in the removal of Mr. Stanton from the Secretaryship of War, and the impeachment proceedings were then pressed to a conclusion.

It is now well understood that no legal grounds for the impeachment existed; and even at that day, in the height of party passion, there were seven Republican Senators, the exact number necessary to save the President, who, in spite of party pressure, voted "not guilty" at the trial.

The excitement prevailing in the country at large at the time of the impeachment may be judged of by the following editorial paragraph from the Harrisburg (Pa.) State Guard: "Just as sure as we believe the blood of Abraham Lincoln is on the soul of Andrew Johnson, just so certain are we that he contemplates drenching the country once more in the blood of civil war."

The effort to impeach the President was not allowed to delay the programme of Congress. Universal suffrage having been decided on, obviously the first step was, in the language of Mr. Henry Wilson, in his History of Reconstruction (p. 267), "the extension of suffrage to the colored race in the District of Columbia, both as a right and an example." The bill to this effect was before the Senate. Mr. BUCKALEW, of Pennsylvania, presented thus the grounds upon which Democrats opposed it: "Our ancestors placed suffrage upon the broad common-sense principle that it should be lodged in and exercised by those who could use use it most wisely and most safely and most efficiently to serve the ends for which Government was instituted," and "not upon any abstract or transcendental notion of human rights which ignored the existing facts of social life." And, he said: "I shall not vote to degrade suffrage. I shall not vote to pollute and corrupt the foundation of political power in this country, either in my own State or in any other." The debate took a wide range. It was understood that the late Confederate States were to share the fate of the District. One question was whether the right of suffrage should be confined to those who could read and write. Mr. Sumner stated his position thus: "Now to my mind nothing is clearer than the absolute necessity of suffrage for all colored persons in the disorganized States. It will not be enough if you give it to those who read and write; you will not, in this way, acquire the voting force which you need there for the protection of Unionists, whether white or black. You will not secure the new allies, who are essential to the national cause."

The bill granting suffrage passed without qualification. On January 7, 1867, the President returned it with his objections. Mr. SHERMAN, discussing the veto, said: "The President says this is not the place for this experiment. I say it is the place of all others, because, if the negroes here abuse the political power we give them, we can withdraw the privilege at any moment."

It is curious, glancing forward a few years, to see the result of this initial experiment. In 1871, while the Republicans were still in power in both Houses, a law was passed allowing the District of Columbia to elect its own Legislature and governor. The newly enfranchised voters, who were given the ballot "both as a right and as an example," had thus full opportunity to show their capacity. What was occurring at that time in the Southern States was always a matter of partisan dispute, but the noon-day sun was shining full upon the capital District, and the whole country saw that the political power conferred was being "abused." As Senator SHERMAN had indicated it might be, it was, in 1874, promptly "withdrawn" by a law which took away, not only from the black man, but also from the white man, the right, which the latter had long enjoyed, of voting in the District of Columbia. The new law provided that the District should be governed by three commissioners appointed by the President. There has not been a ballot cast in the District since 1874.

Congress had the right to enact universal suffrage in the District of Columbia. It has exclusive jurisdiction there, under the Constitution; but that instrument might have been searched in vain, in 1867, for any power over the elective franchise in the States. Mr. Justice Nelson, of the Supreme Court of the United States, on the circuit had decided, in the case of Egan, that South Carolina was entitled, after her civil government had been restored under the Presidential plan, to all the rights of a State in the Union. In a carefully prepared opinion he said: "A new constitution had been formed, a governor and Legislature elected under it, and the State placed in the full enjoyment of all her constitutional rights and privileges." What was true of South Carolina was true of others of the late Confederate States, and if these States were States, as Mr. Justice Nelson held, then Congress had no power over suffrage within their borders.

But this view of the Constitution did not suit the majority in Congress. The victory at the polls in the fall had put them abreast with Mr. Stevens, and now, in the winter of 1866–'67, they claimed full power over the late insurrectionary States, on the ground that it was for Congress to decide when the war had ceased; and they decided it was not yet over. Mr. Fessenden put it thus: "Is there anything more certain than that the conqueror has a right, if he chooses, to change the form of government, that he has the right to punish?" etc. On the 15th of March, 1867, Senator Howard, of Michigan, said: "They took their own time to get out of the Union; let them take their own time to return. They took their own time to initiate the war; we took our time to close the war." Mr. Maynard, of Tennessee, seemed to think it necessary to show that the continued existence of the war was a fact, really existing, and not a fiction assumed for jurisdictional purposes, and he said, on the floor of the House, in February, 1867: "It is not quite accurate to say that we are at peace; that there is no war. What peace is it? The peace of Vesuvious at rest, the peace of the slumbering volcano; the fires banked up, not extinguished; the strength of the combatants exhausted, but their wrath not appeased; no longer able to continue the conflict, but awaiting a favorable opportunity to renew it."

The facts were that for eighteen months prior to Mr. Maynard's speech there had not been nor has there been during the nearly a quarter of a century since, any offer or thought, in any of the late Confederate States, of resistance to the General Government, unless one may denominate such the occasional shooting, by a moonshiner, of a revenue officer; and this has occurred, oftener than elsewhere, in the Republican district of East Tennessee, represented, the writer believes, by Mr. Maynard when he claimed to be standing on a volcano.

Nevertheless Congress solemnly adjudged, for itself, that the war was not over; and so, on the 2d of March, 1867, in order, as was recited in the preamble, "to protect life and property in the rebel States of Virginia, North Carolina, Georgia, South Carolina, Alabama, Mississippi, Louisiana, Florida, Texas, and Arkansas," "until loyal and republican State governments can be legally established," it was enacted that those States should be divided into military districts and placed under military rule.

On the 23d of March, 1867, a supplemental act was passed completing the plan of reconstruction.* These acts annulled the State governments then in operation; enfranchised the negro; disfranchised all who participated in the war against the Union, whether pardoned or not, if they had previously held any executive, legislative, or judicial office under the State or General Government; provided for the calling of conventions, the framing and adopting of State constitutions, the election of State officers; and, in fact, pointed out all the machinery necessary to put into operation new governments upon the ruins of the old. Until the several States should be admitted under these new governments into the Union the military officers in command were to have absolute power over life, liberty, and property, with the sole exception that death sentences were subject to approval by the President.

Several ineffectual efforts were made to get the question of the validity of these laws before the Supreme Court of the United States. At last the case of McCardle from Mississippi seemed to present it fairly. McCardle, basing his denial of the power of a military court to punish him on the ground that the reconstruction laws conferring that authority were unconstitutional, appealed to the Supreme Court. That court denied a motion to dismiss the appeal. The case was then argued on its own merits. The argument was concluded on March 9, 1868, and the court took the case under advisement. While it was being so held, to prevent a decision of the question a bill was rushed through both Houses, and finally passed March 27, 1868, over the President's veto, depriving the court of jurisdiction over such appeals. This act, of course, implied the fear that the decision would be adverse to the validity of the laws, as a favorable decision would have been of immense value to the Republican party. Considering all the circumstances, it is indeed natural to conclude that this hasty action was based upon positive information that the decision, if made, would declare null and void the reconstruction laws.

After the passage of these laws and the muzzling of the Supreme Court, the careful observer of existing conditions, looking at the many adventurers who had followed in the wake of the Army, at the numerous employés of the Freedmen's Bureau, so long in training for their now fast ripening opportunities, might easily have predicted that the legislation of Congress would inevitably result in what Mr. Lincoln had feared and deplored as far back as 1862.

Just before the election for members of Congress, which had been ordered by Governor Shepley in Louisiana, President Lincoln addressed him a letter, November 21, 1862, saying that only "respectable citizens of Louisiana," voted for by "other respectable citizens," were wanted as Representatives in Washington. "To send," he says "a parcel of Northern men here, elected, as would be understood, and perhaps justly so, at the point of the bayonet, would be disgraceful and outrageous."

But party spirit had now gotten far away from that lofty plane on which Lincoln, the statesman, had stood.

Even Mr. Garfield, usually generous and conservative, had become so much excited as to say, in the discussion of these measures on the 18th February, 1867, and seemingly with exultation: "This bill sets out by laying its hands on the rebel governments and taking the very breath of life out of them; in the next place it puts the bayonet at the breast of every rebel in the South; in the next place it leaves in the hands of Congress utterly and absolutely the work of reconstruction." In other words, Mr. Garfield meant that if the results were not satisfactory, Congress might, at will, modify or change its plans.

But happily, as it no doubt appeared, there was only need for a few more changes in the law.

The reconstructors builded even better than they knew. The results exceeded even the sanguine prediction of Mr. Henry Wilson, who said, March 15, 1867, on he floor of t he Senate: "With the exercise of practical judgment, with good organization, scattering the great truth and the facts before the people, a majority of these States will, within a twelvemonth, send here Senators and Representatives who think as we think, speak as we speak, and vote as we vote, and will give their electoral votes for whoever we nominate for President in 1868."

In a little more than a "twelvemonth" from the date of Mr. Wilson's prediction—by the close of June, 1868—eight of the eleven Confederate States were represented in both branches of Congress. Of these Representatives all but two were Republican and among the sixteen Senators there was not a single Democrat.

About one-half of these Senators and Representatives were Northern men, elected when, as Mr. Garfield said, "the bayonet was at the breast of every rebel in the South"—a thing Mr. Lincoln had characterized as "disgraceful and outrageous."

The "fruits of the war" were being gathered.

Nothing remained but to perpetuate existing conditions.

Not only did these newly set up States ratify with alacrity the fourteenth amendment, but by the 30th of March, 1870, with their assistance, the fifteenth amendment was also declared part of the Constitution. Suffrage had been granted to the negro in the Southern States by Congress. This amendment provided that "the right to vote should not be abridged by the United States or by any State on account of race, color, or previous condition of servitude."

The net results of these reconstruction measures were, that in the Forty-first Congress, beginning March 5, 1871, when the twelve Southern States, including West Virginia, had all been gathered into the fold, they were represented by 22 Republicans and 2 Democratic Senators and 48 Republican and 13 Democratic Representatives.

The national Republican party had, in the language of Mr. Sumner, secured the "new allies" it needed in the South.

What these new allies accomplished in the several Southern States will appear in the subsequent chapters of this book.

Mr. HOUK. Mr. Speaker, nothing short of what I conceive to be a duty under the circumstances would impel me to attempt to speak

*See these acts in full. (Appendixes A and B.)

this morning because of my physical indisposition, a sore throat. My advocacy of a national election law does not grow out of any real or supposed emergency of recent origin.

Notwithstanding there may be and are a variety of reasons now existing in different parts of the country why this power should be asserted, it has been my conviction from my earliest reading of the Constitution and study of our form of government that it was a paradox, inconsistent with the symmetry and harmony of the National Government, to leave to the States the control of elections for national officers.

I presume that no man who is not utterly reckless will deny the power of Congress to enact all laws which it may deem necessary for the Government and control of the elections of members of its own body. But I desire to say further in this connection that a national election law can in no way possibly affect or promote my political fortunes.

In my Congressional district we have absolutely fair elections. I will say for the credit of the Democrats of my section of country I do not believe they want dishonest elections. A false count and fraudulent certificate, stuffing a ballot-box in the Second Congressional district of Tennessee would consign the perpetrators to the gloomy walls of the penitentiary and cast their sympathizers in the crime into the outer darkness of social and political disgrace. [Applause]. Therefore, my position on this subject grows out of my conviction, first, of the right and duty of Congress to control the election of members of its own body; and, secondly, as I will discuss a little further on, the necessity for the exercise of the power in reference to certain parts of this country.

To those listening to this debate, a stranger in the gallery would have supposed that the pending proposition was something to authorize the arrest and imprisonment, if not the hanging, of the entire Democratic party. It has been constantly iterated and reiterated from the beginning of the debate that this bill was intended to oppress and to impose upon, to do some great wrong to the people of the South. In the name of all the gods at once what harm will it do to have an honest election? Have you practiced dishonest elections so long that it will break your hearts if you have to have to stop it? [Laughter.]

That is the argument. And the other day our eloquent young friend from New Jersey [Mr. MCADOO] was indeed eloquent in discussing the subject of "liberty." Well, now, "liberty" is a grand subject. But did you ever think about what a grand privilege it was to stuff a ballot-box, to make a fraudulent return, to send a man here with a certificate of the governor against whom three-fourths of the legal voters of his district had cast their ballots? This is a new phase of liberty. [Applause.] And yet we hear an appeal in the name of "liberty" for the right to stuff a ballot-box and make fraudulent returns. Our friend from New York [Mr. COVERT] made an eloquent appeal the other day, but while I was listening to him in his perversion of that grand sentiment made immortal by Abraham Lincoln, that this was "a Government of the people, by the people, and for the people," I could but think of the almost criminal prostitution of that grand sentiment in the interest of Government by fraud, by false returns, for the benefit of those who are dishonest enough to practice the frauds and make false and fraudulent returns, and be the recipients of such criminal conduct.

While there may have been somewhere, here and there, at some time, an occasional election fraud perpetrated by Republicans, in ninety-nine cases out of a hundred from the days of the despotism of the democracy of Greece down to the present time when political rights have been invaded or subverted it has been in the interest of so-called Democracy.

It is to prevent fraud and secure honest elections, North as well as South, and not to wrong anybody that this law is proposed. Neither I nor any other advocate of this measure, so far as I know and believe, is actuated by any feeling of hostility to the people of the South.

Why should I dislike the Southern people? Adopting the language of the day, am I not one of them? Or am I and my section to be excluded from the use of the term "Southern?" Does it take a peculiar belief and the assumption or assertion of Bourbonism to make a man Southern? Born in the South, reared in the South, having lived all my life in the South, and fully expecting to die and be buried in the South, it is natural that all my personal affections and affinities are and should be with the people of the South.

Instead of oppressing, or degrading, or humiliating, or in anywise injuring the people of the South, it is my ambition to aid and elevate them in every way possible. Hatred has no place in my composition. Malice is an attribute I despise. Revenge is an abominable spirit. If I had it in my power I would embrace, lift up, and better all humanity. In advocating and voting for this bill I feel that I am placing my hands under and my arms around the people of the South and aiding to lift them to a higher plane of nationality and American citizenship.

But I am for this bill on the high and broad ground of constitutional right and political justice. Is it not a paradox to deny to the United States the right to protect its own sovereignty in the election of members of its own Congress?

Is this a nation? I affirm that it is and plant myself upon the explicit utterances of the Constitution. By that instrument every element of national sovereignty is vested in the Congress. I can not understand how any intelligent citizen can read the Constitution of 1789 and study it as a whole without coming to the conclusion that whatever differences of opinion there may have been originally amongst its framers, they nevertheless concluded their labors by investing the Government of the United States with all the attributes, elements, and powers of national sovereignty.

Through the provisions of the Constitution its framers clothed the machinery of the Government of the United States with all the powers then supposed to be necessary to enforce the sovereign will of all the people of all the States in their general and collective character of "We, the people of the United States." Turn to the eighth section of Article I of the Constitution, and it will be seen that Congress is invested and fully clothed with authority to exercise all the powers of sovereignty thought to be necessary to the existence of a great nation. Let me read. Here is what the Constitution says:

> Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; to borrow money on the credit of the United States; to regulate commerce with foreign nations and among the several States and with the Indian tribes; to establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States; to coin money, regulate the value thereof, and of foreign coin, and to fix the standard of weights and measures; to provide for the punishment of counterfeiting the securities and current coin of the United States; to establish post-offices and post-roads; to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries; to constitute tribunals inferior to the Supreme Court; to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations; to declare war, grant letters of marque and reprisal, and to make rules concerning captures on land and water; to raise and support armies; * * * to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

What a grand national structure is here built by the express declarations of the Constitution? What a grand edifice of human freedom, a depository of "Liberty regulated by law!" And every necessary power vested by the Constitution in the national Legislature, every power incident to a great Government and the good of its people.

"Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and to provide for the common defense and general welfare of the United States," which, in the meaning of Americans and their use of language, is to look after the manifold interests and well-being of all the people of the United States. This is a sweeping and complete investiture of supreme sovereignty over, and the power to take care of, the people.

Every word and every articulation of this clause emphasizes the supreme sovereignty of the nation over all these necessary incidents of government through the exercise of Congressional power, subject to the co-operation of the executive, and in proper cases the judicial, department of our triune form of Government. Language could not have been found to more forcibly and fittingly express the national character of the "more perfect union" which was formed by the Constitution of 1789.

"To regulate commerce with foreign nations and among the several States" is such a clear and strong declaration of supreme sovereignty in the nation that I call attention to it here in order to enforce what I may say touching all these clauses of the eighth section of Article I of the Constitution, which I have quoted or may quote. Let us balance our minds on the clause "To regulate commerce with foreign nations and among the several States," and look critically through the Constitution and see if every element of supreme power does not inhere to the very structure of the Union.

It is clothed with power over the question of naturalization and citizenship; of commerce; of currency; of all these things which are essential to political existence. The nation, through Congress, must make provision for social and intellectual enjoyments by establishing post-offices and post-roads, as well as commercial advantages.

It must protect authors in their writings and inventors in their discoveries. It must establish courts, and through them enforce the laws necessary to the enjoyment of life, liberty, and the pursuit of happiness. It has power to raise armies and support them out of the substance of the people. It shall maintain a navy, and provide even for calling forth the militia of the States, and for their equipment, discipline, and government while executing the laws of the Union. Congress shall provide for the doing of all these things for the protection and benefit of the people of the United States.

And last of all, though by no means the least, nor yet the greatest, the National Legislature is charged with making "all laws which shall be necessary and proper for carrying into execution" all of these sovereign powers granted by express enumeration and explicit implication of the Constitution.

Now take in conjunction the fourth section of Article I of the Constitution of the United States and it clearly appears that Congress is vested with a supreme authority over and right to control Congressional elections.

Would it not be a remarkable paradox to find that the Constitution vested the power in Congress to organize armies, declare war, provide a navy, coin money, and do all the great and important sovereign acts enumerated in section 8, to which attention has been called, and then to abdicate the right to look after and see that Congress itself was not "packed" by fraud? The Constitution, as we have seen, clothes Congress with full power over the life of the nation, and yet we are told that the States must select members of Congress to suit themselves.

The absurdity of this position was illustrated in the secession movement. And if the States have the right and power to elect members of Congress in whatever way and manner they alone may determine, then any one or more of the States may break up the Government at any time it may suit their own purpose to do so and thus assert their supreme sovereignty to the overthrow and destruction of the rights of the people of the whole Union. This would be a clear, full, and conclusive vindication of the right of secession.

Just here let me pause for a moment and refer to the remarkable speech of the distinguished gentleman from Pennsylvania [Mr. VAUX], the successor of the late distinguished member of this body [Mr. Randall]. In listening to his speech I was reminded of some old doggerel, which reads:

He didn't, nor he couldn't, nor he wouldn't.

If I understood him his argument was that Congress had no power to pass this bill because it had other provisions than those which, he argued, were strictly applicable to the time, place, and manner of holding Congressional elections.

The fact seems to have escaped his mind that the fourth section of Article I of the Constitution vested in and reserved to Congress all the powers which that section commanded the States to exercise in reference to the election of members of Congress. And he seems not to have recognized the fact that the States had no power over this subject except that which is expressed in the command upon them by this eighth section of the Constitution.

The phraseology of this section may be said to be peculiar. It will be noticed by a careful reading and study of the language that it, in fact, confers no power whatever upon the States.

It is simply the voice of the supreme sovereign, commanding the State as a subordinate part of itself to do a certain thing until such time as it should assume to do that thing for itself. So, to argue against the power of Congress, not only to prescribe the time, place, and manner of electing its own members, but to make all other regulations and details necessary to a thorough supervision of the conduct of these elections, is to deny the same right and power to the States, because, without the command contained in the eighth section of Article I, the States would have no right to legislate upon or take any control of these elections.

The language of this section is:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators.

Nothing is plainer than that this section of the Constitution simply commanded the States to provide for and control Congressional elections until such time as Congress should determine to take charge of and prescribe these regulations for itself.

But the real reason for the Democratic opposition to the exercise of this constitutional power of Congress over the election of its own members grows out of the Democratic doctrine of State rights and the determined purpo seof that party to deny the right of the United States to exercise any act of national sovereignty. That party denies the national character of the Government. The Democrats look upon the United States as an "emasculated ideality." But I insist the right and power over this question are vested in and to be exercised or not by Congress as it may itself decide.

When our population was small, our country sparsely settled; when long distances divided the people; when it consisted of a few families, occupying distant plantations, as it were, it may have been well enough to yield to the dictates of convenience and permit the States to provide for and conduct Congressional elections, however inconsistent and paradoxical it may now appear in the light of our present surroundings. But circumstances and conditions have changed. We are now a great nation and a great and multitudinous people. We are great in numbers, great in wealth, great in genius, and great in intellectual development. We are great in all that adorns the highest civilization.

All Americans are neighbors; we are now one great family bound together by common interests and common ties and all citizens of a common Government, and all must be legislated for by the Congress of the United States in which the whole and not a part of the people must control.

It therefore logically follows as a matter of right that Congress should take hold of and control the election of the members of its own body. But if there was no other reason why Congress should take control of its own elections the utterances put forth in this debate ought to inspire every member of this body with a determination to immediately enact this measure into law.

But now what is it? What is this measure? Is it to do any wrong to anybody? Is it to lay a violent hand upon any citizen of this country? Is it anything new in the law? Not a word of it? It is simply a proposition to amend an old law which has stood upon the statute-book since the 28th of February, 1871; a law which has been declared constitutional by the Supreme Court of the United States; a law which has been commended by such distinguished Democrats as W. C. Whitney, S. S. Cox, and others; a law the constitutionality of which has been affirmed by a Democratic House of Representatives under the leadership of the distinguished gentleman from Illinois, my friend Mr. SPRINGER.

The only new feature appearing in this proposed statute—the only thing that could be affirmed as a new departure—is the question of certification by the chief supervisor, which, under certain conditions, is superior to the certificate of the State authorities; and yet if I had any doubt about its constitutionality before, I would have no doubt about its constitutionality now, after my distinguished friend has affirmed it. In the Forty-fifth Congress, in the case of Dean against Field, a Democratic House of Representatives, under the law laid down by the distinguished gentleman from Illinois [Mr. SPRINGER], not only stood by and enforced the supervision law, but seated a man over the certificate of the governor of the State of Massachusetts on the certificate of the supervisor appointed under this law, and I have been listening to hear him come to the defense of this feature of the law. While he went a little outside of the law as it then stood in order to seat a Democrat, this bill proposes to make that ruling the law hereafter.

Mr. SPRINGER. Will the gentleman allow me——

Mr. HOUK. I have not time to be interrupted.

Mr. SPRINGER. I am coming to it.

Mr. HOUK. Oh, I know that. I wish I had time. I would love to spend a quarter of an hour exchanging views with the gentleman; but I will state to him that I will give him the benefit of what he said then, that he may meditate upon it and remember it.

Here was a case in which the governor certified Mr. Field. The supervisor appointed under the law which is proposed to be amended certified that the Democrat was elected, and by a narrow majority of 5 votes only. The gentleman from Illinois [Mr. SPRINGER] in making the report rises to the dignity and height of the occasion and gives an elucidation of the constitutional power of Congress over this question and asserts that State rights must go to the rear and the national authority must stand. It is a good report, and I commend it to my Democratic brethren, for I want them to get right in the matter of supervisors and their certificates. I call on our Democratic friends to stand by us in sustaining their leader [Mr. SPRINGER] by voting for and passing this bill into law, so that in the future there will be no need of a forced construction by him in order to seat a Democrat.

In his report he said:

Congress, in pursuance of its constitutional power to make regulations as to the times, places, and manner of holding elections for Representatives in Congress, or to alter State regulations on the subject, enacted the foregoing provisions.

The same provisions that this bill contains, with the exception of the power of the supervisors to cerify.

Then he says:

They must be held valid and binding upon the State. The very moment of the enactment of these provisions, February 28, 1871, they became a part of the election law of the State of Massachusetts, overriding all opposing statutes made or to be made by the State, and the passage of the State law of April 20, 1876, authorizing an aldermanic count, so far as it provided for the taking of the final vote for Representatives in Congress out of the supervision and scrutiny of the United States supervisors of election, was an invasion, if not a nullification, of the United States law.

That is pretty good, radical, "centralizing," Republican doctrine indorsed by a Democratic House. [Laughter.] I hope my friend stands by it, and I expect to see him, when the roll is called, come up like a man and vote "ay."

Mr. BOATNER. That will be on the motion to indefinitely postpone. [Laughter.]

Mr. HOUK. Yes; you want to postpone the day of judgment, of course. [Laughter.]

Here is more of the language of this report:

After Congress had provided for the appointment of two supervisors of election for each voting-place and had required such supervisors to count the votes for Representatives in Congress, and to remain with the ballot-boxes until the count was wholly completed and the certificates made, it is not competent for any State to provide another board of canvassers who may take possession of the ballot-boxes, exclude the Federal supervisors, and secretly count the votes and declare different results.

Is not that the identical thing that this bill is intended to provide for, to protect the ballot-boxes and prevent all outside interference, to prevent the votes being counted in secret and a fraudulent result returned?

Mr. SPRINGER. That is just what was done in Massachusetts and what was condemned by my report.

Mr. HOUK. I thank thee, Jew, for teaching me that word, but what was sauce for Massachusetts ought to be sauce for the Democratic States. [Applause.]

Mr. SPRINGER. But Massachusetts had violated the law by taking the count away from the proper officers.

Mr. HOUK. I knew that reading from this report of his would

hurt the gentleman, and if I had time I could make it hurt him a great deal worse. [Laughter.]

Mr. SPRINGER. I stand by it.

Mr. HOUK. Then vote according to its doctrine.

Mr. SPRINGER. Every Republican on your side voted to disregard that Federal law.

Mr. HOUK. And therefore you indorse its violation by your Democratic friends. Now, Mr. Speaker, who has the floor? [Laughter.] I am not in the habit of interrupting gentlemen when they have the floor. I never did it in my life without their consent. I think it is a great impropriety, and I hope the gentleman will take the hint and will not interrupt me any more. [Laughter.] My time is limited, and the gentleman ought not to usurp it.

Mr. SPRINGER. I beg the gentleman's pardon.

Mr. HOUK. Pardon is granted, but quit sinning. But I tell you the gentleman from Illinois [Mr. SPRINGER] has furnished a vast amount of good reading. [Laughter.]

Mr. SPRINGER. Read it all.

Mr. HOUK. I wish I had the time. Now, Mr. Speaker, I have read to the House from the report of the distinguished gentleman from Illinois [Mr. SPRINGER] laying down the law not only as strong as it then was, but as strong as we propose to make it. This bill simply proposes to enact Mr. SPRINGER'S report into law on the subject of certifying elections. [Laughter.] And in defending his report, which the gentleman did elegantly, ably, magnificently, he said:

I ask the people of Massachusetts to make their laws conform to the Federal laws.

Now, Mr. Speaker, all we ask is for the several States to make their laws on this subject conform to the Federal laws, just as the gentleman from Illinois in the Forty-fifth Congress wanted Massachusetts to do. He proceeds:

I ask the Representatives of Massachusetts upon this floor to so vote in this case as to require the law of Massachusetts to conform to the laws of the land.

He meant the supervisors' law. Now, that was good doctrine. I approve every word of it. [Laughter.] We only propose by this bill to compel the authorities of every State to conform to the law of the land, and in that we have the gentleman from Illinois [Mr. SPRINGER] standing by us and furnishing us the ablest argument that I have found on the subject. [Laughter.] Again he says:

Will it be contended that after the Federal supervisors have scrutinized one election and one State count it is competent for the State to set aside its own election and count where the Federal officers were present, and then go off into some secret hiding place under the pretext of—

Under the pretext of what?

under the pretext of State rights! and hold another election and make another count in disregard of the Federal law?

Again he says:

The Constitution of the United States provides that all laws passed by Congress under the Constitution are the supreme law, supreme in Louisiana, supreme in Massachusetts, supreme everywhere throughout the broad extent of this land.

Mr. Speaker, this is just what we want. That is all we ask. That is all we propose. Again, the gentleman says:

I say in regard to the election of members of Congress that is the Federal law, but it applies only to the election of members of Congress.

That is all we ask. That is all we apply this law to which we have under consideration. It is applicable only to Congressional elections. He says again:

The Congress of the United States have provided that United States supervisors shall be present at all times and all places for the registration, voting, and counting, canvassing, and making the returns of the election, and a State law which makes provision for recounting the ballots in disregard of the Federal law is not in accordance with the law of the land, and is, therefore, void.

Mr. Speaker, all this bill proposes is that the supervisor shall be present, that he shall see the count, that he shall observe, that he shall do what the Forty-fifth Congress did in the case of Dean *vs.* Field: that is, that he shall, in certain cases, make a certificate, and that certificate shall import verity *prima facie*, and shall place the man on the roll, just as the Democratic members of the Forty-fifth Congress placed Mr. Dean on the roll of this House over Mr. Field, on the authority of the certificate of the supervisor.

But why oppose the passage of this law if you want or are willing to have honest elections? Will not the United States courts prove as honest and capable in making appointments as the political machines? Will not the machinery put in motion by the courts be in the hands of men as worthy, as capable, as honest as those who have heretofore or who might be hereafter appointed by political officers, and will not those charged with the execution of this law be selected from among and of the same people from whom elective officers are now selected?

Is there some magic virtue in the selection of election officers by the States or in the selection of these officers by the political power of the States?

Is there some magic evil in the selection of these election officers by the United States or the non-partisan judicial officers of the United States?

How is this? Are the States and their people possessed of some kind of sanctified purity when acting under the authority of political officers of the States which is immediately corroded and lost when the same people are appointed by judicial officers and act under the authority of the United States?

The gentleman from Massachusetts [Mr. LODGE], in his great speech opening this debate, drew the line and clearly showed the difference in the honesty and purity of elections when conducted under national supervision and when held exclusively under and controlled by the laws and officers of the State.

But, Mr. Speaker, we are told that the passage of this bill, which thus stands commended before this House and the country by the able report and able speech of the gentleman from Illinois [Mr. SPRINGER], is for the purpose of reviving race prejudice and bringing about conflicts in the communities where it is enforced.

Now, I undertake to say, Mr. Speaker, that there is no race prejudice in the South involved in this bill. It is not race prejudice, and every gentleman from any Democratic State of the South knows it is not; it is not race prejudice at all which they are combating. It is a political prejudice; not that the colored man is black, but because he votes the Republican ticket. Why do I say this? Did not the distinguished gentleman from South Carolina [Mr. TILLMAN] the other day clearly demonstrate and proclaim to the world that it was not race prejudice, but political prejudice, when he stood in his place and declared that every decent white man in the State of South Carolina is a Democrat, thus presenting the key to this question?

The prejudice is not against the colored man because he is colored, but because he votes the Republican ticket. Every man on this floor knows that the colored man who votes the Democratic ticket has no trouble. If it is race prejudice, why does it not assert itself when the colored man votes the Democratic ticket? You know it does not. If it is race prejudice, why is it that every white man who enters the Republican party in the South is more bitterly assailed, more maligned, more maligned than the colored man?

Mr. DOLLIVER. Is that true?

Mr. HOUK. It is true in certain sections and of a certain element; it is not true in my own part of the country, because there is enough leaven of Republicanism in East Tennessee to leaven the whole lump and make the people law-abiding, orderly, and patriotic. But read your newspapers and you will see at a glance that they hate Mahone, Longstreet, and Chalmers, and Slaughter, and Mosby, and all others who join the Republican party. All the prejudice and malignity is evinced towards these distinguished white men that is ever evinced towards any colored man. This is the case the very moment a white man announces his adhesion to the policy and principles of the Republican party. It is prejudice upon public issues, not prejudice upon color or race.

But we are told that we can not enforce this law. Possibly we can not in some places; possibly in certain localities such a point has been reached in the disobedience of the law that no law in contravention of the peculiar views held by the people of those localities can be enforced. But would it not be cowardly to refuse to do our duty because criminals might resist the enforcement of the law? But I say to you that in the great majority of the localities where these evils exist there is an undercurrent of feeling among the white people as well as among the black.

There are Democrats—nominally such because of their surroundings—who are looking and longing and waiting for an opportunity to be given them in the shape of such a law as this around which they may rally and throw off those influences that have settled upon them like a nightmare and which constantly tend to the prostitution of their rights. There are thousands of white people, even in the black belts of the South, fairly disgusted and anxious to see law and order restored.

But it has been said (and of course I can only glance at these matters) that the enforcement of this bill will cost $10,000,000. I do not believe it; but suppose it costs three times $10,000,000. Did it not cost more than $6,000,000,000 to vindicate the rights of the people and have them written in the Constitution of the country? And if it costs $100,000,000 to assert those rights in practical political life in all parts of this country it will be money well expended and cheaply laid out.

But what is the condition of things in the South? Why the necessity for this measure? The election contests before this House have been referred to this morning. Not because there was not enough proof to disgust and make heart-sick any honest man that reads it, but because it was not gotten up in legal form, some of the contestees have kept their seats. But what do these records show—sworn testimony piled up mountain high from reputable people of every class, condition, and color? Why, sir, one of their methods is to copy the tax list and vote it. The record stands there in the room of the Committee on Elections showing where the tax list was copied.

There was a certain number of legal votes polled, for instance, but when the legal voters gave out they got the tax-list of the county and copied it; and so unskilfully was it done that they actually copied it alphabetically. Yet we are told that a law to correct such evils is going to oppress the people of the South.

But in other places there are other methods, methods which appear in my own State in certain localities. In large Republican precincts—

and there is no doubt about it, every man who knows anything knows it is the truth—they deliberately let everybody vote; then the State officers, who are surrounded by the sacred crest, holy and pure, as we are told, of State authority, deliberately sit down and count the Republican votes for the Democratic candidate and the Democratic votes for the Republican candidate, thus making up and certifying the majority to the Democratic candidates. To show the Mississippi plan I will give in an appendix the votes of fourteen counties having white majorities and fourteen counties having colored majorities. This bill, if passed, will throw the shield of protection around the people where such practices prevail, will correct them, and will enable Congress and the people of the country to know the real result of the votes cast at the ballot-boxes when Congressmen are to be elected.

But, Mr. Speaker, it is said this bill proposes a strong Government. Yes; and it takes a strong Government to deal with the people we are trying to deal with and provide a remedy for their frauds. I want this Government to be so strong that it can reach out and lay its hand upon and punish every offender against the rights of the nation and the people. [Applause on the Republican side.]

APPENDIX.

Fourteen counties in Mississippi having white majorities.

Counties.	By State census of 1880.		Returns of 1888.		Districts.
	White voters.	Colored voters.	Cleveland.	Harrison.	
Alcorn	2,156	819	1,094	447	Allen's.
Calhoun	2,335	544	1,163	108	Lewis's.
Hancock	1,135	468	725	313	Stockdale's.
Harrison	1,382	410	850	478	Stockdale's.
Jackson	1,673	620	833	616	Stockdale's.
Jasper	1,369	964	1,045	611	Anderson's.
Newton	1,864	881	1,875	135	Anderson's.
Pontotoc	2,070	770	967	509	Lewis's.
Prentiss	2,026	427	1,231	281	Allen's.
Simpson	1,006	628	750	193	Hooker's.
Tippah	2,004	525	1,301	483	Morgan's.
Tishomingo	1,564	184	810	144	Allen's.
Union	2,102	539	1,409	397	Morgan's.
Wayne	995	657	960	499	Anderson's.
Total	23,681	8,436	15,013	5,214	

Fourteen counties in Mississippi having colored majorities.

Claiborne	986	2,566	599	14	Hooker's.
De Soto	1,906	3,100	2,083	960	Morgan's.
Grenada	889	1,861	708	253	Lewis's.
Hinds	2,568	5,946	2,201	956	Hooker's.
Holmes	1,641	4,029	1,664	717	Anderson's.
Jefferson	954	2,419	683	363	Hooker's.
Lowndes	1,430	5,006	1,122	17	Allen's.
Madison	1,469	3,908	2,032	344	Hooker's.
Marshall	2,750	3,469	2,264	1,420	Morgan's.
Monroe	2,457	3,557	2,962	413	Allen's.
Noxubee	1,360	4,819	846	0	Lewis's.
Oktibbeha	1,145	2,197	1,342	399	Allen's.
Panola	2,324	3,739	4,650	1,121	Morgan's.
Tallahatchee	1,002	1,387	1,021	28	Morgan's.
Warren	2,217	5,238	2,364	958	Catchings's.
Washington	1,726	5,604	1,850	322	Catchings's.
Wilkinson	855	2,567	495	37	Stockdale's.
Yazoo	2,238	5,363	1,196	7	Anderson's.
Total	29,927	66,775	27,082	8,329	

Fourteen counties having 14,245 white majority gave Cleveland 9,799 majority.
Sixty-two per cent. of the colored voters voted.
Sixty-three per cent. of the whites voted.
Only 12 per cent. of the colored voters voted; 90 per cent. of the white voters voted.

Mr. COLEMAN. Mr. Speaker, I am a Republican from conviction and from principle; a Southern man by birth, education, and association; elected as a Republican to represent in this nation's House of Representatives the Congressional district where I was born and raised. A realization of my oath of office and my responsibilities as a member of this Fifty-first Congress impress me now with much concern for those whom I am here to represent.

I am opposed to the enactment of any Federal election law at this time, for, notwithstanding the fact that the promoters of this Federal election bill aim to secure in the South that great desideratum, "a free ballot and a fair count," I do not think this a proper time to make this political experiment.

Mr. Speaker, I fully realize the importance of preserving the sanctity of the ballot, and I would heartily support a Federal election bill now if I thought its enactment would secure this important result; but I tell you that the supposition or opinion that the passage of any Federal election bill at this time will secure a free ballot and a fair count throughout the South is based on false impressions and ignorance of the true state of affairs in some parts of that section.

War is terrible in its immediate results, and the locality which was the field of operations of our unfortunate civil war suffered from desolation and destruction so as to require many years of peace to restore prosperity again. Following our civil war came the more disastrous period of reconstruction, which saddled upon our then desolated land debts and incumbrances which have not been fully paid to this day. Nothing but the soothing influence of time can veil that awful past and shut out those dreadful memories. If you think the South has not yet suffered enough from the war and its results, then start afresh the echoes of those dreary years of reconstruction. Roll back into the past the present march of progress and industrial development. Confine your Republican party in Louisiana and some other parts of the South to the few white men who may feed at the Federal crib of patronage, and the unfortunate colored people who, loyal to the memory of their emancipator, Abraham Lincoln, vote with the party which elected that noble benefactor of their race President of this nation. But, Mr. Speaker, when you stir up again the memories of reconstruction in the South bear well in mind that you are not following the advice of that national leader of men, that successful Republican, that wonderful man, powerful in brain, in frame, and in heart—Abraham Lincoln—for he said:

Let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphans, to do all which may achieve and cherish a just and a lasting peace among ourselves and with all nations.

Will you refuse to follow the teaching of this martyr statesman, who was your leader until his death—that most unfortunate calamity for the Southern people?

Of the 9,000 votes cast for me in November, 1888, 7,500 were those of colored men. And while many of these colored men were told that I was an ex-Confederate soldier and an ex-White Leaguer, they only asked to know that I was the regular Republican nominee. Now, with this confidence reposed in me, I feel it my duty to oppose with my voice and vote any legislation calculated to produce friction, trouble, or distress between the races.

Mr. Speaker, whenever you hear of trouble in the South between the races you will find that far more colored people are killed or wounded than there are whites who suffer, and any man or party who produces trouble between the races is not in sympathy with the best interest of either race. The colored people of to-day are far advanced in education, in intelligence, and in financial wealth beyond what they were twenty years ago. There are in Louisiana educated colored physicians, lawyers, ministers, editors, professors, and merchants. You can find there accomplished colored musicians and artists, and upon investigation you will find that the colored people have made such progress as astonishes those who had not given the matter careful consideration. Now, as a friend of these people I do not wish to stimulate any trouble between them and their fellow-citizens, and I am just as certain that trouble and bloodshed will follow the enactment of this bill, and that the law will fail in its purpose, as I am that I shall vote against its passage in this House.

Mr. Speaker, I deem it eminently proper and appropriate at this time to call the attention of this House, and particularly the Republican members thereof, to the fact that the only sitting colored member of this House at present, Mr. CHEATHAM, a Republican from North Carolina, introduced two bills on the 19th of last December (over six months ago) which are of special interest and importance to the colored people of this country, namely, No. 632, to reimburse depositors in the Freedman's Savings Bank and Trust Company, and No. 634, to aid in the establishment and temporary support of common schools. Both of these bills are quietly sleeping—"under the new rules"—notwithstanding the fact that this Administration with its Republican majorities in the House and Senate and Republican President could have enacted both bills into law several months ago. Gentlemen, why do not you show your sympathy for the colored people in a practical manner when you have such a favorable opportunity?

I want peace, progress, and prosperity. I want to see continue and increase the industrial development in the South, that wonderful industrial development started by the emancipation proclamation of Abraham Lincoln. I quote from the Baltimore Manufacturers' Record:

THE PROGRESS OF THE SOUTH.

We give in this number of the Record nine columns of two to four line announcements of a week's progress in Southern development. These items represent millions of dollars' investment in Southern industries and thousands of good new citizens for the South, who are warmly welcomed and given the right hand of fellowship. Industrial cities are springing up amid coal, iron, marble, granite, and around water-powers, that have been heretofore uninhabited. Southward the course of empire takes its way, and well it may, for here is the fairest land for all agricultural and rural pursuits, the most genial climate, the brightest skies, the widest virgin forests, the richest mines of coal and all metals, inexhaustible deposits of marble, granite, limestone, and sandstone, rarely beautiful rivers, immense water-powers, and the most hospitable people in the world.

Mr. Speaker, the amount of industrial development now going on in the South surprises those who have given this matter attention, and if you ask those men from the North, East, and West who have invested their money in the South, most of whom are Republicans, what they think of the Federal election law, you will find that 90 per cent. of them prefer peace; and every furnace and every rolling-mill and every fac-

tory established in the South makes friends and recruits for the Republican party of protection, internal improvements, and the enforcement of the law.

Mr. Speaker, I want to see the political solidity of the South dissolved. I want this Republican Administration to prove by its acts that the Republican party is a better friend to the South than the Democratic party has been or ever will be. I want to have proven that the success of the Republican party means internal improvement, education of the masses, progress, peace, and prosperity, instead of meaning what the Democrats say, "negro supremacy."

A Federal election law now will prove to be a very expensive political blunder, and the nation's money can be used to much better advantage by paying the many just war claims due to the loyal people of the South; paying the French spoliation claims, acknowledged years ago to be just; paying the balance due depositors in the Freedman's Savings-Bank; paying for the education of children, white and black, and paying for building and maintaining and protecting a system of levees to confine the waters of the Mississippi River to its channel, improving navigation while protecting from overflow that wonderfully fertile Mississippi Valley.

A Republican Administration spending Government money for such purposes would prosper the nation more and secure for years to come more Republican Congressmen and Republican Senators from the South than could be done by passing and attempting to enforce any Federal election law that can be suggested. If you are determined to pass a Federal election law, then you must prepare to enforce it with Federal bayonets and possibly Federal bullets, as suggested by the eloquent and distinguished gentleman from Iowa [Mr. HENDERSON], my big-hearted, generous, but impulsive friend, whose enthusiasm, when discussing this bill last Saturday, can be equaled only by his musical voice, his talent for song, and his wonderful good humor when participating in the rousing choruses of rebel war songs during that delightful Congressional vacation some weeks ago in the grandly picturesque and exhilarating surroundings of the Blue Mountain House.

With a condition of affairs suggestive of Republican Federal bullets fired from ranks of colored men and Federal soldiers, how many recruits will the Republican party secure from the ranks of their present political opponents?

Mr. Speaker, the principal influence which holds the white people of the South together is the old Democratic war-whoop of "negro supremacy" and "Africanization." Remove from the eyes of the people the scales of ignorance of and prejudice to the Republican party, and let them realize that the bugaboo "yawps" and war-whoops of the Democratic politicians are without foundation, then the shotgun squad will disband, and the negro will be protected in his political and civil rights by Republican ex-Confederates, ex-White Leaguers, and ex-Democrats.

In several if not all those States where bulldozing, intimidation, or ballot-box stuffing prevails we find feuds and divisions among the leaders of the Democratic party, and there are undoubted signs of disintegration, owing in many cases to the personal ambition of rivals for political position or patronage.

We find movements operating under the name of Wheels, Alliance, and Labor party, whose leaders and adherents have been voting with the Democrats. Pass a Federal election law, and many who are now willing to separate from the Democratic party will immediately get back into the so-called "white man's party" rather than risk "negro supremacy."

Years ago, in the days of Whig and Democratic parties, these two parties were so evenly divided that the best and strongest men of both sides were required for candidates in Louisiana. The southern part of Louisiana was Whig in politics and carried a large Whig majority up to the line of Red River. Now, as a matter of fact, when these old Whigs in the South vote the Democratic ticket they do so with more or less compunction, and they would be glad to vote against their old political opponents if they could do so without fear of negro supremacy. The color line is all the stock in trade the Democratic party has South, and now this Republican House proposes to strengthen this Democratic "stock in trade," to re-enforce the ranks of the enemy by passing a Federal election law, which, while failing in the object aimed at, will solidify the white people so rigidly against the Republican party South that social ostracism, personal persecution, malignity, and hate will be intensified. Gentlemen, do you insist upon participating in the enactment of a law which will produce such an unfortunate state of affairs?

Would you not rather welcome on this Republican side of this Hall Republican Representatives elected from districts which heretofore have been represented by Democrats, but who, having changed their politics, send Republicans here because they have discovered the falsity of the charge that the success of the Republican party meant "negro supremacy," and they discover that the Republican party is really the party of internal improvement, a strong central government, industrial development, and having plenty of room in that party for the ex-Confederate soldiers and all others who are interested in the maintenance and enforcement of the law?

The enactment of a Federal election law is sectional legislation, and the political party responsible for such can not expect to prosper thereby. While it may be difficult to prove, I am of the opinion that votes are purchased and voters are influenced by employers in some other States than those in Dixie. Are you sure it makes no difference whose ox is gored?

Mr. Speaker, in reading General Washington's Farewell Address, delivered nearly one hundred years ago, I find the following passage, which seems to be very appropriate now:

> One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations, and they tend to render alien to each other those who ought to be bound together by fraternal affection.

Mr. Speaker, can it be possible that some districts that now send Republicans to Congress need to be stimulated by some political slogan which affects other sections, slogans which are plausible in theory but hollow in realization. Mr. Speaker, I have no sympathy for ballot-box stuffers, and I sincerely hope that the day is near when political bulldozers and intimidators, together with ballot-box stuffers, will be promptly and severely punished for such crimes. I believe that elections in some parts of some States are farces.

I realize the importance of maintaining the purity of the ballot, but I do not think that you will reach the result aimed at or remove the trouble by the enactment of a Federal election law at this time. But open the ranks of the Republican party and encourage recruits to come in; recruits who have handled a rifle and understand its mechanism and its persuasive influence. When recruits come in who pass through the peculiar ordeal of Southern Republican probation, with its trials and tribulations and they vote for Republican Congressional candidates, accept them as earnest workers and reward them for their services as they deserve, and do not insist that their Republican political record shall extend into "ancient history."

In distributing patronage shake off the old reconstruction barnacles, and do not treat Louisiana as a colony and a conquered province by appointing men to fill Federal positions who were outside of the State during election day. Reliable political leaders should be selected who work for other results than securing the election of delegates to national nominating conventions when they do not expect to deliver any electoral votes. The wheels of progress do not reverse. Emancipation and reconstruction are of the past. The election of a Republican member of Congress from Louisiana unassisted financially or otherwise by the national Republican committee was a surprise, particularly when it became known that the successful candidate had surrendered with Lee's Army of Northern Virginia.

Mr. Speaker, the South and North will always remain the same, geographically speaking.

But old ideas and sectional traditions are passing away into the memories of long ago. The rich blood of martyrs to their faith, soldiers in blue and in gray, which flowed so freely on that Southern soil when cruel war scarred much of that fair land, should surely bring some blest results in token of that precious blood. Then why can not the comrades and the children of those dead heroes enjoy the blessing of the fruitful peace which fills that land with such prosperity?

Now when the springtime comes and flowers begin to bloom and nature decks the Southland, hill and dale, the women of the South, with hearts so full of sentiment and love, pay tender tribute to the brave dead, and soldiers' graves are strewn with flowers of varied tint and fragrance, and if perchance the violets and blue bells fall on Southern soldiers' graves, the heliotrope and mignonette may decorate the graves of those who wore the blue. The colors of those uniforms have long since mingled with kind Mother Earth, and sweet perfumes exhaled by flowers which bloom or fall upon those graves remind us that the war is over.

Will you not hearken to the words of Grant, the soldier and the patriot? "Let us have peace." [Applause.]

[During the delivery of the foregoing remarks the hammer fell.]

The SPEAKER. The time of the gentleman has expired.

Mr. BLANCHARD. I ask that the gentleman may be permitted to proceed for a few minutes longer.

Mr. COLEMAN. I shall only ask the time of the House for two or three minutes longer.

Mr. CHEADLE. I hope it will be granted.

The SPEAKER. It will have to be taken out of the time of the other side, and the Chair has been given a list here which will occupy all of the remaining time.

Mr. BLANCHARD. I ask unanimous consent that the gentleman have three minutes to conclude his remarks, to be taken out of the time on that side.

There was no objection.

[Mr. COLEMAN resumed and concluded his remarks as above.]

Mr. FINLEY. Mr. Speaker, I also represent a district in the South. I was born and reared in the South and my people have always lived in the South. I have been identified with that section of the country and am familiar with the manners, the customs, as well as with the institutions of the South. I was familiar with the institution of slavery from my earliest recollection. My generations before me have always been of the South. My people were slave-owners, and that question is

one with which I have been long familiar; but though they were slave-owners they were always patriots.

I have the honor to represent as best I know how on this floor a white constituency that believe, each and every one of them, that his vote ought to count in this Government just as much as the vote of any other man, let him live North, South, East, or West. [Applause on the Republican side.] My people have been taught to believe that whenever the vote of a man who is legally and constitutionally entitled to vote has voted that that vote counts just as much as the vote of the President of the United States, and that the Government has guarantied and will secure to him the right to see that that vote counts for just as much.

For myself, I undertake to say here and now that I would feel myself humiliated in my own conscience, and would degrade myself in my own estimation and in the estimation of my friends and my family, if I should undertake to occupy a seat on this floor in the House of Representatives to which I was not honestly and fairly elected by a majority of the votes of the people I claim to represent. And I do not believe that any other gentleman in good conscience, before God and his country, ought to be willing to come to this House and take a seat here and undertake to legislate for the people of the United States unless he has been sent here by the free votes and the expressed will of the sovereign people of the State whom he claims to represent as his constituency. [Applause on the Republican side.]

But it has been published broadcast through the Democratic press of this country that the Speaker of this House, in connection with certain members of the House, have promulgated a line of legislation by which they propose, through the enactment of certain laws in Congress, to perpetuate themselves in power. And it has been alleged that the balance of the Republican party in Congress are simply whipped in by the party lash to obey the behests of the Speaker and other leaders of the Republican party.

For myself, Mr. Speaker, I have been always in favor of a free ballot and a fair count, and I did not have to be "whipped in," nor do I believe that any other patriotic citizen has to be whipped in to insure his faithful discharge of a great public duty. [Applause on the Republican side.]

But we have been told by my honorable friend who has just taken his seat [Mr. COLEMAN] that if this bill passes it will bring about an era of bloodshed and destruction, as well as misery, and the demoralization of business interests in the South. Is that so? Is there a feeling or a sentiment existing amongst the people of the United States that would lead to the disfranchisement of millions of its citizens?

You on that side of the House and from the South have said to the people of the United States that the fourteenth and fifteenth amendments to the Constitution were right, which guaranty the civil rights of the negro and the right to exercise the privileges of citizenship at the polls by having their ballots cast and their votes counted. Do you propose to go back upon your promises in that regard? Is this a representative Government, and are the negroes or the poor white men of the South entitled to no privileges of citizens; that they shall not have their votes cast and counted for their choice [applause on the Republican side] if you do not oppose the Constitution and fair elections?

Why do you oppose this bill? It insures an absolutely fair election of Representatives and Delegates in Congress. You talk about blocks of five, and fraudulent returning boards in Louisiana, and the corruption of the Republican party as a justification for violence, for murder, for stuffing ballot-boxes, for frauds in election cases in the South as though that would appease the people of this country in their demands for honest elections. Is that your reason for opposing a measure which is admittedly constitutional and confessedly in accord with the decisions of the highest tribunal of the land and demanded by every patriotic citizen?

But what does the bill do? Does it prevent any legal voter from voting as he pleases and having his vote counted? No. Does it enable anybody to perpetrate fraud on the ballot-box? No; on the contrary, it provides just the reverse. Does it prevent the law from being enforced upon anybody who commits fraud in regard to the ballot? No; but it guaranties to the humblest individual in the land, North, South, East, or West, the fullest right to go and cast his vote, and to have that vote counted as cast.

Why, Mr. Speaker, before the war, in the electoral college and Congress gentlemen of the South counted three-fifths of the negroes in representation, although they were property. Since the war they boast, for I have been in the farther South since the war, and they have said to me, with profanity, "Before the war we counted three-fifths of the negroes in the electoral college and in Congress; now we intend to count five-fifths, and the negro shall not vote, or, if so, he shall not be counted." Thereby a Southern gentleman, by his bulldozing tactics and frauds at election, makes himself equal to five free white intelligent votes in other sections of the country.

Mr. Speaker, not only do the colored people ask protection in this regard, but the free white voters in the South ask that the ballot-box be purified. I can not understand how it is that this bill is to arouse so much feeling on the part of gentlemen on the other side. Do you intend, as your manner indicates, to bring bloodshed on the country if this law is enacted and enforced? Do you hope in the face of the letter of the law to bully anybody or scare anybody from the proper enforcement of the law? [Applause on the Republican side.]

That time has passed, and you gentlemen will pause when you go home to your constituents and this matter is discussed there. This is not a question of politics. If you want to discuss this question, go before them. Discuss the educational question, discuss the tariff; go amongst the farmers and amongst the laboring men and tell them that the hypocritical—no, I will take that back—but the cry over their condition was all assumed.

If you will discuss these questions with these people they will divide with you. They do not want supremacy; all they want is fair dealing and a fair show in the State as well as in the nation. And you have no right to control the legislation of this House by votes that are not cast and are not counted. Why, Mr. Speaker, the Catholics have the power to control this nation; the Irish, the Germans, if they unite, because they hold the balance of power. The laboring men have the power to control this nation, and by the bye, I will say to my friends through the South that you will hear the voice of the laboring man and the farmer coming up and demanding this legislation whereby they will be no longer governed and controlled by the shotguns in the hands of the White Liners and ku klux and driven to vote the Democratic ticket whether it suits them or not, for they are organizing to-day, and the question of the tariff, the question of wages, and the question of who shall rule them will be brought in issue in your districts and in the South.

I undertake to say here, inasmuch as other men have prophesied, that there is not a district represented south of Mason and Dixon's line to-day that, if the question of the tariff is discussed fairly by two Democrats, and let them divide upon the question of the tariff and discuss it before the white and the colored people, there is not a district that would be represented by the so-called reformed Democrat in this House in the Fifty-second Congress or any one to come hereafter. The laboring people are in the majority in the South, but have been dictated to by their leaders, who make great professions of friendship and perform none of them. They cover up all of these questions and prevent their discussion by talking about "negro equality" and the "great Democratic party," and by proscribing the man who adheres to the contrary sentiment in opposition to the idea that the Democrats must rule.

I trust that this bill will pass. It can not hurt anybody if no one is guilty of fraud in elections, and if they are guilty of fraud upon the elective franchise they ought to be punished, and this bill will certainly do it. I most cheerfully indorse the bill as the best election bill that has ever been offered to any Congress in this country or in its history. But mark my prediction, Mr. Speaker, when you see the Democratic press and the Democratic orators, from little ones to great ones, all over the country, denouncing a measure that is offered by the Republican party, if you will pardon the phrase, you may bet your bottom dollar it is going to hurt somebody in the elections that are to come. You talk about this "force bill." What have you done in Kentucky? Talk about fairness. You send here under your gerrymandering proposition ten Democrats with 181,000 votes, while it takes 156,000 to send one Republican. You disfranchise honest men, over 80,000 white men, of whom are the soldiers and their sons, yes, over 125,000; for we polled 156,000 for the President of the United States. Yet 181,000 Democratic votes can send ten Representatives to the House of Representatives to advocate free trade against the interest of the State, to advocate a policy that will prevent its development. And yet they say, "Why, my God Almighty, just see how we are developing the South!" [Laughter on the Republican side.]

Who are developing the South? Who owns the South to-day? Who owns our iron lands and our valuable timber belts, and owns our valuable mines and factories? Do these Southern men that advocate free trade own them? Not a bit of it. It is the enterprising, thrifty, intelligent Northern and Eastern men and foreign capitalists that have made their money and have gone there and are building up the country for them. And even when they do it, they take their lives in their hands in many instances, and in other instances social ostracism is brought to bear against them to prevent them from prospering, even though they are invited to come.

I hate to hear my Southern friends boast of their enterprise, when in point of fact if they had had their way there would not have been a dollar invested in the South to-day. Now we want protection to these men that go there, we want protection to the men that are there, we want a state of case brought about which this will bring, whereby men may discuss freely without intimidation the questions at issue before the American people, and when they are discussed that they can carry out their own judgment as to what is to their interest and the interest of their country, and go to the polls with as free a ballot as we have in my district in Kentucky, where each man votes as he pleases, and where there is a real good feeling between both parties, and each one rather than see a man deprived of his vote at the polls, if he is entitled to vote, although he may vote against his neighbor, yet will go with him to the polls and see that he exercises his right to cast that ballot as he wishes to cast it and have it counted.

That is the sentiment that ought to exist instead of getting up a great

ado and trying to arouse the feelings of the American people from one end of the country to the other. Why should this bill not pass if we do not want fraud? Why not, if we do not want to represent a constituency that did not vote for us? Why, if we want free and fair elections, can we not unite upon this measure? There ought not to be any politics in it. The law is not political. It will hurt the Republicans where they attempt fraud. It will hurt the Democrats where they attempt fraud. And it will hurt both of them if they seek power by fraud.

Why, you can not bribe anybody, you can not swear to any lies, and you can not stuff any ballot-boxes. You can not kill members of Congress, you can not take leaders out and hang them, and you can not muster men with double-barreled shotguns to scare and shoot people. Why, I am a little inclined to think, Mr. Speaker, there is a mistake about this thing, and that these gentlemen have got back into the days of the war and of reconstruction, when men's blood was hot, when at the least insult or indignity men came to blows, and when assassinations were common, when ku klux and White Liners were organized.

I trust, Mr. Speaker, the bill will pass. I quite agree with some of the things said by my friend from Louisiana [Mr. COLEMAN], but if you will put him on the stand and ask him, "Well, Mr. COLEMAN, when you were a candidate, did you not want every man who was for you to have the right to cast his vote for you without being hindered?" He will answer, "Oh, yes." "Do you not wish every such vote counted for you?" He will say "O, yes; I do."

"Well, if you want that for yourself and wanted it then, are you not willing to agree that we shall have the same for every man who seeks to come to Congress, or his party friends seek to send to Congress?" Why not? Oh, well, he is an "accident" here. He is a good man, worthy, and a patriot; but he is an "accident?" Accidentally he got back to a certain polling place in his district in time to keep the Democratic officers of election from counting him out. [Laughter and applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. TURNER, of Georgia. Mr. Speaker, I enter this debate because I feel the profoundest solicitude for the safety of our institutions. I believe that the cause of good government itself depends upon the result of this measure. What is there in our situation that invites this new crusade against my section? In a time of profound peace, when the business interests of this country are cementing together again in bonds of brotherhood alienated peoples, when the young men of the North are finding employment, when the capital, enterprise, and energy of that section are finding safe and profitable investments in the South, when, by processes as silent as the processes of nature, States lately engaged in war are rejoicing in a real restoration of the Union, and when Southern representatives of the Republican party stand upon this floor and ask to be saved from their friends, I ask in all conscience what excuse is there for kindling again the fires of political persecution?

As the record is about to be made up upon the transactions of this Congress, and clear and sharp issues have been defined between the two great parties, when we are about to go before the country we want a fair trial; instead we are offered a revolution. The gentleman from Massachusetts [Mr. LODGE] who introduced this bill and is managing it on the floor cites the transactions of John Davenport and his supervisors in New York and the results of their interference with the elections as a precedent to justify this departure from the laws of the land. The gentleman shall not pervert the history of a most impressive incident.

The people of the great metropolis themselves, by their own agencies, unmasked the transactions of their corrupt ring, and under the leadership of Samuel J. Tilden sent the rascals to the penitentiary or dispersed them throughout the world. It was not in any way due to the interference of Congress. That storm of indignation was a local affair, and is a splendid illustration of the wisdom of trusting the people with the settlement of their own concerns. And the great State of New York, out of gratitude, made the leader of that reform their governor, and the people afterwards made him President of the United States. [Applause.]

Why he was never inaugurated President of the United States can be explained only by the well known fact that he and the people were cheated out of their own by returning boards such as are created in this bill and the intervention of a Federal judge. [Loud applause on the Democratic side.]

Mr. Speaker, this statute is to be executed by the plain people of this country. They leave the farm, the shop, and the counter and go to the polls to receive the suffrages of freemen in the selection of their public servants. You propose to leave to them the execution of this statute of seventy-six pages, stuffed with pains and penalties from one end to the other, with more felonies and crimes and punishments than any statute ever enacted, and so full of complications and intricacies that gentlemen who formulated it do not understand it.

The gentleman from Illinois [Mr. ROWELL], one of its professed authors, did not know that it authorizes an unlimited number of special deputy marshals! On this floor there is a difference of opinion as to whether it authorizes the employment of troops at the polls, a prerogative which no statesman would leave in doubt. And yet the plain people of this country are to administer it at their peril. When you enact a law for the government of railroads, you know that those corporations have able counsel, and you have provided for them a high tribunal to settle disputes that may arise as to the construction of the statute. When you enact a law to change the practice of the courts of the country, you know that there are learned judges to decide difficult matters after the arguments of able lawyers. If you change the practice in any of the Departments of the Government, you provide those Departments with law clerks, with Solicitors-General and Attorneys-General to guide and direct the learned Secretary; but when you make a law to be administered by the untutored and unaided citizens who are to preside over the very sources of all power in this country, they must execute it correctly or go to jail. And to make this bill of pains and penalties and infinite complications effective against our masters, it is proposed to try them in the United States courts and deny them a jury of their peers.

The act of 1879, which provides that jury-lists in the Federal courts shall be made up by the clerk and a commissioner of a different party from the party of the clerk was a compromise measure, originating in a spirit of obvious fairness. On that compromise, in a large degree, proceeded the pacification of the country. It was on this foundation that confidence in the justice of the Government and in the fairness of its courts was again encouraged in the South.

This bill proposes to repeal that great safeguard of liberty and leave the jury-lists to be made alone by the Republican clerks of court. Offenders indicted under this bill, if they are Republicans, are to be tried by their friends, and if they are Democrats, are to be indicted and tried for political offenses by their political enemies. I say, Mr. Speaker, that rather than have such a jury trial as this bill provides I would prefer to have the institution of trial by jury abolished altogether.

Now look at another feature of this bill. Up to 1863 gentlemen who had certificates entitling them to seats upon this floor brought them here and presented them, and their sufficiency was determined during the first hours of the organization of the House of Representatives. In 1863 that law was changed, so that the Clerk of the House was authorized to make up the roll of members; but that act, passed in a period of great confusion, provided that the Clerk should place upon the roll those who were accredited in regular form according to the laws of the States. That statute has stood ever since. It survived the war. It survived reconstruction.

Yet now you propose to supersede that practice. Where trust and confidence and mutual interest require that we should appeal to the highest right and settle these matters according to principles in which all patriots should concur, you provide by this bill that the certificate of a returning board in judicial districts shall determine the right of a member to have his name entered upon the roll. I tell you, Mr. Speaker, that when that question comes here to be determined at the organization of the next House of Representatives you will place this country under a strain not paralleled since the days of the disputed Presidential count.

The people of this country will not trust the decisions of your partisan returning boards. They may submit, if they will, as they have submitted before. The peace of the country may be again due to the forbearance of the party to which I belong; but, according to the traditions of liberty, according to the maxims which have governed this Anglo-Saxon race to which we all belong, you might as well place dynamite under the house and put at hazard every interest of this country. It is the work of an anarchist. [Applause on the Democratic side.] If it is statesmanship, it is the statesmanship of Guy Fawkes. [Applause on the Democratic side.]

I am aware, Mr. Speaker, that in addition to the pains and penalties which this act provides, one gentleman on the other side [Mr. HENDERSON, of Iowa] has sent after it the menace of a "killing bullet." It may be that I should "be frighted when a madman stares." I have been taught, sir, in the hard, stern school of adversity. No imprudent declamation shall escape my lips on this occasion, but I tell you that behind me and behind every Representative on this side and behind every gentleman on that side there is a deep undercurrent of fair play which will rise in indignation against this usurpation. [Applause on the Democratic side.]

As to that section of the country from which I come, I shall pay its people no tribute; but I trust I may be permitted to read here and now a few words recently uttered in another place by a gentleman who stands high in the councils of the Republican party, and who himself advocates a measure of this kind. I refer to the Hon. Mr. HOAR, of Massachusetts. Speaking of the Southern people, he said:

> I am saying this of a people with as gallant, noble, and honorable traits, when this race prejudice does not get possession of their souls, as ever existed on the face of the earth. They have some qualities which I can not even claim in an equal degree for the people among whom I myself dwell. They have an aptness for command which makes a Southern gentleman, wherever he goes, not a peer only, but a prince. They have a love of home; they have, the best of them and the most of them, inherited from the great race from which they come the sense of duty and the instinct of honor as no other people on the face of the earth. They are lovers of home. They have not the mean traits that grow up in places where money-making is the chief end of life. They have, above all and giving value to all, that supreme and superb constancy which, without regard to personal ambition and without yielding to the temptations of wealth, without getting tired and without being diverted, can pursue a great public object in and out, year after year, and generation after generation.

Mr. Speaker, I rely on these high characteristics which this honorable gentleman has imputed to our people as a means of safety, not only for them, but for all the rest of the country.

The gentleman who proposes this bill once entertained very different opinions from those which he now advocates. On the 4th day of July, 1879, before the honorable mayor and council of the city of Boston, he made a speech full of sentiments worthy of a statesman. Speaking of the principle of State rights, he said:

It is the great Anglo-Saxon principle of local self-government and is the safeguard of our liberties now as it has ever been in the past. Without it there is no health in us. It should be more jealously watched than any other, because the tendency in large communities is always towards centralization.

* * * * * * *

Our Government is a system of checks and balances. Destroy one element and the whole fabric falls. Nationality is strong and safe. Our most important duty is to protect our local rights wherever they exist and feel as the Colonies did when the Boston port bill passed, that the cause of one is the cause of all. [Applause.]

I commend these utterances of the patriot in private life to the politician of to-day!

APPENDIX.

I add the following sketch as appropriate to this discussion. It was prepared by me as a contribution to a book published by Mr. HERBERT, of Alabama, entitled, Why the Solid South? or, Reconstruction and its Results.

SOME REMINISCENCES OF THE RECONSTRUCTION OF GEORGIA.

"A military republic, a government founded on mock elections and supported only by the sword, is a movement indeed, but a retrograde and disastrous movement from the regular and old-fashioned monarchical systems."

"Absurd, preposterous is it, a scoff and a satire on free forms of constitutional liberty for frames of government to be prescribed by military leaders, and the right of suffrage to be exercised at the point of the sword."—*Daniel Webster.*

The Confederacy of Southern States had perished. Its great commanders had in succession surrendered their swords, and their ragged and hungry soldiers, weary of strife, had returned to their desolated homes. Mr. Davis was a captive, and the members of his cabinet were either prisoners or exiles. There was sincere and universal submission to the authority of the United States.

The invading armies could not find a single armed enemy from Maryland to the Mexican border. Soon after the crops of that disastrous year had been planted masters called up their slaves and informed them that they were free. The plow stood still and the freedmen went to town. All the agencies of commerce were either destroyed or suspended. The private debts of a prosperous era had survived the means of payment. Of money, there was none. The banks were broken, and the treasuries of the towns, cities, counties, and State were empty. Notes and bills of the State had become uncurrent, and the Treasury notes and bank bills of the United States had not yet flowed into the country. There was cotton, now becoming valuable, stored away against the evil day, but army officers and Treasury agents were hunting this last resource of a ruined people with unrelenting rapacity. The railroads were wrecked and had no means with which to replace their tracks and rolling-stock.

Cities and great tracts of country were in ashes. Colleges and schools were silent, the teachers without pupils and the children without teachers. Even the great charities and asylums of the State, at this time when they were most needed, were unable to take care of lunatics, the deaf and dumb and blind. From Tennessee to Savannah, a region 20 miles wide, had been ravaged, and even the seed-corn, implements of husbandry, and farm animals had been destroyed or removed by the army of General Sherman. The means of social enjoyment were wanting and thousands lacked even the means of subsistence.

And over this scene of confusion and wretchedness hung like a pall the apprehension of pains and penalties, of proscription and humiliation.

There has not been such an opportunity for statesmanship since the war of the Revolution. The white population of the State in 1860 was 591,550, and yet the State had furnished to the Confederate armies 120,000 soldiers. (See address by the historian and scholar, Col. C. C. Jones, jr., LL. D., made at Augusta April 26, 1889.) Such unanimity and devotion were without a parallel in history. To support the cause of independence the fortunes and lives of the entire people had been pledged. It is obvious that persecution would only endear that cause to all Georgians. On the other hand, magnanimous treatment would have vindicated those who had deprecated secession, and would have discredited the wisdom of those who had advocated that measure.

The Congress of the United States had in July, 1861, resolved that "this war is not waged on one part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those (Southern) States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired, and that so soon as these objects are accomplished the war ought to cease."

The author of this resolution was Andrew Johnson, then a Senator from the State of Tennessee, and by the assassination of Mr. Lincoln he was now the President of the United States. If he and his party had stood by the policy announced by Congress in 1861 there would have been very few in Georgia in 1865 to defend the policy of secession.

The governor was arrested by soldiers and lodged in prison. Fetters were riveted upon Mr. Davis and he was kept in close custody for two years without bail and without a trial. Garrisons of United States troops, often colored soldiers, invaded every county and took charge of every court-house. The Freedmen's Bureau interposed between the farmers and their late slaves, and inaugurated distrust and estrangement where there should have been kindness and sympathy.

Martial law and military tribunals displaced the old system of justice and the ancient jurisprudence. Justice was sold, and a recovery was a military capture. The writer saw a trial of a case of trover between two citizens before an Ohio lieutenant in uniform without a jury. There was complete strangulation of the State, and the only security of life or property was the military power or the strong hand. And in these conditions can be found the germs of the hostility which ensued between the races, and of the alienation which finally made the South solid against the Republican party.

On the 29th of May, 1865, was published the President's proclamation of amnesty, from which were excepted fourteen classes. These excepted classes included persons of experience and influence, all of whom would have gladly co-operated in the work of restoration, and also those "the estimated value of whose taxable property was over $20,000."

The proclamation was in effect an executive decree of wholesale outlawry, and strange as it may appear to lawyer and layman, informations were soon afterwards filed in the United States court by the district attorney, praying confiscation of the property of the proscribed classes. And these disgraceful proceedings, wholly unwarranted by law, resulted at least in a harvest of costs exacted as a condition of settlement from people who were unable to bear the burden. This abuse of judicial process, previously unknown in the South, soon became familiar as a means of extortion, and has not yet been fully eradicated in cases in which the Government is a party. Examples are not lacking to reenforce this statement.

On the 17th of June of the same year the President issued a proclamation by which James Johnson was appointed provisional governor of the State, whose duty it should be at the earliest practicable period to prescribe such rules and regulations as might be necessary and proper for convening a convention composed of delegates to be chosen by that portion of the people of the State who were loyal to the United States; and the proclamation further provided that no person should be qualified as an elector or should be eligible as a member of such convention unless he had been amnestied and was a voter qualified as prescribed by the constitution and laws in force prior to the 9th of January, 1861, the date of the attempted secession of the State. And the proclamation further directed the military and naval officers and forces in the department of Georgia to aid and assist the provisional governor; and the State, the Treasury, the Interior, and Post-Office Departments were directed to see that the laws of their respective Departments were put in operation in the State, and the district judge for the district of Georgia was instructed to hold his courts.

The Attorney-General was directed to instruct the proper officers to libel and bring to judgment, confiscation, and sale property subject to confiscation. And the President further directed that if suitable residents could not be found for the Federal appointments in the State then the several Departments should make the appointments from other States. The citizens of the State being disfranchised as to Federal offices by the test oath, this proclamation was the first invitation to the carpet-baggers. They became very important factors in the subsequent history of the State.

This scheme of the President was a great departure from the plan of restoration which he had himself embodied in the resolutions of Congress before cited. But the provisional governor entered upon his duties with the earnest co-operation of the people, because an opportunity seemed to have arrived for the substitution of civil government for military despotism. To the convention which was soon after called, there were chosen delegates of known conservatism, and in many cases men who were originally opposed to secession. The ordinance of secession was formally repealed or rescinded, and a constitution was framed and adopted abolishing slavery and conforming the State in all respects to the new conditions.

Under pressure from Washington, by the President and members of Congress, an ordinance was adopted by the convention for the repudiation of bonds, treasury notes, and other obligations issued by the State during the period of the war. These securities had been sought by guardians and trustees for the investment of funds in their hands, and all prudent citizens hoarded them with care. The act of the convention by which they were declared null brought ruin on many widows and orphans, and reduced to penury many citizens too old to start life over again.

The Congress then in office was engaged in the consideration of a proposition to amend the Constitution of the United States so as to nullify these State obligations, and it was finally embodied in the fourteenth amendment. And these incidents first prepared the public mind to determine the legality of obligations of the State having the apparent sanction of law. The precedent was afterward followed with good reason, when the people recovered their liberties in 1871.

The General Assembly, chosen by the people as the constitution provided, soon afterwards met at Milledgeville, in the old capitol, and Charles J. Jenkins, a man of exalted character, an old Whig, was inaugurated as governor.

The Legislature laid the necessary taxes, made the appropriations required for the support of the government, provided funds by loans for the immediate wants of the State, ratified the thirteenth amendment of the Constitution of the United States, invested the negroes with all the civil rights of white persons, except the right to vote and to hold office, and in fact, with all the privileges and guaranties enjoyed by them in many of the Northern States. Under these new laws the white people of the State were allowed no greater superiority over negroes than the white citizens of the District of Columbia had over the colored population under the laws of Congress.

Alexander H. Stephens and Herschel V. Johnson, both of whom have been ardent Union men, Mr. Johnson having been a candidate for the Vice-Presidency on the ticket with Mr. Douglas, and Mr. Stephens a zealous and able champion of that ticket, and both of whom had in the convention of 1861 eloquently resisted secession, were chosen as Senators of the United States.

It should also be noted that this General Assembly refused to ratify the fourteenth amendment of the Constitution of the United States chiefly because it imposed political disabilities upon the leading men of the State for no other reason than that they had served the people in the various positions to which they had been elected or appointed.

In March, 1866, Congress passed a concurrent resolution that no Senator or Representative should be admitted into either branch of Congress from any of the eleven States which had been declared to be in insurrection until Congress should declare such States entitled to representation. Mr. Stephens and Mr. Johnson were repulsed from the Senate, and the gentlemen who had been elected to the House were scarcely able to present their credentials. Thus ignominiously failed the policy of restoration which the President had formulated and which seemed to coincide with the plan of Mr. Lincoln, and thenceforth the old Union party in Georgia almost disappeared. This flouting of the President and the revengeful temper of Congress, as shown in the debates of that period, against the white people of the South dispelled all delusions, and all differences in that section practically ceased.

Leaving out of view the memory of long years of common sufferings and misfortunes, they had the same apprehensions of approaching oppression. Their only enemies in Congress belonged to the Republican party, and they were bitter and vindictive; their only friends in power were Democrats. Their situation united them with each other and with the Democratic party.

All the measures of the Republican party from this time forth, touching Southern affairs, treated the Southern States, not as States in the Union upon the theory of the Constitution on which the war had been fought, but as conquered provinces.

On the 16th of July, 1866, Congress passed an act extending the provisions of the act establishing the bureau for the relief of freedmen, and enacting that the commissioner should, under the direction of the President, appoint such agents, clerks, and assistants as might be required for the proper conduct of the bureau. No limit was fixed for the number of these agents, and they were to be so far deemed in the military service of the United States as to be under the military jurisdiction and entitled to the militay protection of the Government. And the act further provided that the President should, through the commissioner and the officers of the bureau and under such rules and regulations as the President, through the Secretary of War, should prescribe, extend military protection and have military jurisdiction over all cases and questions concerning the free enjoyment of the personal immunities and rights conferred by the act until the State should be duly represented in the Congress of the United States.

Thus every bureau agent was a court with military jurisdiction. Such a court was established in every county of the State. These special tribunals were officered by persons who could take the test oath, and became the nurseries from which aliens and strangers disseminated among the negroes hate and

rancor toward the white citizens. And Congress, on the 13th of the same month, appropriated $6,887,700 for the fiscal year beginning with the first day of the month for the support of the bureau, for salaries, clothing for distribution, for commissary stores, medical department, transportation, school-teachers, repairs, and rents of school-houses and asylums.

Power limited by none of the safeguards to which freemen had been accustomed, the creation of an army of officers and employés whose number and functions were prescribed not by Congress, but by the executive branch, and a prodigal appropriation of money to be distributed by these officers without any defined accountability were the prerogatives conferred on this extraordinary institution; and the administration of the system inevitably provoked irritation between the races, tempted the agents to foment the discords by which their continuance in office could be secured, and attracted the freedmen from the farms to the towns. In the towns the bureau located the schools and dispensed provisions and mendicancy and prejudice, and heard complaints.

In 1867 the acts known as the reconstruction acts of Congress were passed over the President's veto. These acts subordinated all government existing in the State to a military commander, conferring on him the authority to administer all the powers of the State, authorizing him to remove whom he pleased, and life and liberty were subject to such military commissions or tribunals as he might create. The courts of the State could sit, but only by permission of the general in command.

Those who had been members of any State Legislature or held any executive or judicial office in any State and afterwards engaged in the war against the United States were disfranchised, and the other male persons in the State, without regard to color or previous condition, should be registered as voters by the officers of military creation, and these registered persons might vote at the election held under military supervision for or against a convention and for delegates to form a new constitution for the State if a majority should be cast for a convention.

Congress by disfranchising and enfranchising whom it pleased fixed the basis of suffrage in the State. And one of these acts (that of July 19) enacted that no district commander, or member of the board of registration, or any of the officers or appointees acting under them should be bound by any opinion of any civil officer of the United States. By the operation of these acts Georgia was reduced to a mere military district, in which the will of the commanding general was supreme, with no right of appeal from his orders to any court or to any civil officer of the State or of the General Government.

The details of these acts have already been sufficiently stated in a previous chapter, and the study of them can afford no pleasure to any American citizen.

The registration took place substantially as Congress prescribed, and by General Pope's order the election was held on the 29th, 30th, and 31st of October, and on the 1st and 2d of September, 1867, the polls being kept open for five days under the management of army officers, and with troops convenient to every voting-place.

By a general order from the headquarters of the district the convention was declared to have been carried, and the delegates of the Republican party were declared elected. The delegates were ordered to meet in convention, not at Milledgeville, the capital of the State, but at Atlanta, on the 9th day of December, and proceed to frame a constitution and civil government for the State.

When the convention met Foster Bodgett, afterwards a fugitive from the State, was elected temporary chairman, and on taking the chair, among other things, said: "To-day the Republic is free! This convention is a splendid exemplification of the fact. Gentlemen, I tender you my congratulations. The whole civilized world greet you to-day, assembled as the representatives of the people of the free State of Georgia!" And the permanent president, on assuming the chair, said that "it will gladden every patriotic heart to know that liberty still lives in our grand old Commonwealth."

These fine sentiments were uttered not far from General Pope's headquarters, and the first resolutions adopted after the organization informed him that, "in obedience to his orders, this convention is now assembled and organized and invites his presence in the convention at his pleasure."

And a few days afterwards he was met at the door of the hall by a committee and escorted in uniform and with a clanking sword, amid applause, to the right of the president.

Speeches were made on this occasion, but the manliest was made by General Pope. Soon after the convention met the delegates realized that no fund had been provided to pay for their patriotic services, and an ordinance was passed to levy and collect a tax for that purpose; but as the slow process of taxation could not relieve immediate wants the ordinance further directed the treasurer of the State to advance to the convention out of the treasury $40,000.

The treasurer refused to honor this requisition, in the absence of an executive warrant. General Pope having been removed by the President from the command of the district, his successor, General Meade, early in January, 1868, required Governor Jenkins to issue a warrant for the sum demanded by the convention. The governor refused to comply, on the ground that the constitution of the State, which he had sworn to support, expressly provided that no money should be taken from the treasury except by executive warrant upon appropriations made by law. The new commander thereupon issued an order deposing the governor, State treasurer, and comptroller-general, and appointed army officers to execute their functions.

The gubernatorial appointee of General Meade, on presenting himself to assume the goverment of the State, read, in answer to a question, an extract from his instructions directing him, in case of resistance, to employ such force as may be necessary. Governor Jenkins, in his account of the affair, said that as far as was practicable in the brief interval allowed him he placed the movable values of the State, and certainly the money then in the treasury, beyond reach; but these military men took actual possession of the State capitol and its grounds, of the executive mansion and its furniture, and of the archives of the State, proceeded to collect taxes, seized upon the income of the Western and Atlantic Railroad, then in good order and successful operation, and secured all the revenues of the State subsequently flowing into the treasury.

Governor Jenkins, as soon as action was taken under the reconstruction acts, had repaired to Washington and filed a bill in the Supreme Court in the name of the State against General Pope and others, seeking to enjoin any proceedings under these acts, as infringements of the Constitution of the United States. Permission was given to file the bill—and only a State in the Union could file such a bill in that court—but it was dismissed after argument on the ground that it alleged neither interference nor the threat of interference with the property of the State, which allegation the court held was necessary to make a case for their consideration.

When the subsequent seizure of the great offices of the State and all of its accessible property occurred, Governor Jenkins, deeming himself still the rightful governor of the State, again went before the Supreme Court alleging these facts, and permission was given to file the bill; but the permission was revoked the next day and a new rule of practice devised and enforced, which compelled delays, and finally the learned counsel for the State, Mr. O'Connor, Mr. Black, Mr. Field, and others, were told that there did not remain of the term time enough to hear and determine a motion for injunction. Before the commencement of the next term the Atlanta convention had done its work. (See the report made by Governor Jenkins in 1872, House Journal, p. 405.)

On the 11th of March the convention adopted an ordinance providing that should it be necessary for the convention after its adjournment to reassemble it should do so at the call of its president or its president *pro tempore*, or in default of both, by the general commanding the third military district, and ordained that an election should be held beginning 20th of April following, at such places as might be designated by the commanding general for voting on the ratification of the new constitution and for the election of governor, members of the General Assembly, Representatives in Congress, and other officers; said election to be kept open from day to day at the discretion of the commanding general, and the qualification of voters were to be the same as those prescribed by the act of Congress known as the Sherman bill, and General Meade was requested to give the necessary orders and cause due returns to be made and certificates of election to issue.

The military commander published general orders on the 14th and 15th of March, assuming entire charge of the election, providing that it should commence on the 20th of April and continue for four days, prescribing the minutest details and providing that sheriffs and other civil officers failing to perform with energy and good faith the duties required of them, and citizens charged with violation of the right of suffrage, should be tried and punished by the military authority, and directing that the returns of the election should be made to himself.

The constitution so made and submitted to the people was framed by delegates elected almost entirely by those who had no right to vote according to the laws of the State, the white people having almost universally refused to participate in the election. It proposed the enfranchisement of the colored people, and they were to vote on the proposition, and many of the white people were not allowed this privilege. It was a curious plebiscit.

The constitution also ordained that no court in the State should have jurisdiction to try or determine any suit against any resident of the State upon any contract or agreement, made or implied, or upon any contract made in renewal of any debt existing prior to the 1st day of June, 1865, and it provided for each head of a family a homestead and exemption against his debts of the aggregate value of $3,000 in gold.

These transparent devices, with others of a similar character, were artfully designed to attract the support of the debtor class, and after the election were annulled because in conflict with the Constitution of the United States. Those who were deceived and disappointed by the scheme had no further reason in the years that followed to act with the Republican party.

In the interval between the convention and the election the white people in some sections of the State were assured by the advocates of the constitution that after its ratification negroes would not be eligible to office. The argument was that negroes had no political rights, except such as were conferred by law, and that the constitution was silent on the subject. This view undoubtedly beguiled some persons who for other reasons were inclined to vote for ratification.

Congress, on the 12th of March of this year, passed an act providing that a majority of the votes actually cast should determine the election, the previous acts having required a majority of the registered voters. There was no longer any motive for standing aloof, and Democrats as well as Republicans nominated candidates for the various offices. This policy of the Democrats possibly brought some of their voters to support the constitution, who wished their candidates to take charge of the administration.

The election was held on the appointed days, and General Meade declared that the constitution was ratified, and that Rufus B. Bullock, the Republican candidate for governor, was elected over John B. Gordon.

On the 4th of July the new General Assembly met under orders from Mr. Bullock and General Meade. The governor-elect, relying on a military edict, assumed the chair and proceeded to organize the two bodies. A secretary was designated by him to call the roll of the senate and senators were requested to present themselves and take the oath of office. A Democratic senator inquired of the chairman whether objection to the qualification of any senator could at this juncture be entertained. The chairman decided in the negative, and the call of the roll proceeded.

After the senators had taken the oath, the chairman ordered an election for president. This order having been executed, and the Republican candidate, Benjamin Conley, having received 23 votes, the chairman declared him duly elected president of the senate. The journal further recites that the election of a secretary of the senate was next "ordered." And after the president had made a speech, the governor-elect withdrew. This ceremony was then repeated in the house of representatives, *mutatis mutandis*. The governor-elect put himself in the chair, caused to be called the roll of the members-elect prepared by General Meade and "ordered" the election of a speaker. During the call of the roll, Mr. Scott moved to adjourn.

The chair decided the motion out of order. Mr. Scott appealed to the house and the chairman declared that there could be no appeal except to the military. Mr. Scott appealed to the military, receiving no response, and the secretary proceeded with the call. R. L. McWhorter, Republican, was by the chairman declared elected, and to him the governor yielded the chair.

In reply to a communication from the General Assembly, notifying him through a joint committee that the organization of the two houses had been perfected, the governor-elect transmitted a letter from General Meade in which the commanding general informed his excellency that he had no instructions to give further than to make known that in his judgment neither house was legally organized until it was purged of members ineligible under the reconstruction acts. Committees were then appointed in each house charged with the duty of reporting upon the eligibility of members, and upon their reports each house resolved that all its members were eligible.

General Meade, in his report, states that the provisional governor, in communicating to him this action of each house, nevertheless "expressed his opinion, founded on evidence presented to him, that several members of both houses were ineligible and called on me to exercise my power and require said members to vacate their seats. On reflecting upon this subject I could not see how I was to take the individual judgment of the provisional governor in the face of a solemn act of a parliamentary body, especially as from the testimony presented I did not in several cases agree with the judgment of the provisional governor. * * * My judgment was decidedly that I had fulfilled my duty in compelling the houses to take the action they had, and that having thus acted I had neither the authority, nor was it politic or expedient, to overrule their action and set up my judgment in opposition. * * * I allude thus *in extenso* to this subject because his excellency the governor of Georgia, in a public speech recently delivered at Albion, N. Y., is pleased to attribute the failure of Georgia to be properly reconstructed to my action in failing to purge the Legislature of his political opponents, he having advised me when he urged such action that his friends had been relieved of their disability by Congress." (For this report, see Senate Election Cases, pages 291, 292.) The provisional governor seems to have been trying in his own way to recast the result of the late election, and to use the blunt soldier for that purpose, as he had already done on many occasions.

General Meade, on the 20th of July, advised and instructed the governor that he had no further opposition to make to the two houses proceeding with the business for which they were called together, and that he considered them legally organized. The governor then also informed the General Assembly that they were required by the act of Congress of June 25, 1868, to ratify the fourteenth amendment of the Constitution of the United States. A resolution to that effect was at once proposed and adopted. The same communication from the governor informed the General Assembly that they were required "by solemn public act to declare the assent of the State to that portion of the act of Congress which makes null and void" certain parts of the new constitution which carried the taint of repudiation and impaired the obligation of contracts. And

this last requirement was fulfilled. This little punctilio of Congress is a surprise under the circumstances.

Mr. Bullock dropped his provisional title. And the State became entitled to representation in Congress, according to the act of June 25. Joshua Hill and H. V. M. Miller were elected United States Senators. They were not admitted to their seats until February, 1871. There had sat in the constitutional convention thirty-three negroes, and in the General Assembly now in session about the same number of colored men had seats. They had been by their Republican associates of the white race, the carpet-baggers and other adventurers, seduced into a state of disdainful scorn of the old proprietors of power in Georgia.

Soon after the two houses had entered upon the regular business of the session, the question which had been discussed during the interval between the convention and the last election, as to the legal right of the colored people to hold office, again became a topic of great interest, and finally a resolution was introduced in each body declaring them ineligible to seats. After a long discussion, on the 3d day of September, the house by a vote of 83 to 23, passed the resolution, and twenty-five negroes ceased to be members. In the Senate, by a similar resolution, passed on the 12th day of September, two seats were vacated. Not many days after these events the candidates who received the next highest vote to that of the men of color were admitted to the vacated seats.

The governor took occasion to send a message to the house in which he inveighed against the decision of the General Assembly upon the qualifications of their own members, and his key-note was that after the surrender "we were totally without political rights or privileges. Those which we have since acquired are such as have from time to time been granted us by Congress." The view of the Supreme Court of the United States was different. That court held that "the State [Texas] did not cease to be a State, nor her citizens to be citizens of the Union." (7 Wall., 701.)

The message was returned to the governor with a resolution to the effect that his excellency did not keep their consciences.

The question of the eligibility of the negro to office in Georgia came before the supreme court of the State in 1869. That court consisted of three judges, appointed by Bullock and confirmed by the senate. Two of them were Republicans, and one was a Democrat who had sat upon that bench when the court was first organized. The case was a quo warranto brought up from the county of Chatham by a colored man against whom a judgment of ouster from a county office had been granted by the superior court. The lower court was reversed by the two Republican judges, the Democratic judge dissenting. But it is interesting to note that one of the Republican judges, who was the chief-justice, held that the right of the negro to hold office, so far as it depended on the constitution and laws of the State, was subject to repeal by the General Assembly. (39 Gen. Report.)

The military administration of the executive and judicial departments of the State may require brief mention. The governor's functions were devolved on an officer detailed from the Army, and all the subordinate departments of the executive branch experienced the same fate. Two eminent judges of the superior court were displaced because they chose to obey the law of the State rather than military commands. And all the judges and all the county and municipal officers who were not removed held their places only by the permission or sufferance of the district commander. It is obvious that such an administration of public affairs could not have the hearty co-operation of the people. Crimes, no doubt, were committed in some instances against odious persons, and some secret murders went unpunished.

The courts were virtually suspended, and army officers and soldiers not only had no relations of confidence with the community, but were unfit for civil duties. A case in point may be given as an illustration. During the night of the 30th of March, 1868, George W. Ashburn, a white man, was assassinated in a low negro brothel in the city of Columbus. His lodging was in a back room. He had been steward in a hotel, but during the new era had served as a member of the constitutional convention. On the last day of the convention, he as one of the minority of a committee, and against the recommendation of the majority, had caused that body to pass resolutions urging Congress to remove all political disabilities from the people of the State.

It may be inferred with propriety that he was not specially offensive merely on account of his being a Republican. It was shown that he had personal enemies among his associates who had threatened to take his life. But it was at once charged that the killing was a political murder. The municipal authorities of the city nevertheless offered a reward of $500 for the assassins, and General Meade offered $2,000 for the same purpose. The election on the ratification of the constitution as well as of members of the General Assembly was to occur in a few weeks, candidates were in the field, and the excitement ran high.

The mayor and aldermen of the city were removed by General Meade, and his subalterns substituted. On the 6th of April thirteen citizens were arrested by an officer of the Army, and when asked for his authority he pointed to his file of soldiers. Nearly all the persons arrested were men of high position, who, in the opinion of the community, would not have been capable of such an atrocity. One of them was a Democratic candidate for the General Assembly (now a member of Congress), another was a candidate for a county office, and a third was the chairman of the Democratic committee conducting the canvass of his party.

It was supposed that political motives led to their arrest. They were kept for a few days under guard by soldiers in the court-house—which should have been an asylum against arbitrary arrest and imprisonment—and were then allowed to give bond for their appearance before General Meade whenever required. Three hundred and ninety-three of their neighbors eagerly became the bail of the prisoners. They were not permitted to know why they had been arrested, of what they were accused, or why they were released on bond.

During the month of May eight arrests were made and the prisoners were conveyed, under guard of soldiers, from Columbus, on the western boundary of the State, to Fort Pulaski, on the marshes below Savannah. They were confined in dark cells without ventilation and but 4 feet by 7. No bed or blankets were furnished them. An old oyster can was given each prisoner, and in this both coffee and soup were served. No kindness from their frends or relations or counsel nor any communication from them was allowed. They were forced to remain in these cells prostrated by heat and tortured by insects.

John Wells, one of these prisoners, a negro, was taken out of his cell and put into a chair in one of the casemates with a cannon pointed at his head and a soldier holding the string ready apparently to shoot the gun. A barber lathered his head, and pretended to be preparing to shave it. After ten minutes of this treatment, he was put back in his cell with the understanding that if he did not tell something it would be worse for him. Another negro prisoner, John Stapler, was put before the gun, with no success. He was afterwards put in the sweat-box, and kept in great agony for thirty hours. When removed from the box his legs were swollen.

The story of the treatment of these negroes is taken from an affidavit made in Washington by William H. Reed, one of the two detective officers employed by General Howard and General Meade to procure evidence for the Government. During the month of June fourteen arrests were made at Columbus, and the prisoners were conveyed to McPherson Barracks, near Atlanta. There they were placed in cells 6 feet wide by 10 feet long. These cells were afterwards divided by a partition, reducing their width to less than 3 feet. Neither bed nor bedding was furnished for several days. A prisoner lying on the floor [Dr. Kirksey] could at the same time touch the opposite walls with his elbows. The Fort Pulaski prisoners were transferred to these barracks, and after a while the new partitions were removed.

Nine of the prisoners were discharged without any explanation, four were held as witnesses, and nine were detained for trial. On the 29th of June a military commission, consisting of seven officers of high rank, was convened at McPherson barracks by order of General Meade for the trial of the prisoners. The accusation in the military form of a charge and specification alleged in technical language that they had killed and murdered George A. Ashburn, "contrary to the laws of said State, the good order, peace, and dignity thereof."

The trial proceeded for a month, able and distinguished counsel having been employed on both sides. It was watched with intense interest in all parts of the State. All the witnesses for the Government who testified to any material facts were shown by their own evidence to have been exposed to the influence of torture or fear or the promise of immunity and freedom. W. A. Duke, against whom more positive testimony was adduced than against any other defendant, was able to demonstrate by incontestable proofs and a multitude of witnesses that he was 40 miles from Columbus on the night of Ashburn's murder. General Meade then dissolved the commission on the pretext that civil government was about to be restored in Georgia, and the prisoners were abruptly discharged.

This military prosecution of honorable citizens, so full of exasperating details and conducted with such ostentatious defiance of all rights of freemen, was not calculated to attract to the Government the support of law-abiding people.

At the Presidential election of 1868 the people of Georgia gave a majority to the Democratic electors of 45,000, and the supremacy of that party in the State has been maintained at every subsequent election.

When the General Assembly met in January, 1869, the governor in his message stated that he had advised Congress that the reconstruction acts had not been fully executed in the State; that the members should have been required to take the oath (commonly known as the iron-clad oath) prescribed for officers of the United States; that the members had decided their own qualifications and had made wrong decisions, and that the result was a defeat of the purposes of Congress, "these purposes having been the establishment of a loyal and republican State government," etc.

The governor in this message, enforcing these views upon the General Assembly, quotes with approval the sentiment that "it is certainly the duty of district commanders to take what the framers of the reconstruction laws wanted to express as much as what they do express, and to execute the law according to that interpretation." And the governor, contrary to the opinion of General Grant, recommended that the persons returned as elected in April should be reassembled; that the test oath should be enforced except those who had been relieved of their disabilities, who, according to General Meade, were his friends; that this would restore the colored members; that the body thus organized should decide upon the eligibility of the excluded members, and after the work of reconstruction should be completed the test oath would not apply.

This scheme was perhaps what his excellency desired rather than what he expected at this time. It was not adopted. General Grant, the new President, was inaugurated in March of this year, and on the first Monday in December the new Congress met. On the 22d of December the President approved an "act to promote the reconstruction of the State of Georgia," which was framed according to the plan outlined and recommended by the governor.

It did not prescribe the iron-clad oath, but it provided a test oath stringent enough to exclude some persons whom the people had elected. By this act the governor was authorized and directed forthwith by proclamation to summon all persons elected to the General Assembly of the State as appeared by the proclamation of General Meade. The governor on the same day (December 22) issued a proclamation summoning all persons elected, etc., "who are qualified," to appear at Atlanta on the 10th of January, 1870. A person designated as clerk *pro tempore* was ordered to organize the senate on that day, and the oaths were administered by a commissioner named by the governor. Such senators as could take the new test-oaths were sworn as directed on the day appointed, and the others were excluded.

Mr. Conley was again elected president, and the two negro senators were again in their seats. The president made another inaugural speech, in which he said: "The Government has determined that in this Republic, which is not, never was, and never can be a democracy—that in this Republic Republicans shall rule."

He seems to have adopted the sentiment of the governor, expressed on a former occasion.

In the house the organization proceeded under the auspices of A. L. Harris, who was detailed by the governor for that purpose. Harris was a man from New England, of enormous girth, who recognized only such motions as he desired, and directed the proceedings according to his own taste. His will was the only parliamentary law. A member insisted that the house had the right to choose its own presiding officer even for the purpose of organization. Harris suppressed him. The incident did not appear in the journal, because he also took control of the minutes. (Senate Election Cases, page 298.) He had the roll made by General Meade called, and as each member appeared Harris directed him to be sworn alone. When he grew weary, or for other reason wished to terminate the session for the day, he announced that the House would take a recess until a time named by him.

The new reconstruction act provided that upon application of the governor the President should employ such military and naval forces as might be necessary to enforce and execute the acts, and General Terry was now the commander of the district. This officer, perhaps on the request of the governor, convened a board of military officers instructed to determine the qualifications of certain members of both houses, and the findings of this board as to the eligibility or ineligibility of any member was enforced by the orders of General Terry and re-enforced by Harris.

When the military officers had judged and determined the qualifications of senators and representatives elected by citizens and the obnoxious members had been excluded from their seats, Harris, on the 26th of January, announced that the house would proceed to the election of a speaker, and the election of Mr. McWhorter again took place. On the next day the speaker directed to be read to the house a communication from the governor presenting the names of the candidates who had received the next highest vote to that of each of the members excluded by the military orders for ineligibility. General Terry also supported this view by a letter to the governor on the day following that of the communication of his excellency to the speaker.

At first the house, no doubt remembering that the governor had regarded it as a reproach to seat minority candidates on a former occasion, refused to accede to Bullock's recommendation; but when General Terry threw his sword into the scale, the house obsequiously reversed its action, and twelve friends of the governor in this way were admitted.

In March, 1870, the Judiciary Committee of the Senate of the United States made a report reviewing this organization of the General Assembly of the State, in which report it is held that such organization was not warranted by law in the following respects:

"First. In the control and direction of its proceedings by Harris.

"Second. In the exclusion from taking the oaths and from seats of three members who offered to swear in.

"Third. In the seating of persons not having a majority of the votes of the electors."

And on January 23, 1871, the Judiciary Committee of the United States Senate,

in reporting upon the credentials of Joshua Hill, H. V. M. Miller, Henry P. Farrow, and Richard H. Whiteley (the latter two having been elected by the General Assembly after the last reconstruction in 1870), affirmed the former report, and decided that Georgia was a State in the Union and entitled to representation in July, 1868, and that Hill and Miller were entitled to their seats, and they were soon after admitted as heretofore stated.

It thus appears that the Senate of the United States in December, 1869, concurred in an act entitled "An act to promote the reconstruction of the State of Georgia," and afterwards held that she was a State in the Union in 1868, and in that year lawfully elected Senators to the Congress of the United States.

The last act imposed upon the Legislature of the State a requirement that it should ratify the fifteenth constitutional amendment, and it was done to order.

From this time the governor and the General Assembly were on excellent terms, and the current of legislation encountered no obstruction. His excellency had triumphed. The State was delivered into his hands. The strangers called carpet-baggers, the Southern Republicans, called by a name still more odious, and the negro members, formed the majority of the Legislature, and between them and the executive there were the kindest relations, because he had given them power and a golden opportunity. The tax-payers almost to a man had voted against the persons who composed this majority. To these tax-payers they were objects of very general execration.

If they had not been upheld by military power they might have been carted about with placards on their backs, as were the men whom George III appointed to the Legislature of Massachusetts. The allowance was $9 a day, to say nothing of mileage, free passes, and other things. The session, with occasional short intermissions, continued from January 10 to the 25th of October. The expenditures made on account of the pay and mileage of members and officers amounted, during the term of this Legislature, to $979,055, a sum four or five times as much as was ever expended on the same account by any former Legislature. There were one hundred and four clerks, or nearly one clerk to every two members!

The constitution having conferred on the General Assembly the power to authorize the indorsement by the State of the bonds of private corporations on certain terms, there were passed at this session thirty-two acts which directed State indorsements to be placed on the bonds of as many different railroads. These indorsements so authorized, with the contingent liability created by seven other acts previously passed, would have amounted to $40,000,000. All the railroads built under these acts collapsed with a single exception, and the latter would have been built without the aid of the State. All the bonds that were so indorsed, with the same exception, were indorsed in violation of the terms prescribed by the constitution, and of the acts providing for the indorsement.

In order to hold together the combination of members who supported these measures a resolution was passed requiring "that each and every bill in which State aid is granted be retained by the president of the senate and speaker of the house, respectively, until each and every such bill is acted upon, so that they may all go to the governor at once." This arrangement pooled all their bills and consolidated all their supporting influences. It was a conspiracy which enabled every member to command the vote of every other member who had such a bill. It was supposed to have been an invention of the lobby.

During this year acts were passed authorizing the governor to issue $2,000,000 of 7 per cent. currency bonds upon which to obtain temporary loans for immediate use, also three millions of 7 per cent. gold bonds for the purpose of redeeming bonds of the State, and "for such other purposes as the General Assembly might direct." These issues were made, it is to be remembered, although the ordinary revenues of the State were ample for all legitimate expenditures. Under another act passed this year the governor delivered to a railroad company bonds of the State to the amount of $1,800,000, the State having already under another act indorsed the bonds of the same company to the amount of $3,300,000, and both acts were in conflict with the constitution.

At this session, on the recommendation of the governor, an act passed releasing to certain claimants, on a worthless pretext, which could deceive no lawyer, property in the city of Atlanta worth a quarter of a million of dollars. The beneficiaries of this transaction were known as the "Mitchell orphans."

Among the new men of that epoch was H. I. Kimball, who having failed elsewhere to find scope and appreciation for his great gifts, brought them to Georgia in quest of the opportunities which the process of destroying a State and then rebuilding it afforded. His was the genius which undertook the construction of the railroad which has just been mentioned as the donee of so much favor from the General Assembly.

Besides he had other roads in process of construction upon the credit of the State during his primacy, and in addition a grand opera-house and a great hotel in the city of Atlanta. His recourse for the millions required for these enterprises was the credit of the State. The Legislature gave him charters and bonds and indorsed the bonds of his corporations at his pleasure. The State bought his opera-house at a good round price, for a capital. He was paid temporarily for this property in the currency bonds to relieve his urgent wants, and when the gold bonds were engraved and ready for circulation, his friend, the governor, gave him of these $250,000 with the understanding that currency bonds to that amount should be returned. The latter bonds he neglected to restore. He became the financial agent of the State by Bullock's appointment, and hawked the bonds of the State about in New York with remarkable freedom.

In that capacity he went to that city to take up currency bonds which had been hypothecated by Bullock, and substitute the gold bonds. His letter of instruction directed him to cancel and return to the treasury the currency bonds. With one bank he made the substitution as directed, but instead of canceling and returning to the treasury the currency bonds received of the bank, he applied $170,000 of them to his own private use as collaterals for loans. He deposited gold bonds to a large amount with other bankers who had currency bonds, but did not require the surrender of the latter before he gave up the gold bonds, and so two sets of bonds were held for the same liability.

Some of these bankers were his own financial associates. He had received the State's indorsement of $275,000 of bonds of a railroad company (other than that hitherto mentioned), and for some reason, having had an act passed changing the name of the company, he received the indorsement of the State on the bonds of the road under the new name amounting to $300,000, upon the promise that he would use them to extinguish the first issue. The promise was not fulfilled, and the new bonds of the road went upon the market as additional obligations of the road and of the State.

When Bullock became governor the State owned a railroad running from Atlanta to Chattanooga, which connected all the railroad systems of the State with the West. It was wrecked by General Sherman during the latter part of the war, but it had, under the administration of Governor Jenkins and at great cost, been put in excellent condition. It easily earned a net revenue for the State of three or four hundred thousand dollars a year. It paid into the treasury $25,000 per month during 1869, under an appointee of Governor Bullock (Colonel Hurlbut), with all the embarrassments which that appointment involved.

But Colonel Hurlbut was not satisfactory to the governor, and in defiance of warnings as to the character of Foster Blodget, the latter was appointed superintendent. The new superintendent of the road entered upon his duties on the 1st day of January, 1870. For the year 1869 Hurlbut expended in operating the road, $985,633.80. During the year 1870 Blodget's expenditures aggregated $2,043,293.87. He left the road in bad condition and a debt of over half a million, which the State had to pay out of the treasury. Not less than $1,000,000 was lost by the change of superintendents.

Under a provision of the constitution a poll-tax of $1 was levied for educational purposes. The fund created by this tax amounted in 1870 to $268,000. In 1870 it was used to compensate members of the General Assembly, and such teachers as were employed in the public schools of that year went without compensation. The children attending schools during the year 1870 were 67,142 white and 10,351 colored, aggregating 77,493. For the sake of comparison it may be here stated that there were actually enrolled in the public schools of the State in 1888, of white children 200,786 and colored children 120,390, aggregating 321,896.

In 1868, when Governor Bullock was installed, the debt of the State was $5,827,000. At the end of his administration the treasurer reported the debt to be $12,450,000, and indorsed bonds in addition $5,733,000, aggregating $18,183,000, and the bonds of the State were no longer marketable, except at very ruinous rates. Now the bonds of the State bearing 4½ per cent. are worth in the market a premium of 20 per cent.

Since 1870 the State road has paid into the treasury $25,000 every month, or six millions in twenty years.

The governor during his term of three years pardoned three hundred and forty-six offenders against the law. Some of these offenders received pardons before trial. He granted seven pardons in advance of trial to one man, who pleaded then to seven separate indictments. These acts of the executive did not tend to inspire confidence in the law nor promote the administration of justice in the courts. The taxable property of the State in 1860 amounted to $672,322,777, in 1870 to $226,326,769, and in 1889 to $345,000,000, exclusive of railroad property.

Prosperity such as this rapid and steady increase of wealth implies is fair evidence that good government has followed the expiration of Governor Bullock's term; and the commerce of the State, freed from the apprehension of misgovernment, it is confidently believed, is twice as great as before the war.

On the 3d of October, 1870, Bullock approved an act entitled "An act to provide for an election, and to alter and amend the laws in relation to holding the elections."

It was drawn with great care. It provided that an election for members of the General Assembly, members of Congress, and county officers should be held on the 20th, 21st, and 22d days of December thereafter. The continuance of the election for three days, without any registration of voters, gave great facility to repeating. One colored man is known to have voted thirteen times at this election by the mere device of changing his hat and his name each time.

The law further provided that the election should be held only at the courthouse of each county or in an incorporated city or town by five managers, three of whom were to be nominated by the governor, two by the ordinary of the county, and all of them were to be confirmed by the senate. In those counties in which the ordinaries were of the governor's party (and such was the case in nearly half of the counties) all the managers were selected by the same party influence. The act further provided that the managers should have no power to refuse ballots of male persons of "apparent full age" resident in the county who had not previously voted, and it prohibited all challenges. It was stuffed with pains and penalties.

The political campaign that ensued was memorable. It was not a race between two parties either of which would have administered public affairs with honesty and justice in all departments. On the part of the Democrats it was a struggle for good government. It was a situation in which all good citizens banded themselves together against profligacy and corruption and a disgraceful administration. On the other hand, the negroes were told by their leaders that their defeat involved the loss of their political privileges and even of their personal freedom. It was a contest for supremacy between those who had always been masters and those who had been their slaves. It was a trial in which if one side succeeded there would be an honest administration for all, and if the other succeeded there would be ruin for all. The instinct of caste also intensified the efforts of both parties.

In Georgia the issue of such a struggle could not be doubtful. The victory was overwhelming. Not a disorder occurred, and Bullock's own managers counted the votes. Such rejoicing was never known before in Georgia. The Christmas-tide had brought a new redemption.

Before the deputies of an indignant people could meet and confront him Bullock had resigned his office and fled the State.

And it may be truthfully said that reconstruction accomplished not one useful result, and left behind it not one pleasant recollection.

LEGISLATIVE APPROPRIATION BILL.

The SPEAKER announced the appointment of Mr. BUTTERWORTH, Mr. CANNON, and Mr. FORNEY as conferees on the legislative appro- bill.

FEDERAL ELECTION LAW.

[Mr. WADDILL withholds his remarks for revision. See Appendix.]

Mr. TRACEY. Mr. Speaker, the bill now under consideration proposes to provide for the more efficient enforcement of the election laws of the United States.

Section 16 is as follows:

SEC. 16. Upon the receipt by the Clerk of the House of Representatives of the declaration and certificate of any United States board of canvassers of the Congressional vote as to the election of any Representative or Delegate in Congress it shall be the duty of that officer to open and file the same in his office. If by such declaration and certificate it shall appear that another and different person has been elected as a Representative or Delegate in Congress than the person certified as elected by such officer or officers of the State in which such Congressional district is situated, whose duty it is by the laws of the State to make such certificate, then the person so certified as elected by the declaration and certificate of the United States board of canvassers shall be, by the said Clerk of the House of Representatives, placed upon the rolls of persons elected as Represenatives or Delegates in Congress, and the provisions of existing law respecting the names of persons who shall be placed upon the roll of the House of Represenattives by the Clerk thereof are modified to the extent herein provided, and to such extent only. Any Clerk of the House of Representatives who shall neglect, fail, or refuse to place upon the roll of Representatives and Delegates elect the name of any person entitled to be placed thereon as provided by the laws of the United States shall be liable to arrest, and upon conviction of such neglect, failure, or refusal shall be punished by a fine not less than $1,000 nor more than $5,000, or by imprisonment for not less than one nor more than five years, or by both such fine and imprisonment, and shall be forever disqualified from holding thereafter any office of trust or profit under the Government of the United States.

I have selected this particular portion of the act for criticism because I believe that it is so objectionable and is so dangerous to the peace and welfare of our country that especial attention should be called to it and that no patriotic man should vote for it.

No effort to create an impression that the object is to have honest

elections, no attempt to make the bill appear respectable by connecting with it the hitherto honored name of the gentleman from Massachusetts [Mr. LODGE], will ever succeed in hiding from the public that a plan is being prepared to continue the Republican party in power in the Fifty-second Congress in case the people in the elections decide otherwise.

I do not find in conversing with our colleagues that there are many enthusiastic advocates of the measure on the side of the majority; indeed, there appears to exist a feeling of regret that such legislation has been decided upon. Members understand that while the enactment of this new law may insure the control of the next House to the present majority and continue in their positions the officers now in possession, there is danger that some day it may be utilized to the detriment of their party.

Do the gentlemen who have reported this bill realize that they have placed the Speaker of this House in the attitude of aiding them in the passage of an act which the public believes is calculated to benefit him more than any living being, and that their course may, if this bill become a law, force the Speaker to make public announcement that he can not under such circumstances be again a candidate for the Speakership? Or do these gentlemen believe that they avoid such a danger by providing in the bill that our good-natured Clerk shall go to prison and pay a fine in case he is tempted to accept the certificates forwarded to him by State officers instead of those sent him by the supervisors appointed by direction of the chairman of the national Republican committee?

What better evidence could there be of the sufficiency of present laws relating to Federal elections than the existence to-day of this Republican House of Representatives? We know that in 1888 the Democrats were in power and that the Clerk of this House was of that party. Would it have been safe then to put in the hands of hundreds of small officials the power and temptation of compelling that Clerk to make up a roll with Democrats in the majority? Is it not evident that State officers are composed generally of men who can not afford to commit open frauds, and will the same sense of responsibility be found everywhere among these supervisors? God grant that this bill may not become a law.

The people of this country will submit to much abuse to avoid turmoil, but can it be expected that the representatives of the people will remain quietly at their homes and permit defeated opponents to usurp their places? No, Mr. Speaker, this will not be. After the elections have been held it will be known through the proper authorities of the various States who are the successful candidates. All elected from North, South, East, and West will come to Washington, and you can rest assured that the legally elected House of Representatives will not give way to a rump Congress, but in a constitutional manner will assert its rights and be organized.

I have alluded to the lack of interest in this bill exhibited by many Republican members; permit me to ask where can we find any enthusiasm for it. In the State of New York, where is its support from the press? I find in the home of my friend, the gentleman from New York [Mr. BELDEN], his own organ, the ably edited Syracuse Standard, says:

It strikes us quite forcibly that the other Republicans in Congress had better cut loose from Mr. LODGE's election bill. We have previously said that it appears unconstitutional, and, on the ground of the opinion that the enforcement of the proposed law would be intrusted to local action, we have said that the scheme would be inoperative. Perhaps, however, its operation can be insured in most election districts by scrupulous choice of the Federal instruments; but the more careful the Government may be in selecting inspectors not amenable to the public opinion about them, the more odious the law will become, and the more determined will be the efforts for its defeat.

There arises a possibility which must make the Lodge bill unpopular. Its principles can be brought into play for the regulation of elections in the North. Upon the demand of a limited number of electors in any district Federal inspectors must be appointed; and the Democrats give notice of an intention to set the law in universal operation. If they refrain from invoking it in Democratic States or sections, they will hardly refrain where the Republicans are in the majority.

Supporters of the bill may declare that the Republican party has nothing to fear from the plan in question; but do they reflect on its working, and on its necessary collision with State law? The supervisors empowered to watch over Congressional and Presidential elections will have the privilege of handling and examining ballots and keeping tally of votes. Without this power they can not indeed supervise elections, but with it, do they not destroy the secrecy of the ballot, which, in several States, the people have been so anxious to obtain, and should be jealous in guarding? If Republican protests against the Lodge bill are not common, it must be because Republican newspapers have not generally considered it, or have not supposed that Congress had any serious thought of embodying it in a statute.

I think my other friend, the gentleman from New York [Mr. PAYNE], will concede that the ablest Republican paper in his district is the Auburn Advertiser. Here is an extract from it:

The Federal election bill, whose chief promoter is Mr. LODGE, of Massachusetts, is approved by President Harrison and is a scheme to do away with Representatives, which the Constitution provides "shall be apportioned among the several States," and creates a new kind of Representative by Federal authority. The bill as it stands antagonizes ballot reform in every point. But perhaps the most extraordinary provision is that when the Federal supervisors of the election differ from the State authorities as to which candidate has been elected to Congress the Clerk of the House shall put upon the roll the name returned by the Federal supervisors and reject the name returned by the State authorities. The bill does not commend itself upon present acquaintance with it.

Still another of my esteemed friends, the gentleman from New York [Mr. LANSING], has an influential Republican paper in his district. I quote from it:

Even if it should become a law it is doubtful if it would be of much effect, because it would have public sentiment against it in the section where it is intended to correct an evil, and would have no enthusiastic backing in the North, where it is not needed. In fact, while it is not a national measure, to act with equal force everywhere, it will really be sectional in its operation. In applying it to correct evils in the South, it would appear to open the door to evils in the North. The provisions of the bill, for instance, could not operate in full under the new ballot system provided for this State. One or the other, the State law or the national law, would have to be modified in some particulars. There would be a clashing of authority. The Federal election law is all based on conditions in the Southern States which do not exist in other States. Should they pass ballot-reform laws, such as have been adopted in some States, Federal control would render those laws difficult of execution.—*Watertown Times* (Republican).

The great majority of the Republican papers are silent, but I doubt not as they learn more of the bill they will be troubled in determining how to defend it. There is no denying the fact that for some years past in portions of the United States the practice of purchasing votes has been a shocking and increasing evil. In New York State an earnest effort has been made for ballot reform, looking to a doing away with corrupt practices at the polls. This laudable, patriotic movement was long resisted by powerful men and organizations; but the people clamored for the passage of a law and finally the opposition realized that those obstructing the principle would be swept aside, and so they surrendered and a new ballot law went into effect.

It has been expected that an era of decent elections would commence in our State next November, but now we see rising before us the shadow of this accursed bill, as it comes grasping for continuous power here, and crippling on its way our new-born child, "ballot reform." Perchance this may be no accidental injury, but an adroit side movement of the Fouché-like New Yorker, who has allowed the gentleman from Massachusetts to father this bill.

The vital feature of our New York law is the preservation of secrecy of the ballot. The bill under consideration (page 59, lines 28–30) makes it the duty of Federal officials to accompany the voter into the secret booth where he can see him prepare his ballot.

The New York law, section 18, provides that—

Any person who declares under oath that he is physically unable to prepare his ballot can bring with him "a person of his own selection" to assist him, and that person is forbidden to reveal the contents of voter's ballot.

In this bill a Federal supervisor is thrust on this privacy. While the New York law was being framed so serious was the contention for preserving rights of the individual that they abandoned a plan to have even inspector of election or ballot clerk aid the voter. That law is based on the inherent right of the voter and was fortified by opinions of able jurists.

Judge Cooley says in Constitutional Limitations, page 762:

Public policy requires that the veil of secrecy should be impenetrable; unless the voter himself voluntarily determines to lift it, his ballot is absolutely privileged.

And Judge McCrary, in his work on Elections, section 453, says:

The chief reason for the general adoption of the ballot in this country is that it affords the voter the means of preserving the secrecy of his vote, thus enabling him to vote independently and freely, without being subject to be overawed, intimidated, or in any manner controlled by others, and protects him from any ill-will or persecution on account of his vote. The secret ballot is justly regarded as an important and valuable safeguard for the protection of the voter, and particularly the humble citizen against the influence which wealth and station may be supposed to exercise.

Judge Denio, one of New York's traditionally great judges, wrote (27 New York, 25):

This object [the secrecy of the ballot] would be accomplished but very imperfectly if the privacy supposed to be secured was limited to the moment of casting his ballot.

The gentleman from Massachusetts [Mr. LODGE] claims he does not disturb the Australian system; but I say his bill would be no worse than it is if he required in New York that his Federal supervisor should stand at the ballot-box of every poll and demand that every helpless voter, whom New York's new law has carefully guarded, should open his ballot and disclose its contents under penalty of section 52.

In New York, and I believe also in Massachusetts, the ballot law provides that all officers shall be voted for on one ballot, and there shall be but one box. This bill repeatedly refers to Congressional box and Congressional ballot. Does this mean that a separate ballot must be cast for member of Congress? In that case New York law will be confused at its first trial by repealing section 17, which provides:

There shall be but one ballot-box at each polling place for receiving all ballots cast for candidates for office.

It is not surprising, Mr. Speaker, that the people of New York should be irritated by having any interference with their new law. All through the State voters are studying details of the State law to make it operate successfully, and now they see a prospect of an important feature being changed and the expense of duplicating official ballots amounting, it is estimated, to 40,000,000 in number for the State.

If it is claimed by the committee that this bill does not call for a separate Congressional ballot and box the case is all the more serious, for it makes the United States officials not merely canvassers of the ballots for State, assembly, county, municipal, and ward offices, but enables them to judge of the qualification of voters for those offices.

Expense would not be a great consideration if this bill were neces-

sary. But, in addition to its uselessness and vicious principles, it is very expensive. The burden will fall on citizens of a locality just as heavily if money is taken from citizens through Federal taxes as though local taxes were imposed. Up to this year the city of Albany, where I reside, has had to pay about $5,000 a year for the public expenses of election. Mayor Manning in his message estimates that public expenses of an election under the new Australian system will be about $20,000, an increase of $15,000. The bill proposes to duplicate that expense in one item alone.

The Albany Argus has the following on this subject:

And this bill, if enacted, will be applied throughout New York State. There need be no mistake on that point. In the city of Albany, for example, there will probably be about ninety election districts under the new State law. The Lodge-Rowell bill creates three Federal supervisors for each district, or two hundred and seventy for the city, and each of these is to receive $60 for his services. To get this total of $16,200 out of the Federal Treasury for Albany alone, does any one suppose it will be difficult to get up a petition with one hundred names here? Yet that is all that is required, and with the needed change in figures the same is true of every city and county in New York State. The Lodge-Rowell bill as a measure to oppress the Democrats of the South seems an amusing matter to certain Republicans in the State. We invite their attention to the way it will work in New York.

This includes only amount for Federal supervisors. In addition to that, pay of unlimited deputy marshals at $5 per day, and other expenses must be met.

Mr. Speaker, the bill permits a ridiculously small number of voters to invoke this great and expensive Federal machinery in New York, duplicating all the State machinery. Fifty or one hundred persons claiming to be voters can call it into operation in any district. What a contrast this is to the New York idea. There, in the simple matter of making an independent nomination for Congress, involving only the expense of printing the ballots, the law wisely requires that at least two hundred and fifty citizens must sign a petition of nomination, each with his residence and fact of being a voter legally attested to by an officer authorized to take acknowledgments.

The chairman of the committee [Mr. LODGE] in his speech said:

The great safeguard to the public welfare of this country is publicity. The business of the people must not be transacted in dim corners or in locked rooms, but openly before the people's eyes, etc.

That sounds well, and leads us to believe the Speaker's room will be unlocked hereafter when the "leaders" meet to prepare an order of business; and as the gentleman feels this way possibly he will amend his bill in its most dangerous feature, namely, its failure to provide for immediate publicity of Federal supervisors' returns. If Federal returns are to overrule State and local returns, this immediate publicity is of the utmost consequence.

The New York law provides:

First. The original statements, duly certified, shall be delivered by the inspectors, or by one of them to be deputed for that purpose, to the supervisor of the town or ward within twenty-four hours after the same shall have been subscribed. (Section 305 of State Election Code, page 117, edition of 1885.)

And also provides:

A true copy of the several statements made by the inspectors shall be made and certified by them and immediately filed by them in the office of the clerk of the town or city. (Section 302, same page.)

These returns become immediately a matter of public record. To these provisions of law is due the fact that the narrow Democratic majority of 1,047 for Cleveland in 1884, in a total vote of 1,300,000, was recognized by every one as absolutely fair. It was possible within twenty-four hours after election by telegraphing to various county clerks to verify the vote of every county and election district, with the check of duplicate return.

In this bill there is no provision for publicity, nothing but oral statements to be made, until the United States board of canvassers meet. The chief supervisor should be at least required to hold his returns open to immediate public inspection, although it seems even this would not be conclusive of the result, and we can know only after the board meets what candidate is entitled to the certificate.

Thus the returns which actually determine an election to Congress, upon which the certificate is based, are not in New York made known in total or in part until November 15.

Under present New York State law, within twenty-four or thirty-six hours at utmost the result of a Congressional election can be determined by comparison of returns in the hands of supervisor and in hands of the town clerk. Under this bill the returns which really decide are not even opened until November 15; the chief supervisor's duplicates from which a guess might be made are not in specific terms rendered subject to public inspection.

Opportunities for fraud here are obvious, if Federal supervisors or Federal canvassing boards be so disposed.

But, even if no fraud is contemplated, in close districts immediate publicity of Federal returns is a necessity to prevent temptation being offered later on. As fond as is the gentleman from Massachusetts [Mr. LODGE] of the sunlight, his method of publishing Federal returns is darkness compared to the sunlight of the New York State law, which stood the severest possible test in 1884.

Mr. Speaker, this bill should not pass. It is a vicious measure which will cause injustice to be done and will engender bitter feelings. It will serve no useful purpose and will conflict with the ballot laws of New York, New Jersey, Rhode Island, Connecticut, Massachusetts, and Indiana. In all these States efforts are being made to stop the use of money in elections; this bill not only interferes with this but takes from the national Treasury and from the people millions of dollars every two years for no other purpose than to help elect members in close districts and to continue in position officers of the House.

Members who fear to vote for increased salaries and for appropriations for clerks, etc., will not appear well before their constituents after voting for this bill.

I prepared some amendments a few days ago and asked to have them printed in the RECORD, but the gentleman from Illinois [Mr. CANNON] objected. I now print them with my remarks. They are taken from New York State laws, and would improve the bill somewhat, although nothing can make it anything but an outrage on a free people while it includes section 16.

First amendment: On page 3, amend section 2, line 30; after the word "residence" add: "And shall, before an officer duly authorized to take acknowledgments, acknowledge his signature, and make oath that he is a voter and has truly stated his residence. No person shall sign more than one application for such supervisor."

This amendment will tend to force the men who are circulating petitions for the purpose of making offices for themselves to secure responsible citizens, and, as I before remarked, is in accord with the New York ballot-reform law.

Second amendment: On page 5, section 4, strike out all after word "the" in line 2 to word "in," line 4, and insert the following: "Election district."

I offer this, Mr. Speaker, because if supervisors are to have power to overrule inspectors they ought at least to be in a position from personal knowledge to pass on voters the same as inspectors are. We are very tenacious of the rights of localities in New York State, and great offense will be given if supervisors from a distance are put in charge of a polling-place. Both great parties will view this alike.

Third amendment: On page 7, section 5, line 26, after word "persons," insert the following: "Who shall be qualified voters in the election district to which they are assigned."

Fourth amendment: On page 8, section 6, in line 14, strike out all after word "elections" down to word "may," in line 20.

These amendments marked 3 and 4 necessarily follow second amendment.

Fifth amendment: On page 15, sections 8 and 11, insert at end of line 143 the following: "The first day of registration in places where there shall be registration, and in places where there is no registration, the."

Unless the bill is designed to aid fraud, this amendment should be adopted. In New York the constitution fixes thirty days as the period of residence in a district, and a canvass before that is worthless, and could only be taken to promote unjust challenge. Without this amendment the Federal machinery in New York commences its operations four days before the State machinery in the cities. In towns it will be even worse, as the registry begins only sixteen days before election. For what purpose should the Federal supervisors make a house-to-house canvass nineteen days before the registry is begun, unless it is to serve the ends of the Republican campaign committee?

Sixth amendment: On page 58, section 36, add to the section the following:

"It shall not be lawful for any employer in paying his employés the salary or wages due them to inclose their pay in 'pay envelopes' upon which there are written or printed any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employés; nor shall it be lawful for any employer within ninety days of an election at which a member of Congress is to be voted for to put or otherwise exhibit in his factory, workshop, or other establishment or place where his employés may be working any handbill or placard containing any threat, notice, or information that in case any particular ticket or candidate shall be elected work in his place or establishment will cease, in whole or in part, or his establishment will be closed up, or the wages of his workmen be reduced, or other threats, express or implied, intended or calculated to influence the political opinion or action of his employés."

This amendment marked 6 I propose, Mr. Speaker, because it is a part of the New York State law, and is designed to prevent the intimidation of voters. It should meet the approval of the gentleman who has reported the bill.

Seventh amendment: After section 50, page 69, insert a new section, as follows, and renumber sections to correspond:

"SEC. 51. Every candidate for member of Congress shall within ten days after the election file as hereinafter provided an itemized statement, showing in detail all the moneys contributed by or for him directly or indirectly by himself or through or by any other person in aid of his election. Such statement shall give the names of the various persons who received such moneys, the specific nature of each item, and the purpose for which it was expended or contributed. There shall be attached to such statement an affidavit, subscribed and sworn to by such candidate, setting forth in substance that the statement thus made is in all respects true, and that the same is a full and detailed statement of all money so contributed or expended by him, directly or indirectly, by himself or through any other person, in aid of his election. Such sworn statement shall be filed in the office of the secretary of state of the State of which the district of the said candidate for member of Congress shall be the whole or a part, and shall also be filed with the United States board of canvassers heretofore in this act provided for, and no certificate of election or return of the vote shall be issued by said board under provisions of this act until said sworn statement shall have been filed with them and published in two daily newspapers of different political parties printed in the State designated by them for the purpose."

The amendment marked 7 is also in accordance with the law of New York State, and is to prevent large expenditures of money by candidates and to check the purchase of voters. It can properly be embodied in this bill.

Mr. Speaker, a rumor is in the air that an ingenious substitute may

be sprung upon the House in place of this bill. I warn members of the other side not to be misled to believe that it will be less objectionable than this act.

Mr. Speaker, it is almost incredible that the House of Representatives of the United States can be disgraced by the passage of such a measure. But if, influenced more, I trust, by the power of the party lash than by an ignoble greed for a continuance of the places and emoluments you now enjoy, you determine, gentlemen of the majority, to force this bill through the House, we will join issue with you before the American people. I do not doubt their verdict will be an emphatic condemnation of those who support this effort to prevent the properly-elected Representatives securing seats in this House.

I reserve the balance of my time and yield to the gentleman from Ohio [Mr. OUTHWAITE].

The SPEAKER. The gentleman has two minutes remaining.

Mr. OUTHWAITE. I would prefer to take the two minutes after the next gentleman on the other side of the House, if it is agreeable.

The SPEAKER. The gentleman can be recognized for twelve minutes.

Mr. OUTHWAITE. At this time, or after the next speaker on the other side?

The SPEAKER. The gentleman can be recognized now.

Mr. OUTHWAITE. Mr. Speaker, when the rules of the House were under discussion a prominent member upon the other side of the House assured us that there would remain to us the privileges of debate and amendment. We have had one example of the extent to which that poor privilege was permitted us in the consideration of one of the most important political measures that has ever been considered in this House, to wit, the McKinley tariff bill. We were permitted the mere sham of an opportunity to amend that bill. We were permitted to talk for a limited period of time only, and very little opportunity was given either gentlemen upon this side of the House or upon the other to offer any substantial amendments to that bill and to have them voted upon. I apprehend that there is danger that in the two days allotted to us for amendment and discussion of the pending bill under the five-minute rule we may be treated to the same sham as we were treated to then. But before I proceed I feel it my duty, as the representative of nearly 200,000 citizens of the United States, to thank the parliamentary potentate of this House for the poor privilege of spending twelve minutes in the discussion of a bill which it would take any careful man one hour to read so as to understand it. Twelve minutes to be spent in discussing a bill that is calculated to overturn or sweep aside the laws and customs and the usages of this country for one hundred years; a bill that is to create a horde of new officers with inquisitorial powers and almost absolute authority; a bill which is intended to provide a corruption fund of millions of dollars for one of the political parties of this country; a bill which is intended to create a partisan machinery to place in the hands of the bosses of that party the opportunity to nominate or designate who shall be nominated as the candidate of the Republican party in the next Presidential campaign. One of the results of this measure, which is as absolute as any other that may follow from it, is the construction, I say, of a political machine to control within that party the delegation of the entire South in the next Republican national convention. The gentleman from Iowa [Mr. HENDERSON], on Saturday, in insisting that he should not be interrupted in his discussion of this bill, himself a member of the committee that framed the bill, said that he felt he ought to have at least four or five hours instead of one hour in which to discuss it; yet he, coming from that committee, was one of the magnanimous men that gave to one hundred and fifty of us upon this side of the House to debate the bill but three times as many hours as he thought he ought to have to discuss it himself.

Ten minutes for each member upon this side is all we are permitted to have in which to discuss a measure as revolutionary as this is; and I use the term "revolutionary" in its most odious sense. The gentleman from Iowa, in offering some reasons for the introduction of a measure of this kind at this time, cited the fact that there were seventeen contested-election cases pending, or which had been pending, before this House at great expense, at least $70,000. Who instigated many of those contested-election cases? Who set them afoot? Who furnished the funds to carry them on? Was it not the national executive committee of the Republican party? Did not politicians of that party outside of the districts contested supply the testimony in some instances—I had almost said had supplied the perjury? Why are some of these cases here? For perhaps the very purpose of citing them as the necessity for some such legislation as this election bill. Let me read to this House the view taken by a member of the Committee on Elections as to the propriety of these seventeen cases being brought here. I read from the remarks of Mr. GREENHALGE:

> Why, sir, after the most careful scrutiny, after a delay which I should think would convince any fair-minded man that this matter does not proceed with undue heat or partisan haste, we have not seated half the contestants who have come before that committee, and the fact that members have been left in their seats is because upon our conscientious view of the evidence in their cases we were unable to come to a conclusion, when, if we acted from partisan feeling, if all we required was a partisan majority, it would have been just as easy to seat A as to seat B, the whole seventeen contestants as five or six; that fact, I think, entitles me to resent these insinuations upon the honor and the conscience of this most responsible and honorable committee.

I cite this to show to the House and to the country that this gentleman himself is bound to confess, and does virtually admit, that not one-half of these cases were well founded. This is from a gentleman who in doing what he seemed to think was his duty upon that committee, has voted to overturn elections in the South that were as fairly conducted, as purely and as properly conducted under the law as the elections conducted in his own State. A little further on he spoke of the remarks made by the gentleman from North Carolina [Mr. EWART], who in a broad, conservative, and statesmanlike way showed the condition of the South, its prosperity, the success of the Republican party in his State upon principle, presenting a general view of the condition of affairs in the South that would give the falsehood to many of the charges and assertions made upon the floor of this House, as a reason why there should be no intermeddling with its domestic affairs such as this bill makes.

The gentleman from Massachusetts rises up and says: "You give a local view merely. You are satisfied that things are all right in your district. I am from Massachusetts, and I cast my eye over this whole country and say it is necessary to supervise these elections and control them."

Gentlemen of the House, this bill is intended, not to have fair elections, but to prevent any elections being held by the people in several districts in this country. This bill is calculated to make it possible for twice as many contested-election cases in the next House as there are in this. Any one who will study the provisions of this bill will see that in its complicated, in its intricate, and in its remarkable machinery it is calculated to prevent the common people of this land from conducting their own elections.

I have studied its provisions as carefully as I could in the brief time that has been allowed, and have attempted to unravel the duties of election officers and to follow them through and see what they must do in order to provide us with a pure election. The result has been to find myself amid such confusion and intricacy of duties and of requirements that it would be impossible for an ordinary election officer to understand and apply them. Not ten members on the floor of this House would agree upon the conduct of an election under it.

In my region when anything is difficult to understand or to unravel, we say it would take a Philadelphia lawyer to unravel it. As I read this bill I said that it would take some one to understand its complicated and bungling terms acuter, shrewder, more cunning, and more intellectual than a Philadelphia lawyer; it would take a Massachusetts scholar in politics.

This bill confers absolute power on the chief supervisor of elections. When Louis Napoleon was president of the French Republic and determined to become its emperor, he had no more control of the vote of the people, no more absolute hold in his hands of the *plébiscite* than this bill places in the hands of the machine-running power of the Republican party.

Gentlemen upon that side have said if they thought this was a partisan measure they would vote against it. Tell me why this bill gives such absolute power to the chief supervisor of election. He convenes courts; he makes appointments of a multitude of officers; he appoints the supervisors and inspectors; he sends out "discreet" individuals, to go from house to house accompanied by a United States marshal to inquire into the condition of the voter or into his rights. What does this mean? If the bill is not partisan, why do you provide for appointing twice as many Republican supervisors as Democratic supervisors? Why do you arrange for an unlimited number of Republican deputy marshals? Why do you repeal that feature of the Federal jury law which provides for mixed juries and arrange to have juries packed by Republican officials?

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 578) in relation to oaths in pension and other cases.

The message also announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 312) for the relief of Thomas P. Morgan, jr.;

A bill (S. 383) for the relief of Daniel C. Rodman and others, sureties on the bond of Ozias Morgan;

A bill (S. 7071) for the allowance of the claim of George Brown for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1887;

A bill (S. 921) for the relief of John Finn;

A bill (S. 922) for the relief of G. M. Hazen and others;

A bill (S. 923) for the relief of Davidson Dickson and others;

A bill (S. 1037) authorizing the placing of the name of James M. Williams upon the retired-list of the United States Army, with the rank of captain of cavalry;

A bill (S. 1044) to provide for the purchase of a site and the erection of a public building thereon at Madison, in the State of Indiana;

A bill (S. 1046) to extend the time for filing claims in the Court of Claims under the provisions of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to July 31, 1801;"

A bill (S. 1559) for the relief of the estate of A. H. Herr, deceased, late of the District of Columbia;

A bill (S. 1689) for the relief of George M. Wheeler;

A bill (S. 2095) to place Henry Zell on the retired-list of the Army;

A bill (S. 2228) for the relief of John W. Blake;

A bill (S. 2268) for the relief of the administrators of the estate of Isaac P. Tice, deceased;

A bill (S. 2508) to reclassify and fix the salaries of persons in the railway mail service known as railway postal clerks;

A bill (S. 2726) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands;

A bill (S. 2839) to provide for the purchase of a site and the erection of a public building thereon at Ogden, in the Territory of Utah;

A bill (S. 2841) granting a pension to Lizzie Wright Owen;

A bill (S. 2970) to provide for the purchase of a site and the erection of a public building thereon at Altoona, in the State of Pennsylvania;

A bill (S. 2996) to grant a right of way to the Texarkana and Fort Smith Railway Company through the Indian Territory and Territory of Oklahoma, and for other purposes;

A bill (S. 3039) to provide for the purchase of a site and the erection of a public building thereon at Palestine, in the State of Texas;

A bill (S. 3238) to provide for the purchase of a site and the erection of a public building thereon at Clarksville, in the State of Tennessee;

A bill (S. 3303) to provide for the purchase of a site and the erection of a public building thereon at Jacksonville, in the State of Illinois;

A bill (S. 3430) to confirm the title to certain lands in the city of Sault Ste. Marie and State of Michigan, and to release any reversionary right of the Government of the United States therein;

A bill (S. 3531) to provide for the purchase of a site and the erection of a public building thereon at Allentown, in the State of Pennsylvania;

A bill (S. 3555) to increase the compensation of the assistants to the attorney of the United States for the District of Columbia, and to amend section 907 of the Revised Statutes of the United States, relating to said District;

A bill (S. 3751) to grant to the Mobile and Dauphin Island Railroad and Harbor Company a right to trestle across the shoal water between Cedar Point and Dauphin Island;

A bill (S. 3776) authorizing and directing the Secretary of the Treasury to pay to Frank Rather $225, due him for services as route agent;

A bill (S. 3829) for the relief of Charles W. Cronk;

A bill (S. 3841) to authorize the commissioners to use and occupy as a site for a truck-house the space at the intersection of Fourteenth and C streets and Ohio avenue, northwest;

A bill (S. 3873) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889, and amended January 23, 1890, in relation to the compensation of supervisors and enumerators of census;

A bill (S. 4102) to give effect to the eighth article of the treaty of commerce and navigation with Sweden and Norway of July 4, 1827; and

Joint resolution (S. R. 66) authorizing Commander Dennis W. Mullan, United States Navy, to accept a medal presented to him by the Chilian Government.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 578) in relation to oaths in pension and other cases;

A bill (H. R. 2361) for the relief of Asa Ellis, collector of internal revenue for the first collection district of California;

A bill (H. R. 3886) to incorporate the North River Bridge Company, and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road;

A bill (H. R. 8149) to increase the limit of the cost of the public building authorized by act of Congress approved March 2, 1889, to be erected at Fort Worth, Tex.;

A bill (H. R. 9677) to authorize the County of Pulaski, in the State of Georgia, to maintain a high wagon and foot bridge across the Ocmulgee River at or near Hawkinsville, in the State of Georgia;

Joint resolution (H. Res. 183) to provide for the unexpended balance, $99,439.07, for discharging claims of letter-carriers for extra compensation under the eight-hour law, approved May 24, 1888, and appropriated for the fiscal year ended June 30, 1888; and

Joint resolution (H. Res. 185) to provide temporarily for the expenditures of the Government.

APPOINTMENT OF CONFEREES.

The SPEAKER. The Chair desires to announce the following conferees:

On the bill (S. 3163) to reorganize and establish the customs collection district of Puget Sound, Mr. LIND, Mr. SWENEY, and Mr. CAMPBELL.

On the joint resolution (H. Res. 138) to increase the number of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and to fill vacancies in such board, Mr. CUTCHEON, Mr. WILLIAMS, of Ohio, and Mr. LANHAM.

FEDERAL ELECTION LAW.

[Mr. HOPKINS withholds his remarks for revision. See Appendix.]

The SPEAKER. The gentleman from Alabama [Mr. OATES] is now recognized for ten minutes. [A pause.] Does the gentleman desire to proceed now?

Mr. OATES. I do not at this time. I did not know I was to be recognized now. Later on I should be glad to address the House.

Mr. CHIPMAN. Mr. Speaker, it is doubtful whether the present discussion is a practical one. We have a bill under consideration it is true, but we may at the last minute have a substitute thrust upon us more hostile to free institutions in all its provisions than this is.

The majority have reserved the right to do that. They cling to the policy of making every measure an ambush, every report of the Committee on Rules a surprise. I do not know—no man save one close to the throne knows—what is in store for us, what new mine may be sprung under the liberties of the people.

Sir, the bill before us, the subject of that bill, certainly ought to be discussed in the spirit of the purest patriotism. It ought not to be approached in a partisan spirit. The institutions of our country are not a fetich from which to threaten or cajole selfish rewards for ourselves and bad fortune for our political opponents.

There are certain grounds of political action which ought to be common to all the people. The elements of popular rights, like the elements of the christian religion, should bear the same meaning to all men. Where those rights are concerned, there should be but one creed.

It is as clear as sunlight that no party is true to liberty who seek to intrench themselves in power by seizing the machinery through which the will of the people is expressed. No party actuated by honest motives will ever attempt to do that. No man who has either the pride of intellect or the virtue of patriotism will dare go into history as the inventor or the aider of so great an infamy. No one on the floor here to-day will gainsay this.

Yet, sir, a great change is proposed in our institutions. I will not call it revolutionary, because that word, applied to an honest cause, has no terrors for Americans. Fanatics and knaves alike use it as a shibboleth of their faith or a halo to their villainy. But, sir, it is a great change, a departure from the old ways and the tried ways of the Republic. It is a bold step towards consolidation. It is consolidation, centralization in its most positive form. It is the end of popular government. It is the final authoritative utterance of the doctrine that the people are unfit to govern themselves in the old-fashioned way, through their local officers; that the township and county authorities, the executives and Legislatures of States shall be curbed and bitted and ridden by the irresponsible appointees of the most despotic and irresponsible officers of the Government. It is a proclamation of imperialism.

Why, sir, if these returning boards and supervisors derived their power from some source near the people and in which they have confidence, we might tolerate them, because the power to make would be the power to unmake. But, sir, how will you reach the judges? Who can check a judicial officer whom the law authorizes to be a politician and whose party demands that he shall be a partisan? Sir, there are but two despotisms in the country to-day, the Speakership of the House and the Federal judiciary, the first omnipotent because the incumbent is expected *ex officio* to be the leader of a party and the last because of the power which may lay its hands on every man's person and property and because of the respect which flatters the incumbent and shuts from his ear the just criticism of his conduct. I repeat, sir, how will we control the judges? What guaranty is there in this bill that they will be honest and unpartisan in the exercise of their appointive power?

Sir, a constant temptation is set before them. Visions of political advancement will haunt their waking and sleeping hours. The great political prizes of the country will seem constantly within their reach. Judges have heretofore, without this special, this great power, aspired even to the Presidency of the Republic. They are men like unto other men. You propose to put a great temptation before them.

Sir, the functions conferred on them by this bill are not judicial functions. They are essentially political and essentially partisan. They will drag the judiciary down instead of exalting them. The inclinations of judges in great public crises will be subjects of solicitude, nda they will be expected to stand with their party when "emergeniesc arise."

It is certain that these duties are not judicial. They do not come within any purpose for which courts are instituted or for which we are

under the Constitution permitted to institute them. I protest, sir, that the spirit of the Constitution is violated when functions of this executive nature are imposed on the judges. It is a confusion of two distinct departments of the Government, a sharp departure from the theory of the divisions of the powers. But, sir, there is another violation of the Constitution in this bill. The measure it proposes is not meant to apply universally or to be the absolute rule in the conduct of elections. You do not say that in every election district in the United States this machinery shall be set in motion. The voices of fifty or a hundred men, according to the locality, are required to extend the blessing of pure elections to the constituencies.

Why is this? What secret of partisan intrigue is hidden under this provision? Why shall Congress abdicate its power to establish a rule to govern all elections and delegate it to a handful of men here and there through the country? What manner of men are they who may exercise this power of overturning the laws in some of the States, while the laws of other States remain in force?

What monstrous spectacle is this which will keep in force at the same time two different sets of election laws, one for Massachusetts, another for South Carolina? What manner of men, I repeat, are they who may do this great work? Of what moral standard shall they be, of what intelligence, of what patriotism? Will they come from the slums of cities, will they be the mean hangers-on of ambitious leaders? Will they seek pure elections or partisan advantage? Will they be the champions of free representation or the instruments of a party which requires this machinery to retain domination of this House?

But, sir, there is a more serious question. I know that appeals to the Constitution are irksome to some gentlemen on this floor. They believe in "meeting emergencies" when they arise, and the restraints of the Constitution fret their noble spirits. But, sir, that instrument, tried as it has been by the storms of battle, assailed by the lust of money and the lust of power, still stands in the path, the refuge of the people against oppression. It prohibits you to do this thing. By its terms the election laws of all the States are the normal standard, not to be departed from except on the gravest necessity. Its spirit and intent demand that when you act you shall establish a general rule, applicable uniformly to all the country, a rule evolved, not from party exigencies or local hatred, but from the best interests of all the people.

You can not say, and, if you constitutionally can, you ought not to say, that one law shall prevail in one district and another in the next, that a State shall have two different rules of election procedure within its borders, one Federal and the other local, or within the same Congressional district, and that different States may have different regulations. This sporadic kind of legislation renders favoritism to men, to sections, and places easy. It makes the oppression of men, sections, and places easy. It savors too much of taking care of the salvation of the political saints and providing for the damnation of partisan opponents. But, sir, above all, the Constitution prescribes that whatever is done shall be done by Congress, and not by companies of fifties and companies of hundreds; that here, and here only, by your voices, shall a uniform rule be proclaimed which shall prevail in every precinct of every county, in every district, and every State of the Union. You must apply your law everywhere alike.

The rural constituencies of the North must bend under it with the Democratic cities of the North and the people of the South. That is the only law you have power to make, and so far as the present bill fails in this respect it is unconstitutional. You can not delegate your power, nor can you aid this bill by saying that the rule is universal, that the fifties and the hundreds may apply to put it in operation everywhere. The fifties and the hundreds are unknown quantities to the Constitution. The legislative power of this country is not hidden in the vest pockets of a few dissatisfied citizens or of political tools. It is your power, the power of the people speaking through Congress, in the same tones everywhere and imposing a rule which no section is favored to escape and with which no section can be crushed into political death.

Sir, your law is unconstitutional and no man in the House dare make it constitutional by applying it to every part of the country.

I observe, sir, that the author of this bill shrinks from altering the registration laws of the State by establishing a national law in their stead. I wonder at this forbearance. You endeavor to strike out with the dash of a pen the entire election machinery of the State. Why not take the next step of constitutional invasion and add qualification to the right to vote? Why hesitate here? You overturn the State election boards, you give power to appointees of irresponsible judicial officers to override the decisions of inspectors elected by the people. Why do you not complete the work by abolishing the State system of registration? You can never be safe until you do that.

I know that the bill provides for espionage on the registration boards and I suppose that the reports of your supervisors will be relied on as official evidence to justify your returning boards in discarding votes and giving certificates of election over the State boards and the State executive; but why preserve even the form of respecting the standard of qualification set up by the States? You beat down and crush out all their real power, you rob the officers elected by the people of the control given them by the people and confer it on the appointees of a single man. Why do you not complete your usurpation and finish the work of centralizing the Government by prescribing the qualifications which are necessary to registration? I know of but one answer.

You dare not apply such a law to the North. Your town officers and county officers would not tolerate it. You could not say to them that an assertion of their rights is a continuation of the rebellion. They are not handicapped by any prejudice or sectional feeling against them and as free men they will not let you abrogate the free laws they have made for themselves. You will find, too, that you can not subjugate the Democratic cities of the North. They will continue Democratic and the first fruit of the enforcement of this law will be greater majorities against you. I notice, sir, that in this bill you have a special eye on those cities. I notice, too, that you provide for domiciliary visits, and the home of the citizen may be invaded by the men who are empowered to overturn the people's laws.

I notice, too, there is peculiar venom in the bill against the naturalized citizens; that they are treated as suspects and may be dogged by spies and harassed when they try to exercise their right to vote. You have all the machinery to annoy the citizen, to terrify, to cajole, to corrupt him. You have at the public expense political minute-men to keep watch and ward of your partisan fortunes, an army of spies and informers under political leadership encamped at the hearthstones of the people, but, sir, you can not even by this enginery subjugate the people. The tide has turned against your party, and even the mighty brain which directs the gentleman from Massachusetts to father this audacious bill can not stay it.

Sir, normally under the Constitution the power to regulate elections rests with the States. The language is plain:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time make or alter such regulations except as to the place of choosing Senators.

That was the first thought of the framers. It established the State law in the beginning and that law continues in force now save so far as it has been changed by the Congress. That body has made two regulations, one as to the time and the other as to the manner of holding elections.

I am not disposed to question the power of Congress to act within constitutional limits under this clause. I do question not only the constitutionality, but the wisdom of exercising it in the manner prescribed in this bill. Nothing but an overwhelming necessity can justify a departure from the old method. You essay to take power from the people and to put it into the hands of a Federal appointee. It is a step in the wrong direction. You obliterate the old land-marks of popular rights. You take from the citizen the control of the elections. You force on him a new system, a system opposed to the practices of the people since the adoption of the Constitution.

Sir, this is a very grave thing to do. It is no excuse for it to say that you have the power to do it. The decision of the Supreme Court in Siebold's case and Yarborough's case does not justify you. It has not decided that you may have your fifties and hundreds, your spies and informers, your partisan judges and boards. That tribunal has not decided what you must, but what you may do. There is not an unoccupied field to fill. The State laws cover the entire ground, and the Constitution prescribes that they shall govern until you act. There is no question as to their constitutionality. Why, then, do you act? Is it in the wantonness of power? Are you obliged to exercise all the power the Constitution gives you? Is it a partisan advantage you expect to gain? Is there any man here who dares to avow that? What is your purpose? What is the necessity which evokes this exercise of your discretion?

There are persons at the South, you say, who are deprived of their rights as electors. Suppose that is true. Is that an excuse? Can you for that reason impose upon the whole country your law of fifties and of hundreds and take from all the people their precious power of local control of elections? Can this justify your establishing a rule which, in the end, will be hurtful to the liberty of the very citizens whose wrongs you are attempting to redress? I repeat, sir, this bill means centralization of all power in the Federal Government, because it strips the people of their only security that they shall have fair representation in this House. Is centralization good for any citizen? Will it bless the black man while it curses the white man? Can you do anything by this kind of legislation save to relight the fires of race prejudice?

Those fires now are burning low, and only yesterday seemed to be dying out, but you propose again to thrust the race question into political prominence and to make the negro the pawn on the board of your party necessities. Is this well for him? Will it raise him in either the social or political scale to keep him constantly the bone of contention between party strifes? What, too, let me ask, is to be gained by your proposed treatment of naturalized citizens? Under the law of the land they are part of us, bone of our bone and flesh of our flesh, as much members of the national family as we are. Why treat them as objects of suspicion? Have they not been brave in war and law-abiding in peace? Have not their brain and brawn been as beneficent to the country as your brain and brawn? Why shall spies and eaves-

droppers hang at their heels? Why shall the unclean progeny of your bill fatten on them and watch them as if they are dangerous to the public welfare?

Sir, if there is need of Congressional interference to purify elections, you begin at the wrong place. The great power of corruption to-day is money—the immense sums which control conventions and so poison the elective franchise at its fountain-head—money contributed for the mysterious purposes known as "campaign expenses" and rewarded by the great and small offices of the Government. That is the imminent evil, that is the power that debauches, which reaches to high places, and which is certain to reach your returning boards and to fill the House with its minions. Why not pronounce it a felony to contribute immense sums to defray "campaign expenses?" Why not tell the truth and declare the man who uses his purse to elevate himself to office or to gain a partisan advantage an enemy of the people and a traitor to free institutions?

Here, sir, is a fertile field for the rigor of virtue, for the zeal of reform. The plutocrat is the foe of popular rights, the champion of centralization. His interests are not the interests of the people, his ways are not their ways. He demands new ways; the ways of Federal life appointees dominating the old ways of elected election officers; the ways of one-man power armed to overthrow popular rights; the ways of monopoly, of class legislation, of money despotism. If you are patriots, if you burn with zeal to bless your country, strike at him. Make his chief political virtue, the expenditure of money to influence elections, the greatest of civic crimes.

Sir, we do not need this proposed law. The people know we do not need it. Every honest town officer, every inspector of an election precinct in the country knows that we do not need it. Our States are all prosperous. Content sits at every hearthstone. There is no demand from the people for your fifties or hundreds, your life-long supervisors, your hosts of spies and informers, your political judges, your despotic returning boards. The ways of our fathers have been the ways of prosperity and freedom to us. We will not bow down to your strange gods. We will cling to the true faith of local control of our ballots and of our rights.

[Here the hammer fell.]

Mr. MCADOO. I ask unanimous consent that the gentleman from Michigan [Mr. CHIPMAN] be allowed three minutes longer, to come out of the time belonging to this side.

The SPEAKER *pro tempore* (Mr. ALLEN, of Michigan). The Chair understands that the time of that side of the House is exhausted.

Mr. BURROWS. Mr. Speaker, I do not propose to discuss the race problem. In my judgment it has no legitimate place in this controversy. The bill now under consideration does not propose to confer the right to vote on any citizen of the Republic not now possessing that right. It does not propose to take from any citizen of the Republic now having the right to vote that privilege. I am apprehensive this discussion of the race issue is brought in to serve another purpose, to raise a false issue, arouse passions that ought to sleep, and to create prejudices that ought to pass away.

I fear the race question is sometimes raised by those who pretend to deprecate it for the very purpose of inflaming the public mind and warping the individual judgment.

Judge Jackson, late a Senator of the United States—now a judge of one of the Federal courts—in recently charging a jury, found it necessary to caution them not to permit their attention to be drawn aside from the points at issue by efforts of counsel to raise race prejudice. He said:

> The counsel for the defendants have sought to impress upon you that some great and vital question other than the guilt or innocence of the defendants on trial is involved in this suit. This is a mistake, gentlemen of the jury. In the trial and proper disposition of this case upon the evidence, the court nor the jury have anything to do with the race problem or with the question of suffrage. The colored man has been regularly invested with the right of suffrage. The constitution of this State confers the right to vote without restriction upon all male citizens twenty-one years of age who have resided twelve months in the State and six months in the county in which the right of suffrage is exercised. The colored man has the benefit of this constitutional provision; and when he has resided in the State and the county the required period he has the same right before the law to cast his vote and have it properly counted that you and I have. This trial in no way involves the consideration of the policy or impolicy of conferring this high privilege upon the colored population.

That is the language of a Democratic judge in a Federal court. So in this controversy the propriety of conferring the right of suffrage on the black race is in no way involved. The simple question is whether those upon whom the right has been conferred shall be permitted to exercise it in this free Government. But, I repeat, the race issue is sometimes raised for ulterior purposes; and I fear the Democratic party, even in that section where the race conflict is so much deplored, deliberately and wickedly force it for the very purpose of overthrowing popular government and subverting the public will.

Why do I say this? In 1879, under the leadership of Wise, Cameron, and other distinguished leaders in Virginia, sustained by the cooperation of 33,000 white people, the Readjuster party was organized on a platform declaring "for a free ballot and a fair count, an honest payment of the debt, and the abolition of the whipping-post."

It submitted that issue to the people of Virginia; and a Legislature was elected which made choice of a Republican United States Senator. In 1881 the Republican Readjuster party again carried the Legislature and another Republican Senator was chosen to the United States Senate. In 1882 the Readjuster party was again successful in the State, carrying the executive and the judiciary and six members of Congress out of ten. With the Legislature, executive, judiciary, two Senators, and six out of ten members of Congress Republican, it looked to the Democracy of that State as if the "solid South" was about to be broken and Virginia was to lead the van. What was to be done to regain the State and restore it to Bourbon rule? Would it do to raise the race issue in a State where the whites outnumbered the blacks two to one? One would think not; yet it was raised, and, as I will show, raised by the Democratic party, and for no other purpose than to inflame the passions and prejudices of the people and under its sway subvert popular government.

In 1883 another election was to be held, and the Democratic party called its convention at Lynchburgh, to nominate a State ticket and adopt a platform. It will be seen that the most serious controversy in the convention was whether the race issue should be raised.

Let me call attention to what the Richmond Dispatch, the leading Democratic journal of the State, said July 25, 1883, about the time the Democratic convention was in session, touching the race issue. Let us see who raised it. I read an extract from an editorial in that paper, under date of July 25, 1883. Mark the language:

> Before another issue of the Dispatch reaches the public the Lynchburgh convention—

The Democratic convention then assembled—

> will in all probability have finished its work. The only matter of difference developed by a canvass of the delegations is regarding the advisability of drawing the color line.

This was a convention of the Democracy deploring race conflicts. The only difference of opinion was as to "the advisability of drawing the color line." The Dispatch continues:

> The Richmond delegation remain practically unanimous in the opinion that it should be drawn, and are, it will be seen, sustained by some of the strongest men of the party.

In order to draw the color line inflammatory circulars were issued by the Democratic party and scattered broadcast over the State with flaming head-line: "Coalition rule in Danville."

Danville was selected as the scene for drawing the race issue by the Democracy, to be drawn, as the sequel shows, in blood. November 3 came. Three days before the election a Democratic club assembled in Danville, armed to the teeth with Winchester rifles. It was market day, Saturday afternoon. Colored people, men, women, and children, were at the market place. The streets were crowded. A white man, one of the "superior race," without provocation, assaulted a black man in the public street, knocked him down, and two other gentlemen of the "superior race," armed with bowie-knife and revolver, stood on either side to prevent any interference by officers or citizens. When the black man was sufficiently punished the fire-bell was rung, the alarm given, although there was no fire, and the Democratic club appeared upon the scene of action, raised the race issue, and fired into the crowd of black people, men, women, and children, as they were fleeing for their lives.

Armed Democrats took possession of the town. They succeeded in murdering four black men and mangling others. One man was shot, a helpless black man, as he sat in his cabin door, and the only excuse offered by the assassin was that he "wanted to try his pistol." The officers of the law arrested another black man on the pretense that he had assaulted his wife on the street, with whom he was then in company, and though she insisted that she had not been assaulted by her husband they arrested and took him into an alley on pretense of bearing him to jail, and there butchered him. "The race issue" was drawn effectively. And then what? The people must be advised of it. The fruits of this dastardly outrage must be gathered. Telegrams were immediately sent to all Democratic clubs throughout the State that the negroes were waging a war of extermination upon the white people, and on Monday, only the day before the election, this startling announcement was telegraphed all over the State:

> DANVILLE, *November* 5, 1883.
>
> For God's sake help us with your votes to-morrow. We are standing in our doors, shotgun in hand, trying to protect our families.
>
> If you only knew our suffering here on account of negro rule you would vote different. We are standing in our doors with guns protecting our families. Post this up at the court-house door.

And again:

> Riot in Danville. Mahoneism has worked its legitimate result in Danville. Riot and bloodshed have come to pass. Inflamed and crazed by the diabolical speeches which have been addressed to them by the Mahone nihilists, the negroes have precipitated the bloody issue. * * * People of the Valley and Southwest, the East calls upon you to come to its rescue, to help beat back the black wave which threatens to roll over us. Arouse ye and to the polls.

So the race issue was raised—raised by the Democratic party—and most effectively. Out of 1,200 registered colored voters in the city of Danville only 30 ventured to the polls; the remainder prudently remained away.

I think, therefore, I am justified in saying that the race issue is some-

times raised even by the Democratic party, which seems so deeply to deplore it, for the sole purpose of carrying elections.

Whenever in certain localities it is necessary to carry an election, when a great crime is to be perpetrated, when the ballot-box is to be rifled or stuffed, then the race issue is raised as an excuse for the outrage. A committee of the United States Senate appointed to investigate the affair made a report in which it was stated:

What, then, it is pertinent to inquire, was the condition of affairs in the city of Danville after the massacre and at the time these telegrams and reports were sent out? The Democrats came from the Opera House shouting and hallooing as they ran. They kept it up on their way up Main street until they reached the Arlington Hotel. They yelled in exultation, "Hurrah for us Democrats!" The signal bell for the people to fly to arms was sounded. The ringleaders in the massacre were placed on guard to patrol the city, as the mayor states, without his authority and without being sworn. Every white Democrat and even boys were armed, some with guns, others with pistols, and still others with bowie-knives. The white mob ruled the town.

Upon all the evidence it is clearly established it was a wanton, wicked, and groundless attack upon unoffending men, women, and children.

I submit, therefore, we would better not permit our judgment to be warped by the discussion of the race problem, but seriously address ourselves to the real question in hand.

What is it, in a word? It is this: Shall every legal voter in the Republic entitled to participate in the election of a Representative to the National Legislature have the opportunity to cast his ballot, and when cast shall that vote be honestly counted and the result truthfully declared? This is the whole question involved.

There ought to be but one answer to this question by all honest men. In your hearts there is but one answer.

In 1884 the great National Democratic party declared in its platform "we believe in a free ballot and a fair count." Were you honest in that declaration? If you were, you now have an opportunity to demonstrate your sincerity. All parties ought to be in accord upon this question. This bill may not secure the end desired; it may need amendment. If so, let it be modified. But all parties ought to unite in protecting and maintaining the sanctity of the ballot-box. It is the only safety of the Republic. This is a representative Government. All the people of the Republic can not assemble in mass convention to legislate for themselves. They must select Representatives to vote and speak for them. The ballot in the hand of the citizen is the badge of his sovereignty. Take that from him and he is a slave. Through the ballot, and that alone, he can make himself felt in the enactment of the laws and the administration of public affairs. It is as true to-day as it was a century ago that "all governments derive their just powers from the consent of the governed."

The President of the Argentine Republic, a Republic not supposed to be so far advanced in the science of government as ourselves, in a message to his Congress recently, said:

We should never forget—

And I wish gentlemen who juggle with ballot-boxes would write this sentiment in the palms of their hands—

We should never forget that when the public vote is tampered with representative governments exist but in name.

The President of the United States, in his inaugural address March 4, 1889, forcibly said:

It is very gratifying to observe the general interest now being manifested in the reform of our election laws. Those who have been for years calling attention to the pressing necessity of throwing about the ballot-box and about the elector further safeguards, in order that our elections might not only be free and pure, but might clearly appear to be so, will welcome the accession of any who did not so soon discover the need of reform. The national Congress has not as yet taken control of elections in that case over which the Constitution gives its jurisdiction, but has accepted and adopted the election laws of the several States, provided penalties for their violation and a method of supervision. Only the inefficiency of the State laws or an unfair or partisan administration of them could suggest a departure from this policy.

It was clearly, however, in the contemplation of the framers of the Constitution that such an exigency might arise, and provision was wisely made for it. The freedom of the ballot is a condition of our national life, and no power vested in Congress or in the Executive to secure or perpetuate it should remain unused upon occasion. The people of all the Congressional districts have an equal interest that the election of each shall truly express the views and wishes of a majority of the qualified electors residing within it. The results of such elections are not local, and the insistence of electors residing in other districts that they shall be pure and free does not savor at all of impertinence.

If in any of the States the public security is thought to be threatened by ignorance among the electors the obvious remedy is education. The sympathy and help of our people will not be withheld from any community struggling with special embarrassments or difficulties connected with the suffrage if the remedies proposed proceed upon lawful lines and are promoted by just and honorable methods. How shall those who practice election frauds recover that respect for the sanctity of the ballot which is the first condition and obligation of good citizenship? The man who has come to regard the ballot-box as a juggler's hat has renounced his allegiance.

There are but two questions involved in this controversy: Are elections for Representatives in Congress free and fair? and, secondly, if not, Does this bill provide the proper means to secure that end? Those are the only questions.

I shall not discuss the first proposition. That elections are free and fair in all portions of this country no one has the effrontery to affirm, and, if any one should so affirm, the evidence taken in the contested-election cases decided in this Congress would be a complete refutation.

If proof is necessary in addition to this, I will submit tables of election returns for twenty-five members from twenty-five Southern districts to the last Congress (and I take the last Congress that I may avoid personalities), showing they held their seats upon a vote of 94,841, less by 10,000 than the vote for Delegate from the Territory of Dakota, and yet every one of those twenty-five Democrats voted against the admission of Dakota upon the ground that she did not have sufficient population to entitle her to a Representative in Congress. [Laughter on the Republican side.]

State.	District.	Representative.	Vote.	Scattering.	Total vote.
Alabama	First	Jones	4,220	16	4,236
Do	Second	Herbert	5,659	.....	5,659
Do	Third	Oates	4,660	2	4,662
Arkansas	First	Dunn	6,093	.....	6,093
Do	Fifth	Peel	4,746	.....	4,746
Georgia	First	Norwood	2,061	17	2,078
Do	Second	Turner	2,411	.....	2,411
Do	Third	Crisp	1,704	.....	1,704
Do	Fifth	Stewart	2,999	.....	2,999
Do	Sixth	Blount	1,722	.....	1,722
Do	Eighth	Carlton	2,322	55	2,377
Do	Ninth	Candler	2,355	11	2,366
Do	Tenth	Barnes	1,944	.....	1,944
Kentucky	Seventh	Breckinridge	4,791	17	4,808
Louisiana	Fourth	Blanchard	5,747	12	5,759
Mississippi	First	Allen	3,140	27	3,167
Do	Fourth	Barry	2,964	122	3,086
Do	Fifth	Anderson	4,289	27	4,316
Do	Seventh	Hooker	4,508	6	4,514
South Carolina	First	Dibble	3,315	2	3,317
Do	Second	Tillman	5,212	23	5,235
Do	Third	Cothran	4,402	7	4,409
Do	Fourth	Perry	4,470	.....	4,470
Do	Fifth	Hemphill	4,696	5	4,701
Do	Sixth	Dargan	4,411	58	4,469
Total			94,841	407	95,245

From this table it appears that twenty-five gentlemen whose names were borne on the roll of membership of the last House, assuming to represent as many different districts, were elected substantially without opposition. In nine districts there was not a single dissenting vote, and in the remaining sixteen districts only a scattering vote ranging from 2 to 122 and aggregating but 407 votes in the whole twenty-five districts, while in none was there the slightest approach to any organized party antagonism. It is worthy of note in this connection that all these twenty-five Representatives were of one political faith—the adherents of the same political party—all Democrats. It is another significant fact that all these districts in which this unanimity exists are south of Mason and Dixon's line, while only one district in the North was carried without opposition, the Third district of Pennsylvania, lately represented by Hon. Samuel J. Randall. Who believes elections are fair or free in these twenty-five districts? I can name you twenty-five members of the last House who had back of them a vote of 1,063,780, while these Southern members represented a vote of only 95,245.

I will insert here a series of tables showing how the Republican and opposition vote in these twenty-five districts has been gradually but effectively wiped out. In 1880 the opposition vote to the Democratic party was 156,330; in 1882, 100,489; in 1884, 87,749, and in 1886 only 407 votes.

Table showing Republican and other opposition vote in the same twenty-five districts.

ELECTION OF 1880.

State.	District.	Republican vote.	Independent vote.	Greenback vote.	Scattering vote.	Total opposition vote.
Alabama	First	7,898	.....	.....	720	8,618
Do	Second	8,884	.....	.....	52	8,936
Do	Third	5,636	.....	.....	69	5,705
Arkansas	First	10,407	.....	.....	.....	10,407
Do	Fifth	(*)	.....	.....	.....	.....
Georgia	First	8,265	.....	.....	.....	8,265
Do	Second	6,417	.....	.....	.....	6,417
Do	Third	3,245	.....	.....	.....	3,245
Do	Fifth	7,133	.....	.....	.....	7,133
Do	Sixth	(†)	.....	.....	.....	.....
Do	Eighth	(†)	.....	.....	.....	.....
Do	Ninth	.....	12,653	.....	.....	12,653
Do	Tenth	(*)	.....	.....	.....	.....
Kentucky	Seventh	5,692	.....	.....	.....	5,692
Louisiana	Fourth	1,638	.....	.....	.....	1,638
Mississippi	First	3,828	.....	1,058	3	4,889
Do	Fourth	4,177	.....	.....	1	4,178
Do	Fifth	7,118	.....	.....	232	7,350
Do	Seventh	(*)	.....	.....	.....	.....
South Carolina	First	11,674	.....	.....	.....	11,671
Do	Second	12,297	.....	.....	.....	12,297
Do	Third	9,758	.....	.....	.....	9,758
Do	Fourth	11,780	.....	.....	414	12,194
Do	Fifth	15,282	.....	.....	2	15,284
Do	Sixth	(*)	.....	.....	.....	.....
Total.		141,129	12,653	1,058	1,493	156,330

* Not organized. † No opposition.

Table showing Republican and other opposition vote, etc.—Continued.

ELECTION OF 1882.

State.	District.	Republican vote.	Independent vote.	Greenback vote.	Scattering vote.	Total opposition vote.
Alabama	First	7,130				7,130
Do	Second	9,121				9,121
Do	Third	1,549				1,549
Arkansas	First	719	28			747
Do	Fifth	(*)				
Georgia	First	3,884				3,884
Do	Second	4,406				4,406
Do	Third		329			329
Do	Fifth	5,756				5,756
Do	Sixth				26	26
Do	Eighth				185	185
Do	Ninth		11,915		452	12,367
Do	Tenth	(*)				
Kentucky	Seventh	6,651				6,651
Louisiana	Fourth				3	3
Mississippi	First	1,416				1,416
Do	Fourth		9,729		130	9,859
Do	Fifth	(†)				
Do	Seventh	5,448				5,448
South Carolina	First	6,565				6,565
Do	Second	5,361			59	5,420
Do	Third			1,677		1,677
Do	Fourth			4,588		4,588
Do	Fifth		7,471			7,471
Do	Sixth	3,628		2,263		5,891
Total		61,634	29,472	8,528	855	100,489

* Not organized. † No opposition.

ELECTION OF 1884.

State.	District.	Republican vote.	Scattering vote.	Total opposition vote.
Alabama	First	6,403		6,403
Do	Second	8,991		8,991
Do	Third	4,349		4,349
Arkansas	First	8,561		8,561
Do	Fifth	5,710		5,710
Georgia	First	6,012		6,012
Do	Second	(*)		
Do	Third	4,268	94	4,362
Do	Fifth	5,130		5,130
Do	Sixth	(*)		
Do	Eighth	3,250		3,250
Do	Ninth		98	98
Do	Tenth	1,277	187	1,464
Kentucky	Seventh	1,173	9	1,182
Louisiana	Fourth	1,377	89	1,466
Mississippi	First	2,657		2,657
Do	Fourth	5,723		5,723
Do	Fifth	3,665	10	3,675
Do	Seventh	5,485		5,485
South Carolina	First	3,108		3,108
Do	Second	1,920	186	2,106
Do	Third	752	6	758
Do	Fourth		81	81
Do	Fifth	2,881	489	3,370
Do	Sixth	3,289	519	3,808
Total		85,981	1,768	87,749

ELECTION OF 1886.

Alabama	First		16	16
Do	Second			
Do	Third		2	2
Arkansas	First			
Do	Fifth			
Georgia	First	17		17
Do	Second			
Do	Third			
Do	Fifth			
Do	Sixth			
Do	Eighth	11	55	555
Do	Ninth			11
Do	Tenth			
Kentucky	Seventh		17	17
Louisiana	Fourth		12	12
Mississippi	First		27	27
Do	Fourth		122	122
Do	Fifth		27	27
Do	Seventh		6	6
South Carolina	First		2	2
Do	Second		23	23
Do	Third		7	7
Do	Fourth			
Do	Fifth		5	5
Do	Sixth		58	58
Total		28	379	407

* No opposition.

A free ballot and a fair count!

Mr. STEPHENSON. Great reformation.

Mr. BURROWS. Great reformation, as my friend suggests, in that section of the country. Where has this opposition vote gone? Take the Republican vote alone. In 1880 it was in round numbers 141,000 in those districts; in 1882 it was 61,000; in 1884 it was 85,000, and in 1886 it was just 28 votes. What has become of this Republican vote? Has it gone to the Democratic party? No; for while in 1880 the Democratic vote was 306,000, in 1886 it was only 94,000.

Several Democratic MEMBERS. What became of the Democratic vote?

Mr. BURROWS. The Republican vote certainly did not go to the Democrats.

Mr. OATES. Where did the Democratic vote go to?

Mr. BURROWS. They did not vote; no occasion to vote. [Laughter on the Democratic side.] What is the necessity of voting in districts where there is no opposition? There were nine of these districts where there was no opposition, where it was perfectly unanimous. In the other districts there were only two where a single vote was cast, 11 in one and 17 in the other, and that was all; and yet you tell us it was all quiet and peaceable. No doubt of that. So is a cemetery quiet. [Laughter on the Republican side.] Gentlemen, I hope the historian will not be compelled to declare of you as Tacitus wrote of the Romans:

> To harass, to despoil, and to butcher, you style government. You make a solitude, and call it peace.

But they say this measure is unconstitutional. That is the standing Democratic objection. So was the old supervisors' law passed twenty years ago pronounced unconstitutional. I remember a distinguished Senator from Indiana [Senator VOORHEES], when that measure was under discussion, registered an oath before high heaven, as we have heard oaths registered in this debate, that he would resist the measure until he was carried to his grave before he would permit it to pass. Nevertheless, he lives, the measure passed, and the Supreme Court have repeatedly declared it constitutional. So this measure will be pronounced constitutional. This bill does no more than to place over the whole Congressional district the same machinery now in use in cities of 20,000 inhabitants. If constitutional when applied to cities of 20,000, it is constitutional for an entire Congressional district.

The proposed changes are few. The supervisors can swear a voter who is challenged for delay. Three supervisors of opposite political parties are to be appointed instead of two. If the poll is not opened after one hour the supervisors may open it and receive the Congressional vote. The position of the boxes shall not be changed during the voting. The boxes shall be in open view and accessible to the voter; the box shall not be removed from the polling place until the vote is counted, and some other changes which do not involve any principle which the Supreme Court has not already passed upon.

This measure further declares it to be a crime in connection with elections to commit perjury, make false certificate or return, practice any fraud connected therewith, stuff a ballot-box, steal ballots from a box, to bribe a voter, to offer to bribe, to hire a voter not to vote, to bribe or offer to bribe an election officer, to bribe any registration officer, to intimidate a voter, to change ballot-boxes, to count falsely, to hinder voters from voting, to make false registration, to make false naturalization, to hinder registration, to vote more than once at the same election, to hinder or interfere with an election officer, to willfully exclude the vote of a lawful voter, or do any other act or thing which will prevent a free ballot and a fair count. And yet, though the whole purpose of this measure is to secure a free and fair election, the Democratic party cry out against it and denounce it as unconstitutional and revolutionary.

I firmly believe if we were to strike out every word in this bill after the enacting clause and insert three of the Ten Commandments:

> Thou shalt not steal;
> Thou shalt not bear false witness;
> Thou shalt not kill—

the whole Democratic party would declare it an assault upon the South, subversive of the Constitution, and an infringement of the reserved rights of the States. [Applause on the Republican side.]

It is repeatedly asserted that under the Constitution we have no power to "make or alter" the regulations to the extent proposed by this bill. What says the Supreme Court:

> The clause of the Constitution under which the power of Congress, as well as that of the State Legislatures, to regulate the election of Senators and Representatives arises is as follows:
> "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."
> It seems to us that the natural sense of these words is the contrary of that assumed by the counsel of the petitioners. After first authorizing the States to prescribe the regulations, it is added, "The Congress may at any time, by law, make or alter such regulations." "Make or alter." What is the plain meaning of these words? If not under the prepossession of some abstract theory of the relations between the State and the National Government, we should not have any difficulty in understanding them. There is no declaration that the regulations shall be made either wholly by the State Legislatures or wholly by Congress. If Congress does not interfere, of course they may be made wholly by the State; but if it chooses to interfere, there is nothing in the words to prevent its doing so, either wholly or partially. On the contrary their necessary implication is that they may do either. It may either make the regulations or it may alter them. If it only alters, leaving, as manifest convenience

requires, the general organization of the polls to the State, there results a necessary co-operation of the two governments in regulating the subject.

The gentleman from South Carolina [Mr. HEMPHILL] is apprehensive that where the regulations of the State and the National Government conflict trouble will ensue. The Supreme Court relieves the gentleman's fears.

But no repugnance in the system of regulations can arise thence, for the power of Congress over the object is paramount. It may be exercised as and when Congress sees fit to exercise it. When exercised, the action of Congress, so far as it extends and conflicts with the regulations of the State, necessarily supersedes them.

The objection, so often repeated, that such an application of Congressional regulations to those previously made by a State would produce a clashing of jurisdictions and a conflict of rules, loses sight of the fact that the regulations made by Congress are paramount to those made by the State Legislature; and if they conflict therewith, the latter, so far as the conflict extends, cease to be operative. No clashing can possibly arise.

The State may make regulations on the subject; Congress may make regulations on the same subject or may alter or add to those already made. The paramount character of those made by Congress has the effect to supersede those made by the State, so far as the two are inconsistent, and no further.

But we are warned that the presence of two sets of officers at the polls will certainly produce personal conflicts. Again, the Supreme Court points out how that may be avoided:

As to the supposed conflict that may arise between the officers appointed by the State and National Governments for superintending the election, no more insuperable difficulty need arise than in the application of the regulations adopted by each respectively. The regulations of Congress being constitutionally paramount, the duties imposed thereby upon the officers of the United States, so far as they have respect to the same matters, must necessarily be paramount to those to be performed by the officers of the State. If both can not be performed the latter are *pro tanto* superseded and cease to be duties.

Where there is a disposition to act harmoniously there is no danger of disturbance between those who have different duties to perform. When the rightful authority of the General Government is once conceded and acquiesced in, the apprehended difficulties will disappear. Let a spirit of national as well as local patriotism once prevail, let unfounded jealousies cease, and we shall hear no more about the impossibility of harmonious action between the National and State Governments in a matter in which they have a mutual interest.

But it is said this is a new exercise of power, never heretofore invoked. In 1842 Congress, by statute, required members of the House of Representatives to be elected from districts, and subsequently fixed the time for holding the election and provided it should be by ballot. Because a power has lain domant it does not therefore follow that it does not exist. Because it sleeps it is not dead.

But some gentlemen say this measure will produce trouble in some of the Southern States. Why trouble? Obey the law and there will be no trouble. Let me invoke the language of the Supreme Court on that question, and it is a lesson some gentlemen would do well to learn:

The greatest difficulty in coming to a just conclusion arises from mistaken notions with regard to the relations which subsist between the State and the National Government. It seems to be often overlooked that a national constitution has been adopted in this country establishing a real government therein, operating upon persons and territory and things, and which, moreover, is, or should be, as dear to every American citizen as the State government is. Whenever the true conception of the nature of this government is once conceded no real difficulty will arise in the just interpretation of its powers. But if we allow ourselves to regard it—

The National Government—

as a hostile organization, opposed to the proper sovereignty and dignity of the State governments, we shall continue to be vexed with difficulties as to its jurisdiction and authority.

The true interest of the people of this country requires that both the National and State Governments should be allowed, without jealous interference on either side, to exercise all the powers which respectively belong to them according to a fair and practical construction of the Constitution. State rights and the rights of the United States should be equally respected. Both are essential to the preservation of our liberties and the prosperity of our institutions. But, in endeavoring to vindicate the one, we should not allow our zeal to nullify or impair the other.

But you say, let us alone and these evils of which you complain will correct themselves. If only State government was involved we might yield to the demand. If the people of your States are willing to be dominated by an oligarchy, and submit to a government of fraud and violence, that is a matter that concerns the State, and the National Government can only interfere when called upon to guaranty to every State in the Union a republican form of government. In the mean time, however, how about the elections of Representatives to this National Legislature clothed with power to make laws for all the people of all the States? The National Government has the right to say something about that. The Supreme Court forcibly says:

It is the duty of the States to elect Representatives to Congress. The due and fair election of these Representatives is of vital importance to the United States. The Government of the United States is no less concerned in the transaction than the State government is. It certainly is not bound to stand by as a passive spectator when duties are violated and outrageous frauds are committed.

If the people of any of the States are content to submit to the domination of a class and be ruled by officials who were never elected, the National Government can not afford to submit to such subversion of representative government.

But you say there are frauds North. Granted. If there is a single fraud perpetrated on the ballot-box anywhere, from Maine to California, from the Gulf to the Lakes, amend this bill to cover every conceivable instance, if you can, and it shall receive my cordial support. If there is any provision in this bill that oversteps the bounds of constitutional restraint, strike it down; but let us stand together in maintaining a free ballot and a fair count everywhere throughout the Republic. Without it the Republic can not stand. Let it be once understood that the will of the people, as expressed at the ballot-box, can not be recorded and that the Government under which they live is not their Government, but one of fraud and violence, and the people will be ripe for revolution, and revolution will surely come. The ballot-box is the very sanctuary of the sovereignty of the American people.

This country can endure the fiercest political contests known to party warfare; it can withstand the machinations of the anarchist; foreign armies may invade and desolate it; hostile fleets may hang upon its shores, bombard its cities, and lay tribute upon its people; fratricidal war may shake its foundations and deluge it in blood; yet, if we but preserve the sovereignty of the people unimpaired as expressed at the ballot-box, the Republic will endure and come out of the conflict stronger, purer, and more invincible for the trial. [Applause on the Republican side.] These crimes upon the suffrage of a free people must cease.

I feel deeply on this question. I have no excuse to offer for any man who violates the sanctity of the ballot-box. It is the crime of crimes in a free government. When I put my ballot in the box, no mortal man has the right to touch it except to record my verdict. To destroy it, I repeat, is the crime of crimes, and it must cease or the Republic will fall. Why, sir, I would rather history should record that in the unhappy conflict of 1861–1865, in the clash of arms for the struggle for great convictions and great ideas, the Republic had fallen and been blotted from the map of empire than that it should be recorded that after it had been preserved, at such a sacrifice of blood and treasure, public virtue at last decayed and it fell through the corruption of the people. Better for us as a nation, better for history. I had rather you had taken this Government in 1861 by force than to take it now by fraud.

I can forgive a man who, in a moment of passion or in the hour of revolution, fires upon his country's flag. But that man who in peace crawls to a ballot-box where reposes the latest-born offspring of a nation's sovereign will and takes its life is an assassin whose crime can not be expiated. [Loud applause on the Republican side.] Tear down a nation's flag and you destroy only the symbol of sovereignty; destroy the ballots of a free people and you assassinate the sovereign itself. In the presence of such a crime treason itself almost whitens into a virtue.

Mr. OUTHWAITE. Has not your Administration just appointed such a man as you describe an officer in the Treasury Department?

The SPEAKER. The gentleman from Michigan declines to be interrupted.

Mr. BURROWS. The gentleman from New Jersey [Mr. MCADOO] the other day said:

Do not pass this bill, vote it down, and then we can go home to the people and cry "Liberty; liberty."

Liberty to do what? Liberty to make false registration; liberty to stuff and rifle ballot-boxes; liberty to make false certificates; liberty to murder; liberty to overthrow the sovereignty of the people and install an oligarchy on the ruins. Heaven deliver us from such liberty as that. Let us rather pass some measure that will give to every lawful voter in the Republic the opportunity to cast his ballot and have that ballot honestly counted, and then we may return to our homes and proclaim to all the people the immortal words of the martyred Lincoln: "A government of the people, by the people, and for the people shall not perish from the earth." [Loud applause on the Republican side.]

CONTINUANCE OF APPROPRIATIONS.

Mr. CANNON. Mr. Speaker, I desire to offer the joint resolution which I send to the Clerk's desk.

The Clerk read as follows:

Joint resolution to provide temporarily for the expenditures of the Government.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all appropriations for the necessary operations of the Government and of the District of Columbia, under existing laws, which shall remain unprovided for on the 30th day of June, 1890, be, and they are hereby, continued and made available for a period of thirty days from and after that date unless the regular appropriations provided therefor in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1891; and a sufficient amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided*, That no greater amount shall be expended for such operations than will be in the same proportion to the appropriations for the fiscal year 1890 as thirty days' time bears to the whole of said fiscal year: *Provided further*, That the total expenditures for the whole of the fiscal year 1891 under the several appropriations hereby continued shall not exceed in the aggregate the amounts finally appropriated therefor in the several bills now pending, except in cases where a change is made in the annual, monthly, or per diem compensation, or in the numbers of officers, clerks, or other persons authorized to be employed by the several appropriations hereby continued, in which cases the amounts authorized to be expended shall equal thirty three-hundred-and-sixty-fifths of the appropriations for the fiscal year 1890, and three-hundred-and-thirty-five three-hundred-and-sixty-fifths of the appropriation contained in the several bills now pending when the same shall have finally passed, unless the salary or compensation of any office shall be increased or diminished without changing the grade or the duties thereof, in which case such salary or compensation shall relate to the entire fiscal year and run from the beginning thereof.

Mr. SPRINGER. Mr. Speaker, does this come up by unanimous consent?

The SPEAKER. The Chair thinks not.

Mr. SPRINGER. Under the rules all appropriations should go to

the Committee on Appropriations and also be considered in Committee of the Whole House on the state of the Union.

Mr. CANNON. Does the gentleman make the point of order that it should go to the Committee of the Whole? If so, I will move that the House resolve itself into Committee of the Whole.

Mr. SPRINGER. I desire first to make the point that it is not in order to introduce this joint resolution in the House at this time, making appropriations for the support of the Government, and to consider it here immediately. It must receive its first consideration in the Committee on Appropriations.

Mr. CANNON. If the gentleman makes the point of order, although this is the last day of the fiscal year, he can do so, and we will discuss it. If he does not make the point of order, I suppose that inside of two minutes this joint resolution, which is substantially the same resolution that has been passed every other year at the long session for many years, will be passed. The gentleman, however, can pursue his own course.

Mr. SPRINGER. If this joint resolution is not to take up time and can be gotten rid of at once I have no objection to its consideration, but as the time has been limited for the discussion of the pending bill and as this is the time assigned for that specific purpose, I object to anything else being brought in to consume the only time which, under the special order brought in here by the Committee on Rules, is available for the discussion of the election bill.

Mr. CANNON. The gentleman can pursue his own course. I have stated my own opinion to be that unless there is objection, in two minutes this joint resolution can be passed. If there should be objection, of course we will discuss the force of that objection, and, as I have said, the gentleman can pursue his own course.

Mr. SPRINGER. I want to call attention to the fact that notwithstanding we have had rules adopted at this session for the purpose of facilitating the transaction of business, as we were told by gentlemen on the other side, still we find ourselves at the end of the fiscal year, with not a single appropriation bill passed. Now under the statement of my colleague from Illinois [Mr. CANNON] that this joint resolution will not occupy any considerable time, I will withdraw my objection.

Mr. CUTCHEON. The gentleman from Illinois [Mr. SPRINGER] is mistaken. The Army bill and the Naval Academy bill have been laws since the 20th of June.

Mr. MORROW. And the pension bill.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

Mr. OUTHWAITE. I should like to hear some statement of the necessity for this.

Mr. CANNON. The present condition of the appropriation bills is as follows: The following appropriation bills are laws or in the hands of the President for approval and likely to be laws before midnight: The Army appropriation bill, the Military Academy appropriation bill, the naval appropriation bill, the pension bill, and the post-office bill. The District of Columbia appropriation bill is agreed on in conference and awaiting confirmation of the conference report. In conference are: The diplomatic and consular bill, the fortification bill, and the legislative bill. I hope that before midnight the District of Columbia bill, the diplomatic and consular bill, and the legislative bills will have become laws. Pending in the Senate is the river and harbor bill. The agricultural bill has been passed to-day. Pending before the Committee on Appropriations in the Senate are the sundry civil bill and the Indian bill.

Mr. OUTHWAITE. Where is the deficiency bill?

Mr. CANNON. The deficiency bill to make up for the deficiencies of this fiscal year has not yet been reported.

[Cries of "Vote!" "Vote!"]

Mr. McCOMAS. Let me add that the chances are that the agricultural bill which is now being considered will be followed by the District bill in the course of an hour or two.

Mr. DOCKERY. Mr. Speaker, I ask leave to submit a statement showing the condition of the appropriation bills now as compared with their condition at this time two years ago. I will not occupy the time of the House in reading, but will ask leave to print.

There was no objection.

Mr. DOCKERY. The following was the condition of appropriation bills June 30, 1888:

Laws: Indian; Military Academy; pension.
In conference: Agricultural; diplomatic and consular; District of Columbia; legislative, executive, and judicial; Post-Office.
Pending in the Senate: Army; river and harbor.
Pending in Senate Committee on Appropriations: Navy; sundry civil.
Not reported to the House: Fortification.

Now, Mr. Speaker, I desire to contrast the present condition of the general appropriation bills with their status at the corresponding period in the Fiftieth Congress, for the reason that during the last six months we have been operating under a system of rules which it was claimed would expedite the business of the House. Of the appropriation bills, only the Army and Military Academy bills have become laws; the pension appropriation bill went to the President this morning, whilst the naval and Post-Office appropriation bills will probably reach the President to-morrow. The District of Columbia appropriation bill, which passed the House with such extraordinary haste in December last, has just been agreed on in conference and will probably be presented to the House before the close of the day's session. There are now in conference the diplomatic and consular bills, the fortification bill, and the legislative, executive, and judicial bill. The agricultural and river and harbor bills are pending in the Senate, whilst the sundry civil and Indian appropriation bills have not yet been reported to the Senate by the Senate Committee on Appropriations. It is thus manifest, Mr. Speaker, that the new rules have not operated to expedite the passage of the general appropriation bills.

Mr. CANNON. I have got it here and will read it for the gentleman, if he wishes; or, if the gentleman desires, I will put it in the RECORD.

Mr. DOCKERY. No, I will put it in myself. I have leave to do so.

Mr. CANNON. I have no objection to the gentleman putting it in, but I will put it in also, if there be no objection.

There was no objection.

The statement is as follows:

Condition of appropriation bills June 30, 1888.

Laws: Indian; Military Academy; pension.
In conference: Agricultural; diplomatic and consular; District of Columbia; legislative, executive, and judicial; Post-Office.
Pending in the Senate: Army; river and harbor.
Pending in Senate Committee on Appropriations: Navy; sundry civil.
Not reported to the House: Fortification.

Condition of appropriation bills June 30, 1890.

Laws or in hands of President for approval: Army; Military Academy; Navy; pension; Post-Office.
Agreed on in conference: District of Columbia.
In conference: Diplomatic and consular; fortification; legislative, executive, and judicial.
Passed the Senate to-day: Agricultural.
Pending in the Senate: River and harbor.
Pending in the Senate Committee on Appropriations: Indian; sundry civil.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

FEDERAL ELECTION LAW.

Mr. LODGE. Mr. Speaker, I desire on behalf of the committee to offer a number of amendments to House bill No. 11045. The great majority of them are intended to correct printer's errors. With one exception they are all formal and verbal. There is but one that changes the import of a section, and that one I will point out when it is reached. I offer these amendments now so as to get them out of the way as rapidly as possible.

Mr. MILLS. I hope the gentleman will perfect his bill.

Mr. LODGE. I move to amend the first section according to the amendments I send to the desk.

Mr. HEMPHILL. Mr. Speaker, I desire to submit a parliamentary inquiry. I desire to know whether it is necessary to amend this bill as it is read by sections, or whether we can offer amendments to any portion of it?

The SPEAKER. An amendment can be offered to any portion of it.

The first amendment offered by Mr. LODGE was read, as follows:

Section 1: Strike out all after the enacting clause as far as and including the word "naturalization," in line 19, and insert to read as follows:

"That the chief supervisors of elections now in office, their successors, and such supervisors of elections as may hereafter be appointed under any law of the United States, are charged in their respective judicial districts and in such Congressional districts the majority of the counties of which are within their judicial districts, both in person and by and through the supervisors of election who may from time to time be appointed, with the supervision of elections at which Representatives or Delegates in Congress are voted for, with the enforcement of the national election laws, and with the prevention of frauds and irregularities in naturalization. In such Congressional districts where the counties are equally divided in number between two judicial districts or where they are within more than two judicial districts, that chief supervisor of elections is charged with duty hereunder in whose judicial district there shall be the counties which, by the last national census, contained the greatest number of inhabitants."

Mr. LODGE. This amendment simply recasts the first section, making the language more explicit.

The amendment was agreed to.

The Clerk read as follows:

After the word "mentioned," in line 5, section 2, insert "places."

Mr. LODGE. This amendment simply supplies a word omitted by a typographical error.

The amendment was agreed to.

The Clerk read as follows:

Strike out all after the word "parishes," in line 26, section 2, down to and including the word "residence," in line 30, and insert the following: "Petitioning him to take such action as may be requisite to secure such supervision therein as is provided by the laws of the United States. Every person making application for such supervision shall subscribe the same and state his place of residence."

Mr. LODGE. This is simply a verbal change.

Mr. SPRINGER. Would it be in order to move an amendment to this amendment?

Mr. HEMPHILL. The understanding, I believe, is that the gentleman in charge of the bill shall offer these amendments and that afterwards we shall offer our amendments.

Mr. SPRINGER. Can that be done?

The SPEAKER. No doubt that can be done if such is the arrangement.

Mr. LODGE. I have no objection to permitting the gentleman from Illinois to offer an amendment.

Mr. HEMPHILL. If it is agreeable to the gentleman from Massachusetts, I think it better that he should first offer the amendments to perfect the bill and then allow us to offer ours.

Mr. LODGE. Certainly.

The amendment was agreed to.

The Clerk read as follows:

After the word "appointed," in line 14, section 5, strike out "such number," and insert in lieu thereof the following: "for the city or town, for the county or parish, or for the entire Congressional district, such number of supervisors of election."

Mr. LODGE. That merely makes the language more exact.

The amendment was agreed to.

The Clerk read as follows:

After the word "officers," in line 13 of section 8, strike out all down to and including the word "duties," in line 17, and insert the following: "under sections 2017 to 2020, both inclusive, and section 2022 of the Revised Statutes of the United States, and shall also perform and discharge the following duties, save where the performance of the same is herein confined to supervisors serving in cities or towns containing a designated population."

Mr. LODGE. This merely makes the provision specific by reference to the sections of the Revised States.

The amendment was agreed to.

The Clerk read as follows:

Before the word "thousand," in line 74, section 8, strike out the word "five," and insert the word "twenty."

Mr. LODGE. This is to rectify a printer's error.

The amendment was agreed to.

The Clerk read as follows:

After the word "registration," in line 121, section 8, strike out as far as and including the word "voted," and insert the following: "And shall show by proper marks who has voted and each kind of ballot each voter cast."

Mr. TRACEY. What is the meaning of that?

Mr. LODGE. This amendment simply defines more fully than is now expressed in the bill what the marks shall show.

Mr. HEMPHILL. How will it be possible for the supervisor to know what kind of ballot a man casts if he casts a secret ballot?

Mr. LODGE. He can not possibly know except in the case of an open ballot.

Mr. HEMPHILL. But this requires that he shall keep a register of the ballot and the kind of ballots.

Mr. LODGE. Of course he can not keep such a register if the ballot is secret.

Mr. HEMPHILL. You had better put in a qualifying provision, because otherwise the officer may be liable to the heavy penalities provided in another part of the bill. Under the language proposed he might feel called upon to look at every one of the ballots to determine what kind of a ballot it was.

Mr. LODGE. Of course this can not apply to a secret ballot and is not intended to do so. It has reference only to the open ballot.

Mr. HEMPHILL. Well, it is certainly essential that the provision be made clear, because this law is intended to take the place of the State laws.

Mr. LODGE. What suggestion would the gentleman make?

Mr. HEMPHILL. I would suggest the insertion of the words, "where not in violation of the State laws."

Mr. LODGE. I am perfectly willing to accede to that.

Mr. FRANK. I think the gentleman had better leave the clause as it is.

Mr. SPRINGER. I hope the amendment may be read again.

Mr. LODGE. As there seems to be objection to this amendment, I will withdraw it and submit it to the minority of the committee before presenting it again to the House.

The SPEAKER. The amendment is withdrawn.

Mr. LODGE. I will also withdraw the two following amendments which are in the hands of the Clerk, because they all relate to the same subject and should be made to conform.

The Clerk read as follows:

After the word "purpose," in line 135, section 8, insert "and forwarded to the chief supervisor of elections."

Mr. LODGE. That simply provides for forwarding the returns.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In section 8, after the word "having," in line 142, strike out the word "twenty" and insert in lieu thereof the words "one hundred."

The amendment was adopted.

The next amendment was read, as follows:

Section 9, line 26, strike out the words "third inspector" and insert the words "second supervisor."

The amendment was adopted.

Mr. LODGE. The rest of the lines do not conform. The first correction which has been made was a misprint. The purpose is to have the ballot counted alternately by the officers, and it is necessary therefore in the twenty-eighth line to make it consistent to strike out "supervisor" and insert "inspector," and in the twenty-ninth line strike out "fourth inspector" and insert "third supervisor." That makes the alternation accurate.

I move this amendment, therefore, which I send to the desk.

The Clerk read as follows:

In line 28, on page 19, strike out the word "supervisor" and insert the word "inspector." Also, in line 29, strike out "fourth inspector" and insert "third supervisor."

The amendment was adopted.

The next amendment was read, as follows:

Section 10, line 19, strike out all after the word "elections," down to and including "taken," in line 22, and insert:

"The supervisors of election shall then count and canvass all such ballots, and shall make in duplicate a separate statement of the same, which shall be numbered, enveloped, and forwarded as provided in section 12 of this act for the statements therein contemplated; the ballots themselves shall upon being counted and canvassed be forthwith placed in envelopes, together with a statement showing the number of ballots in each envelope and the box in which they were found; the envelopes shall then be sealed and forwarded to the chief supervisor, who shall file them and tabulate the results of the same for the board of canvassers of that Congressional vote."

Mr. SPRINGER. Will the gentleman allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. SPRINGER. Is it intended that the original ballots shall be taken possession of by the Government supervisor in all cases?

Mr. LODGE. These ballots provided for in this section are only those found in the wrong boxes, not in boxes where the Congressional vote is properly cast. They are now provided for in the law to be taken in that way. The only purpose of this amendment is to consolidate all that portion of it which relates to the returns under this head in making provision for dealing with such ballots. These lines are taken from that provision of the bill in section 12, found in the marginal notes and where provision is made for separate returns. It makes no change in the law in that respect.

Mr. MUTCHLER. I want to ask the gentleman from Massachusetts how would it be where a ticket which is voted for a member of Congress is the same ticket printed on the same paper with all of the other officers?

Mr. LODGE. If they are printed on one ticket and all voted on one ticket, they do not pass into the hands of the supervisor.

Mr. MUTCHLER. But suppose they did get into the other box?

Mr. LODGE. But necessarily if they vote all the names on one ballot that vote must be in one box.

Mr. MUTCHLER. But let me illustrate: In Pennsylvania we vote in this way: We have the State, judicial, and county tickets separate. Now, at the head of a county ticket we vote for a member of Congress. Following his name on the ticket are the names of all of the county officers voted for in that election. There may be fifteen or twenty of these——

Mr. BUCKALEW. Including members of the Legislature?

Mr. MUTCHLER. Also including members of the Legislature.

Now, do I understand the gentleman from Massachusetts if one of these tickets be found in the wrong box that the names of all of the other candidates for the other offices are to be put into this envelope and go through the course provided in this amendment?

Mr. LODGE. This provision does not change the law on that subject.

Mr. MUTCHLER. But suppose this ticket got into the wrong box?

Mr. LODGE. In that event I understand they are kept as evidence and testimony.

Mr. MUTCHLER. But the amendment does not so provide.

Mr. LODGE. They are kept simply as evidence and a separate return is made of them.

Mr. CUTCHEON. But they would be counted for the other officers, would they not?

Mr. LODGE. Of course. It does not interfere with the State count at all.

Mr. OUTHWAITE. This amendment provides that these State tickets may be taken possession of by Federal officials?

Mr. LODGE. Not at all. This is simply a provision that, where there is more than one box and the tickets are found in the wrong box, certain of these tickets shall be forwarded as the amendment proposes; and in the event suggested by the gentleman from Pennsylvania a few moments ago that they shall be kept as evidence.

Mr. OUTHWAITE. Although they may contain returns as to a dozen State officers?

Mr. LODGE. This does not interfere with the State count.

Mr. MUTCHLER. Let me ask the gentleman whether under this provision of the bill it would not remove from the custody of the courts in Pennsylvania the tickets that are found upon which a member of Congress has been voted for?

Mr. LODGE. If they are cast in the wrong box, then after they have been counted by the State's officers they are removed and preserved as evidence.

Mr. MUTCHLER. I do not see how it makes any difference whether they are in the wrong box or in the right box.

Mr. LODGE. If they are not in the wrong box the supervisors do not take them.

Mr. MUTCHLER. The voters who voted for the county officers are disfranchised to that extent.

Mr. VAUX. That is what it amounts to.

Mr. HERBERT. I would like to ask the gentleman from Massachusetts this question: Suppose there are ten boxes for ten different officers, and that some enthusiastic friend of a candidate for Congress should put a ticket for the same candidate for Congress in each one of those ten boxes. Under this bill would you count all those 10 votes cast by the same person as votes for the same candidate?

Mr. LODGE. They would not be counted; they would simply be preserved——

Mr. HERBERT. How would you prevent it under this bill?

Mr. LODGE. If the gentleman will allow me to finish my sentence. They would not be counted by the supervisor. What the State officers would do with them would be governed by the State law. The supervisor would make a separate return of those votes cast in other boxes and file those ballots as part of the evidence of that return.

Mr. HERBERT. Then the board of canvassers, finding them returned separately, would count them? They would be counted by the United States canvassers.

Mr. LODGE. They would be returned in a separate return as so many votes in other boxes than the Congressional box.

Mr. HERBERT. But would they not get counted as so many votes cast by mistake for the candidate for Congress, which ought to be counted?

Mr. LODGE. They would return them as so many votes cast for the candidate for Congress in other than the Congressional box.

Mr. HERBERT. How would they ascertain whether they ought to be counted or not?

Mr. LODGE. That would be a question for the board of canvassers to pass upon, if it was an entire Congressional district. It is simply a question of preserving the evidence in regard to such matters that this law undertakes to cover.

Mr. HERBERT. But you preserve the evidence in order that you may count the votes, and it seems to me in a case of that kind you would count all 10 of those votes which might have been cast by the same man for the same candidate.

Mr. ALLEN, of Mississippi. Exactly.

Mr. HERBERT. And there is nothing in your bill to prevent it.

Mr. CHEADLE. I understand that where ballots are found in the wrong box the supervisor shall take the custody of them.

Mr. LODGE. That is all.

Mr. CHEADLE. The question I wish to propound is, how will this bill meet the emergency which exists in the State of Indiana? Heretofore in Indiana we have voted for our State and county officers upon one ticket, but by the provisions of the new law we vote upon two tickets and in two boxes.

One of the tickets is a State ticket, and upon that are the names of all the State officers. Upon the other ticket, known as the county ticket, at the head of it is the name of the candidate for member of Congress, and on that are the judicial officers, the legislative officers, and the county officers. I would like to know by what authority we can enact a law here to take away the evidence, on a recount, of the election of county officers in the State of Indiana, under the election law of the State of Indiana, in conformity to the State law.

Mr. OUTHWAITE. That is just one of the iniquities of this law. You will get a great many more of them as you go along.

Mr. MUTCHLER. As I said before, in the State of Pennsylvania we vote but three tickets, the State ticket, the judicial ticket, and the county ticket. Those three tickets are separate. They are all voted for in the same box, but in different compartments. Now do I understand by this bill that if a county ticket which is headed by the name of a candidate for member of Congress should be found in the wrong compartment of that box the ticket can be taken out and removed from the custody of the court?

Mr. LODGE. If the whole box is a Congressional box, legally, to receive the Congressional votes, of course not.

Mr. OUTHWAITE. Why do you not answer the question?

Mr. MUTCHLER. That is not an answer to the question.

Mr. LODGE. If you call each compartment a separate box, then those ballots in the wrong box would be taken as evidence. I will say to my friend that they would not be destroyed, but simply filed in a different place.

Mr. MUTCHLER. Under your bill, then, not only the ticket for member of Congress, but the ticket containing the names of all the county officers would be taken out of the box and removed from the county.

Mr. LODGE. If placed in the wrong box——

Mr. MUTCHLER. If placed in the wrong box.

Mr. LODGE. If placed in the wrong box and printed on the same ticket with the names of the county and State officers, they would be filed in the supervisor's office as part of the evidence.

Mr. OUTHWAITE. Where is the authority to authorize the United States to do that, to take away from the State its own tickets for its own officials and carry them out of the jurisdiction of the State?

Mr. LODGE. If the gentleman wishes to open up a constitutional argument, I shall be glad to go into it, but I would like to have more time than five minutes.

Mr. OUTHWAITE. I would be glad for the gentleman to have an opportunity to answer that question.

Mr. HERBERT. Why is it proposed to preserve those votes as evidence unless it is intended to use that evidence by counting those vote?

Mr. LODGE. The purpose is simply to make it entirely public, to show that those votes were cast. The supervisors do not count those votes. All the supervisors undertake to count are the Congressional votes cast in the proper box.

Mr. HERBERT. If you do not propose to count the votes, why do you preserve them?

Mr. LODGE. They are returned to show the exact state of facts. Then they are to be counted or not, as they should be.

Mr. TARSNEY. Who has to decide whether they are to be counted or not?

Mr. MUTCHLER. Does not the provision of that bill render it impossible to ascertain whether there was any fraud in the voting of the county ticket by taking the tickets away?

Mr. LODGE. Why not? These are filed and are a matter of public evidence.

Mr. MUTCHLER. Filed where?

Mr. LODGE. Preserved in the circuit court or in the office of the chief supervisor.

Mr. MUTCHLER. How are we to get them?

Mr. LODGE. Just as you do in any other matter of getting papers.

Mr. MUTCHLER. How is a court at another place to get them from the circuit court?

Mr. OUTHWAITE. Especially in view of the fact that the circuit court of the United States may be in another State?

Mr. LODGE. They are matters of public record, open to inspection at all times.

Mr. MUTCHLER. Well, but we must have the ticket.

Mr. LODGE. The original ticket?

Mr. MUTCHLER. The original ticket. The name of the voter is written on opposite that number on the tally-sheet.

Mr. LODGE. You can get a copy of the record.

Mr. MUTCHLER. A copy! A copy will not do.

Mr. OUTHWAITE. I would like the gentleman to have time to answer a question. By what authority does the Federal Government take away from the State government the evidence of an election held under the State laws for county officers?

Mr. LODGE. It takes them into its custody. It does not destroy them. They are kept on file. I can see no reason why you can not require the supervisor to bring in his record as you can in any other case.

Mr. OUTHWAITE. I am asking for any constitutional authority for your supervisor to do that.

Mr. LODGE. There is absolute power in the United States to do precisely what it likes about elections.

Mr. OUTHWAITE. Of my county?

Mr. LODGE. No; but in elections of members of Congress.

Mr. OUTHWAITE. But not as to county officers.

Mr. LODGE. Then detach your county elections from Congressional elections. The remedy is easy.

Mr. OUTHWAITE. I have not gotten the gentleman from Maine to cite a constitutional authority for the United States to take these elections away from under our State laws.

Mr. TARSNEY. I would ask the gentleman from Massachusetts would not that destroy your Australian system you have in Massachusetts where there is only one box?

Mr. LODGE. There is only one box. You have got one ticket and one box—a Congressional box—there, and the ballot is deposited in that box.

Mr. TARSNEY. Your suggestion to detach these elections destroys your Australian ballot system.

Mr. LODGE. Not at all. Not at all.

Mr. STOCKDALE. I would like to ask the gentleman a question.

Mr. HEMPHILL. I endeavored to point out to the House the other day, Mr. Speaker, when I had the honor to submit some remarks, that this proposed law constantly comes in conflict with the laws of various States of the Union. The States of Indiana, New Jersey, and Pennsylvania require that the State tickets shall be preserved in the box in which they were cast.

Mr. MANSUR. And Missouri.

Mr. HEMPHILL. And Missouri, and other States of the Union. They are to be preserved as evidence to be used in any contest or for any purpose that the State may see fit, and it lays heavy penalties upon the State officers for not doing it. This bill requires that these tickets, if they contain the name of a candidate for Congress, shall be taken off and disposed of in a particular way, and lays a very heavy penalty on the supervisor who refuses or neglects to do so.

Now, I submit to the gentlemen who live in States of that kind how will it be possible to do one thing with a ticket in conflict with the State law in order to avoid a penalty of the State law? It is impossible to carry out the provisions of this bill in conformity with both the State laws and the laws of the United States, and it subjects the State officers and the United States officers to heavy punishment in case they do not do two things, when those two things are absolutely opposed to each other. I do not think it is worth while to consume a great deal of time on this amendment. It is one of the many collisions that must necessarily be between this bill and the laws of the various States of this Union. There is one section of the bill which says that every ticket on which there is the name of a candidate for Congress, no matter where it is found—and that does not exactly conform with the statement of the gentleman from Massachusetts—shall be counted, whereas the State law says that they shall not be counted unless they conform to certain regulations provided in the State law.

Mr. HERBERT. Let me also call the attention of the gentleman from Massachusetts [Mr. LODGE] to the fact that he is mistaken when he says these ballots are simply to be preserved as evidence. His own amendment, which he has just now sent up, and which I have this moment read, provides that all those ballots, found in all these boxes, shall be canvassed, counted, and tabulated, and the returns made to the State canvassers.

Mr. LODGE. Certainly.

Mr. HERBERT. Then how can you tell how many votes have been cast by one man for one candidate? [Cries of "Vote!" "Vote!"]

Mr. CHEADLE. Mr. Speaker, I do not doubt the constitutional right of Congress to enact a law governing and controlling the election of Representatives of this body; but, standing here in my place as a Representative of the Ninth district of Indiana, I do deny the authority of this Congress to enact a law that will authorize the supervisors or any other officers of this Government to go into our district and take possession of the tickets that are cast by the electors of that district for the various judicial county and legislative officers of the district at an election held in conformity to the laws of the State of Indiana.

I deny the right of this body to authorize these Federal officers to take those tickets, which are the highest and the only evidence by which we can have a recount under our State law, or conduct contests. I deny, I say, the authority of this Congress to come in by its agents and take possession of those tickets which are the only evidence of the fact that the electors in the various counties composing the district have selected certain persons to represent them or to serve them in the various local offices of that State. I want to vote for this bill because I believe in honest elections. I believe that all the Congressional elections ought to be under the authority of Congress itself, but this point suggests to my mind the view that we ought so to amend this bill as to provide that the votes for members of Congress shall be kept separate and apart from the votes cast for the State, judicial, and county officers.

Mr. CUTCHEON. I suppose the gentleman will concede that either the Federal law or the State law must be supreme. The Constitution of the United States, Article VI, provides:

That this Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land.

Now, I submit that if we enact this law and it comes into conflict with any State law, then the law made by Congress, if it be a constitutional law (and I understand the gentleman to concede that point), must be the supreme and effective law of the land.

Mr. CHEADLE. I deny the conclusion which the gentleman reaches. The Government of the United States recognizes the autonomy of the States, but it knows nothing at all about the subdivisions of those States into counties and townships. The Government does not seek to interfere in the least with the administration of the various local governments, and I appeal to this side of the Chamber to see to it, in the preparation of a bill of such importance as this, that no unnecessary conflict is raised between the authorities of the General Government and the authorities of the States. It is not necessary. We can amend this law so that it shall be applicable to elections for Congressmen and to those alone.

But, standing as I do in the presence of so many able and distinguished lawyers upon both sides of this Chamber, I venture to say there is not a man upon this floor who will contend for a moment that we have a right to go into the State of Indiana, or the State of Kentucky, or the State of New York, or the State of Tennessee, and take possession of the tickets cast by the voters of those States for the various county, judicial, and State officers. It can not be done without trampling under foot the fundamental principles of our system of local government. It can not be done without an unwarranted interference by the National Government with those rights which belong under the Constitution to the States.

Mr. OUTHWAITE. Now, Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. LODGE] may have thirty minutes, if he wants them, to explain the authority by which the Federal Government can take possession of county and State tickets.

The question was taken on the amendment offered by Mr. LODGE; and the Speaker declared that the noes seemed to have it.

Mr. LODGE. One moment, Mr. Speaker. I think gentlemen do not understand that by voting down my amendment they do not alter the provision of the bill in this respect. That is all in the bill now.

Mr. McMILLIN. Let us vote down the bill then.

Mr. LODGE. Well, try it and see how you get on. It seems to me, Mr. Speaker, that if we are going to deal with this question at all the better way is to put the provision in the best possible shape and then come to a square vote on the question of the preservation of these ballots by the supervisors. I am perfectly willing to withdraw the amendment, but if it is voted down that will be equally satisfactory to me.

The SPEAKER. The Chair will state that the declaration of the result was interrupted solely under the idea that the gentleman from Massachusetts desired to demand a further count.

Mr. LODGE. I did intend to ask for a division. I ask for it now.

The question was taken on the amendment of Mr. LODGE; and there were—ayes 104, noes 113.

Mr. LODGE. I ask for tellers.

Tellers were ordered; and the Speaker appointed Mr. LODGE and Mr. HEMPHILL.

The House again divided; and the tellers reported—ayes 117, noes 120.

So the amendment was rejected.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

Page 25, section 12, line 4, strike out all after the word "Congress" down to and including the word "canvass" in line 5, and insert the following words: "as are found in the Congressional box."

Mr. LODGE. Mr. Speaker, the amendments in this section, this one and those that follow it between line 1 and line 23, are intended to make the section conform to the amendment which has been just voted down. I therefore withdraw all these amendments because they would have no point or object, the preceding one having been voted down.

Mr. HEMPHILL. I desire to ask the gentleman from Massachusetts whether any of these amendments which have been suggested affect in any way the provision of the bill which requires that certain ballots shall be attached to the return of the supervisors as sent up, because that provision conflicts with the State law which requires the preservation of the ballots at home.

Mr. LODGE. The bill simply requires specimen ballots.

Mr. HEMPHILL. I know, but it requires one ballot of each kind to be taken from the ballot-box.

Mr. LODGE. These amendments do not touch that.

Mr. HEMPHILL. Then you have no amendment upon that point?

Mr. LODGE. No.

The Clerk read as follows:

Page 27, line 56, section 12, after the word "mail," insert "in cities or towns in which is located the office of the chief supervisor of elections, all such envelopes shall, if the chief supervisor shall so direct, be personally delivered at such office by such supervisor or other officer as the chief supervisor shall designate."

Mr. LODGE. This simply allows the envelopes containing the statements and certificates to be delivered in cities by messengers instead of by mail, if the chief supervisor shall so determine.

The amendment was agreed to.

The Clerk read as follows:

Page 28, section 13, after the word "presentation," in line 13, insert the word "to."

The amendment was agreed to.

The Clerk read as follows:

Page 31, section 15, after the word "day" in line 38, insert the following words: "and to give public notice of the place and the hour of their meeting."

Mr. LODGE. This simply provides that the board of canvassers shall give notice of their meeting.

The amendment was agreed to.

The Clerk read as follows:

Page 32, section 15, after the word "furnished," in line 64, insert "as herein provided."

The amendment was agreed to.

The Clerk read as follows:

Page 32, line 65, after the word "supervisors," strike out the words "as provided in this act."

The amendment was agreed to.

The Clerk read as follows:

Page 33, line 85, after the word "thereat," insert the following: "who shall be paid $5 a day for his attendance."

The amendment was agreed to.

The Clerk read as follows:

Page 35, section 16, line 12, after the word "of," strike out the word "the" and insert the word "said."

The amendment was agreed to.

The Clerk read as follows:

Page 35, line 14, strike out the word "rolls" and insert the word "roll."

The amendment was agreed to.

The Clerk read as follows:

Page 35, line 15, strike out the word "erected" and insert the word "elected."

The amendment was agreed to.

The Clerk read as follows:

Page 37, section 19, line 7, strike out the word "one" and insert in lieu thereof "five."

Several MEMBERS. What is that?

Mr. LODGE. It confines this provision to cities of 500,000 inhabitants, instead of 100,000.

The amendment was agreed to.

The Clerk read as follows:

Page 37, line 24, after the word "served," insert the following: "shall make a similar comparison with the records of his office and make similar certificate as to the period of service of the several special deputies."

Mr. LODGE. This is simply a means of getting at the service more accurately, requiring a certificate to be filed of the number of days that the officers have served.

The amendment was agreed to.

The Clerk read as follows:

Page 37, line 26, after the word "district," insert "for the days they are certified to have served."

The amendment was agreed to.

The Clerk read as follows:

Page 37, line 26, before the word "service," strike out "their" and insert in lieu thereof "such."

The amendment was agreed to.

The Clerk read as follows:

Page 39, section 20, line 33, after the word "place," insert "in his judicial district."

The amendment was agreed to.

The Clerk read as follows:

Page 39, line 33, after the word "resides," insert the words "or does business."

The amendment was agreed to.

The Clerk read as follows:

Page 49, section 27, line 49, strike out "therefore."

The amendment was agreed to.

The Clerk read as follows:

Page 50, line 56, strike out the words "at once" and insert in lieu thereof the word "forthwith."

The amendment was rejected.

The Clerk read as follows:

Page 50, line 58, before the word "all," insert "hereafter."

The amendment was agreed to, there being, ayes 116, noes not counted.

The Clerk read as follows:

Page 50, line 68, before the word "certification," strike out "their" and insert the words "the form of."

The amendment was agreed to.

The next amendment was read, as follows:

On page 50, line 68, strike out the words "and their" and insert "or to."

The amendment was adopted.

The next amendment was read, as follows:

On page 53, section 32, line 9, strike out the word "purport" and insert "substance."

The amendment was adopted.

The next amendment was read, as follows:

On page 54, line 14, strike out the word "purport" and insert the word "substance."

The amendment was adopted.

The next amendment was read, as follows:

On page 54, line 21, strike out the following words: "The same" and insert the word "like."

The amendment was adopted.

The next amendment was read, as follows:

On page 54, line 22, strike out the word "it" and insert "this act."

The amendment was adopted.

The next amendment was read, as follows:

On page 54, line 23, strike out the words "the same shall be" and insert "such sections are in terms."

Mr. HEARD. I do not understand the purport of that amendment.

Mr. LODGE. The amendment is merely verbal. It proposes to strike out the words "the same shall be" and uses words descriptive of the sections; so that the provision shall read:

Save as such sections are in terms changed or modified, etc.

The amendment was adopted.

The next amendment was read, as follows:

On page 54, line 24, strike out the word "terms," and insert "provisions."

The amendment was adopted.

The next amendment was read, as follows:

On page 56, section 34, line 9, strike out the word "such" and insert "all."

Mr. ADAMS. I suppose that these amendments are merely formal and that the various sections may be recurred to to-morrow; but I desire now to call the attention of the gentleman from Massachusetts to what I think ought to be changed in this section. It provides in substance that a label shall be affixed to the second ballot-box in order to inform the voter whether he is depositing his ballot in the Congressional, or in the judicial, or other local box. Of course, such a provision is unnecessary where only one box is held. Where I live only one box is held; and under our new law in Illinois a provision like this might tend to defeat the purpose of the law; because our ballot-box, adopted, I think, from New York, has a glass front, to enable the voter to see his ballot as it descends into the interior of the box. Of course a label on the box would tend to defeat the object of that law; and if in any place in this country more than one box is used at an election, while at the same time this particular kind of ballot-box is used, some such change ought to be made in the language of this bill.

Mr. SPRINGER. There is nothing, I believe, pending, Mr. Speaker, and I hope the amendment of the gentleman from Massachusetts will be disposed of so that the minority of the committee may submit their amendments.

The amendment of Mr. LODGE was adopted.

The next amendment was read, as follows:

On page 56, line 19, after the word "officers," insert the following words: "National, State, Territorial, or local."

Mr. OUTHWAITE. I do not understand the purpose of that amendment.

Mr. LODGE. Simply to define what is meant by election officers.

Mr. OUTHWAITE. Does this require a duty on the part of the State officers?

Mr. LODGE. Of any election officer where a Congressional election is held.

Mr. OUTHWAITE. Any officers, State or general?

Mr. LODGE. If the election is conducted under national laws.

It has been held by the Supreme Court that these parties are United States officers so far as that election is concerned.

Mr. OUTHWAITE. I only wanted to observe that that feature of the law, even if it passes, will not be observed in Ohio.

Mr. KELLEY. In all parts of Ohio?

Mr. TRACEY. Let me say to the gentleman from Massachusetts that that conflicts directly with the present law in New York.

Mr. LODGE. These words are simply to define what is meant by the term "election officers," and impose on them the duties of this section.

The amendment was adopted.

The next amendment was read, as follows:

On page 67, section 47, line 1, after the word "election," insert the words "supervisor of election."

The amendment was adopted.

The next amendment was read, as follows:

Same page and section, in line 6, after the word "of," insert the words "the United States or of."

The amendment was adopted.

Mr. LODGE. The Clerk has now read the various amendments that I have sent up. I have one more, and the last which I submit.

The Clerk read as follows:

Amend line 25, section 15, page 31, by substituting for the words "so long as faithful and capable," the following words: "For two years or until their successors are appointed and qualified."

Mr. LODGE. This makes it definite instead of indefinite.

The amendment was adopted.

Mr. LODGE. That is the last of the amendments.

Mr. LEHLBACH. Is it in order now to offer an amendment to any section of the bill?

The SPEAKER. It is in order, but the Chair purposes to recognize the gentleman from South Carolina [Mr. HEMPHILL] who desires to offer amendments to the bill.

Mr. HEMPHILL. Does the gentleman from New Jersey desire to offer an amendment?

Mr. LEHLBACH. I do.

Mr. HEMPHILL. I will yield to the gentleman for that purpose.

Mr. LEHLBACH. Then I offer this amendment.

The Clerk read as follows:

Amend section 2 by striking out all after the fifth line, and inserting in lieu thereof the words "The chief supervisor of election for each judicial district of the United States shall take such action as is requisite to secure such supervision in every Congressional district as is provided by the laws of the United States."

Mr. SPRINGER. What is the meaning of this?

Mr. LODGE. I do not understand the purport of that amendment.

Mr. LEHLBACH. Mr. Speaker, the purport of this amendment is merely to strike out the first, second, and third paragraphs of section 2 and to make the law apply uniformly throughout this whole country. If it is desirable that the power of the National Government be invoked in Congressional elections, let the law be made so that it can be applied in every district of the country. Let its execution not depend on the petition of fifty to one hundred men living or claiming to live in a district.

I believe that if this amendment is adopted it will not be considered so obnoxious in those sections of our country where the people now feel that, if this bill is passed, it is meant to operate especially against them. If it is applied uniformly the charge that is made by some that it is in-

tended as sectional legislation falls to the ground, and I hope that every Democrat and every Republican on this floor will see his way clear to vote for this amendment. If adopted it will at least remove that tinge of unfairness which many claim now taints this measure.

Mr. ROWELL. Mr. Speaker, for eighteen years or more we have had the supervision by petition, as is provided for in this bill. We get supervision by petition in this bill as we have been in the habit of getting it, and the purpose of the bill is to supervise elections where people believe that frauds are committed, and it is not the purpose of the bill to supervise elections where people do not believe that frauds are committed. The proposition of the gentleman from New Jersey is simply to change entirely the supervision system which is working so well now in this country, and which is not, except for political purposes, exciting any hostility. That is all I desire to say, Mr. Speaker. [Cries of "Vote!" "Vote!"]

Mr. OUTHWAITE. Mr. Speaker, the gentleman states but half the truth when he says that for a number of years we have had such supervision as is provided for in this bill. The supervision that we have had has applied only in the cases of cities with 20,000 inhabitants or more. This bill provides that the supervision shall be throughout this whole country.

Mr. ROWELL. Will my friend permit me? Supervision under the present law is had in any town, in any county, or in any voting precinct in the United States under petition.

Mr. OUTHWAITE. But not with the obnoxious provisions of innumerable deputy marshals, not with the provisions that this bill contains. Now, do gentlemen upon that side of the floor assume that they and their people are all so virtuous that they should not be subjected to any form of law?

Do gentlemen assume that it is fair or proper that the law shall be applied in some parts of this country and that it shall not be applicable to every district of this country alike? This bill, in its provision of application by petition, is one which places in the hands of fifty or one hundred of the very worst citizens of the district the opportunity to overturn the State law, the opportunity to place the whole district under the supervision of themselves to some degree, and I speak from knowledge when I say that the men who were appointed under the Federal supervision heretofore in the State of Ohio were not the best citizens. Men were appointed that were ex-convicts, murderers, footpads, burglars, and other criminals were selected to administer the Federal law. [Applause on the Democratic side.] That was the occasion of the Randall bill which restricted the number of marshals.

Mr. WILLIAMS, of Ohio. I want to know if one of them was Mike Mullin, who was convicted of election frauds and pardoned out by President Cleveland.

Mr. OUTHWAITE. That does not alter the case. Perhaps he ought not to have been pardoned. Your President has pardoned criminals and so has the Democratic President; but I do not know of any occasion for putting that in here as an objection to the proposition that I make, that it places the district in the hands of fifty or one hundred of the worst citizens that there may be in the district, for the purpose of filling their own pockets with the money that is provided for in this bill. Let us have a general election law. Let us all go upon the same plane and upon the same footing. If there is no fraud in our districts there will be no harm done; but let the people all have the opportunity to see how your election law works.

Mr. GROSVENOR. My colleague [Mr. OUTHWAITE] did not hear the question of my colleague [Mr. WILLIAMS] or he would see that it was very pertinent to the subject-matter. The question asked by my colleague [Mr. WILLIAMS] was whether Mike Mullen was one of the gentlemen he spoke about as having committed frauds in Ohio.

Mr. OUTHWAITE. I am not acquainted with Mike Mullen. The gentleman, perhaps, is better acquainted with Mike Mullen than I am. I do not know who he is, except that he was convicted and sent to the penitentiary.

Mr. GROSVENOR. I will tell the gentleman who Mike Mullen is. And within a year the gentleman, if he attended the convention of his party, sat in a Democratic convention in Ohio when Mike Mullen was chairman of a great delegation of that convention, Mike Mullen the convict.

Mr. OUTHWAITE. I deny the correctness of that statement.

Mr. GROSVENOR. The gentleman may not have been at the Dayton convention. Mike Mullen was convicted in the United States court at Cincinnati for frauds upon the election in that State, for having captured and taken prisoners one hundred and fifty-seven colored men and shut them up in a cellar of a station-house forty-eight hours without bread or water. He was a police officer and he took advantage of his position. He did it criminally and viciously.

Mr. OUTHWAITE. How many of those colored men had been brought over from Kentucky to vote in the State of Ohio and how many of them ought to have been arrested for that reason?

Mr. GROSVENOR. The record of the United States court shows that every one of them was a legal voter, and no one denies it.

Mr. SPRINGER. I deny it.

Mr. GROSVENOR. Will you keep still?

Mr. SPRINGER. I deny it.

Mr. OUTHWAITE. I want no opportunity for any Mike Mullens to interfere with the elections of the people.

Mr. HEMPHILL addressed the Chair.

Mr. GROSVENOR. Wait a moment. I have not gotten through with Mike Mullen. I have not surrendered the floor to the gentleman from South Carolina.

Mr. HEMPHILL. I beg the gentleman's pardon. I did not mean to take him off the floor.

Mr. GROSVENOR. Well, I have not surrendered the floor.

Mr. HEMPHILL. I did not desire to take the gentleman off the floor.

The SPEAKER. The gentleman from Ohio will proceed.

Mr. GROSVENOR. After having been convicted and sentenced to a year's confinement in jail and after having gone into jail, upon the recommendation of Governor Hoadley of Ohio and of the leading Democrats of that section of the State Mike Mullen was pardoned by Grover Cleveland and was at once reassigned upon the police force of Cincinnati and made a lieutenant of police. To-day he is one of the leading and most influential Democrats of Hamilton County [applause on the Republican side] and a member of the State central committee, as I am told.

Mr. OUTHWAITE. Is he any better or any worse than some of those deputy marshals I have spoken of?

Mr. GROSVENOR. If the gentleman will give me the names I will inform him. Perhaps there were convicts appointed by the court of Cincinnati, but I do not believe it.

Mr. STOCKDALE. Is that the general condition of society in Ohio? [Laughter on the Democratic side.]

Mr. GROSVENOR. I will state to the gentleman from Mississippi that the difference between the state of society in Ohio and the bulldozers of Mississippi is that we convict ours and you do not convict yours. [Applause on the Republican side.] You elect them to be the sheriff in the counties in which they have committed the crime, as in the case of the murderer of Chisholm.

Mr. STOCKDALE. We do not. Whenever the White Caps of your State commit crimes your governor pardons them.

Mr. GROSVENOR. I know of no such case, nor does the gentleman from Mississippi know of any such case, and I assert no White Cap was ever pardoned by any Ohio governor.

Mr. HEMPHILL. Mr. Speaker, this is a very important bill to the whole country, and if we undertake to air all the rascality of all the bad men of this country, we will spend all our time in discussing that and keep away from the consideration of the measure that is before us. Now, if the people in Ohio, and it is certainly a civilized State, are all that is said about them by gentlemen on both sides, it shows the necessity of the universal application of this matter. If we are to have it settled, if it is universally conceded that one set of people in the United States are to be put under the operation of this law, all should bear the same burden or enjoy the same benefit. I call for the previous question on the amendment.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed a joint resolution (H. Res. 185) to provide temporarily for the expenses of the Government.

The message also announced that the Senate further insisted upon its amendments numbered 2, 21, 22, 23, 24, and 25, to the bill (H. R. 9066) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes, disagreed to by the House, agreed to the request for a further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAWES, Mr. PLUMB, and Mr. GORMAN conferees on the part of the Senate.

The message further announced that the Senate had passed, with amendments in which concurrence was requested, the bill (H. R. 10716) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1891.

AGRICULTURAL APPROPRIATION BILL.

Mr. FUNSTON. I ask unanimous consent that the House non-concur in the amendments of the Senate to the agricultural appropriation bill and that it ask for a conference.

Mr. MCMILLIN. I do hope that, in view of the fact that we have passed a resolution continuing the appropriations, these other matters will not be taken up here that will consume time.

Mr. FUNSTON. It will not take up as much time as the gentleman is occupying in speaking.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the bill (H. R. 10716) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1891, be taken up, and that the amendments of the Senate be non-concurred in. Is there objection? [After a pause]. The Chair hears none.

Mr. FUNSTON. I move that the House non-concur in the amendments of the Senate.

The motion was agreed to.

Mr. FUNSTON. I ask that a committee of conference be appointed.

The motion was agreed to.

FEDERAL ELECTION BILL.

Mr. HEMPHILL. I demand the previous question on the adoption of the amendment of the gentleman from New Jersey.

The SPEAKER. The gentleman demands the previous question.

Mr. HEMPHILL (to Mr. LODGE). Does the gentleman from Massachusetts want any time?

Mr. LODGE. I will take twenty minutes after the previous question is disposed of.

The SPEAKER. There has already been debate, and if the previous question is ordered that cuts off further debate.

The question was taken on ordering the previous question and on division there were—ayes 113, noes 120.

So the House refused to order the previous question.

Mr. LODGE. Mr. Speaker, this amendment, as will be readily seen by all, is a vital amendment, changing the entire principle of the bill. I personally believe in an election law which would have taken Congressional elections entirely into the hands of the United States, and made it uniform and compulsory in every district, establishing the secret official ballot, and have made it in fact what this bill is wrongfully called, a Federal election law. If you are going to have a supervisory law like this, if you are going to content yourselves with the supervision of elections, there is no need of making supervision compulsory.

The argument that this bill is sectional is obviously fallacious. Every district can have it by asking for it. Therefore it is perfectly uniform. It does not apply to any specific district. No district can have it unless one hundred of its citizens desire it; but any district can have it where one hundred of its citizens do desire it. It is perfectly fair. It gives every district an opportunity to have the law applied, and in that it is uniform throughout the country. Now, Mr. Speaker, if there are districts where there is a sufficient body of citizens who believe elections are not fair, there is no reason in the world why that district should not be supervised; and the one next to it, where no man of either party thinks there is fraud, should be left unsupervised.

Mr. OATES. Will the gentleman permit a question.

Mr. LODGE. Certainly.

Mr. OATES. Is it not the provision of the bill that if one hundred voters, citizens of one county, petition for this supervision it will extend all through the Congressional district?

Mr. LODGE. Yes; if one hundred citizens of the district petition for it. Of course it makes no matter where they live in the district.

Mr. OATES. They may all live in one county, and there may be a dozen or more counties in the district, in several of which there is no suspicion or allegation of anything improper in the election; yet if one hundred voters, citizens of one county, petition for it, the supervision extends all through the district.

Mr. LODGE. That does not affect the fact that the petition is signed by one hundred citizens of the district who believe there is need of supervision. It can be asked for in every district; if need be, asked for in none. It is only where it is believed that supervision is necessary that it will be asked for. If you change the bill as proposed by the gentleman from New Jersey [Mr. LEHLBACH] you convert this into a stringent national election law or nearly that. The change would do much to make it a stringent election law, and yet you would not get the advantages that you would have if you had a pure national election law. Because there is a plague spot in one place there is no reason why you should not deal with that alone or why you should be required to apply your remedies to other places where there is no disease.

Mr. MCMILLIN. Will the gentleman permit a question?

Mr. LODGE. Certainly.

Mr. MCMILLIN. Is it not true that under this bill, if it should become a law, if there were forty thousand citizens in a district and thirty-nine thousand nine hundred of them were opposed to the interposition of this supervision, and only the other one hundred favored it, the one hundred could force it upon the thirty-nine thousand nine hundred?

Mr. LODGE. There is no question about that. That is plain on the face of the bill.

Mr. SPRINGER. Does the gentleman think that honest elections can be secured by the interposition of persons who may constitute the very worst elements of society? If you must invoke this law by petition, why not submit the petition to some sort of judicial authority to determine whether the facts or alleged facts exist or not?

Mr. LODGE. You can not undertake to discriminate between citizens.

Mr. SPRINGER. One hundred of the worst citizens of a Congressional district can secure the application of this law to the whole district. I can not see the necessity of submitting this beautiful machinery to the decision of a mob.

Mr. WASHINGTON. Mr. Speaker, I have refrained from having anything to say on this bill thus far, because I am satisfied it is intended to be an intensely partisan, sectional measure, and I have felt that whatever I might say would be looked upon as coming from a Southern source, and therefore would have but little weight with our friends on the other side. But when we come to the amendment offered by the gentleman from New Jersey [Mr. LEHLBACH] I think we have reached a point at which it is proper to say, in the language of the old adage, that "what is sauce for the goose is sauce for the gander." Now, gentlemen, if you have framed this bill to supervise Southern elections—and God knows and you know that that is the whole intent of it—I say let it be made a national bill, so that it will apply from one end of the country to the other. Let it not apply at the behest of one hundred of the worst citizens in my district or any other Congressional district.

I represent a district that I am proud to represent, a district which holds as free and fair elections as are held in Illinois, in Massachusetts, or anywhere else in this Union, a district where every man, white or black, goes to the polls and casts an untrammeled ballot, and yet under the existing law I have seen the usurpation and the villainy that have been practiced by supervisors and deputy marshals selected from the thugs and the cut-throats of my district who have fomented discord and brought on strife. This bill proposes to carry that system into every district south of Mason and Dixon's line. Now, I say, let this law, if it is to pass, be made of general application. Let it apply to every district in Massachusetts and in Illinois; let it apply in Chicago, and let the people there feel the conflict that arises between the Federal authority and the local authorities and local laws under this system.

Let this law be made obnoxious by its enforcement, and, gentlemen, although you may push it through now under the gag of the party lash and caucus dictation, I tell you the time will come when it will be wiped from the statute-book. We can live under it if you can, but for God's sake do not stir up strife in this country with a partisan measure like this. If you pass such a law at all, make it national, as you so loudly proclaim on every public occasion all Republican measures are and must be. Make it a fair law, one which will apply to all alike. We will take our part of the medicine with you; we can stand it if you can. But do not leave it in the power of one hundred designing men in any one county out of the seven that I represent to go before a Federal judge to carry the matter to the city of Nashville——

[Here the hammer fell.]

AGRICULTURAL APPROPRIATION BILL.

The Speaker announced as House conferees on the agricultural appropriation bill Mr. FUNSTON, Mr. CONGER, and Mr. HATCH.

FEDERAL ELECTION LAW.

Mr. MILLIKEN. Mr. Speaker, the speech of my friend [Mr. WASHINGTON] reminds me of the fact that it is the wicked who flee when no man pursueth. Now, this bill applies to every part of the country alike——

Mr. ENLOE. Will the gentleman yield for a question?

Mr. MILLIKEN. If my friend will wait until I complete one sentence, I will thank him. [Laughter.] This law will apply, as I have said, to every portion of the country alike. I understand that the gentleman from Pennsylvania [Mr. VAUX] said the other day that if this bill became a law the first thing they would do would be to have it applied in Maine, that they were going to have one hundred Democrats in Maine petition to have it applied there. Let me say to my friend that we shall be only too glad to have it applied in Maine whenever they get ready to apply it, because in that State we have a pure ballot and an honest count. [Derisive cries on the Democratic side.] That has been the history of our State, except in one instance, when a Democratic governor and council, who constituted the "returning board" there, sat down in the darkness of their chamber and counted out thirty-seven Republican representatives and not one Democrat, and turned the State over to the Democracy. They committed perjury, they committed forgery, they committed every crime in the catalogue——

Mr. ENLOE rose.

Mr. MILLIKEN. And I want to say to my friend from Tennessee [Mr. ENLOE], for his relief, that I have nothing to say especially against the South for crimes committed against the ballot-box, because the old Bourbon Democracy is the same wherever you find it; and not in his State, nor in South Carolina, nor in Mississippi, nor anywhere else where frauds are alleged to exist, have any meaner or more dishonest or more wicked frauds been committed than those committed by the old Bourbon Democracy in the State of Maine.

And it was only the hardy virtue of the people of Maine that prevented the wickedness from being consummated.

Mr. VAUX. Then why do you not make this bill universal, so as to apply to this terrible State that you talk about?

Mr. MILLIKEN. I will say to my friend that long ago the party of righteousness came into power there, and the matter has been amended. We have now no wounds to heal; and, if we had, there is no Democratic salve that would possibly apply to them.

Mr. VAUX. No, because it is a curative, and you are past cure. [Laughter.]

Mr. MILLIKEN. It may be a curative in your party to some extent; I am sorry it has not cured generally.

Mr. HEMPHILL. Unless there is some urgency on the part of gentlemen to speak further on this proposition I think we might as well come to a vote on it. The question is simply whether this bill shall be of universal application. [Cries of "Vote!" "Vote!"]

Mr. ALLEN, of Michigan. Mr. Speaker, the object of this amendment, so far as the gentleman from New Jersey is concerned, is, I believe, a sincere and honorable one. But the debate thus far on the other side has demonstrated that it is proposed to be carried, if at all, by those gentlemen for the purpose, in the first place, of emasculating the bill and, secondly, in order to make it unpopular and odious because of the power it will give unscrupulous men to entail additional expense in carrying on the elections. I do not suppose gentlemen will dispute for a moment the fact that there are Congressional districts in this country that need no such law as this compelling an honest count and liberty to all who have the right to vote. But to say that because they do not need it therefore we shall make no law to apply to those districts where it is not only needed, but where it is impossible to have a fair election without it, is to say that we shall have no fair elections at all.

In my own district—not largely Republican or Democratic—there never was a dishonest vote cast for a member of Congress. [Derisive laughter on the Democratic side.] I repeat it, sir, no man or set of men in that district was ever charged with casting dishonest votes at national elections. Some townships in that district give 300 Democratic votes with not more than a score of Republican votes; but those Republican votes are always counted—counted by Democratic officials and counted fairly; they are not counted out. And in other townships there are three or four hundred Republican votes, with an insignificant number of Democratic votes; but no one ever finds the votes counted out. True, errors have been committed there as elsewhere, no doubt, but any attempt to defraud the voters would meet with effective disapproval regardless of politics; therefore no such law is needed there, and the effect of the amendment of my friend from New Jersey would compel the enforcement of the law where not needed, adding millions to the expense of such enforcement.

Gentlemen, if you will have fair elections and count the votes as cast, you will then do as scores and hundreds of other districts in this country are doing, and you will have no need to undertake to make this law unpopular by giving it into the power of unscrupulous men to add to the cost of its enforcement. That is your only, your sole object. When in any district of the North public sentiment becomes satisfied that there is corruption at the polls, the people will ask for the application of this law, and if it is not stringent enough they will ask for one more so. They will not wink at corruption, and fraud, and forgery, and bulldozing; they never have done so. What we want and demand is that in every part of the country there shall be fair elections. That is all we ask of you, and this it is our duty to demand and enforce by legislation.

[Here the hammer fell.]

Mr. KERR, of Iowa. I wish to ask the gentleman from New Jersey [Mr. LEHLBACH] whether, if the bill be amended as he proposes, he will be satisfied with it and will vote for it.

Mr. LEHLBACH. In reply to the gentleman from Iowa [Mr. KERR], I will say that when I discussed this bill in my brief way the other day I gave two of the main reasons for my opposition to it. The fact that the bill does not apply uniformly throughout the Union was one of them. I shall exercise my right as a member on this floor to attempt to secure a correction of the unwise features of the bill wherever I see them and to offer such amendments as I deem necessary, leaving the question for the House to decide.

My own idea is that if this amendment be adopted it will take away the power of the Democratic party throughout the land to assail this bill as an unjust and sectional measure. As a Republican I desire to prevent that, and have therefore offered this amendment in good faith. I have already stated my reasons in support of such a proposition, and I do not care to go further into the discussion of the matter now. I believe that this bill, if passed, should be made universal in its application. At the same time I believe it is unnecessary to have this election law; and I have already so stated.

Mr. ENLOE. I suggest that the gentleman from New Jersey ask the gentleman from Iowa [Mr. KERR] whether there is any amendment that can be adopted to this bill that will prevent him from voting for it.

Mr. KERR, of Iowa. In answer to the gentleman from Tennessee [Mr. ENLOE] I will say that if anything in this country stands in the way of fair elections and it is in our power to prevent it by the action of Congress I shall seek to have that power exercised in every instance.

Mr. CHEADLE. Mr. Speaker, it strikes me that any law which may be enacted with reference to the election of members of Congress ought, if possible, to be made a national law, not sectional. I want to say to my Democratic colleagues from the South that, if it is true as charged on this side of the Chamber that by reason of preventing colored men from voting it is impossible for the public sentiment of the South to find proper expression on this floor, that charge of suppressing a fair expression of the voice of the people does not rest alone upon your shoulders, gentlemen of the South.

Standing here as a Representative of the State of Indiana I want to say to this House and to the country, and let it go upon record, that with one or two exceptions there can be found in no State in this Union a Republican constituency that is as nearly suppressed, in the expression of their opinions and sentiments on this floor, as the great Commonwealth of Indiana. In 1888 there were cast for members of Congress by the Republican electors of the State of Indiana 266,000 votes, and they were enabled to send to the Fifty-first Congress three members only. At the same election there were cast 261,100 Democratic votes, and upon the face of the returns they sent ten members here to speak for a minority of the voters of the State of Indiana.

I am in favor of the amendment offered by my friend from New Jersey [Mr. LEHLBACH] and hope it will prevail. I want to say here and now for the common people of the North that we want all these sectional prejudices and passions buried out of sight forever. [Applause on the Democratic side.] I want to say to my colleagues that the living issues which are presented for consideration to this Congress, if properly presented before the people of America, will win to us the Fifty-second Congress under existing laws. The Republican party stands in favor of a great national industrial policy that is bringing prosperity and blessings to the people of the South, the East, and the West; and if I vote for this measure, and if it is amended I shall vote for it, I want to provide for a national election law—I believe in it; I believe the language of the Constitution authorizes it—but if the law is enacted I want it to be applicable to the district I represent as well as to the district represented by the gentleman from Georgia [Mr. TURNER].

Mr. BOUTELLE. This bill does that.

Mr. CHEADLE. I do not want to vote for any law that, in order to be made operative, must be petitioned for by a handful of citizens of any district in the United States. [Applause on the Democratic side.]

Standing here, I say if we enact a law, a national election law, let us enact a measure which will be applicable alike from Maine to Texas.

Mr. MILLIKEN. Why is not this applicable from Maine to Texas, throughout the country?

Mr. BOUTELLE. It is.

Mr. CHEADLE. It is not, unless it is petitioned for by one hundred or by fifty persons.

Mr. BOUTELLE. It is applicable wherever it is needed, wherever they ask for it.

Mr. CHEADLE. Of course, I understand that; but if we enact a national election law let it be like the laws enacted by the States for the control of their elections. In the States we do not have to petition for the law.

Mr. BROSIUS. Why, in Pennsylvania any five men, by making application, can have supervisors selected.

Mr. BOUTELLE. And that is this law.

Mr. CHEADLE. That may be true, but in my State a law which is applicable to one portion of it is applicable to all parts alike and to every election precinct in the State, and does not require a petition to make it operative.

Mr. MILLIKEN. But suppose that nobody in either or any Congressional district of the State wants the law applied, why would you force it upon them?

Mr. CHEADLE. Simply because, if we enact a national election law, it should be applicable by its own provisions to every district alike, and every Representative who comes here should come under exactly the same title. [Applause on the Democratic side.]

Mr. MILLIKEN. This is applicable to all. [Cries of "Oh, no!" on the Democratic side.]

Mr. CHEADLE. No; it is not applicable. It is not enforced unless petitioned for. It does not enforce itself. [Cries of "Vote!" "Vote!"]

Mr. BOOTHMAN was recognized.

Mr. SPRINGER. Mr. Speaker, I demand the previous question——

The SPEAKER. The gentleman from Ohio has been recognized.

Mr. SPRINGER. But I was on the floor demanding the right——

The SPEAKER. But the gentleman from Ohio has been recognized; and, besides, the House has voted down the demand for the previous question.

Mr. SPRINGER. But that does not mean we are going to talk forever.

The SPEAKER. The Chair trusts not.

Mr. BOOTHMAN. Mr. Speaker, it seems to me that the purpose of those on either side of the floor who will vote in favor of this amendment is very clearly shadowed forth in the calm and, I may say, dispassionate utterance of my friend from Tennessee [Mr. WASHINGTON]. [Laughter.] His desire is to make this law as obnoxious as possible. His purpose in voting for the amendment is to incorporate into the law that which in the end will work its repeal. Now, if it be true that there are districts in this country where there are frauds practiced at elections it ought to be within the mind of every patriotic citizen to endeavor to put down, to destroy, and suppress such frauds. The elective franchise is a part of the common heritage of our country, and if it be that there are districts where there is intimidation of the black people—or of any people—and no man can doubt that such exist or districts where votes are not counted as cast, it is the part of patriotism to endeavor to prevent such practices. But it not the part of patriotism to endeavor to destroy a measure calculated to reach that result.

Now, why make it applicable to every district more than it is? At

present it is permissive. If the amendment of the gentleman from New Jersey is adopted it becomes mandatory and compulsory on districts throughout the country where these matters of fraud are not alleged or found to exist. In other words, the desire is on the part of gentlemen on the other side to destroy the law that is calculated to make elections pure, and not to uphold or seek to enforce the purity of the ballot-box.

It seems to me that this is no part of a patriotic duty. I will not impugn the motives of gentlemen who may be opposed to the law on the ground that they believe it unpatriotic. But, if their purpose is to load down the law, it seems to me that gentlemen on this side of the House ought to know when that purpose is developed in their presence, and vote down this amendment that has that effect whether so intended by its author or not.

MILEAGE DEFICIENCY.

Mr. HENDERSON, of Iowa. Mr. Speaker, I wish to have considered in the Committee of the Whole a matter which I think every gentleman here will give his consent to. It is an appropriation bill for the deficiency in the pay of mileage of members. We have got to get it through to-night.

The Clerk read as follows:

A bill (H. R. 11223) making an appropriation to supply a deficiency in the appropriation for compensation of Members of the House of Representatives and Delegates from Territories.

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supply a deficiency in the appropriation for compensation and mileage of members of the House of Representatives and Delegates from Territories for the fiscal year ending June 30, 1890, the sum of $4,721.14.

Mr. HENDERSON, of Iowa. I only desire to say in explanation that this deficiency comes from the fact that some new members have come in who have drawn pay for which the outgoing members have drawn pay also, and also the item of mileage expense and one month's salary of the successor to Mr. CARLISLE.

The bill (H. R. 11223) was read a first and second time, ordered to be engrossed and read a third time, and being engrossed, was accordingly read the third time.

The bill was then passed.

Mr. HENDERSON, of Iowa. I move to reconsider the vote by which the bill was passed; and also move to lay that motion on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CANNON. I ask unanimous consent to so modify the order taking a recess at 5.30 that at any time during the evening session there may be conference reports from appropriation committees.

Mr. MCMILLIN. I hope the gentleman will not insist upon that.

The SPEAKER. Is there objection?

Mr. MCMILLIN. I do not object. I think that it is wrong to take up the time that has been set apart for debate upon this bill, but I will defer to the gentleman if he really wishes it.

There was no objection.

FEDERAL ELECTION LAW.

Mr. MCCORMICK addressed the Chair.

Mr. SPRINGER. I move the previous question on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. MCCORMICK].

Mr. SPRINGER. The Chair has recognized three gentlemen in succession since I endeavored to get the floor to make this motion.

The SPEAKER. The Chair will recognize any gentleman who desires to debate this matter, on either side of the House.

Mr. SPRINGER. That is very kind of the Chair now, when the debate is taking up the time set apart for the offering of amendments.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] must understand the parliamentary situation perfectly.

Mr. SPRINGER. I understand it.

The SPEAKER. The gentleman from South Carolina [Mr. HEMPHILL], in charge of the amendment, moved the previous question upon the amendment and that was defeated. That transferred the control to the other side. The gentleman from Illinois understands that. Now if any gentleman upon the other side desires to be recognized for the discussion of the question, the Chair will be happy to recognize him.

Mr. SPRINGER. Does this mean that we are to have unlimited debate?

Mr. BUCHANAN, of New Jersey. It means that you can not be recognized all the time.

The SPEAKER. It means that the gentleman now in charge of the amendment is entitled to the customary parliamentary treatment.

Mr. SPRINGER. If debate is in order, then I would like to be recognized for the purpose of debating this question.

The SPEAKER. The gentleman from Illinois is recognized for the purpose of debate. [Laughter.]

Mr. MASON. I make the point of order that the gentleman from Pennsylvania had been recognized.

The SPEAKER. I suppose strictly, if the gentleman from Pennsylvania demands his right, he is entitled to it and the gentleman from Illinois will be recognized later.

Mr. SPRINGER. I yield to the gentleman from Pennsylvania.

The SPEAKER. The Chair is so anxious to recognize the gentleman from Illinois that he sometimes oversteps the bounds of strict parliamentary usage. [Laughter.]

Mr. MCCORMICK. Mr. Speaker, it was not my intention to take any part in the discussion of the merits of this bill, and I rise now only for the purpose of making a single observation in opposition to the amendment submitted by the gentleman from New Jersey [Mr. LEHLBACH]. If I have apprehended the force of the amendment correctly and if I have understood the discussion in its behalf, it is that this bill is not general legislation, because it requires a certain number of electors to put the machinery of the law into operation, and therefore is obnoxious to the objection that it is special, local, and sectional legislation.

To correct this the amendment is offered, by the terms of which it is made obligatory upon all districts to have their elections supervised. It occurred to me, Mr. Speaker, during the progress of this discussion, that in my own State during the past sixteen years we have had not only a statutory but a constitutional provision very similar to that incorporated in the bill now before this House. And I desire to say that this constitutional provision and the statute passed in pursuance thereof give to our people entire satisfaction. The constitutional provision as found in section 10 of Article VIII of the Pennsylvania constitution of 1874 is as follows:

The courts of common pleas of the several counties of the Commonwealth shall have power within their respective jurisdictions to appoint overseers of election, to supervise the proceedings of election officers, and to make report to the court as may be required, such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election district, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district * * * and in each case members of different political parties.

And in order that this constitutional provision may make a proper impression upon our friends upon the other side, I desire to advise them that its author is popularly understood to be the distinguished gentleman who submits the minority report to this bill—I refer to my friend and colleague, Mr. BUCKALEW, of Pennsylvania.

Pursuant to that constitutional provision the following statute was enacted the 30th of January, 1874:

On the petition of five or more citizens of any election district, setting forth that the appointment of overseers is a reasonable precaution to secure the purity and fairness of the election in said district, it shall be the duty of the court of common pleas of the proper county, all the law judges of the said court able to act at the time concurring, to appoint two judicious, sober, and intelligent citizens of the said district, belonging to different political parties, overseers of election to supervise the proceedings of election officers thereof, and to make report of the same as they may be required by such court. Said overseers * * * shall have the right to be present with the officers of such election during the whole time the same is held, the votes counted, and the returns made out and signed by the election officers, to keep a list of voters if they see proper, to challenge any person offering to vote and interrogate him and his witnesses under oath in regard to his right of suffrage at said election, and to examine his papers produced, etc.

Now, with reference to this bill I desire to make this point: That this sort of legislation has been practically tried in my own State with marked success, and further that, under the constitution of Pennsylvania, which provides that all laws shall be general in their character, such a law as this being general and so determined by the courts, I can not for the life of me see how any one can make objection to the bill now before this House on constitutional grounds, when the Constitution of the United States contains no such provision.

The Pennsylvania law applies to the whole State, but its operation is limited to those election precincts where five electors petition for it. The bill now under consideration, if enacted into law, will apply to the whole United States, but will be operative only in those Congressional districts where the requisite number of electors petition for the appointment of supervisors. Where it is needed it will be used and where it is unnecessary the Government will be saved the expense. The amendment should not prevail.

Mr. MILLS. Mr. Speaker, the attitude of our friends on the other side of this question is enough to provoke a great deal of mirthfulness. They have been for a good while fixing up this very offensive measure for all parts of the Union. They have been commending it with a great deal of vigor and force. Now, when we propose, in the spirit of the institutions of this country, to have this law made uniform and equal in its operation in every part of the country, our friends on the other side take to fighting as if they were killing snakes. Their districts, they say, all have fair elections; they do not need the provisions of this bill to insure fair elections there, and we reply that our districts, too, are fair.

They remind me of an instance that occurred to myself a few years ago. It is known perhaps to many of you that we had a prohibition contest in my State. I was one of the "antis." There was a warm personal friend of mine who said to me during the discussion, "I am astonished to see you advocating such a question as this. I am a zealous friend of prohibition, and want to stop the importation, manufacture, sale, and drinking of ardent spirits in this State." I said, "My friend, what has produced this great change that has come over the spirit of your dreams? because you know both you and I have been

very great friends, and I know you like a good drink, and that you will have it and do have it whenever you want it." He said, "Certainly I do, and I know where to get the best whisky in the United States, and I have got some of it. The whisky is made in Robertson County, Tennessee." Then he said, "You can not make this law so as to prevent me from getting whisky; if you adopt the amendment I will still get Robertson County whisky." [Laughter.] I said to him, "Well, now, what good do you suppose can come to the people of this State from the adoption of prohibition, if its friends, like you, are going ahead getting whisky." "Oh, well," he said, "the law does not apply to me and my sort. I am still going to get whisky whether the amendment is adopted or not. I want it to apply to the Irish and the damned negroes." [Laughter.] Now, I say to our friends on the other side, they want this law to apply also to the "Irish and the damned negroes." They do not want it to come home to themselves at all. [Laughter and applause on the Democratic side.]

Mr. BUCHANAN, of New Jersey. Mr. Speaker, this proposition may have evoked mirthfulness upon the other side, but it is a plain, simple proposition of fact, notwithstanding. This law in this respect is not new. We have it to-day, and in my State at the last Congressional election, and at preceding Congressional elections, it was put in force in some of the districts and not put in force in others. It is no novelty to the country, but has been in operation for a number of years. I presume there are other States in which the same thing has occurred.

Mr. GROSVENOR. It has been applied in two districts in Ohio only.

Mr. BUCHANAN, of New Jersey. I am told by my friend from Ohio [Mr. GROSVENOR] that it never was used except in two districts in Ohio; and in the others it was not used. Now, I can not understand the quality of mind that says there is sectionalism in this part of the bill at least, because it is applicable, as the present law is, to every district in the United States. It can be applied to the district of my friend from Michigan [Mr. CUTCHEON] or to the district represented by my friend from Tennessee [Mr. ENLOE]. It may not be applied to either. That is the present law, and this law in that respect is precisely similar.

Mr. ENLOE. I will state that they did apply the present law at the *last election* in my district, and it increased the Democratic majority 700 votes.

Mr. BUCHANAN, of New Jersey. I am not speaking of the effect of it. I am speaking of the character of it; and the very fact that it was applied in your State——

Mr. EVANS. Were not the judges of election indicted by the Federal court?

Mr. ENLOE. Two indictments were found in the Federal court, and the Federal judge, who is a Republican, charged the cases out of court, because there was no ground for the indictment.

Mr. BUCHANAN, of New Jersey. I hope my friends will settle their family matters between themselves and that this will not come out of my time.

The SPEAKER. The Chair thinks that two dialogues ought not to go on at the same time. The gentleman from Tennessee is out of order.

Mr. ENLOE. I know it; and the other gentleman from Tennessee was also out of order and you rapped me down.

The SPEAKER. The Chair agrees that both gentlemen from Tennessee were out of order.

Mr. BUCHANAN, of New Jersey. I was simply illustrating the application of the present law when the gentleman from Tennessee [Mr. ENLOE] said that the provisions of that law were applied at the last Congressional election in a portion of Tennessee as it was put in operation in a portion of my State, and that it was not put into operation in a portion of Tennessee as it was not put in operation in a portion of my State; and if that be the case I can not understand the quality of mind which calls that kind of law sectional.

[Here the hammer fell.]

The SPEAKER *pro tempore* (Mr. PETERS). The hour of 5 o'clock and 30 minutes having arrived, the House is declared in recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. PETERS in the chair as Speaker *pro tempore*.

[Mr. LANE addressed the House. See Appendix.]

[Mr. CLARKE, of Alabama, addressed the House. See Appendix.]

Mr. ALLEN, of Michigan. Mr. Speaker, the national Republican party in 1888, in establishing the lines of the impending political battle, among other propositions pledged itself to the following:

> We reaffirm our unswerving devotion to * * * the supreme and sovereign right of every lawful citizen, rich or poor, native or foreign-born, white or black, to cast one free ballot in public elections and to have that ballot duly counted. We hold the free and honest popular ballot and the just and equal representation of all the people to be the foundation of our republican Government, and demand effective legislation to secure the integrity and purity of elections, which are the fountains of public authority.

Upon that proposition it appealed to the people and was sustained by the voters of this country. It is now in power in all the departments of the Government, and it is for that party to carry out its pledges. If those pledges are unconstitutional they ought not to be enacted into laws. If they are constitutional there is no excuse except cowardice for not keeping faith with the people. Article XV of the Constitution of the United States declares that—

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

It also provides, in Article I, section 4, that—

> The times, place and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

This is our warrant for the law which the Republican party gave the country notice it would put upon the statute-book if the country should indorse its position by electing its candidates. We are now standing face to face with our declared intention, and the only question is whether we shall keep the faith or for any reason abandon our position. For one, as an honest man, I must insist that my party stand by its promises. In so doing, the injustice of enacting a law that shall be partial or unjust to a single voter or work wrong to any section of the country is so manifest that it needs no argument. But no honest man, nor honest section of the country, can controvert the proposition that an elector, no matter what may be his color, race, or condition, can not be defrauded of his vote without violating the Constitution of the United States. Whether that voter be in the city of New York, or in the city of Detroit, or in the State of South Carolina makes no earthly difference with the question at issue. It is neither a sectional question nor a race question; it goes deeper than that. It is a question of the preservation of republican institutions, which depend for their existence upon the popular will as expressed in our elections being honestly carried out.

It is settled in this country that the negro is a citizen, that the Irishman who comes here and becomes naturalized is a citizen, that the German who casts his lot with us and becomes naturalized is a citizen. That the people of nearly every nation on earth can come here and, by virtue of law, become naturalized citizens of this country, all of us understand and know. While there are exceptions, these naturalized foreigners have brought to the nation power, yielded willing obedience to law, and largely contributed to the material welfare that has placed us among the foremost Governments of the world. If this is true, it follows that he who raises his hand to prevent their exercise of the right of citizenship, which we deliberately give to these men by law, is an enemy to his country, no matter how he may undertake to disguise it; for, if one can, many may, and where in sufficient numbers, thus band themselves together and determine that any class of men who are entitled to vote shall be deprived of that right, it will be but a little while before revolution is inaugurated. The success and the maintenance of republican institutions will be at stake, and whenever men make that assault in any considerable numbers they will be sure to meet with resistance.

Mr. Speaker, it is clearly constitutional to undertake to protect citizens in their right to vote, and if it is constitutional there comes next the question of necessity. Why, sir, the necessity exists if there is a single voter in the United States deprived of his right to vote. Wherever such a wrong exists, the majesty of the law should be invoked to right it. I care not how high or how low down may be the victim, if he has the right to vote he should have it secured to him at any cost. Not that he individually is of so much consequence, but because if you can thus deprive one man of his right you can deprive others of their votes, and in that manner you can overturn our entire system of government. It is into that yawning abyss that men who are undertaking to stifle the votes of citizens in this country are inviting us to look.

In the North the necessity for this law has been apparent for twenty years, and it has been applied locally and has worked most beneficial results. In parts of the South—and to the credit of gentlemen who represent that section of the country here they have ceased to deny a palpable truth—in the South it is not disputed that the votes of citizens are suppressed or that, if allowed to vote, their votes are not counted. If this is true of South Carolina or elsewhere in local elections Congress may or may not interfere. This bill does not. If men prefer to sit quietly upon the safety-valve and throw pitch, tar, and turpentine upon the fires underneath the boiler, they may do so if they choose. But when gentlemen undertake to suppress the vote of a man who is casting that vote for a member of Congress, for a Representative to sit upon this floor to assist in making laws for Michigan as well as South Carolina, then it becomes a national question and a question that my constituency is interested in. And no constituency will submit to such a wrong tamely for any length of time when it becomes evident that the intention is to carry it out to the bitter end. In such a case the majesty of the law must be invoked, for the good of South Carolina as well as for the good of Michigan. The necessity for this law in that section of the country is demonstrable from the language of the gentleman from South Carolina [Mr. HEMPHILL], who, on this floor, said:

> We know we must either rule that country or leave it. Now, for myself, before the people of the United States and before God in all reverence I swear we will not leave it.

Then they will rule it. Sir, they only can rule it by righteousness. They can not, for any considerable length of time, rule it by violence, by fraud, by crime, because in so doing they are committing a crime against the people of the United States which that people will not be slow to resent and to correct.

I will not believe, until compelled to do so, that my friend from South Carolina voices the sentiments of the majority of the white people of that State. Is it indeed true that that Commonwealth is ready to say "We will nullify the Constitution of the United States; we will, in spite of the Constitution, trample these men under foot—not because they vote the Republican ticket or the Democratic ticket, but because they are negroes?" When I am compelled to believe that of South Carolina I will do so; but until I have more proof than now exists I shall hold that the gentleman did not speak the sentiments of vast numbers of the white men of that State. If it is true, then they are ready to-day, as in 1861, to undertake to overthrow this Government in order to carry out their ends. I will not charge them with that. God forbid! In this "Government of the people" we must be united, but we never can be upon any principle that involves a wrong to any of the voters of the United States, no matter what their color is or nationality may have been.

There should be no more question about the fairness of elections in South Carolina than in Michigan. See how my State changes her delegation on this floor. In one Congress it will be six Democrats and five Republicans; in the next it will be five Democrats and six Republicans; sometimes nine Republicans and two Democrats. So our delegation changes—why? Because the people vote just as they see fit and their vote is counted just as it is cast. That is the reason. And we have no trouble there. You will have no trouble anywhere if you do this.

Mr. STOCKDALE. Will you allow me a question?

Mr. ALLEN, of Michigan. I will, with pleasure.

Mr. STOCKDALE. Did the gentleman from South Carolina use any expression which authorizes you to say that he did not intend to declare that the white people would rule South Carolina by their earnest, honest efforts to control the elections, to control them by the fair preponderance of votes? Why do you assume he meant to assert that they are going to control by violence? He did not say that.

Mr. ALLEN, of Michigan. I make no commentary whatever upon the text of the gentleman's remarks. I simply quote his words, and I repeat that I will not, until compelled, believe that he voices the sentiment of the majority of the people of that State, for, if his declaration is true, then South Carolina is just as ready to overthrow the Constitution to-day as she was in 1861, and I prefer to believe, if possible, that it has been thoroughly and loyally reconstructed.

Mr. STOCKDALE. The gentleman from South Carolina did not say anything to warrant your construction of his language.

Mr. ALLEN, of Michigan. I quote his language exactly.

Mr. STOCKDALE. And then you construe it most unfairly.

Mr. ALLEN, of Michigan. I have simply construed it in the only way that is possible. When a man says "We must either rule the country or leave it, and before God I swear we will not leave it," I assume he means just what he says.

Mr. STOCKDALE. That is just what you are going to do at home.

Mr. ALLEN, of Michigan. No, sir. If I can not vote in Michigan without taking the vote of somebody else and trampling it in the mud instead of putting it in the ballot-box——

Mr. STOCKDALE. He did not say that.

Mr. ALLEN, of Michigan. I will leave the State. If there is not room enough in my State for both the voters who disagree with me and myself also, I will not undertake to deprive them of their rights, nor allow them to take away mine, and if I could not abide the rule of the majority I would go somewhere else.

Mr. Speaker, this ought not to be a race question; it ought not to be a sectional question; but all fair-minded and honest men should unite in the overthrow of illegal voting in this country and in the protection of honest voting. We should unite upon these two propositions, and if we do so the future of this country is boundless in its glory. But if we are to fight over again here and elsewhere the question as to whether the negro is a citizen, it bodes evil, and evil only, to each and every section of the country. It is our duty as loyal and patriotic men to rise above all prejudice and insist that every man who has the right shall vote and have his vote counted.

In conclusion, Mr. Speaker, let me say to gentlemen on the other side I know of no race toward whom you can afford to be more magnanimous than the negroes. They are not cowards. They demonstrated during the war that they possessed one of the noblest traits of manhood, trustworthiness. They had it in their power to spread destruction and carnage over every portion of the South. They refrained from doing it. You trusted your dearest interests to them. Why do you say now that they, having been clothed with manhood, shall not have that which the Constitution gives them and which protects the free man better than bayonets, the ballot? Why do you not say that the negro demonstrated through four years of bloody war the fact that he was both patient and trustworthy? Do you suppose that a race capable of all this has come up "out of great tribulation" for naught? Do you not recognize that you are contending against fate, that you are fighting against the "stars in their courses" when you undertake to thwart, to belittle, to turn back again this race that God freed through your instrumentality and ours?

This black race not only defended the households of the South, but upon a hundred fields of battle, from the awful scenes at Fort Pillow to the closing glory at Appomattox, the negro soldier, with a loyalty that never was excelled, followed the banner of the nation, giving up his life, as a soldier should, in order that the Union, which to him had been a curse, should be preserved. He did this not as the ox goes to slaughter; he did it as an intelligent human being. And I ask you what there is in all he has done that should bring down upon his head the combined wrath of whole communities and whole States. [Applause on the floor and in the galleries.]

[Here the hammer fell.]

The SPEAKER *pro tempore*. The Chair desires to say that applause in the galleries can not be permitted.

Mr. McRAE. Mr. Speaker, this is the most important question that can possibly come before this or any other Congress in time of peace. Its presence here is a confession on the part of the advocates of the bill that the people are not capable of managing and controlling their own elections and it is proposed by one bold step to centralize, under the pretext of supervision, all the election machinery in the Federal courts and other officers to be appointed for life. It is a daring and reckless attempt of the Republican party, the champion of centralization to perpetuate itself in power by a partisan and unconstitutional law. The scheme requires that the Federal judiciary shall be called from that lofty position it has heretofore occupied, down to the level of party politics.

Why are the judges to make the appointments, instead of the President? It is because they are, with only one or two exceptions, Republicans, and hold office for life, and are in no sense responsible to the people. The purpose is to get control of the election machinery and at the same time place it beyond the reach of the people, who ought to have the right to choose their own election officials or at least to select those who do. Under our system the people can reach the President and Congress, but not the judiciary. This is the boldest attack upon the fundamental doctrine of "home rule" ever made in this country. I shall not discuss the details of the bill at any length, because the eloquent gentleman from South Carolina [Mr. HEMPHILL], my talented and able friend from Virginia [Mr. TUCKER], and the forcible and logical gentlemen from Pennsylvania [Mr. BUCKALEW] have completely dissected and exposed it, so that no man whose political fortune is not conterminous with the success of the Republican party can fail to oppose it.

I base my opposition to it upon the ground that it is unnecessary and expensive and seeks to surround the election precincts with political hirelings of the Republican party for the purpose of obtaining party victories; that it violates the spirit, if not the letter, of the Constitution, by assuming to take control of the elections, which primarily belongs to the States and the people. The objections to the use of such power by Congress were so forcibly stated by Judge Story in his Commentaries on the Constitution that I will quote his language:

> The objection was not to that part of the clause which vests in the State Legislatures the power of prescribing the times, places, and manner of holding elections; for, so far, it was a surrender of power to the State governments; but it was to the superintending power of Congress to make or alter such regulations. It was said that such a superintending power would be dangerous to the liberties of the people and to a just exercise of their privileges in elections. Congress might prescribe the times of elections so unreasonably as to prevent the attendance of electors or the place at so inconvenient a distance from the body of the electors as to prevent a due exercise of the right of choice. And Congress might contrive the manner of holding elections so as to exclude all but their own favorites from office. They might modify the right of election as they should please; they might regulate the number of votes by the quantity of property, without involving any repugnancy to the Constitution. These and other suggestions of a similar nature, calculated to spread terror and alarm among the people, were dwelt on with peculiar emphasis.

In answer to the suggestion that the power might be used to secure political triumphs, as is evidently the purpose of this bill, his language is very emphatic. He said:

> The truth is that Congress could never resort to a measure of this sort for purposes of oppression or party triumph until that body had ceased to represent the will of the States and the people, and if under such circumstances the members could still hold office it would be because a general and irremediable corruption or indifference pervaded the whole community. No republican constitution could pretend to afford any remedy for such a state of things.

Here is what Mr. Jay said of the clause, and it appears clear that so long as the States exercise the power Congress can not:

> Suppose by design or accident the States should neglect to appoint Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that if this neglect should take place Congress should have the power to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal Constitution.

The advocates of the bill confess that it is mainly directed at the large cities and the South, and to show the necessity for it make or reiterate false charges of fraud and violence. No gentleman who has yet spoken upon this bill has insisted that such a law was necessary in his State or district.

Their speeches remind me of Bishop Warburton's statement of the difference between orthodoxy and heterodoxy. He said "Orthodoxy

is my doxy and heterodoxy is another man's doxy." So it is with these gentlemen, the fraud is always in another man's district. There are, however, some men on this floor who were not here at the organization of the House who have admitted and made charges against their own people as a basis for such legislation. In this line and for such purposes my colleague has consented to the base and abject confession that the charges of fraud, violence, disorder, and murder against Arkansas are true. These charges were at the time denied by me, and to which I propose now to call attention. I do not do this merely for the purpose of a controversy with the gentleman who made the charges, but to resent an assault upon the honor of my State. "The insignificance of the accuser is sometimes lost in the magnitude of the accusation."

If I could in justice to my own self-respect and the high character of the people of my State pass these accusations without notice I would be glad to do so, because I do not believe that such matters properly belong here, and I would not for any consideration first introduce them in this House. But I am unwilling to remain silent and permit the statements of the gentleman, so deliberately made, revised, printed, and circulated, to go unchallenged. What I shall say will be with as little passion and prejudice as is possible for one who feels that the State that honors him and the people who have his sympathy and affection have been unjustly assaulted by one whose position should evidence the fact that he is a friend and advocate.

My desire for harmony between the two sections of our country is too strong and firmly fixed for me to be led off into any sectional controversy, and those who may expect such on this occasion will be disappointed. Neither will I base the defense of my State upon acts of violence in other States of the Union. I shall not make her defense by criminating and recriminating other parts of our common country, but will rely upon the high and broad plea of "not guilty," and upon this will test the truth of the accusations so recklessly made by meeting the allegations upon the facts before the country. That we may fully and clearly understand the full scope of the charges made by my colleague [Mr. FEATHERSTON], we must first read them in connection with the assault upon the State made by the gentleman from Kansas [Mr. KELLEY], on the 13th day of last February, published in the CONGRESSIONAL RECORD. Here is what he stated:

Mr. Speaker, we see this wave of political murder roll across the Mississippi River into Arkansas; we see hundreds of humble but loyal and true Republican victims fall a sacrifice to Democratic hate; day after day, night after night, they fall in the humble cabin, in presence of wife and children, on the highway, in the field, in the lonesome wood, in the jails where they have been placed by the officers of the law on some false pretext, that they might be taken at a greater disadvantage by the cowardly Democratic assassins. And yet Republicans in that State persist in exercising their political rights. The leaders must be killed, is the Democratic edict.

No greater libel was ever published against an honorable people. Continuing in the same strain and referring to the necessity for seating my colleague instead of Judge Cate, who then occupied a seat here, the gentleman from Kansas said:

He [FEATHERSTON] is a Republican, has been a Confederate soldier, was born and raised and has all his life lived in the South, but if the Democratic programme is carried out he is to die. "Ten thousand dead already—who is the next to die?" might be written of these heroic, self-sacrificing Republicans of the South, and only half the truth expressed. Every dead man a Republican, every assassin a Democrat is also truth. Political murder seems to be a pastime, and a "nigger-hunt," as a sport, is as exhilarating as the old-time "fox-hunt."

After two months of reflection upon these false charges against the people of Arkansas, my colleague, without qualification or reserve, vouches for their truth, as will appear by the following statement and colloquy taken from his speech of April 23. He [Mr. FEATHERSTON] said:

Not one of the assertions made by the gentleman from Kansas relative to political murders, not one of his assertions can be denied in regard to these results, and not one can be denied in regard to the cause. These are just as he stated. There has not been a single conviction by the State courts.

Now, gentlemen, this is to be deplored, and I regret it; but it stands there, and there is nothing to contradict it. In my own county to-day there is a second term of the court in session since that mob murdered Wilson, Parham, and Neely, and the court is so organized that notwithstanding the fact that men went before it and swore that they saw the shots fired at the murdered men not a single indictment was found.

Mr. MCRAE. Will the gentleman allow me to interrupt him?

The CHAIRMAN. Does the gentleman yield?

Mr. FEATHERSTON. I will yield for a question.

Mr. MCRAE. Do you state that as a fact?

Mr. FEATHERSTON. I state that as a fact.

Mr. MCRAE. Do you know it?

Mr. FEATHERSTON. I know it.

Mr. MCRAE. Were you a member of the grand jury?

Mr. FEATHERSTON. No, sir.

Mr. MCRAE. How do you know it, then?

Mr. FEATHERSTON. I know it because it is a matter of public proof.

Mr. MCRAE. I want to know how it could be a matter of public proof when the proceedings of the grand jury are secret.

Mr. FEATHERSTON. Not one of these men has been indicted.

Mr. BOUTELLE. No; that is a different thing.

Mr. MCRAE. I hope the gentleman from Maine will keep his place.

Mr. BOUTELLE. Oh, ho!

Mr. MCRAE. I have permission to ask the gentleman a question, and I hope the gentleman from Maine will not interrupt me without permission. The gentleman states that he knows this as a fact, and he knows as well as I do that under the laws of the State of Arkansas the proceedings of the grand jury are secret; but if he knows or if we can find out who the guilty parties are we will punish them. The proceedings, however, before the grand jury are secret.

Mr. FEATHERSTON. I can not yield further. The gentleman from Arkansas knows that it is true that this matter has already been before the court and that there have been no indictments.

Mr. MCRAE. I do not know such to be true; and I want to know how and by what authority you stated that you know that such evidence was furnished to the grand jury.

* * * * * * *

Mr. FEATHERSTON. Now, these questions are precisely met as they have been in the argument to-day. In the canvass in our State, when the young men in that State complain of these outrages and these wrongs, we are told a great deal of the history that has been furnished to-day, and answer is given that Powell Clayton did thus and so twenty-five years ago. The murderers of Wilson, Parham, and Neely are known to those gentlemen. They are known to the managers of the Democratic party. It is known to Governor Eagle who these men are, and yet not a dollar of reward has been offered, nor has there ever yet been an effort made for the punishment of these criminals.

The gentleman from Kansas [Mr. KELLEY] has done what he has done and said what he has said without any consultation with me or with anybody else from our State that I know of, but when these questions are met and answered in the manner in which they have been met and answered to-day, I want that the truth shall be known, and that such statements as are made upon this floor shall not go to the world as representing the actual condition of the State of Arkansas. I am not in favor of making one single assertion that can not be substantiated by the proof. I simply say, when the assertion is made that we are slanderers of the State of Arkansas, that, if to tell the plain truth is slander, then it is a necessity and must be done. That the ballot-boxes were stuffed in Arkansas in the last election has been proved beyond all question.

* * * * * * *

Yet every day these charges are thrown in my face, as though it were an outrageous crime for me to publish the facts as they exist. Gentlemen will not deny that an armed mob went into Crittenden County, and that the Governor (Hughes) knew all about it—

Mr. MCRAE. I deny that the governor knew anything about it until after it had occurred.

Mr. FEATHERSTON. I do not pretend to say that the governor was a party to the conspiracy. I did not say that. But I say that he knew it after it was done, and that nothing was done to induce those men to come back or to protect them when they came back. This is the condition that confronts us there.

* * * * * * *

That the governor himself (Eagle) knows that there were seven or eight thousand votes counted for him that were never polled for him I do not believe any intelligent man in the State doubts. That there were returned in the county of Lee 2,365 Democratic majority, in a county which went 500 majority for Benjamin Harrison in the Presidential election, is a fact beyond dispute.

I indignantly deny these accusations of political murders and lawlessness made against the Democratic party of Arkansas, as maliciously false and defamatory, born of recklessness, blind ignorance, and violent hate.

The following is an extract from an interview with the gentleman, published soon after he was seated, in which he promptly committed himself to Federal supervision of elections, and in doing so gave his approval to statements that are not true in fact.

WORK OF PROFESSIONAL POLITICIANS.

Mr. FEATHERSTON declares the fact to be that there exists in Arkansas and in others of the late rebellious States an oligarchy of disappointed army officers, who, having embarked in politics as a profession, have adopted for their motto, "This is a white man's Government," and have resorted to Winchester rifles, false ballot-boxes, and kindred frauds by means of which they intend at all hazards to maintain themselves in office. The outrages against life committed under the instigation of these political cliques and the frauds perpetrated against honest elections have at last aroused a determination to shake off this incubus upon the honor and prosperity of the State, and therefore it is that thousands of farmers ("Wheelers") and laboring men, as well as Republicans, have united to restore to the people of that State a free ballot and a fair count.

Mr. FEATHERSTON insists that this can not be done without a severe and determined contest, for the future of the reigning oligarchy depends on their power to keep the Southern masses in subjection to their despotic sway. He says the action of Congress in his case will give new courage to the voters of that section; and he also believes that an act of Congress, providing for Federal supervision of elections for Congressmen and Presidential electors would be a great aid in the impending struggle.

Mr. FEATHERSTON, having carefully read the foregoing, assents to its publication as a correct statement of the facts and the true position of affairs in his Congressional district.

His speech and interviews and others like them, manufactured for the purpose, contain the evidence upon which the majority of the committee and the House justify such expensive, radical, unconstitutional, and revolutionary measures as the pending bill. I will, therefore, undertake to show that the evidence so far as Arkansas is concerned is false, and that there is in fact no necessity for any such legislation. None of the acts mentioned by him refer to Congressional elections.

For the present let us abandon that "exhilarating" and imaginary "nigger hunt" and pass in silence the cemetery of the "ten thousand dead" where it is alleged "every dead man is a Republican." Let us not disturb the reflections of those "self-sacrificing Republicans" who still survive "the cowardly Democratic assassins" referred to by the gentleman from Kansas. My colleague says that "these are just as he [KELLEY] stated," and he says that he is "not in favor of making one single assertion that can not be substantiated by the proof." Let us test the truth of the particular charges specified by him, after which we will have something more to say about the people and those wholesale slanders of them. The gentleman pretends to know all about the troubles in his own county, and as he has laid greatest stress upon them we will first take up the

TROUBLE THAT CAUSED THE FORREST CITY RIOT.

The election on hand at the time of the riot was a school election, with no politics in it. It was a question of old school board or new school board. There were Democrats, Fusionists, and negroes on both sides. The school building for the negroes was as good, if not better, than that for the whites. The negroes had made no complaint about their own school. They had for years been represented on the board

and there was no effort to prevent this. Professor James W. Stewart had been principal of the white school for twelve years, and a large majority of the whites wanted him to continue. Those who were opposed to him sought to combine with the negroes to elect a board that would dispense with his services. Meetings were held, and the people arrayed in mad factions, and the ignorant negroes incited by designing whites to insolence and to threats of violence. To avoid trouble, a proposition was made to select a compromise ticket, which was agreed to by both sides.

There were two directors whose terms expired. Two others of the board of six were about to move away, and it was proposed that their resignations be tendered, and these two vacancies be filled at the same election, making four in all. The school board had been heretofore composed of five white men and one colored man, A. M. Neeley. He had been nominated for the office of receiver of the land office at Little Rock, and expected to move, and so he agreed to resign. The compromise would have allowed each side to nominate and elect two directors. By some influence the compromise was defeated. Whoever was responsible for its defeat ought to bear a large share of the responsibility for the riot and the death of the four men. The resignations were withheld, and the election confined to the two directors whose terms were about to expire.

WHO IS RESPONSIBLE FOR THE TROUBLE?

As to who is responsible for the failure I will not pretend to say but will read what was reported to be the facts soon after the unfortunate occurrence by Dickison Brugman, the editor of the Journal, a newspaper published in Little Rock, who visited Forrest City for the purpose of ascertaining and reporting the facts. Here is what he published upon this point.

Neeley was a member of the school board. The term of office of Fussell and Rollwage had expired. Neeley was to be appointed register of the land office at Little Rock. Captain Wynne had gone into business in Memphis. On Saturday preceding the election, Neeley approached Mr. Rollwage with a proposition to compromise, offering to resign his position on the board if Captain Wynne would do so, thus leaving four vacancies to fill at the approaching election, instead of two. He offered to let the whites nominate two candidates if the whites would agree to accept the two nominated by the negroes, the four to be placed on the same ticket and voted for. Mr. R. stated in reply that he had no authority to speak for the whites, but that he would invite the leading citizens, Democrats and Republicans to meet on Monday forenoon.

The meeting was well attended; Rollwage and Fussell were nominated for re-election, and, in the interest of peace, Neeley's proposition was accepted with only one dissenting vote. Neeley and his followers met Monday night. Neeley represented that Mr. Rollwage made the compromise proposition to him. A colored preacher, who presided, characterized the proposition as an insult to their intelligence, and the other speakers became so enthused with the prospect of electing four members of the board, thus controlling the schools of the city, that they publicly declared their intention of carrying the election, even if they had to fight for it. The whites met again on Wednesday evening. The meeting expressed its determination never to let the schools pass into the hands of an illiterate negro mob, and in this determination they were heartily supported by nearly one hundred well educated colored Republicans, who well knew what the domination of negro ignorance means.

This editor, in the same report, in speaking of the part that my colleague took in preventing the compromise and arousing the passions of the negroes, said:

He (Mr. Featherston) attended the negro meeting Monday night, and counseled the negroes to reject the compromise; assured them they had the power to control the schools; with uplifted hands and eyes he thanked his God that the negroes were as good as white men and that they should insist on exercising their rights. His speech did more to inflame the passions of the negroes and to arouse the whites than anything else that occurred.

* * * * * * *

The whites of Forrest City became so alarmed at the aspect school matters were assuming that even the Republican candidate for sheriff, in 1888, a Vermonter by birth, a captain in the Federal army, a member of the G. A. R., boldly declared in the meeting that he would shed his blood in order to keep the white schools from under the domination of Neeley and his ignorant mob. When it is known that the whites in this district pay almost all the taxes; that they have done everything they could to raise the negro in the scale of intelligence; that they recently built them a school-house that cost $1,000 more than the white school building, and giving eight months' school (same term as given the whites), it is no wonder that some of the leading Fusionists refused to follow Neeley and Mr. L. P. FEATHERSTON (recent Fusion candidate for Congress) in their insane career.

That there was a plot on the part of Fusionists to carry the election by any means, fair or foul, and that the plot had been entered into months before the day of election, can not be doubted. County Judge Coffey, Fusionist, contrary to the spirit, if not the letter of the school law, transferred many negroes, just prior to the election, who resided in other districts, into the Forrest City district, with the intention of electing their candidates by that means. He is the same just (?) judge who declined to admit into the city district a body of white petitioners, who resided in the district south of the city.

If the gentleman is correctly reported it would better become him to wash his own hands of this unfortunate affair rather than to assail the governor, grand jury, and court as he has done.

It appears, if this report be true, that the gentleman did not misjudge his audience. He knew how to stir them to threats of bloodshed, and when he heard the colored minister declare that they would carry the election if they had to fight for it, he must have known that trouble was likely to follow. He could well have closed as did Mark Antony his memorable address to the Roman citizens, when he moved them to mutiny by saying:

Now let it work; mischief thou art afoot,
Take thou what course thou wilt.

Mr. FEATHERSTON. I just want to say that that statement is unqualifiedly false. I want to say further——

Mr. McRAE. If the gentleman says that the report of the speech is not true I will take his word for it and permit his denial to be entered here. Do I understand him to say that he did not address the meeting in question and did not say anything of the kind at such a meeting?

Mr. FEATHERSTON. Both factions of the Democratic party were in that meeting. Both factions made addresses to the meeting, but I want to say to the gentleman that no word of the language he quoted ever escaped my lips.

Mr. McRAE. Very well, I am glad to hear it.

Mr. KERR, of Iowa. Then who told the lie about him?

Mr. McRAE. I have given the name of the editor and the paper from which the statement was taken. Now, since the gentleman denies it, I will drop it, for I personally know nothing of what occurred at the meeting.

Mr. FEATHERSTON. What I did say was I thanked Heaven the time had come in Arkansas when the humblest citizen, without a dollar in his pocket, had a vote which was equal to that of Jay Gould in New York, backed up with his $200,000,000.

Mr. McRAE. On the morning of the election the excitement ran high. When the polls were about to be opened, an altercation occurred between Neeley and Mr. Fussell, a candidate for director. Neeley had falsely said that Fussell was unfriendly to free schools and the education of the negro, and Fussell was endeavoring to have him correct it. Neeley in a haughty, insulting manner declined and said he had no time to talk with him, at the same time putting his hand in his hip pocket. Fussell struck him with a small cane. Neeley, followed by Fussell, ran to Capt. John Parham, who declared his intention to protect him, and thereupon Neeley drew his pistol. Fussell drew his pistol and was pointing it in the direction of Neeley. Captain Parham also drew a pistol. The town marshal, Folbre, came upon the scene and with drawn pistol commanded the peace.

With all of this there would possibly have been no bloodshed, had not Thomas H. Parham, a son of Capt. John Parham, appeared at the top of an out-door stairway to his office and fired at the marshal. He evidently thought the drawn weapons were intended for his father. The mistake was a natural one, for Neeley was near his father, and the marshal was talking excitedly and waving his pistol. As Folbre fell he shot and killed Thomas H. Parham. So these two killed each other.

Mr. FEATHERSTON. If the gentleman will simply state the truth, I will not interrupt him. I say that this is the belief of every citizen in the town of Forrest City, that Parham did not fire the first shot, and afterwards when he did fire it was in defense of his father who was attacked by the mob.

Mr. McRAE. The contrary has been published in all the papers and accepted as true by every man whom I have ever heard speak upon the subject in the State of Arkansas except yourself. This is the first time I ever heard you assert it. It is known by all that Parham killed Folbre and that Folbre killed Parham.

Other shots were fired. Sheriff Wilson came running to the scene when a ball struck him, piercing his heart and killing him instantly. The public does not know who killed him, nor whether it was intentional or accidental. It is believed by many that a stray ball from Thomas H. Parham's pistol killed him. While this was taking place Neeley fled and escaped into his room by the back door.

In the excitement that followed the first two shots, it was impossible to know who took part in the fight. A friend who was near at the beginning, describing the scene to me, said, "At the crack of the pistols it seemed that everybody ran in every direction." Wilson was a good citizen and officer, and his death was regretted by all without regard to party. The killing of Neeley did not occur until early next morning, after the riot, and was by a mob from the surrounding country in every direction. It dispersed at once. He was found hidden under the floor of his room. The sheriff's posse demanded his surrender. His reply was three pistol shots. He was fired into and literally riddled. It was one of those occasions when, because of the excitement and the numbers, nothing can be determined. These are the facts as I understand them. Governor Eagle was informed.

GOVERNOR EAGLE'S ACTION.

He at once telegraphed Colonel Van Izard, appointing him sheriff, with instructions to restore peace, if possible. He was asked to send the militia. He declined to do so, but went on the first train himself. He arrived at Forrest City Sunday evening, and proceeded at once to investigate the trouble.

The people were intensely excited and nearly all armed. He stood in the street and made a speech to the citizens, expressing great sorrow over the sad occurrence of the death of those who had been killed and the condition of affairs. He earnestly appealed to all factions to seriously consider the situation and put up their arms and disperse. He urged every man to control himself and to consider himself a committee of one to influence others to preserve proper conduct. He counseled peace, and warned them against all threats of violence. He denounced mob law, and declared that it must not be resorted to. He advised them to put none but sober men on duty as sentinels, and called attention to an intoxicated man he had seen with a gun. His action was in striking contrast with that of the gentleman who has so wantonly assailed him.

Like the brave governor that he is, he faced the people and spoke for law and order, while the gentleman, as I am informed, fled

from the scene and did nothing to stay the passions of his friends and neighbors.

THE CIRCUIT COURT.

The gentleman said that there had been two terms of the court held since Wilson, Parham, and Neely were murdered, and that the court is so organized that, notwithstanding the fact that men went before it and swore that they saw the shots fired at the murdered men, not a single indictment was found. This statement, so far as the organization of the court is concerned, is not true. It is a slander upon the character of the circuit judge, Hon. M. T. Sanders, than whom there is no purer, abler, and more faithful judge in all this broad land. I will read so much of his charge to the grand jury as relates to this matter. It was applauded by all the Democratic newspapers in the State at the time, and I think it is worthy to be read here:

THE CHARGE TO THE JURY.

I further charge you, especially, to make diligent inquiry of the violence and bloodshed which occurred here at your county seat in May last and threatened a general conflict of arms. Every act of violence committed by an individual or a multitude or a mob, whether it has its origin in personal malice, in politics or party strife or a vindictive, reckless disposition, demands full and impartial investigation. The turbulent condition of affairs in this county, which culminated in the killing of four of your prominent citizens, can not be smothered up nor ignored, but must receive a rigid and just exposition of the facts. The performance of your duty in this respect involves the peace and welfare of your county and of the State. The question at issue is, shall peace bless and prosper your people, or violence and disorder destroy them? You can not put it aside as merely a political disturbance or mutual fight between violent partisans, the results of which are to be deplored; but you must confront the responsibility which rests upon you to probe the matter to the bottom.

It is a question which, in its consequences, reaches to the very foundations of society, of government, and the security of life and liberty. In times of party conflicts, when passions are inflamed, it is an easy thing, if intrigue or intimidation will not accomplish their designs, to incite to deeds of violence. It is not enough to deprecate such evils and outrages—they must be repressed; and those who seek to control men and affairs by force and arms must be punished. To connive at or tolerate such methods places the law-abiding at the mercy of the lawless and leads to the worst forms of anarchy.

All good citizens look to the courts and officers of the law to preserve order, protect life and property; and when they cease to afford protection or redress for wrongs, or become powerless to do so, then an appeal to arms will, of necessity, follow. Hence, I charge you that you owe it to the people of your county, to the State, and to this court to make thorough investigation in order that the facts may be known and the criminal actors in that tragedy be dealt with as law and justice demand.

But when you proceed to inquire into acts of violence committed in times of partisan feuds and warfare, you must divest your minds of passion, prejudice, or bias and discharge your duty as honest and impartial jurors. You must bear in mind that you can not carry Democracy or Republicanism or Fusionism into the jury room or take advantage of your position to knife your political enemies and shield your allies. Do not allow favor or friendship to sway you, nor let fear deter or revenge actuate you in presenting or omitting to present any man who has violated the peace of your county and State. It is the pride of courts to uphold the law and enforce its mandates, but their authority can not be perverted or prostituted to the service of any party or faction. If it should come to the knowledge of this court that you indict any one from improper motives or exercise the extraordinary powers vested in you solely to injure or oppress any citizen or to subserve the ends of any faction or element in politics, I will promptly set aside your action and discharge your body.

Mr. FEATHERSTON. Will the gentleman allow another interruption?

Mr. McRAE. If I have misrepresented the gentleman in any manner I want him to correct me.

Mr. FEATHERSTON. If Arkansas is to be pretty liberally discussed on this floor the gentleman is the cause of it. Now, let me say——

Mr. McRAE. I am replying to charges made by you, and my time is very limited. If the gentleman is anxious to discuss the matter in his own time he must get the time from that side of the House.

Mr. FEATHERSTON. I just wanted to say to you that the prosecuting attorney arranged that grand jury by preferring certain trumped-up charges against certain members of the grand jury until there was not a sufficient number upon it to find this indictment. I want to say further that nine members of the grand jury had written up and signed a different report, but from the fact that that mob of the Democratic party was around in the town they regarded it as dangerous to do so.

Mr. McRAE. Mr. Speaker, it is a very singular thing to me that the gentleman should know all these secrets of the grand jury. It is, to my mind, conclusive proof of the fact that the grand jury was made up largely of the friends of the gentleman. It is a most remarkable fact that nine of the sixteen agreed to the report I have read. They were a majority, and could make any report they wanted to make.

Mr. FEATHERSTON. Because it takes twelve men to indict, and it was so arranged that there would not be a sufficient number of Fusionists or free-ballot and fair-count Democrats to secure an indictment. I say that was done by collusion on the part of the district attorney.

Mr. McRAE. The prosecuting attorney, the Hon. S. Brundige, is an able, fearless officer, and I am informed did his whole duty in relation to this matter. By this charge he is held up by a Representative from his State as unfaithful and corrupt, without any proof whatever. Such charges, based upon the uncorroborated statement of my colleague, will not be believed by the people who know all the parties. They have been made here, as I firmly believe, for political use and effect, in total disregard of the facts. The grand jury that investigated the riot was composed, as I am reliably informed, of ten Fusionists, all of whom were political allies of Wilson and Neeley, as well as of the gentleman [Mr. FEATHERSTON] who now assails them.

There were only six Democrats on the grand jury. These sixteen were representative men of good character and standing in the county, who were selected, examined, sworn, and impaneled to make a true deliverance upon this and all questions submitted to them. They had the power to and did send for all persons who were supposed to know anything about the riot. Out of the eighteen witnesses examined upon this matter, I understand that only one witness pretended to know who killed Wilson, and his statements were so in conflict with other proven facts as to discredit them as unworthy of belief. After the emphatic and direct charge of the court, the organization of the grand jury as I have shown, and a careful investigation, the following report was made to the court by the grand jury:

And we further report that we have made as thorough, full, complete, and impartial examination of the unfortunate riot which occurred in Forrest City on the 18th day of May, 1889, without bias, prejudice, or feeling of partisanship, as it was capable for us to make, having examined eighteen witnesses upon the subject, and find the evidence before our body to be so conflicting and contradictory that we could not find any conclusive and satiafactory proofs as to who fired the shots that did the killing.

The fair inference to be drawn from the charge of the gentleman is that these sixteen men, all his neighbors, and citizens of the county in which he has lived for several years, a majority of them his political friends, have deliberately committed perjury to shield murderers whose guilt, he says, has been shown by public proof; mark the word. He does not say that there was evidence, but "proof," that which convinces the mind of the certainty of the truth and produces belief.

Mr. Speaker, I am here to say that the grand juries of Arkansas, whether made up of Democrats, Republicans, Fusionists, Greenbackers, or Wheelers, are not composed of that kind of material. The juries are generally honest, and the law as a rule is enforced in a spirit of fairness and without favor, fear, or prejudice. Since the gentleman has in effect declared that the identity of the murderers is a matter of public proof, and feels that it is his duty to say here in his place in the American Congress that the governor of his State, the court of his district, and the grand jury of his county have all failed to perform their respective duties; and since he says that the murderers are on the streets of Forrest City every day and known to him, I want to ask him to now name them, and also the witnesses by which the proof was made. I will now yield for his answer.

Mr. FEATHERSTON. I can answer that question. Mr. S. C. Wilson, of Forrest City, told me he went before the grand jury and swore that he saw the man who fired the shot that killed D. M. Wilson, the sheriff of St. Francis County.

Mr. KELLEY. That is specific, and I hope will be satisfactory.

Mr. McRAE. Now, Mr. Speaker, in this connection I will refer to the report of the grand jury before mentioned as a denial of the fact that such proof was satisfactory.

THE DENIAL OF THE GOVERNOR.

The gentleman, reckless and indifferent of the good name and high character of the chief executive of his State, as well as of those of his own constituents, declared that Governor Eagle knew who killed Wilson and others, and that he had done nothing to have the criminals punished. The governor promptly telegraphed me that he did not know who did the killing, and in a recent letter to me about the riot he says that "when Mr. FEATHERSTON said in Congress that the governor knew who killed these men and had done nothing to have them brought to justice, and that other officers had done nothing, he misrepresented me and the other officers whose duty it is to enforce the law." I put the statement of Governor Eagle against that of my colleague [Mr. FEATHERSTON], with no doubt in my mind as to which will be believed by the people of Arkansas where they are both known.

FALSE CHARGE OF BALLOT-BOX STUFFING.

After the gentleman has arraigned the Democratic party of the State, of which he has been a member until recently, as an organization of ballot-box stuffers, and declared that "the party rests in power in Arkansas, not by the votes of the honest majority of the people, but by stuffed ballot-boxes," which utterance received the applause of the Republican side of this Chamber and brought forth the congratulations of the Speaker, he only names one county, and the only proof of ballot-box stuffing in that is that the county voted for the Democratic candidate for governor in September and gave a majority for President Harrison two months later. If the gentleman is ungenerous enough to make these charges of murder, fraud, and ballot-box stuffing against his former political friends, and really believes that since his betrayal and abandonment of the Democratic party that there remains in it the spirit of such lawlessness, modesty would require that he should at least not assume that all the honesty, humanity, and patriotism departed from it when he deserted us and with all the zeal of a new convert rushed into the arms of Clayton, McClure, and Dudley, through whose saving grace he professes a new political birth.

It will be remembered that the gentleman never left the Democratic party until he began his race for Congress, and even then claimed to be a Democratic "Wheeler."

The charge that seven or eight thousand more votes were counted

for Governor Eagle than he received is without foundation and untrue in fact. No statement was ever made that was more foreign to the truth. The State ticket, I believe, received every vote that was counted for it. It was charged, and as to a few precincts in a few counties may have been true, that some boxes were thrown out and not counted because of irregularities, but not enough to change the result, and no honest man in Arkansas doubts the election of the entire Democratic State ticket by about 10,000 majority.

The gentleman asserts that the Democratic party rests in power in Arkansas "by stuffed ballot-boxes" without any exception, when he knows that the last election in April, 1889, for three supreme judges was conceded by all to be perfectly fair and honest. In every voting precinct there was a free ballot and a fair count, and the result has never been questioned. The Democratic majority at that election was about 10,000. The gentleman is the only one in the State, so far as I have heard, who is reckless enough to assert that the acting supreme judges were not fairly elected. Mr. Speaker, there is not a State in the Union where there is a stronger public sentiment against election frauds than in Arkansas, and whenever and wherever frauds have occurred they have been promptly denounced by the officials, the press, and the people of the State.

The constitution (article 3, section 6) declares that—

Any person who shall be convicted of fraud, bribery, or other willful and corrupt violation of any election law of this State shall be adjudged guilty of felony, and disqualified from holding any office of trust or profit in this State.

The last Democratic State platform, upon this point, is as follows:

15. We announce our firm and unalterable adherence to the doctrine of free and fair elections; and to this end we favor the enactment, by the next general assembly, of an election law securing to the voter a secret ballot and the privilege of casting his vote uninfluenced by party leaders, or the fear of social or political ostracism—the prerequisite of a "free ballot and a fair count" being a free and untrammeled vote.

REWARD.

The gentleman professes to know where the murderers of Parham, Wilson, and Neely are, and yet complains that the governor has offered no reward for them. If he knows who they are and where they are, what does he want with a reward? Certainly he does not mean by this to say that a reward is necessary to obtain the facts known to him. Besides, the gentleman ought to know that no reward can be offered under the laws of Arkansas, except where persons break prison, flee from justice, or abscond or secrete themselves.

LEE COUNTY VOTE.

He fails to tell this House, what is truth, that there are many decent Republicans in Arkansas who will not lend themselves to the election of every bolting sore-head Democrat who happens to run for office. But I will let the good people of Lee County answer this charge of their Representative as to the alleged frauds there in 1888.

Here is what they say and what I believe to be true. This letter, from which I extract, was written by James P. Brown, a truthful and honorable man, September 24, 1888, in answer to charges of this same character made by another, who is, I believe, one of the political friends of the gentleman, and the facts in it are vouched for by a number of prominent Wheelers and Knights of Labor. I extract so much of it as is pertinent to the issue here, and it explains why there was not a full Republican vote for Dr. Norwood and why a full Democratic vote was polled for Governor Eagle.

As far as the Democratic vote of Lee County in the late general election is concerned, there are many well known reasons why it was so much larger than ever before. Among such reasons are the following:

The Republican party of Lee County is composed almost entirely of negroes, and there was no Republican ticket in the field, either State or county; indeed there was no county ticket at all except the straight Democratic ticket. If there had been a Republican ticket there is no doubt that many negroes would have voted it in preference to the Democratic ticket; but many of them voted openly and undeniably the Democratic ticket in preference to the mongrel affair which they easily recognized as a snare and a delusion.

In the largest negro townships of the county there were no Union Labor tickets at all to be found on election day. And why? Because the white Republican boss of the party in this county failed to send them there.

The negro race loves to vote. Generally, they will vote the Republican ticket if they can find one, but if they can not find a Republican ticket they will vote any other kind, rather than not vote at all. In the townships of this county in which there were none but Democratic tickets, the negroes voted the straight Democratic ticket to a man.

The negroes having experienced for the past three years the fact that Democratic national success does not mean a re-enslavement of their race, are much less stubborn in their Republicanism and much more disposed to listen to reason in politics than they ever were before, and there is no doubt that many former Republicans among the colored people are, as they never were before, Democrats from principle.

In the last place, the Democratic party of Lee County is as solid and as finely organized as anywhere on earth. In every township in the county there is the utmost harmony and not the least discord in our ranks. We all "pull together," and it would have been very unreasonable, under the circumstances, if our party in the county at the late election had not secured the largest vote and majority for our ticket that we have ever had. We were all in earnest, and, to a man, we all worked at the polls for the success of our ticket, both State and county. It is true that if a hand had not been turned our ticket, under the circumstances mentioned, would have won, but we had a feeling of pride in the matter and we worked as though the enemy had met us in open field, face to face, and the result of our work was a Democratic vote of which the people of Lee County are proud. Neither on election day, nor before nor since, was there an unkind word uttered in the county against any voter, Republican or Democrat. No threats, no intimidation, no word of complaint from any one; no people on earth happier to-day than the colored people of Lee County.

We, the undersigned, have read and hereby heartily approve and indorse the foregoing communication in every particular.

J. T. Davis, ex-President Lee County Wheel and General Manager of its commercial interests; E. D. Ragland, Secretary of County Wheel Executive Committee and Trustee of State Wheel; J. E. Leary, County Examiner and member of Knights of Labor; W. W. Foreman, Mayor Town of Marianna; C. W. Hickey, President Lee County Wheel Co-operative Association and Chairman Wheel Executive Committee; W. T. Derrick, Circuit Clerk and member of Knights of Labor.

I will now give some attention to the

CRITTENDEN COUNTY TROUBLES

The gentleman refers to an armed mob in Crittenden County, which he charged that Governor Hughes knew all about. I was never in that county, except to pass through it over the railroad, but I know many good men who live there. I will put their statement as to the cause of the trouble, and of the governor, as to what he did, against the charge that this trouble was political. Here are the statements signed by over one hundred of the best white citizens of the county, and nearly as many reliable colored citizens:

MARION, ARK., *July* 14, 1888.

To the Editor of the Avalanche:

SIR: We, the undersigned, residents and citizens of Crittenden County, feel constrained by this method of speech to express our individual opinions concerning what is known and called "Crittenden County troubles," moved so to do that the world, through the avenue of the columns of your valuable paper, may be advised as to the real and true causes thereof.

In our county some of the most important offices, such as county judge, clerks, assessor, etc., have been filled and the duties thereof exercised by vicious, wicked, corrupt, and drunken negroes; that in the exercise of their respective official duties (when the same were observed at all) they had as their aids and assistants those who indorsed their ideas of right and wrong, and only those who kept pace in the prosecution of their various plans and schemes.

That their official oaths and offices were prostituted to such an extent that they and their following had become and was a power in this county, both in and out of the courts in obstructing and oftentimes defeating the administration of justice; destroying the peace and order of the county, and fostering by counsel and otherwise strife, bitterness, and bad blood between the races; defying the law and wantonly trampling upon and overriding the rights of others, however sacred, who happened to disagree with them or their aids.

That so far back as May, 1887, these vicious and drunken officials, with their cohorts and followers, by designs and wicked schemes attempted to and did take, by stealth and otherwise, possession and control of the very largest colored church in the county, ejected its pastor and outraged its members, and they, the very best colored citizens in the county, and that for a period of sixty days demoralized and destroyed the labor of the county, and that for a like period of time sought to subdue them by vicious prosecution in courts presided over by men of this clan and clique.

That to particularize the many gross outrages and wrongs visited upon the people (white and colored) by these officials and their following would make a volume of 1,000 pages, certainly an article too long for publication in a newspaper; hence we mention the following as a few of their many wrongs and outrages:

1. That one of the party, a high county official, in the streets of Marion, publicly declared that they were going to have a war of races, which war was only prevented because the better class of colored men refused to follow and denounced the measure.

2. That this same high official with a drunken following at another time stopped the United States mail in transit upon the Kansas City, Springfield and Memphis Railroad, insulted the conductor, and would have taken him forcibly before one of the clan for trial but for the fact that Col. J. F. Smith, who happened to be present, went on his bond, and that upon the day fixed for trial this same official insulted the conductor in the grossest and most outrageous manner, delaying the conclusion of the case upon one pretext and another until all of the trains going both north and south had passed the town, and when the trial was concluded and the conductor discharged he repaired to the hotel for the night; that after dark this same official, with his friends and allies, drinking and drunk, went to the hotel and attempted to murder said conductor—which was also prevented by the prompt action of Colonel Smith—and all because said conductor had collected the usual fare from West Memphis to Marion from one of its members.

3. That at another time another of its members, York Byers, at a very recent date (that same week an humble citizen who appeared in the sanctum of the Appeal), with an armed force of one hundred or more, took possession of and held the town of Crawfordsville and its vicinity, and set up such a reign of terror and outlawry by shooting into the houses of Dr. John T. Harden and Mr. E. Buck, two of our most prominent citizens, and doing other acts of violence and outrage too numerous to mention, that when the matter was brought to the attention of the grand jury, now in session, the parties who had been so wronged were summoned and did appear, but frankly said that they were afraid to tell the truth and so refused.

4. That at one of their meetings in the town of Marion reliable parties heard them declare that certain white and colored citizens must and should be assassinated.

5. That soon thereafter some six of our most worthy citizens and all the white people of the county were advised and warned to leave the country in five days under the penalty of death if they refused so to do, which said notices are in writing and are known to have emanated from the clerk's office and mailed in Marion, all because David Ferguson, the clerk, and Daniel W. Lewis, the judge of the county, were indicted at a former term of the court for drunkenness, and the witnesses indorsed upon the indictments were white people, and that having received such notices, the time being so short, the danger so imminent, threatening, and urgent, discretion dictated vigorous and prompt action, and not the slow, tardy process of the courts of the country; hence the action taken in the matter.

6. Now, in conclusion, we know and believe that the editor of the Appeal is a brave and true man, as well as a friend to the people, but in this instance his generosity is, in our judgment, at the expense of the safety of our wives and children; hence, in justice to ourselves, our wives and children, we can not and will not adopt his theory of action, or hear or entertain it from any other source declaring as we now do that no compromise can be had or considered.

To the editors of the Avalanche, Ledger, and Scimitar we extend our sincere thanks for their words of truth and soberness spoken and published in our defense.

J. F. Smith, James Bassett, G. A. Fogleman, F. G. Barton, J. H. Brooks, J. M. Brooks, W. D. Brooks, W. S. Smith, F. G. Smith, W. M. Bigham, S. O. West, James T. Berlin, C. T. West, W. J. Mann, J. J. Hogue, J. H. Stephens, S. F. Brower, Ed. H. Greer, S. C. Cocks, W. H. Williford, R. H. Brown, Mat. L. Woodson, A. T. Parish, Earl Ward, N. B. Day, J. W. Brown, A. B. Rieves, T. T. Cook, G. O. Norvelle, J. T. Mosby, T. O. Mosby, S. D. Bassett, J. L. Malone, Robert W. Barton, H. M. Brooks, H. L. Brooks, Lee

Barton, L. D. Blaun, C. L. Lewis, O. M. Tuffts, A. W. Matthews, J. H. Burtnette, B. R. Cook, A. C. Hogue, Henry Simpkins, H. S. Fletcher, C. R. Smith, W. W. Forrest, L. P. Berry, William Webb, J. D. Braden, C. F. Braden, Dave Lowder, Frank Forrest, W. H. Brown, C. F. Brown, J. L. Smith, W. M. Sidle, W. B. Hawley, J. R. Chase, and fifty others.

WHAT THE COLORED PEOPLE SAY.

MARION, ARK., *July* 14, 1888.

To the Editor of the Avalanche:

We, the undersigned, colored citizens of the county of Crittenden, living in and around the town of Marion and its locality, having in mind and under consideration amongst ourselves the causes and influences of what is known as the "Crittenden County troubles," have determined in this manner to express our opinion thereof; not from any fear, real or threatened to us, our rights or our liberties, but that the world, through the channel of the papers, may learn and be advised from us that those "troubles" did not spring from and do not exist here on account of what some say is a war of the races on account of politics or otherwise. No such trouble exists.

But from the acts and conduct of a few vicious, drunken, and corrupt men of our race, who are and have been in office, such as judge, clerk, assessor, etc., of the county, and who have called to their aid a following equally as vicious, lawless, drunken, and corrupt as themselves, until, feeling safe in their power and not satisfied with usurping the government and control of our churches in the most secret and lawless manner, insulting by arrest and abuses our pastor and members by malicious prosecutions in the courts presided over and held by men of and in sympathy with them, they prostituted their various offices, and used the machinery thereof in the most villainous and corrupt way; that by its use the administration of justice here was a farce. Peace and order were destroyed. Chaos and confusion established instead.

The law was defied, and no sort of respect was entertained or had for the rights of any one, white or colored, who happened not to belong to their clique, or dared to disagree with them; that race war was discussed, fostered, freely and openly encouraged by them; that intemperance and prejudice alone fitted one for office, and thus, step by step, they sought by the use of the mails and threats of warning to force the whites of the county to leave, hoping thereby to save two of their leaders from a successful prosecution for drunkenness, etc. (Than which a more righteous accusation was never alleged against any man.)

After which another and a new lease of drunkenness, of crime, of outrages and wrongs would be created for them and in their interest; that, being persons of color, if we are influenced or biased in our feelings concerning this matter, we would naturally side with those of our own color; but being upon the grounds, familiar with the whole situation, a detail of which would make this communication too lengthy for publication, we can not find it in our hearts to either censure or blame our white citizens, aided and supported by men of our color, for what they have done in the past few days; and we and each of us fully, cheerfully, and willingly indorse all and everything that has been done in and about the matter, and declare that if men ever had the right to strike in the defense of their lives, that of their families, their homes, and liberties, the white people of Crittenden County had that cause when they struck, and we commend them for it, and congratulate them as well as ourselves that, the "clouds having rolled by," we will have an era of peace, of law, of justice, of order, and sobriety in Crittenden County never heretofore known, and for which all ought to feel thankful, and by a proper exercise of all of our rights prevent a return thereof.

Joseph Robinson, C. Livingston, W. Campbell, A. Watson, A. Cassady, Wm. Robinson, F. Daniel, A. Walton, P. Morgan, R. Jackson, B. Johnson, T. Henderson, A. McCloud, L. Hart, J. Rogers, Geo. Mitchell, Wm. Oliver, John Harrison, L. Gottrell, A. Weiner, S. Watson, M. Harrison, R. Livingston, E. Ellice, A. Williams, A. Bass, H. Buckner, L. Todd, E. Henderson, M. Fair, B. Craighead, S. Lane, M. Neely, G. Howard, M. Oliver, H. Rice, S. Jackson, L. Daniel, A. Daniel, C. Sidant, S. G. Robinson, E. Lane, L. Kinney, B. Johnson, G. Virgion, F. Dowell, Bill Reed, S. L. Robinson, J. Dowell, Wm. Neely, D. Dunlap, T. W. Dowell, A. Lane, F. Fair, J. Lang, D. Cattrell, M. Magrewter, A. Rawling, D. Connor, M. Howard, E. Kinney, E. Cage, N. Harris, B. Harris, F. Higgs, A. Turner, Wm. Rice, Jim G. L. Higg, M. Campbell, M. Rice, L. Washington, R. Higgs, F. Andros, M. Ross, M. Andros, M. Robinson, S. Grigory, M. Evans, M. Cannady, Lou Robinson, E. Dunlap, M. Pherson, N. Jackson, A. Jackson, M. Oglesby, S. Craighead, E. Sidant, B. Robinson, H. R. Kinney, A. C. Cottroll, E. Dowell, J. Terry, Henry Nellems, L. Dowell.

Governor Hughes over his own signature, in speaking of the Crittenden County trouble, said:

That occurred some weeks before the election, and about the time of the circuit court there, in which several obnoxious characters were forced by the citizens of that county to leave the county because, as is said, those who left being indicted for drunkenness in office, for which they were to be tried at the circuit court, had written threatening notes to the witnesses against them, ordering the witnesses to leave the county within five days or take the consequences of remaining. This was a sudden occurrence and was over before the governor had any information of it. Upon communicating with the judge of the circuit court, then in session, the governor was informed that the law would be enforced by the civil authorities, and that the whole matter would be investigated by the grand jury, and that there was no need of militia.

I do not pretend to defend the Crittenden County people in all they did, but I submit to my friends on the other side and to the country that if the facts are as alleged by these citizens, both white and black, they were justified in arming themselves for defense, as the Constitution gave them the right to do. Is there an intelligent community in the United States that would not prepare for defense under such circumstances as are described here? Remember that this was no militia company and the arms not State arms. The gentleman has referred to the alleged forged and false *ex parte* statements of certain parties in relation to this matter that were read on this floor in his contest case and made to serve so well the purpose intended here. I submit that the gentleman ought at least to have the fairness to let the matter rest as far as he and this House are concerned. Feeling outraged by the House, Judge Cate has appealed from the decision of the Republican caucus to the people interested, and in November next I am satisfied their verdict will be rendered with an emphasis that will leave no doubt as to who they want to represent them upon this floor. As the gentleman from Kansas inserted in the speech indorsed by my colleague an anonymous letter published in the Marion Reform, I will detain the House to state what I understand upon good authority to be the facts about the

BUFFALO BILL LETTER.

There was an organization in Crittenden County composed of young men and boys of different political creeds, some Democrats, some Republicans, and some Wheelers, and that they called themselves the "Crawfordsville Rifles." The organization had no political significance whatever. There were present on the day referred to parties who are opposed to each other, both as to local and national politics. Mr. C. E. Rasberry, who was present on the occasion that called forth the utterances of "Buffalo Bill," is a pronounced Republican, and has announced himself as a candidate for the sheriff's office, opposing Mr. W. F. Werner, the present sheriff of that county, and who was the captain of the organization. There were also other Republicans present, to wit, William Rasberry and James Huxtable. Mr. Jack Cox, a planter living near Marion, was drill-master of the company on account of his proficiency in the tactics, and is a man who takes no interest in politics.

The editor and proprietor of the Reform resides in Memphis, has never lived at Marion, knows nothing about the politics of that county, and has no interest there except what he can make out of his paper. On the occasion of the publication of "Buffalo Bill's" effusion, I am informed that the editor was sick at his home in Memphis, and his son, a boy of about fourteen, had charge of his office, and allowed the article to be published. The article was written by a party who was not present on the occasion of the drill of the company, who was not a member of the organization, who was not authorized to speak for or about them, and who has no interest in Crittenden County further than a precarious living he can make by doing odd jobs at odd times, and between jobs regaling himself with such cheap whisky as he can afford to get in Memphis. The people of Arkansas ought not to be judged by the utterances and writings of such men as "Buffalo Bill," and no fair-minded man will so judge them. They do not indorse it, but condemn all such foolish and silly utterances.

The members of the company promptly repudiated the article and denounced it as a slander upon them and the State generally. There were members of that company who preferred Mr. FEATHERSTON to Mr. Cate for Congress, but I hardly think they will approve his act in indorsing its use. The only surprise about the matter is that members of this House, in their capacity as members of the Committee on Elections, would use an anonymous letter written to an unknown and obscure country paper like this, as this has been used, without any knowledge of the character of the man who wrote it. The unqualified indorsement that my colleague has given the speech of the gentleman from Kansas carries with it the indorsement of the use of this falsehood and slander upon his constituents in Crittenden County.

ARKANSAS RECONSTRUCTION REPUBLICAN.

The gentleman with much warmth characterized the recent speech of Judge ROGERS as "simply an effort at the defamation of the character of two citizens of the State of Arkansas." Now, Mr. Speaker, who are these citizens in defense of whose character—God save the mark—the gentleman rushes forward to flesh his maiden sword on this floor? Let the gentleman himself answer. Hear him as he warms up in their defense:

So far as Judge McClure and Powell Clayton are concerned, they are citizens of Arkansas who stand equally as well with the Republicans of that State as the gentleman from the Fourth district stands with the Democrats.

The gentleman speaks as one who fully understands and knows the standing and rank of the members of the Republican party of Arkansas. I do not question his right to know and speak for them, but it would better become him, if he should speak at all, to answer the indictment brought against them, than to attempt to plead the statute of limitations as a defense for them. The gentleman complains that the record of their transactions, as detailed by Judge ROGERS, is old. This is indeed a sad fact for him and his friends, but let me assure my colleague that it is no fault of theirs that the wrongs are not more recent. That they have made no such official record in that State since 1874 is to the credit of the Democracy of Arkansas.

With the people of Arkansas the statute of limitations does not run against the reconstruction frauds, corruption, and thievery. I want to say to him that no length of time will wipe out from the recollection of the people of Arkansas the offenses for which his new associates and friends were driven from power. The unprecedented legislative pardon has kept many of them out of the penitentiary, but their infamies are not forgotten by the people, nor are they forgiven to the extent of trusting them with power again. The gentleman says he is "not here to defame Arkansas," and "not here to slander her people."

Mr. FEATHERSTON. Mr. Speaker——

Mr. MCRAE. I have not time to yield further unless the gentleman controverts some statement of fact that I make.

Mr. FEATHERSTON. With regard to defaming anybody, I want to ask the gentleman this question: If I made the statement that there are six hundred men in the penitentiary in the State of Arkansas, is that a slander of the good citizens of the State? There was no one slandered save those in the penitentiary.

Mr. MCRAE. There are perhaps six thousand men of the old Clayton crowd who, if they had justice, ought to be there, and would perhaps have been there but for the legislative pardon. The charge

you made was against the Democretic party and State officials, which by this you class as felons.

Mr. KELLEY. Arkansas must be a bad State.

Mr. McRAE. Yes, if your slanders were true. The statement with reference to the penitentiary in connection with the Clayton and McClure reign is very appropriate.

Mr. FEATHERSTON. I want you to understand that I have not slandered the good people of Arkansas, and that the ballot-box stuffers who have disgraced her name are not good citizens, and I will say that there are as noble and generous people in that State as there are on the face of this earth, and they are not slandered when I make charges as to ballot-box stuffers.

Mr. McRAE. This may be true, but the circumstances surrounding your contest, the methods used to get you here, and the promptness with which you join others in assailing the State administration would appear to contradict it. The fact stands out in bold relief that your first and only effort on this floor was in defense of those who have wronged the people, and whose greatest delight has been, and is now, in traducing their good name. The gentleman has also indorsed speeches and interviews full of misrepresentations touching affairs in the State.

No one will question the right of the gentleman to admit the truth of so much of the statement of the gentlemen from Kansas as declares that "he [Mr. FEATHERSTON] is a Republican." It is immaterial as to whether he was a soldier or not, and he knows and has the undisputed right to fix his own political status, but since he claimed to be a Democrat during the canvass of 1888, and said he voted for Cleveland, he should tell us when, why, and for what he became a Republican. Since the gentleman from Kansas says he is a Republican, and since he sits with them, and on all close party questions votes with them, and turns for them the crank of the outrage mill we will admit it, but, Mr. Speaker, I deny his right to admit for the State, or any part of it, the truth of the imputation involved in the statement as to political murders under the present State administration.

Mr. FEATHERSTON. Mr. Speaker, I want to say——

Mr. McRAE. I can not yield any further to the gentleman.

Mr. FEATHERSTON. I want to say that it was with regret that I left the party, and only on account of the election frauds for which I considered it responsible.

Mr. McRAE. "Every dead man a Republican, every assassin a Democrat, is also true. Political murder seems to be a pastime, and a 'nigger hunt,' as a sport, is as exhilarating as the old-time 'fox hunt,'" shouts the gentleman from Kansas. And the gentleman from the First Arkansas district, taking up the acclaim, says, "These are just as he stated."

Now let us see if "every dead man is a Republican." No one knows better than the gentleman himself that the first man killed in the riot in his own town was the Democratic town marshal, Mr. Folbre, and because he met his death in the discharge of his official duty at the hands of one of the political friends of the gentleman does not warrant the gentleman in suppressing the truth and indorsing a falsehood for party purposes.

I now pause to ask him why he would attempt to make such an impression. But, Mr. Speaker, that is not all. The gentleman also knows that the first blood shed in St. Francis County growing out of the troubles of 1888 was at the hands of the negro leader, Neeley, who undertook to bulldoze and terrorize such of the colored Republicans as would not follow him in his support of the gentleman and other so-called "Fusionists."

A dreadful riot ensued, one colored man was killed and several others were wounded. Neeley died while under indictment for this offense. The gentleman also knows that at Millbrook, in the darkness of night, a party of white Democrats were fired into from ambush and some of them wounded, and that a short time before a party of mounted Fusionists were seen going in that direction. In the face of all this he asserts that it is true that "every dead man is a Republican, and every assassin a Democrat." Here is what I believe to be a truthful summing up of this unfortunate and sad tragedy:

> Every unbiased man must feel that the men of Forrest City, even while their passions were most inflamed, acted with a deliberation and prudence that is worthy of commendation. They saw a Republican negro murdered because he would not desert his party principles; they saw seven peaceable white men shot down in the dark hours of the night for no crime; and this experience no doubt brought about a union between the Republicans and Democrats, who both believed that the Fusion party sought their lives, and that in their union lay their strength. It was the Fusionists who issued the declaration of war; it was a Fusionist who drew the first pistol; it was a Fusionist who fired the first shot; it was was a Democrat who first fell; it was a union of Democrats and Republicans who swept the streets like a tornado—a tornado that the Fusionists reaped as the result of the sowing of the wind of race prejudices in the past. It was Federal and Confederate soldiers that at once formed themselves into a company to maintain the peace and protect the property of the city. It was the blue and the gray that for five long weary nights guarded every avenue of approach to the town.

RECONSTRUCTION AND ITS RESULTS.

Mr. Speaker, I have never, either here or elsewhere, purposely said any thing that was calculated to arouse or keep alive sectional hate and bitterness. I believe in political organizations, and believe that this Government can best be administered by the application of the principles and policies enunciated by that historic constitutional party of which I am proud to be a member. I am proud of it because it is in no sense sectional, but extends its organization, proclaims its doctrines, and wins its victories in every part of our restored, reunited, and common country. I am attached to my State and proud of our beloved Southland, but above all and beyond all I love the Union of all the States, and desire to see no legislation that is calculated to revive the bitter memories of the war or restore in the South the methods of reconstruction. I want peace and contentment for the whole country.

I had no part in the late war and take on none of the prejudices that grow out of it. I was less than ten years of age when it began and not fourteen when it ended, but I know how the people of my State suffered during those four years, and how they struggled under oppression after it, and how they feel toward the Union to-day. They are as loyal to the flag as the people of any part of this great country. I know that the soldiers of the Confederate army who survived the war surrendered in good faith and returned home to witness a poverty and desolation beyond description. They had no money, no credit, no provisions, no stock, and no farm implements. Their fields had been laid waste and many of the houses burned. Without a murmur they went to work, relying upon the promises made to them at the time of the surrender.

To borrow the language of my eloquent friend from Kentucky [Mr. BRECKINRIDGE]—

> It was a pathetic bnt glorious spectacle that conquered and beggared people amid the ruins of their States and the destruction of their hopes, surrounded by the graves of their beloved slain, and in the depths of poverty, intensely at work for their daily bread and resolutely set on doing the best possible under the circumstances encompassing them.

While thus engaged in trying to rebuild the waste places, and relying upon the declaration of President Lincoln and the resolutions of Congress that the war was only waged to protect the Constitution, and not for conquest, the party then in power, with a two-thirds majority in both Houses, began to insist that the South should be reconstructed and treated as a conquered province. The reconstruction act of 1867 was passed and every provision of the Constitution violated to accomplish the same purpose as is desired by this bill—the success of the Republican party.

The illustrious Judge Jerry Black said of it, as can well be said of this, that—

> If the Constitution still lived, this act of Congress was a gross breach of the oath which the members had taken to support it; if we suppose it dead, the act was a most indecent outrage on its corpse.

Martial law was proclaimed and the people held at the mercy of the military officers. Many of these refused to do the dirty work of oppression for the Republican party. The most striking instance was that of the immortal Hancock, God bless his name, who startled those in authority by the publication of his celebrated letter in favor of civil law. These military men, courageous lovers of law and liberty, were called in, and instead the carpet-baggers sent in the name of law to harass and oppress the people. They sprang upon our people like the lice of Egypt.

These were generally the meanest of adventurers, dregs of Northern society, who went for no other purpose except to plunder and oppress the people of the South. They took control of affairs by disfranchising the white people, organized the courts, and by fraud had themselves elected or appointed to all the political and judicial offices. It is no wonder that under such circumstances crimes were frequent.

> If there were crimes committed they were excited by you. I think now, as I thought then, the treason of ministers against the liberty of the people is much more culpable than the rebellion against ministers.

Mr. Speaker, these are the words of the immortal Grattan, spoken in the English Parliament in defense of Ireland when oppressed as the South was during the days of reconstruction, and as she may be again if this bill should become a law.

While it is true that crimes were committed by the Southern people it is also true, as in the case of Ireland, they were excited by those who were sent to rule over them. It was once said on this floor that "history, with its long line of infamous characters who have linked their names to their crimes" and emblazoned their names to eternal infamy, furnishes one striking character that those spoliators of the South should canonize as their patron saint, and that one is Verres, who in three years after he obtained the administration of Sicily, then "the richest and most highly favored province of the Republic of Rome, amassed enormous wealth and fairly rendered that island desolate by his rapacity. Victory tainted in the estimation of the robber the wealth and beauty of the island. This man was driven to an execrable fate nearly two thousand years ago by the senate of Rome for thus plundering a foreign province."

While Verres is perhaps the most striking official robber found in history, his rapacity falls far short of that exhibited by the carpet-baggers who ruled Arkansas, and whom this bill is designed to restore to power. They appropriated to their own use almost everything that they could get their hands on in that State, and then by the issue of State, county, and municipal bonds created for their own profit liabilities nearly equal to all the taxable values in the State at the time. The greatest of Pennsylvania lawyers, in contrasting the Southern carpet-baggers with the robbers of the Old World, said that—

> The greediest of Roman proconsuls left something to the provinces they

wasted; the Norman did not strip the Saxon quite to the skin; the Puritans under Cromwell did not utterly desolate Ireland. Their rapacity was confined to the visible things which they could presently handle and use. They could not take what did not exist. But the American carpet-bagger has an invention unknown to those old-fashioned robbers, which increases his stealing power as much as the steam-engine adds to the mechanical force of mere natural muscles. He makes negotiable bonds of the State, signs and seals them "according to the forms of law," sells them, converts the proceeds to his own use, and then defies justice "to go behind the returns."

By this device his felonious fingers are made long enough to reach into the pockets of posterity; he lays his lien on property yet uncreated; he anticipates the labor of coming ages and appropriates the fruits of it in advance; he coins the industry of future generations into cash, and snatches the inheritance from children whose fathers are unborn. Projecting his cheat forward by this contrivance and operating laterally at the same time, he gathers an amount of plunder which no country in the world would have yielded to the Goth or Vandal.

No State in the South was cursed with a more daring, reckless and unscrupulous gang of carpet-bag plunderers than Arkansas. It would require volumes to recount the many outrages upon our defenseless people. Finally the people rose in their might and hurled them from power, since which we have had a growth in wealth and population not equaled by any State. Many of them still live in the State, and not a few hold office under the present Administration. The man who controlled and directed these operations as the carpet-bag governor is now deputy president for Arkansas and absolutely controls the Federal patronage to such an extent that he is consulted about all offices in the State, even the smallest post-offices, and no one who is not his obedient tool can be appointed. If this bill passes he will again control the elections.

With the Federal patronage and the aid of some renegade Democrats, who for place and power have deserted their party and are willing to "bow the neck and lick the infamous hand that holds the end to them," these same men, many of whom have grown rich by robbing the State, still seek under the guise of first one new party and then another, with the false charge of election frauds, the Democratic party to get control of the State again, and this bill is intended to aid them in doing so. They constantly malign and slander the State and Democratic party so as to make a pretext for such legislation. These are the men whose record my colleague [Judge ROGERS] so forcibly and truthfully furnished the House.

These are the men upon whose testimony you must rely for voting upon the country this extraordinary bill. These are the men for whose benefit the measure is pressed. These are the men who will control the offices provided for, levy and disburse the taxes, and who will begin another career of thievery, robbery, demoralization, and disfranchisement of our people. With such a record are you, gentlemen of the majority, willing to take their statement against the protest of the great body of the tax-payers and citizens of the State?

CONCLUSION.

Will you be willing by such legislation to check our prosperity and turn back the tide of immigration and capital now pouring into the State? Are you willing to destroy the confidence of Northern capital?

Will you disturb that friendly relation that now exists between the laborer and the employer? Will you discontent the one and intimidate the other? I beg of you to stop and consider the effect of this measure upon the whole country, for if you injure the South you affect the North. Leave our people to work out their own destiny under the law, and all will be well in the end.

The people of Arkansas have caught the spirit of the age, and with enterprise and energy are pushing to the front. She has at last waked up to her immense possibilities, and, with just legislation and a cessation of all this unnecessary agitation about the supposed race problem and imaginary Southern outrages that do not exist, in a few years will accomplish wonders.

I invite you to a closer knowledge of the condition of affairs before you take this reckless step. Come among our people and see the pleasant relations that exist between the races; see the towns and cities, the beautiful farms and orchards, upon which are grown almost all the farm products, fruits, and vegetables that can be grown anywhere, including that great staple, cotton, in which we led all the States in quality and quantity per acre at the World's Exposition at New Orleans; apples, for which we carried off the premium of the American Pomological Society in 1886; the churches and colleges and public schools for which we are paying a greater rate of taxes than any State in the Union; the 20,000,000 acres of timber lands and the 4,000,000 acres of coal and iron lands waiting for the manufacturer's capital.

If you will not come and see the evidences of prosperity and elements of success, then I invite your attention to the Eleventh Census now being taken, so far as it relates to Arkansas and to the exhibit she will make at Chicago in 1892. But, whatever you do, do not afflict us with this bill, which is sure to produce a conflict between the races in some localities that will produce disorder, incendiarism, murder, and a general disorganization. Hands off, and I pledge you that justice shall be done to all classes in Arkansas.

During the delivery of the foregoing remarks the following proceedings took place:

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. MCRAE. Mr. Speaker, my colleague [Mr. PEEL] is entitled to time this evening, and he has promised to yield me such time as he has.

Mr. PEEL. I will yield my colleague such time as I have at my disposal.

Mr. MCRAE. I hope the gentleman who comes next will not object to my finishing my remarks now.

The SPEAKER *pro tempore*. Is there objection?

There was no objection.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. MCRAE. I ask leave to print a communication written by a prominent citizen of Arkansas that does not relate to this matter particularly, but to the reconstruction period.

APPENDIX.

WHY THE SOLID SOUTH?—RECONSTRUCTION IN THE SOUTH AND ITS RESULTS—WHY ARKANSAS REMAINS SOLIDLY DEMOCRATIC.

Crimination and recrimination are as repugnant to good taste as they are to my own inclination. Between sections of a common country they are criminal. Under this conviction, and that all parts of our Republic might be fraternized and united in a combined effort to build up our great nationality, the Southern statesmen have abstained from replying to the many slanders against the Southern people, which have been widely circulated by Republican leaders, until their unanswered reiteration has led to the belief that they are true, and has produced such widespread and deep-rooted prejudices among their less informed followers as to amount, in the judgment of thinking and patriotic men, to a serious danger to our institutions.

As evidenced by the character of the late Presidential campaign in the North, that section is becoming as separate and antagonistic as if we were two distinct and hostile empires.

Surely this is to be deplored, and surely it becomes a public duty of Southern men, who know the facts, to disabuse the minds of the more candid of our fellow-citizens of the North; to let them see that the antagonism of the people of the South to the Republican party is in no sense an antagonism to the Northern section of our common country; to show them that the conduct of this party in the South was such as not only to repel the patriotism and decency of the South, but was also such as should serve as a monumental warning to the American people against all attempts to seek party advantages through illegitimate or doubtful legislative enactment.

It is under this conviction of duty that I have consented to write this review of reconstruction in Arkansas.

Nor is there the slightest admixture of malice in anything I shall say. Accordingly, I shall not mention names except when absolutely necessary. I write not of persons, but of conditions and methods and outrages, which I could have hoped it might never be necessary to recall.

Indeed, many a man who participated in these outrages, when surrounded by the temptations thrown around him by the then condition, has become a respected and law-abiding citizen since he has been surrounded by the better influences of Democratic supremacy. I shall respect his present standing, holding myself ready, however, to furnish names upon any demand entitled to respect.

To obtain a clear appreciation of the state of things in Arkansas during reconstruction, it will be necessary to show how the carpet-bag government was foisted upon our people by Congress, and also what sort of government it was.

It was well known that the Southern people had returned from the civil war utterly impoverished. Their desolate homes were without furniture, without fencing, without labor, and often without houses; nothing was left for the support of themselves and their families except their own courage and manhood, and therefore they could not afford to lose time at elections except upon the most important questions.

Accordingly, when the Republican Congress, in the reconstruction act of March 23, 1867, section 5, enacted "That * * * if Congress shall be satisfied that such constitution meets the approval of a majority of all the qualified electors, * * * and the constitution shall be approved by Congress, the State shall be declared entitled to representation, * * * etc.," the people of Arkansas were disposed to be grateful to them for thus recognizing their impoverished condition and the consequent value to their families of their time in thus enabling them to defeat an obnoxious constitution by simply remaining at their much-needed labors at home, not to vote at all being equivalent to voting against it.

Thus grateful, and relying implicitly upon the good faith of Congress, the people pursued their labors in security, feeling assured that nothing very damaging to their interests would be consummated without their consent.

A constitutional convention met and formulated a constitution which was so unrepublican in its schedule that the people did not dream that Congress would approve it, and accordingly not nearly half of them voted upon its ratification.

Its schedule gave three men, James L. Hodges, Joseph Brooks, and Thomas M. Bowen, such absolute control of the election of State and county officials under it that they could elect or defeat whom they wished.

Section 4 gave them power to select such judges and clerks of election as they saw fit, and to hold the election as long as they might wish in order to afford the negroes opportunity to vote in as many districts as might be needed. (See military report of General A. C. Gillem upon election in Pulaski County, April 22, 1868.)

Section 8 gave them power to reject or count all votes which seemed to them legal or illegal, fraudulent or rightful.

Section 11 gave these election judges the right to allow any vote with which they might be "satisfied."

This constitution provided for the election of State and county officers under this schedule, which was directly contrary to the act of Congress, inasmuch as the constitution had neither received the "approval of a majority of all the qualified electors," nor had been "approved" by Congress; and so grateful were the people to Congress for its supposed protection in the acts above quoted, the Democrats, almost to a man, refused to insult Congress by voting at this separate election, in defiance of their authority.

But alas! On the second day after the election had begun, and in the afternoon, the following telegram was received by General A. C. Gillem, the officer commanding:

"WASHINGTON, *March* 13, 1868.

"The last amendatory act passed is now law. It provides that majority of votes actually cast determines adoption or rejection of constitution: also that electors may at the same time vote for members of Congress and all the elective officers provided for by said constitution.

"U. S. GRANT.

"Maj. Gen. A. C. GILLEM."

This notification, coming two days after the election had begun, too late, as every Congressman well knew, for the electors of a State having neither railroads nor telegraphs ever to hear of its existence in time for use, was the most extensive outrage upon the ballot ever perpetrated in the United States.

Congress first got the confidence of the people, and then took advantage of it to betray and virtually to disfranchise them.

These elections, held separate from those for the ratification of the constitution, to avoid the military surveillance under which the latter were held, resulted in the organization of county, town, and State governments elected by a mere tithe of voters. In Green County, for instance, the sheriff was elected by a total vote of 8; the clerk, by a total vote of 7; the State senator, from the district composed of Lawrence, Randolph, and Green Counties, was elected by a total vote of 30.

The assurance with which these carpet-bag citizens, fresh from the districts of these Congressmen, assumed that they would be sustained by Congress; the ready acceptance by that body of a constitution having such a schedule and which the commanding-general declared was not ratified except by counting 1,900 votes which were fraudulent, and the opportune time at which this last "amendatory act" was passed and telegraphed, all bear unmistakable earmarks of a conspiracy between the Congress and the carpet-bag government.

Nor did the conspiracy end with the establishment of their State and county governments.

Recognizing the fact that they had been elected to office by an insignificant minority, the officials were shrewd enough to know that in order to hold their ill-gotten power it was necessary that they should have absolute control, first, of the future elections; second, of the revenues. But, first of all, they knew that, as there was likely to be trouble as soon as the people should find out how basely they had been betrayed and how wantonly they were to be plundered of every sacred right of the citizen, it was necessary that they should be thoroughly intimidated.

Their first Legislature in 1868 addressed themselves to these three tasks with the ingenuity of the brigand.

INTIMIDATION.

Although General C. H. Smith, United States Army, commanding the district of Arkansas, wrote to his superior officer that there was no state of facts existing in Arkansas to warrant such a step, upon the flimsiest pretexts the governor declared martial law in a number of counties where the people were most outspoken in their denunciation of the government which had been thus foisted upon them without their consent. Negro militia marched and marauded and murdered at will through these counties.

I might fill page after page with their atrocities, but I forbear, lest their detail stir up animosities which could do no good, but were better suppressed.

They grew, however, to such enormity as to shock especially the "old citizens," who were members of the Legislature and who were not fully into the secrets of the conspiracy between the Congress and their carpet-bag representatives, as will be seen by the following general order:

LITTLE ROCK, *December* 4, 1868.

GENERAL: I am instructed by the governor to write you as follows:

"Although the Legislature in the first part of the session fully indorsed the action of his excellency in declaring martial law and putting into active service the State guards, it is apparent now that many of them are 'weakening,' especially are the old citizens beginning to refuse that support which should be given the executive at this time. In order to prevent the growth of this feeling and to take advantage of this faction it is desirable that our military operations be pushed to an end within the next thirty days. All we can do now is to show the rebels that we can march the militia through any county in the State whenever it is necessary. Use every effort to catch the desperadoes in Woodruff, Craighead, and Greene Counties.

"I hope you will end your operations in your section as soon as possible. You see we are likely not only to have to fight the rebels, but the Legislature also. We don't propose to allow any advantage."

I am, General, your obedient servant,

KEYES DANFORTH,
Adjutant-General.

Brigadier-General UPHAM,
Commanding District Northeast Arkansas.

In another order to General S. W. Mallory, commanding southeast district of Arkansas, on the 25th day of December, 1868, ten days afterwards, the following sentence occurs: * * * "He," the governor, "thinks you may safely execute many of them. It is absolutely necessary that some examples be made."

"PRIVATE SECRETARY."

It will be seen that he dare not sign his name to this *carte blanche* commission to murder.

His caution, however, was quite unnecessary, as the Legislature subsequently passed an amnesty act forbidding the punishment of any of the murders or other outrages committed by the militia. The act is here inserted. I would call especial attention to the phrase, "or otherwise," and its significance as it occurs in two places in the act. It covers a multitude of wanton crimes:

"An act to declare valid and conclusive certain proclamations of the governor of the State of Arkansas, and acts done in pursuance thereof, or of his orders in the declaration of martial law."

"*Be it enacted by the General Assembly of the State of Arkansas:*

"SECTION 1. That all acts, proclamations, and orders of the governor of the State of Arkansas, or acts done by his authority, or approved after the 3d day of November, 1868, and before the 1st day of April, 1869, respecting martial law, military trials by courts-martial, or military commissions, or the arrest and imprisonment, or trials of persons charged with any offense against the State, or any resistance to the laws thereof, or as aiders and abettors thereof, or as guilty of any disloyal practice in aid thereof, or of affording aid and comfort to those engaged therein, and all proceedings and acts done by the military forces, or had by courts-martial or military commissions, arrests, imprisonments, searches and seizures made in the premises by any person by the authority of the orders or proclamations of the governor of the State, made as aforesaid, or in aid thereof, or otherwise, are hereby approved in all respects, legalized, and made valid to the same extent and with the same effect as if said orders, proclamations, and acts had been issued and made, and said arrests and imprisonments, searches and seizures, proceedings and acts, had been done under the previous express authority and directions of the General Assembly of the State of Arkansas, and in pursuance of the laws thereof, previously enacted, and expressly authorizing and directing the same to be done

"And no courts of the State of Arkansas shall have or take jurisdiction of, or in any manner review any of the proceedings had or acts done as aforesaid; nor shall any person be held to answer in any court of said State for any act done, or omitted to be done, in pursuance of or in aid of any of said proclamations, or orders, or otherwise, by any of said force or forces in the period aforesaid, and all officers and other persons in the State of Arkansas, or who acted in aid thereof, acting in the premises or otherwise, shall be held to be *prima facie* to have been authorized by the governor of the State: *Provided*, That nothing herein contained shall be so construed as to prohibit the convening of courts-martial for the trial of persons belonging to the militia or State guards of this State.

"SEC. 2. This act shall take effect and be in force from and after its passage.

"Approved April 6, 1869."

Under these orders right energetically did they "push their military operations." Democrats, who were most outspoken, were arrested without charge, carried off, nobody knows, even to this date, where in some instances; others were tied up and shot to death; others whipped, others imprisoned, and all robbed of personal property.

They seemed to act in these outrages, as in many others, upon the assumption that the more atrocious the outrage the less it would be believed in the civilized world, while the very complaints of them could be used as evidence of "rebel lies," and "rebel bitterness and disloyalty."

If it would serve any good purpose I might give scores of instances in detail. But suffice it to say that the very fact that any man connected with these murders and outrages could reside in Arkansas for from fifteen to twenty-five years afterward unmolested is the highest possible tribute to the love of peace and order of the people of the State.

ELECTIONS.

Their first election law is a model of mockery. It should be preserved in the archives of the nation as at once a history and an admonition.

Section 2270 (Gant's Digest) gave the governor, with the consent of the senate, power to select all the registrars of votes.

Section 2274 gave him power to fill all vacancies (which were sure to occur) when he wished it. (See page 23,* Poland's Report No. 5, to the Forty-second Congress, second session.)

Section 2270 gave him the right to select the president of the board of registrars.

Section 2281 gave the board of registrars power to reject any vote at will.

Section 2288 gave the board of review the power to erase the names of those who had registered, if they saw fit to do so.

Section 2307 gave the board the power to select all clerks and judges of election.

To make the job complete, section 2300 forbade any interference by the courts of justice.

Under this farce all the elections of the State were held until, in 1874, they had become so shocking to decency, the people by a vote of ten to one (or 88,000 to 8,000) demanded its overthrow.

I might fill a thousand pages, as the report of Hon. Mr. Poland, of Vermont, fills upward of 600 pages, with outrages upon the ballot perpetrated with impunity under this act, but in the interest of brevity I will cite only a few by way of illustrating each species.

NO. 1.—ERASING FROM REGISTRATION BOOKS.

The favorite scheme and the one practiced in every precinct in the State, where it was necessary, was to first register all who were entitled to vote and then meet in review in some private place and scratch off with red ink such names as were necessary to secure their majority, under section 2288, which gave them that power.

In this legislative district, composed of the counties of Franklin, Crawford, Sebastian, and Scott, just before the election of 1872, 2,500 names of legal voters were erased by the board of review after they had been registered.

(See the depositions of many of them in Poland Report No. 23, pages 35 to 52.)

In this county the board struck off 1,300 names.

(See testimony of one of the board, H. A. Pearce, Poland Report No. 2, page 70.)

Many of these were Union men and ex-Federal soldiers.

NO. 2.—THROWING OUT COUNTIES AND PRECINCTS.

Another favorite plan was to have their friends get up some sort of irregularity in precincts or counties, and then use them for a pretext for throwing out the precinct or county vote entire.

In 1872, after all the returns had come up to the secretary of state, it was found that Brooks was elected governor. That official (the secretary of state) sent the returns back to be "doctored" and letters were written to the clerks to amend returns, and excuses were gathered up for throwing out enough precincts and counties to elect Baxter. Democratic precincts in Van Buren County, all but one in Conway County, all of Green, Johnson, Scott, and Poinsett Counties were thrown out. Leading Republicans went all over the State to attend to the "doctoring."

(See Poland's Report No. 2, pages 244, 245, 255, and 67 to 75.)

In Hot Springs County, in 1868, the registrar began to register votes, and had registered perhaps a dozen when several gentlemen came into the yard to register. They were quietly laughing and conversing among themselves about every-day matters, when the registrar jumped up and said he wanted protection. The bystanders were astonished. They asked him what he meant. He replied that if he could not get protection he would quit, and immediately picked up his book and left.

Nobody understood it until a few days afterward a proclamation of the governor declared that no election would be held in this county. The registrar had selected an out-of-way precinct to enact this farce. Thus this Democratic county was wholly disfranchised.

NO. 3.—ERASING AND STUFFING.

In Hot Springs County, in 1872, a candidate for State senator fraudulently struck off three hundred names from the registration books and substituted in their stead several hundred straw names, and after the election, his brother being clerk, he called off these straw names and his brother added them to the poll-list and voted them. Many of the names scratched off were Republicans, but would not vote for senator. (See Poland Report No. 5, pages 22 to 28.)

In Caddo Township, in Clark County, the poll-book showed 1,148, whereas the registration-book and the census showed only 800. (See Poland Report No. 5, page 23.)

In Missouri Township the candidate for clerk, who was one of the judges of election, stole and stuffed the ballot-box 400 votes. This stuffing elected him.

In Antioch Township only seventeen names registered, but 121 voted in 1870, etc.

NO. 4.—STEALING ONE BOX AND SUBSTITUTING ANOTHER.

In the town of Van Buren, Crawford County, a leading negro was instructed to place sentinels upon the various roads leading into town and to keep back negro voters until the afternoon. He was not told why.

The supervisors of election were also kept outside until after dinner. The Democrats voted in the forenoon. When the judges and clerks and supervisors went upstairs to dinner, a box already prepared, having as many votes in it as had voted in the forenoon, and all Republican votes, was substituted for the one in which the forenoon votes had been cast and which was stolen. It was afterward found in the garret with the Democratic votes all in it.

In the afternoon the negroes and Republicans did their voting in this new box, which was the one counted. (See Poland's Report No. 2, pages 35, 49, and 50.)

NO. 5.—SECRETLY CHANGING POLLING-PLACES AND STUFFING.

In Richland Township, in Crawford County, the polling-place was secretly changed on the night before the election of 1872 from the place where it had been for thirty years and removed 6 miles to a cane-brake on the farm of the United States marshal of the western district of Arkansas. The negroes and Republicans were advised of the change, but not the Democrats.

A box with 50 votes in it, all Republican, was taken to the polling-place, and

*The Republican House of the Forty-second Congress, second session, raised a committee, of which Mr. Poland, of Vermont was chairman and sent them to Arkansas to investigate the affairs of Arkansas to ascertain if we had a republican form of government.

they were kept in the boxes and counted by the judges. The box was taken 10 miles away in another township, and there the votee were counted. (See Poland Report No. 2, pages 36 and 37.)

No. 6.—DEFEATING REGISTRATION.

The board of registrars would meet at the appointed time for registration, but would only let a few Republicans in, and then adjourn to the next day. People would come for miles for three or four days at a time, but as they could not get in they would get discouraged and go home. In Clarksville and Newport and other places not one in ten could register. (See Poland Report No. 2, pages 284, 289, and 290.)

No. 7.—CERTIFICATION.

It was a favorite boast of the clerk of Union County that "the Democrats must think I am a d—d fool if they ever expect me to certify a Democrat as elected while I am clerk."

No. 8.—EXCHANGING.

In 1872, in Cache precinct, in Monroe County, 125 more votes were voted for Brooks for governor than the judges returned. Brooks's votes were given to Baxter and, Baxter's to Brooks.

(See page 333, Poland Report No. 2.)

But why multiply examples? Let any candid man read the 600 pages of Mr. Poland's two reports to the Forty-second Congress, second session, and say whether, if any Arkansian were seeking a generic phrase, which would include every species of outrage upon the ballot ever invented by man, he would not be justifiable in terming it

"REPUBLICANIZING THE BALLOT?"

Let it not be forgotten that I have not referred to the testimony of Democrats before that committee, but to that of Republicans, and men, too, who had participated in the outrages to which they swore. They had perpetrated the outrages to secure the election of Baxter as governor, but when he proved more honest to the people than they had expected, they swore to their own infamy to get him unseated, and had been sustained so long by all the departments of Government, they fully expected Congress to do their bidding and reinstate them in their organized plunder.

REVENUES.

Their first revenue law is exquisite in the ingenuity of its plan of plunder.

Responsible alone to public sentiment of the North, they dared not make the rate of taxation too exorbitant, but raised their enormous revenues through enormous assessmenst, which could more readily be hidden from public view.

For an illustration, in 1865, the first year of Democratic rule after the war, and before reconstruction, the tax on the north half of section 1, township 4 south, range 3 west, was $2.40. In 1873, the last year of Republican rule, the tax on the same tract was $29.70, or upward of

TWELVE TIMES AS MUCH.

Or to take two other periods, in 1888, when property all over Arkansas was more valuable than ever before, a house and twelve lots in DeWitt was assessed at $1,06) under Democratic régime.

In 1871, under Republican rule, the same house, with only half as many lots and not nearly so well improved, was assessed at $4,640, or nearly five times as much.

The tax on the same house, greatly improved, with twelve lots, was, in 1888, under Democratic rule, $14.60.

In 1871, on same house with only half as many lots, under Republican rule, the tax was $92.80, or nearly seven times as much.

These remakable differences were effected through the instrumentality of their peculiar assessment law. It is a curious document.

Section 38 gave the governor power to appoint and remove all assessors.

Section 156 gave the assessor 3½ per cent. commission upon all taxes collected as a bribe to assess largely.

Section 47 required him to swear that he had not assessed any property at less than its cash value. He could assess at as much more as he pleased and no questions asked. Not only did the governor hold the power of removal *in terrorem* over him; not only did they bribe him by large commissions; not only did they swear him not to assess too little, but sections 53 and 64 made it the duty of the county clerk to revise the assessor's return, and to add as much as he saw fit, but forbid him to reduce "in any case."

Section 154 gave the clerk a bribe for adding in the shape of fees, depending upon the number of words.

Sections 57 and 66 organized a county board of equalization composed of this same assessor, this same clerk, and two other county officials interested in the large tax crops. To this board it was said:

"You may raise any assessment you think proper or reduce in any case you wish, but you shall not 'reduce the aggregate value of the property of the county below the aggregate value thereof as returned by the assessor with the additions of the clerk as hereinbefore required.'"

Or as it was construed and acted upon, "You may take from a Republican as much as you please, but you must put it upon the Democrats so as not to reduce the aggregate."

EXTRAVAGANT RESULTS.

Under Democratic rule the amount expended for State purposes for the two and one-half years from April 18, 1864, to October 1, 1866, was only $162,000, or $64,000 per annum.

Under Republican rule for two years ending October 1, 1870, the amount expended for State purposes was $1,949,456.72, or upward of $974,000 per annum, or more than fifteen times as much.

For two years ending October 1, 1872, the amount expended was $1,805,137.98, or upwards of $902,000 per annum, being upward of fourteen times as much.

For the two years ending October 1, 1874, the amount expended was $2,529,686,91, or upwards of $1,264,000 per annum, being more than nineteen times as much.

In addition to these amounts collected and expended during these six years under Republican rule, they left outstanding claims amounting to $2,147,950.39, which have been paid by Democrats since and which increase their annual average expenditure to $1,259.140.03, or nineteen times as much as under Democratic rule just past before they got power.

One item will serve to account for this vast difference.

It seems to have been necessary to import carpet-baggers to do the dirty work of this illegitimate government from which the old citizens recoiled, and when they came to Little Rock it was necessary to provide for them until they were needed in their respective fields of duty. Accordingly they were put upon payrolls as clerks of some of the departments. For instance:

Under the Democrats in 1866, the auditor's office included that of land commissioner. The clerk-hire for that year amounted to $8,373.60.

Under Republican rule in 1873, the office has been divided into two, the clerk-hire in one-half (auditor's office proper) amounting during the year to $60,-461.21, in the other half to $43,673.30, being a total of $104,134.51, or upwards of twenty-three times as much. (See special report of auditor, January 7, 1887.)

That there be no quibbling about periods, let us take two others for comparison.

During the six years of Republican rule there were expended for State purposes (not including school expenses) a total of $7,555,840.21, being an average of $1,259.03 per annum. Of this vast sum less than $100,000, or one seventy-fifth part, were expended for public improvements.

During six years of Democratic rule, from 1880 to 1886 (after most of the floating debt had been paid off), the total cost of State government (not including school expenses) was $2,173,446.66, and of this more than $500,000, or nearly one-fourth, was for public buildings.

Deducting amount for public buildings, and we have under Democratic rule for six years a total of $1,673,446.66, or about $278,000 per annum.

Deducting amount for public buildings under Republican rule, and we have left a total of $7,454,840.21, or upwards of $1,242,000 per annum. But it should be remembered that a very large part of the expenses under Democratic rule is for care of State institutions built by Democrats, and not in existence during the Republican régime.

But it must not be forgotten, if we would rightly appreciate the enormity of their plunder, that I have been speaking of State taxes and State expenses alone. The county, town, and school district taxes and expenses were very much more extravagant and burdensome, the rate of taxes in the various counties and towns ranging from 2 per cent. to 6 per cent. and school-district tax from 2 per cent. to 3½ per cent., and upon assessments often more than the property would sell for. These enormous taxes, taken together with the State tax, amounted, in hundreds and thousands of instances, to confiscation. In Union County hundreds of farms were abandoned.

In Arkansas County 2,510 tracts of land were sold for taxes in 1868.

In this city, then a village, in 1873 a widow lady, who made a living by sewing, was taxed $60 on a piece of a lot fronting on a back alley, and having a house which could be built for from $300 to $400. It was more money than she had ever had at one time in her life. My wife, moved to tears at her deep distress at the prospective and inevitable loss of her home, persuaded me to pay her taxes as an act of charity.

The whole State was filled with despondency and gloom. No wonder that the next year there was such an overwhelming demand for the overthrow of the conspiracy.

But the half has not yet been told. In addition to all these vast revenues collected and wantonly expended, they left the State and every county, town, and school district in the State overwhelmed with debts.

If there is a single exception I have not been able to find it out.

I doubt not that the aggregate of these county debts amounted to more than the entire State debt, including the fraudulent bonds of the State, and yet there was absolutely nothing to show for them.

The school district of Fort Smith, for example, was left so deeply in debt that for several years a number of us had to support the public schools by private subscriptions, while the entire tax was appropriated to paying off its debts.

This county was left a debt of about $100,000, with not $500 worth of improvements to show for it.

The county of Clark was left a debt of $300,000, of which only $500 was expended in public improvements.

Chicot County had a debt of $400,000, with no *quid pro quo* handed down from the conspiracy.

Pulaski County had a debt left her of nearly if not quite $1,000,000 (including Little Rock).

The scrips of the various towns, counties, and school districts were worth only from 10 cents to 30 cents on the dollar. Even the State scrip, bearing 5 per cent. interest, was worth only 25 cents on the dollar.

On the other hand, when the Democrats got *into* power, in 1874, their constitution made the maximum of State taxes 1 per cent. (we levy only one-half of that); that of the county one-half of 1 per cent.; that of cities and towns one-half of 1 per cent.; that of school districts one-half of 1 per cent. And it also forbids the issue of any bonds or other interest-bearing evidences of debt for any purpose except to pay pre-existing debts.

Yet notwithstanding these low rates we have taken up upwards of two millions of the floating debt of the State, paid off several hundred thousand dollars of bonded debt, paid off nearly all the county and school debts, have built a hundred times as many school-houses and twenty times as many other public improvements as did the Republicans with all their millions of revenues, amounting to from ten to nineteen times as much as have been exacted from the people by the Democratic government.

In addition to all these taxes and county and town and school district debts, they left us as a legacy nearly ten millions of fraudulent State bonds to be dealt with.

First. Under a law, since declared unconstitutional by our supreme court, bonds of the State were issued, during reconstruction, to the amount of $5,350,-000 to certain railroad companies, all in fraud of the law, even if it had been constitutional. From two to three times as much was issued to each road as the terms of the law allowed.

To the M. and L. R. R. R. Co. was issued $1,200,000, nearly three times as much as was allowed by the terms of the law.

To the L. R., P. B. and N. O. R. R. were issued:

Railroad aid bonds	$750,000
Levee bonds	320,000
(See page 25, Poland's Report.)	
Of Chicot County bonds	100,000

This company built for all this only 12 miles of road, and then took up the iron to put it on other roads to draw bonds anew.

To the M. O. and L. R. R. (a member of the supreme court being president) were issued both railroad aid bonds and levee bonds and Chicot County bonds—all fraudulent. (See page 25 Poland's Report and Official Record.)

And thus with all the roads which were corrupt enough to receive bonds. But the road which really meant to be built, the I. M. and S. R. R., would not have them. And every road that received them was so much crippled that its completion was delayed for years. The State not only did not receive any benefits but injury instead.

Second. Under two acts of the Legislature of 1869, when a few people desired to have their farms ditched or drained, they applied to the commissioner of public works at the capital, who, if he saw fit, had the ditches or drains made. (See acts of March 16, 1869, and September 12, 1869.) To pay for them all the neighbors who were supposed to be benefited by them were taxed. Sometimes farms in the mountains 15 miles away were taxed. These payments were made in the first place in "swamp-land warrants."

These acts were so clearly unconstitutional, and there was so much corruption connected with the issue of warrants, they became entirely worthless; indeed, had no market value at all.

In 1871 the holders of them, or a number of them, bribed the Legislature to pass the act of March 21, 1871, under which these warrants were to be taken up and exchanged for bonds of the State, known as "levee bonds," and also made receivable for lands of the State.

Under this last act $3,005,846.05 in "levee bonds" were issued, although the act limited the issue to $3,000,000.

This act was held void by our supreme court.

Under this act also bonds were to be issued to railroads whose beds were available for levees or drains.

A senate committee in 1883 reported that under this act—

"The White River Valley and Texas Railway Company received bonds amounting to $175,196.36. There was no such road. It may have been chartered, but no such road was ever built, and if it had been it would have been worthless as a levee." (See report for this as well as other items of the great fraud.)

The report also says that upwards of a million acres of the best lands of the State were bought with these worthless warrants under this last act.

Third. Under an act of the Legislature, approved February 24, 1838, the State loaned a private bank in Little Rock, called the Real Estate Bank, $500,000 in its bonds to be sold, but at not less than par, and the proceeds to be used in starting a branch of their bank in Van Buren, in the western part of the State.

The bank officers undertook to sell them to the North American Trust and Banking Company of New York. The company said that they had already floated as many Arkansas bonds as could be floated at par, and refused either to buy or to attempt to sell.

The officers of the bank then hypothecated the bonds with this same company and drew out upon their security $121,338, and not for the purposes of the act, but for their own private purposes.

The North American company failed shortly afterwards, owing one James Holford a large amount. He found among their assets these five hundred $1,000 bonds, and demanded payment by the State. The governor informed him that the bonds showed upon their face that they were in the possession of the trust company by fraud, and they belonged not to Holford, but to the State.

Holford held on to the bonds, and in April, 1869, he saw his opportunity with the carpet-bag Legislature.

His agent asked them for the $121,000 drawn out by the bank officers, together with interest. But the Legislature through lobbyists said no, we will not pay you this amount of about $339,000, but if you will put in your claim for the $500,000 with forty years' interest, making in all $1,370,000, we will give you your $330,000, and we will take the balance as a reward for our honesty "in restoring the honor and credit of the State."

This amount was issued and so divided.

These three classes of bonds were investigated by a committee of the house, of which I was chairman. The almost unanimous report of the committee was in the following language:

"Mr. Speaker, your committee * * * have had in evidence before them that there was formed and organized in this city a combination of men called a 'ring,' who had a regular cypher by which they concealed their true names in their correspondence.

"That this 'ring' borrowed money from persons outside the State for the purpose of bribing the funding act of April 6, 1869, through the Legislature of getting a distribution of the 'railroad aid' bond, * * * and that $75,000 were subscribed by men interested in the levee contracts with which to purchase the legislation, which made levee bonds receivable for the lands of the State.

"BY NINE OF COMMITTEE."

(One Republican dissenting.)

A few samples will show the state of things about then:

J. S. Haymaker had a contract for a ditch in Crawford County, for which he received three times its cost. It benefited nobody, but farms up in the mountains were taxed to pay for it. Warrants were issued to him which he wanted to exchange for bonds. He was willing to pay for the act of March 21, 1871.

I have in my possession a check drawn by him upon the Republican bank in Little Rock for $2,000, payable to the secretary of senate (whose father was a senator) when the act of March 21, 1871, should be passed without amendment. Across the face is the acceptance of the bank upon conditions named. Across the face also is marked "paid March 21, 1871," and signed by the bank officials.

Accompanying it the certificate of the secretary of the senate that the bill had passed.

The partner of Mr. Haymaker in the banking business in this city testified that "Mr. Haymaker was one of the parties interested in levee contracts. He showed me a note addressed to him by a member of the Legislature, without signature, stating that he must have $10,000 for his support and influence.

"He also told me that he approached a certain man in Little Rock for his support and influence in favor of the levee act of March 21, 1871, and was told that it could be had for $25,000.

"This price was refused, but afterwards this same man (whose name I am not certain of) was silenced by a threat to thwart his aspirations to a position on the supreme bench, which he afterwards got."

A gentleman of high standing, who was employed in the offices of the leading lobbyists, testified that a certain distinguished member of the Legislature got $25,000 for his support of the "Holford bond" or "funding bill" of April 6, 1869. That member was called before the committee, but declined to answer, and as we could not force him to criminate himself he was excused.

A Republican State senator who was deep in the inside of matters, after warding off question after question by the chairman, finally admitted that his opinion was that the lobbyists, naming them, got $870,000 as their share.

The people of the State, after ten years' discussion through the press and on the stump, adopted since an amendment to the constitution forbidding the Legislature ever to pay either principal or interest of these three classes of bonds.

If this review was not already too long, I could show that the various county and school debts were equally fraudulent. In many of the counties scrip was forged and then bonded.

MISCELLANEOUS OUTRAGES.

Perhaps I can give no better idea of the condition and spirit of affairs during reconstruction than by a few simple illustrations of a miscellaneous character:

No. 1. A judge of one of the circuits carried with him around his circuit an armed squad of men, who were placed on guard at the court-house door, and even around the bench. A citizen of Carroll County was arrested, examined, and committed to answer at circuit court for assault with intent to kill J. T. Hopper. The proof showed that the judge was himself implicated in a conspiracy to have Hopper killed (I am informed that Hopper was a disgusted Republican). The judge ordered the case dismissed before the grand jury could act.

He also carried around with him a stenographer, but nobody ever heard of his having reported a line. In Carroll County this judge ordered the clerk to illegally issue to his stenographer $400 in county scrip, but it was really to himself, for two nights afterwards the judge lost it all at poker.

No. 2. One of the reconstruction judges of our supreme court remarked to me the first time I ever met him: "D—n principle; I am for what will win." This same judge, while on the bench, was a lobbyist before the Legislature, and it was sworn that he offered to buy votes for a United States Senator, our chief-justice being another lobbyist. (See pages 91, 92, and 93 of the report of the Morrill committee to United States Senate of Forty-second Congress, third session.)

Another judge of same court offered to sell his vote as a member of the Legislature and in support of a corrupt scheme of robbery for $25,000 as seen above.

The chief-justice, besides being a lobyist, as before stated (as will be seen from his own testimony, pages 213, 215, Poland Report No. 2), was chief counselor in "straightening out crooked certificates and returns, president of the Republican Newspaper Company, its behind-the-throne editor, chairman of the Republican State central committee, and chief-justice of the supreme court of reconstructed Arkansas.

No. 3. The clerk of Union County, when threatened with prosecution for illegally issuing scrip to himself, remarked publicly that "I would be a d—d fool to do that when I have a court which will make me any allowance I ask for." (His certificate elected the court or defeated it.)

The clerk of Clark County would take the scrip-book with him, walk into a store, and asking how much he owed, would fill in a blank piece of scrip with the amount and pay his debt.

No. 4. The assessor of Yell County (as in others) assessed the lands of Democrats at from two to five times the value of lands of Republicans lying alongside, having the same character and being much better improved.

In this city the assessor lost heavily at faro one night. I was told the next morning that he rose from the faro table and remarked: "Well, I don't know how I will ever get even unless I raise the assessments on Fishback or some of these other damned Democrats." (He got 3½ per cent. commission on the raise.)

No. 5. Hot Springs County, in 1873, the county court, through commissioners appointed by himself, contracted with the sheriff to have a court-house built, to be paid for in county bonds. The bonds were issued to the extent of $33,000 worth. But the house was not built. The county did not even get a brick-bat or nail in return for about $70,000, which was the total amount of bonds, interest, and cost of suit which the people have since paid.

The Democrats have paid this since and built a very fine court-house.

No. 6. In Perry County the county officials bought 40 acres of land only a quarter of a mile from the county site, laid off a town on this 40 acres, and then removed the county site to it. They then let a contract to their own stockholders in their new site for building a court-house at three times its value, and advanced money out of the county treasury with which to purchase and erect a saw-mill for the purpose of sawing the necessary lumber for that house.

No. 7. In Clark County (as in several others) bonds of the county to the amount of $100,000 were fraudulently issued to a railroad, not a rod of which was ever built. The county has had these bonds to pay.

In the same county scrip was forged to the amount of $63,000, and afterwards funded in county bonds. Suit was brought by innocent holders, and it was proven that they were forged.

In the same county the county court paid out of the county treasury $1,625 to Republican lawyers as fees for defending a contest of the seats of judge, sherriff, clerk, and treasurer.

The clerk was also allowed and paid $2,000 for stationery.

The wife of the clerk testified that he had forced her to burn the scrip-book.

No. 8. In Union County, where the clerk who issued scrip to himself resided and presided, the average annual county expenditures during the six years of Republican rule amounted to $18,982.92. During the last fourteen years of Democratic rule the average annual expenditures amounted to about $10,000. And much of this has gone to pay off a debt of $35,000 with interest, left them by the Republican rule.

No. 9. The spirit of whole reconstruction business can not be better illustrated than by two little incidents:

Mr. I. S. Haymaker, above referred to, when he first came to Arkansas, came to my house to induce me to go into the banking business with him. In the course of our conversation he said that he was on his way to Fort Smith. His steam-boat stopped at Little Rock nearly twenty-four hours. While at the wharf a certain man (naming him), from the same town in Ohio with himself, but now in official position in Little Rock, came aboard and said to him: "Haymaker, get out here. Here are the finest pickings. We have got the d—d rebels by the wool, and we intend to pick them as long as there is a lock of the fleece left."

When I introduced to the constitutional convention of 1874 the resolution looking to repudiating the fraudulent bonds above described, a banker from New York or Boston, I forgot which, was at Hot Springs and remarked to a distinguished gentleman of the State: "I have some of those bonds myself." The gentleman asked him if he did not know how fraudulent they were, and that the people would not pay them. He replied: "I do not think they ought to, but they only cost me 15 cents on the dollar, and I believed the Republicans would hold this State for the next twenty-five years and in that time I would get a dollar for my 15 cents."

No. 10. In Washington County the president of the board of registrars, in 1872, and the circuit judge of that circuit, had a conference with Z. M. Pettigrew, an old citizen who had been sheriff of the county before the war. They informed him that they foresaw the early overthrow of their party (subsequent events showed that they were frightened and wished to prepare for the future), and they wished him, although a Democrat, to be elected sheriff, offering to allow enough names to remain on the registration list to elect him if he would run. He agreed to do so upon condition that they would elect P. R. Smith, another Democrat, clerk. To this they agreed, and it was accordingly done—both were elected.

No. 11. In 1871 the governor of the State was indicted by a Republican grand jury of the Federal court at Little Rock, for issuing for a corrupt consideration a false certificate of election to John Edwards to Congress (the House of Representatives also unseated Edwards because the certificate was false). The same grand jury indicted the senator of Hot Springs County, for erasing three hundred names from the registration books and inserting several hundred straw names, which he and his brother afterwards fraudulently voted.

The President of the United States removed both the United States marshal and the district attorney to protect these men from punishment, and put in their stead two henchmen of the indicted governor. The man appointed as district attorney had been a member of the governor's staff and was known as his serviceable tool, but was not known to the bar of the State. If he had ever had a case out of a jutice of the peace's court or of any higher character than small misdemeanor in any other court is not generally known. (See Poland's Report No. 5, pages 3, 6, 8, 10, 13, 20, 21, 22, 25.)

No. 12. In this city, in 1872, right under the nose of the United States district court for the western district of Arkansas, under whose exclusive jurisdiction the election frauds of the district had been placed for the protection of the people, a line of negroes extending across the street was stationed at the polling place. As a negro would vote he would step out and go to the rear end of the line to keep out such as they did not wish to offer to vote, but to step out and give place to such as they desired to vote.

To prevent a riot on the part of the whites, who were thus kept away from the polls, a company of men, armed with Winchester rifles, were stationed in a room above the polling place.

United States District Judge W. W. Story appointed a supervisor of elections for the precinct, but the judges of election refused to let him serve. This was communicated to the judge, who, instead of committing them for contempt, recalled the appointment and appointed another man, but the judges refused to let him act, but sent the judge word that if he would appoint a certain other man he would be admitted. The United States district judge did as the men bid him.

As heretofore seen, the United States marshal of this same district was a party to the fraudulent removal of the precinct of Richland, in Crawford County, down to his farm (as seen by reference to Poland Report, above).

Twenty-five hundred names of legal voters of this legislative district were erased from the registration books by the board of review. One hundred and ten of these were ex-Federal soldiers. Thirteen hundred names in this county alone were scratched off. (See testimony of one of the registrars in Poland Report, page 70.)

In Big Creek Township, in this county, the name of an old Union man who had lost four sons in the Federal Army was among those erased and disfranchised, while armed militia stood before the polling place and threatened to arrest any one who attempted to vote at the side polls under the enforcement act.

The people thought to appeal to the court for the punishment of these crimes. But the United States marshal, himself a *particeps criminis*, did not summon the grand jury selected by the commissioners in the usual way. They attended court, however, and were on hand ready to serve. The court set aside the panel.

The marshal, instead of summoning these good and true men for a new panel, called a number whom he had summoned for the purpose, and a number of whom had been parties to election frauds. Thus not a man was punished or even indicted.

I drew up a statement of the facts at the time, which was attested by twenty-two members of the bar in attendance upon the court, and sent it to the President of the United States. But the executive, as the judicial department of the Government, was deaf to our appeals.

No. 13. Again and again these outrages were laid before Congress in cases of contested seats, both in the Senate and House, but in no instance was any attempt made to arrest them.

And when, in 1874, Republicans and Democrats alike voted by the unprecedented majority of 10 to 1 (in this county having over 900 Republican votes, nearly all white, there were only 2 votes in opposition) demanding a new constitution, at once the cry, starting at Hot Springs with the late O. P. Morton, of Indiana, then United States Senator, and extending to Congress, went up that we were engaged in a revolutionary proceeding, and the Poland committee was sent to investigate us.

The report of that committee should be had by every voter in the North.

It may not be out of place just here to say that the same Republican grand jury which indicted the governor in 1871 was to examine cases against Democrats, but could find no proof. (See Poland's Report No. 5, page 8.)

And within the past six months the same United States district court has been called to investigate alleged cases against Democratic outrages, but although hundreds of witnesses were examined indictments were found against but two or three Democrats and two or three Republicans for violations of the election laws. In all but one of those against Democrats the offense was merely technical.

What, then, is there about the Republican party as our people know it to commend it to self-respecting, patriotic men of the South?

In whatever attitude they have presented themselves to us, whether as committing every species of outrage upon human rights to attain party success, or as bitterly and falsely maligning the people of the South in every campaign since the war, or in whatever aspect they have appeared they have led our people to believe their motive and their motto to be, as expressed by one of their leaders in this State: "D—n principle; I am for what will win."

Surely, after reading these facts, it will not be necessary for our candid, reasonable fellow-citizens of the North to account for the solidity of the South upon the hypothesis of hostility to the Northern section of our common country.

W. M. FISHBACK.

OCTOBER 6, 1889.

Mr. RAINES. Mr. Speaker, I have not desired to occupy time in a discussion of the provisions of this bill, and should have said nothing had it not been for the remarks of the gentleman from New Jersey [Mr LEHLBACH], a Republican member of this House, who has stated that he could not support it. It was noticeable that this conclusion received the applause of the Democratic Representatives, though some of his statements must have grated harshly upon their ears. It is a peculiar fact that when a Republican goes wrong—breaks away from the great body of his party—he is certain to be rewarded by the applause of the other side. For a moment he is a patriot in his independent attitude, and the extended hand hides for the instant the foot drawn back with sinister intent.

The gentleman admits that—

The state of things as they exist in this country justify the passage of such a measure.

I quote his exact words. He admits that "frauds are perpetrated to a certain extent in the South and North." He has voted to unseat a number of gentlemen from the South whose seats on this floor were obtained by fraud. Therefore it would seem from his own action as expressed by his votes that he was satisfied that fraud was perpetrated at the South to no uncertain extent.

He objects to this bill, that "United States marshals have often caused trouble at election places." Now, having admitted that frauds have been perpetrated to an extent which has justified him in voting to right the wrong by unseating the beneficiaries, I ask him if he does not think it high time that some one should "cause trouble" for the violators of law at "election places." Trouble has indeed been caused by United States marshals at election places, and noticeably so in the city of New York, but not for law-abiding citizens. And it has yet to be shown that it was not justifiably caused in the interest of purity in elections.

Has the gentleman, has any one, the slightest doubt that there has been necessity for such supervision in New York? Does any one doubt that necessity for such supervision exists in other sections, notably in the South? Fraud in elections in New York is a matter of ancient as well as modern history.

In 1868 the following circular letter was issued by the chairman of the Democratic State committee:

ROOMS OF THE DEMOCRATIC STATE COMMITTEE,
October 27, 1868.

MY DEAR SIR: Please at once to communicate with some reliable person, in three or four principal towns and in each city of your county, and request him (expenses duly arranged for at this end) to telegraph to William M. Tweed, Tammany Hall, at the minute of closing the polls, not waiting for the count, such person's estimate of the vote. Let the telegraph be as follows: "This town will show a Democratic gain [or loss] over last year of—[number];" or this one, if sufficiently certain: "This town will give a Republican [or Democratic] majority of ——." There is, of course, an important object to be attained by a simultaneous transmission at the hour of closing the polls, but not longer waiting. Opportunity can be taken of the usual half-hour lull in telegraphic communication over lines before actual results begin to be declared, and before the Associated Press absorb the telegraph with returns and interfere with individual messages, and give orders to watch carefully the count.

Very truly yours,

SAMUEL J. TILDEN, *Chairman.*

This circular occasioned the publishing of a letter the next year under the caption "Letter to a politician:"

Now, Mr. Tilden, I call on you to put a stop to this business. You have but to walk into the sheriff's, the mayor's, and the supervisors' offices in the City Hall Park, and say there must be no more of it—say it so that there shall be no doubt that you mean it—and we shall have a tolerably fair election once more. Probably a good part of the fifty thousand supplied last fall with bogus naturalization certificates will offer to register and to vote—some of them pretending not to know that they are no more citizens of the United States than the King of Dahomey is—but very few will vote repeatedly unless paid for it; and we shall not be cheated more than ten thousand if you simply tell the boss workmen that there must be no more illegal voting instigated and paid for.

Will you do it? Your reputation is at stake. The cowardly craft which

"would not play false,
And yet would wrongly win,"

will not avail. If we Republicans are swindled again as we were swindled last fall, you, and such as you, will be responsible to God and man for the outrage. Prosecutors, magistrates, municipal authorities, are all in the pool; we have nothing to hope from the ministers of justice, and the villains have no fear of the terrors of the law. I appeal to you, and anxiously await the result.

Yours,

HORACE GREELEY.

NEW YORK, *October* 20, 1869.

These were the compliments of the Democratic candidate for the Presidency in 1872 to the Democratic candidate for the Presidency in 1876, and is the pen picture which he drew of Democratic election methods in New York City.

How much weight this letter had with Samuel J. Tilden and the Democratic party was seen later in their attempt to corner the market in mules, and to purchase at any price the vote of a colored elector in South Carolina.

But the gentleman from New Jersey further opposes this bill for the reason as stated by him:

That when frauds have been committed in election matters public opinion will finally compel the conviction and punishment of law-breakers.

The gentleman must have a faith that would remove mountains. Where, I ask him, in all the South has he observed any evidence of the development of that enlightened public opinion which is to give the black man his rights at the ballot-box under the Constitution and the laws?

Having admitted that these frauds have been perpetrated with "damnable iteration" for years, I ask him how long he proposes to wait for that "public opinion" to manifest itself in the conviction of the perpetrators of these frauds, and the conversion of their beneficiaries—the Democratic party?

Can not the gentleman see in this bill itself the manifestation of the desire of the people for reform in the conduct of elections? What further manifestation does he wish? Would he wait until a petition from the voters in every precinct of the South for protection in the exercise of the rights which the Constitution and the laws have attempted to confer upon them shall be placed upon his desk? Would he read them if they were?

As a further reason for his opposition to this bill the gentleman says:

Every imaginable law may be enacted, but no matter how stringent, it will have no effect upon these people.

I look in the RECORD in vain to find that any demonstration of applause from our Democratic friends followed this declaration of his belief in their purpose to nullify the law. I look also in vain for a declaration on the part of the gentleman that the powers of the Government should be invoked to enforce the law. Evidently he has little of the characteristics of a Jackson or a Dix in his composition, which would make it dangerous to nullify law or haul down the American flag.

Sir, shall we fold our hands and wait for an "enlightened public sentiment" to make tender the consciences of those men who strive to regain and retain through frauds at the ballot-box that political power which they could not grasp through victories won on the field of battle? Our friend forgets—

Who would be free, themselves must strike the blow.

That unless some one protests, the wrong will never be made to appear, and, being concealed, will never be righted.

The gentleman from South Carolina has declared that he and such as he "must rule that State or leave it;" and has sworn they "would not leave it," because it was the "home of their fathers," who "bought it with their blood" and "handed it down to them unimpaired." Sir, you forfeited the heritage bequeathed to you by your fathers when you fired the first shot at Sumter. You lost it at Appomattox when your attempt to destroy the Government your fathers founded ended in failure. You regained it unimpaired through the magnanimity and valor of your fellow-citizens. Your duty now to preserve it unimpaired can best be performed by rendering obedience to the Constitution and laws of your country.

Sir, when Abraham Lincoln stood at Gettysburgh and uttered those memorable words in which he designated this as "a Government of the people, by the people, and for the people," he never dreamed that after the "purification by blood" it would be possible that a party which had "fallen from power as a conspiracy against human rights" could ever return to it through the perpetration of crimes against the rights of the people as deadly as had been that perpetrated against humanity. Had he contemplated this he might have said, as you on the other side of this Chamber say to-day, "This is a government of white men, by white men, for white men, in which the colored man is to have no part unless he votes the Democratic ticket; a government in which

the shotgun, the revolver, and the whip, social ostracism, tissue ballots, and stuffed ballot-boxes shall declare the will of the people."

My Republican friends from New Jersey, North Carolina, and Louisiana, that is not the government you desire. It is not the Government which, through the Constitution, the fathers established. It is not the Government which five hundred thousand men yielded their lives to preserve. But it is the Government you will have unless you, in common with other Republicans on this floor, provide the remedy by enacting a bulwark against which the waves of terrorism and the ever-rising tide of election frauds shall beat in vain. [Loud applause.]

[Mr. MUTCHLER addressed the House. See Appendix.]

Mr. MOORE, of Texas. Mr. Speaker, we have witnessed in this House within a few brief months the most remarkable revolution that has occurred since our Constitution was ordained and this Government of States adopted. It may be instructive to note its procession and progress. This session of Congress found the Republican party in a majority of three. The first step in this revolution was to so organize the House and adopt such rules that this slender and unreliable majority might be increased, by turning out the representatives of the people and placing in their stead its own creatures, by which you now have a majority of twenty, and yet to be increased by the same mode as further exigencies of your party may demand.

All parliamentary obstructions to these revolutionary proceedings were to be removed. A quorum is to be counted by the Speaker. The yea-and-nay vote required to be entered upon the House journal to be kept by the House under the Constitution is to be so changed as that the Speaker adds thereto such persons only as he designates to make up a quorum.

One hundred members, to constitute a quorum in the Committee of the Whole for the purpose of considering all bills of appropriation, and such also as make a charge upon the people. A Committee on Rules to be appointed by the Speaker, of which he should be chairman, alone to present such bills as the Speaker should decide might be considered, with power in this committee to propose the previous question, thus limiting debate and preventing any amendments.

These, Mr. Speaker, were the processes to be used, and with what moderation the proceedings of this House too painfully will show.

In this mode you have increased the burdens of taxation imposed by your tariff from 43 per cent. to 52 per cent.

You have defeated the will of the people, who demanded such remedial change in our financial policy by which we might have a larger volume of currency, and instead of giving us free coinage of silver you have utterly and completely demonetized it.

None of these wrongs and oppressions would you have attempted until you wrested from the representatives of the people their usual and rightful powers.

All things now being ready, you and your party have entered upon the final stage of this revolution, as exhibited in this Federal election bill. Two days you allow for general debate and two days to consider the same by sections and to offer amendments, when the previous question is ordered! This, Mr. Speaker, is the refinement of cruelty, for your mercy could have better been shown by refusing all debate and opportunity to amend a most complex bill of seventy-three pages, when the House must know such time is wholly insufficient.

Your party is impatient of restraint; your work of destruction is yet incomplete. The members of this House whom your party have counted in from the South by turning out Democrats are anxious to give expression of their gratitute, and you may well count upon them to a man to vote for any law that will humiliate and degrade the South.

I regret, Mr. Speaker, that in the time allotted me I can not analyze this bill and expose its unjust, dangerous, and unconstitutional provisions as I would wish. I shall deal in no invective, vituperation, or recrimination; the occasion and the hour demand of us the most considerate judgment and sober, deliberate expression.

If the condition of the States or any one of them is such, demanding such radical change in the mode of choosing Representatives as is provided in this bill, then indeed is our Republic in danger. More than a quarter of a century ago Mr. Seward said our country could not remain one-half free and the other slaves. Let his prophetic words ring out in this Chamber anew.

The laws of Congress can not act one way in the South and yet different in the North. Such a state is repugnant to any sovereignty, and is disunion or anarchy! You can not place the South under surveillance, dishonor, and finally overthrow their governments without a like misrule and oppression to the North. I thank God this Union is composed of indestructible sovereign States. Their political organism is so related in twinship that harm to one is an injury to all. Twin sisters they are of equal dignity and authority, or else their Constitution is a rope of sand, or, what is worse, united by sword and bayonet!

I will state succinctly the provisions of this bill which, in my judgment, mar and destroy the integrity of this Union.

The circuit courts of the United States appoint in their several circuits in each Congressional district a general supervisor, who in turn appoints an indefinite number of supervisors upon petition of citizens—an indefinite number of supervisors at each election precinct. The general supervisor has appointed as many deputy marshals as he wishes, and can have in addition thereto the forces of the Army and Navy.

These general supervisors have unlimited power as relates to elections for members of Congress. They make their secret returns to a board of canvassers appointed under this law, who are far removed from the people, and the certificate of election of this board outweighs the usual certificate of election of the governor of the State, and the person holding the certificate of this board takes his seat in Congress.

The Constitution of the United States provides that the House of Representatives shall be chosen by the people of the several States. It further provides:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

It is under this clause of the Constitution that the claim is made of the power of Congress to pass this bill, and the cases of *Ex parte* Siebold, 100 United States, 371, and *Ex parte* Yarborough, 110 United States, 651, decided by our United States Supreme Court, are relied upon as establishing the constitutional power of Congress to enact this bill.

It would be sufficient reply to make to the decision of this supreme co-ordinate branch of the Government, as mere authority, to say no such law was before the court, nor no such power of Congress as in this bill which the court in these two cases then considered. They neither pronounced nor were called upon to pronounce any such decision as to the exercise by Congress of any such power as in this bill, governing elections by the people of their Representatives. The court was considering the sole question of penalties enacted in the statute of 1871 and the act amendatory thereof for the violation of State regulations in the matter of election of a member of Congress. The court sustained such power in Congress prescribing these penalties, and further decided that such power in the matter of such regulations by Congress was absolute and exclusive in whatever modicum of such power exerted.

If this be the law, then I ask where is the authority in Congress to make any regulations co-ordinate and concurrent with that of the States wherein the people choose their Representatives? To make or alter regulations of these States in such elections by Congress, under these discussions, would require of Congress to exercise its power not in any co-ordinate or concurrent action with the State, but exclusive. If Congress does not do this, then Congress does not by law either make or alter the regulations prescribed by the States.

This is the very vice of this bill. It undertakes to preserve all the machinery of the several States regulating such elections. In the language of the report upon this bill and the speech of its author, Mr. LODGE, of Massachusetts, this bill attempts to co-operate with the States in the matter of holding elections for members of Congress. Such power I utterly deny. It is supported by no authority and violates the essential principles of good government.

No sovereign can exercise his rightful power concurrently with any other magistracy. Confusion and conflict would be inevitable. The author of the bill sees this dilemma and seeks to avoid so absurd and dangerous a result by providing that the certificate of election by the returning board created by this bill shall have precedence over that issued under the State law.

This only adds to the difficulty and the more clearly demonstrates the unconstitutional character of this provision, and unavoidably produces this unnatural and abnormal result, namely, that the people under the Constitution, by virtue of the laws of their respective States, choose their Representatives, do everything and all things incident to holding an election therefor, but other persons, unknown to their law, taking no part in the election, performing no duty connected therewith, make the returns and declare the result.

The people do the voting, the choosing, and the returning board, quite away from them, out of the district, out of the State, wherever this circuit judge holds his court, makes the return and certifies to the result. In what sense, I ask, under such a bill, do the people choose their Representatives in the very language of the Constitution, when a board, not one of their own creation, expresses their wish? What power have I to make my choice and what is that power worth to me when the agencies to express that choice are denied me?

The great thing to be preserved by the Constitution is the right of the people to choose their representatives. The incidents to that act—the most important to any freeman—are the regulating as they relate to times, places, and manner of doing it. Such regulating Congress is empowered to make or alter, but, sir, whenever, under the pretense of making or altering such regulations, the right of the people to choose their Representatives is impaired or threatened, then you invite fraud, force, and violence, in a much more grave form than now threatens the electing by the people.

But, Mr. Speaker, there is yet a much more serious objection to this system of legislation. The language of the Constitution is:

> But the Congress may at any time by law make or alter such regulations.

Whatever Congress may rightfully do must be done by law.

The form of the expression and the term law, here used, imply

that such action as Congress does exercise must be general, uniform, final, and binding as the very force of law upon all the people. It can not apply to States, sections, or communities. It must have the binding force of law upon all the people. Congress has no power to delegate its authority to any portion of the people or permit them in spots to have this law or not as they please. There should be no local option as to its enforcement or its adoption. All must be under or none can be.

In what sense is that a law of Congress by which one district in a State acts under the authority of the Legislature of the State while another acts under the provisions of this bill? In one instance the State alone issues the certificate of election and in the other the State in effect is denied this power in another district within the same State.

Let me ask, Mr. Speaker, what is the real purpose of this bill? Why do Representatives upon this floor from the entire North, East, and West declare they do not want this bill applied to their State or district? But one gentleman from that section has had the temerity to announce he wished it for his district, and of him I am sure his people will say they can do both without him and this bill. Yet with but a single exception upon the Republican side these same gentlemen say they wish it applied to the South. Why to the South?

This bill is framed with the view that the people of the North would not submit to it, nor in my judgment would they. But the Republican party and its members in this Chamber have preferred so many false and slanderous charges against the States in the South that they believe the people of the North are ready to see placed over them mercenary hirelings as supervisors and deputy marshals to control their elections.

If this law is passed, and I have no doubt you will be able to do so by votes of these members from the South whom you elected to Congress, then those States will bear to the Federal Government a much more hapless condition and relation than Ireland does to England. Ireland is struggling to regain her right to local self-government, while we of the South can only lament and resent the loss of ours.

You think it means your supremacy in the South and the perpetuation of your rule in this Government. In both you will be mistaken. The South will become more solid, and remain so as long as she is threatened with that rapine and robbery and public plunder which in every State and county in the South Republicanism were exhibited during your administering of those State governments.

We make no appeal to you; you are drunk with your successes and excesses. Your ambition has overleaped itself. We do appeal to our countrymen everywhere who love peace, justice, equality, and liberty, who place country above party, and with whom the passions and animosities of the war between the States have given place to a more perfect union.

Mr. HARE. Mr. Speaker, if it were admitted that the bill under consideration, should it become a law, would not be repugnant to the Constitution, and also that frauds in Federal elections were being committed, do the means for preventing such frauds as provided in this bill assure a free ballot and fair count? An assertion that they do would not only contradict all past experience, but it would be repugnant to common sense.

Men often honestly differ in the adjustment of property or business interests. When they can not agree, this difference is submitted to an authority to decide that has no interest in the subject-matter of dispute. One party does not leave it to his adversary to determine the right, for the adversary has already determined it against him. I submit that the means provided in this bill leave the matter in dispute to the judgment of the adversary.

The wrong to be remedied is political. The entire machinery, judges, inspectors, supervisors, etc., are dominated by one party. They will be appointed to do this work because of known zeal in the interest of that party. They are chosen to find one way, and they will do it. The judiciary throughout the land will be prostituted and made to do the work of the worst character of political partisanship.

We can not have forgotten the seven-by-eight commission, and that seven were Democrats and eight Republicans. Here is a clear instance of the highest tribunal in the land acting upon and finding upon purely a partisan standpoint. That decision lowered the status of that high tribunal to an extent that ages can not eradicate, and demonstrates that in political matters the party that holds the authority will always decide in their own favor and to retain power. Where is there an instance to the contrary?

How has the vote been in this House upon contested-election cases? In nearly every instance the question of right is ignored and the decision is reached from a partisan standpoint.

The division of this House now upon this bill shows that it was conceived for partisan purposes; that it is a measure intended to retain the Republican party in power. Does any one suppose that the machinery put in motion by its terms will fail to carry out this purpose? No. If fairness and justice will do as well, then that may be the rule. If fairness will not do, then such measures are to be resorted to as will accomplish it, even to the extent of fraud and force.

Should this bill become a law it will fill the country with strife and contention. It will intensify the days of reconstruction. It will array neighborhoods and sections against each other. It may lead to revolution and the destruction of our Constitution and system of government. It surely can not be that for merely temporary and partisan purposes such a strain is to be put on the judiciary; that it is to be prostituted, and the entire people become one vast body of contention and strife; yet it does seem that so far as this House is concerned it has been so determined. Will the people confirm that determination? Are they willing to waive the right to choose their own Representatives, and place that inestimable privilege in the hands of henchmen who are only too willing to do their masters' bidding.

[Here the hammer fell.]

Mr. RUSSELL. Mr. Speaker, I desire to make reference to that portion of the speech of the gentleman from South Carolina [Mr. HEMPHILL] which especially concerns the State a district of which I represent in this House. The gentleman, as I recall his utterance, and as I find it printed in the RECORD, said:

> Take the State of Connecticut. In 1884, 1886, and 1888 the majority of votes there, as we all know, were cast for a Democratic governor, but the Legislature did not regard the voice of the majority.

I do not think that our friend from South Carolina purposely intended to misstate political facts in my State. His assertion, as just quoted, is not simply misleading, it is an inaccurate statement of fact. The five State officials for whom we ballot on the State ticket in Connecticut are the governor, the lieutenant-governor, the secretary of state, the treasurer, and the comptroller. In the election of 1880 the candidate for each of these offices on the Republican ticket received a majority of all the votes cast in the State, and each one of these candidates was inducted into office without the intervention of the Legislature. In the election of 1882 four of the candidates on the Democratic State ticket and one candidate (the gentleman named for comptroller) on the Republican State ticket received each a majority of all the votes cast in the State; and these majority candidates, four Democrats and one Republican, were inducted into office without the intervention of the Legislature. That was the last election in the State of Connecticut in which any candidate of any political party for any State office received a majority of all the votes cast in the State. Hence the gentleman is wrong when he states that the voice of the majority of the voters in the State of Connecticut was given in 1884 and in 1886 and in 1888 for a Democratic governor. Had the majority of votes been cast as he asserts, then the State of Connecticut would have been presided over by a Democratic executive during the last six years.

But the majority of votes cast in the elections in the three years as named, having been against instead of for a Democratic governor, the Legislature, under the State constitution of Connecticut, was called upon to determine who should be the governor. The Legislature acted in accordance with a provision of the constitution, which, after prescribing the manner of canvassing the votes cast in a State election, declares as follows:

> If no person shall have a majority of the whole number of said votes, or if two or more shall have an equal and the greatest number of said votes, then said Assembly, on the second day of their session, by joint ballot of both houses, shall proceed, without debate, to choose a governor from a list of the names of the two persons having the greatest number of votes, or of the names of the persons having an equal and highest number of votes as returned as aforesaid.

A similar provision of the constitution applies to legislative election of a lieutenant-governor, a secretary of state, a treasurer, and a comptroller in cases where no person shall have a majority of the whole number of votes cast for candidates for those respective offices. And so the Legislatures of the State of Connecticut, in session in the January following the elections in 1884 and in 1886 and in 1888, being Republican and the lawful and accepted representation of the political sentiment of the State, elected the Republican candidates for governor and State offices who had been balloted for in the elections in the November preceding; and as I will show later on, in several elections, notably in 1884 and 1888, did some of the candidates on the Republican ticket receive a plurality of all the votes cast at the election, their competitors on the Democratic ticket receiving less than a plurality. And *vice versa* did some candidates on the Democratic ticket receive a plurality of all the votes cast at the election, their competitors on the Republican ticket receiving less than a plurality. But plurality to Republican or Democrat, it makes no difference, except a majority vote be cast for some one candidate, the Legislature—the representative body of local government—elects the State officials in Connecticut.

However much some gentlemen may criticise this form of State elections in my State, yet none can point to a single instance where the State has been misgoverned or oppressed by its State officials, or where the people of either party have failed to accord honor and respect and obedience to the political results attained under the constitution of the State of Connecticut. Our constitution in its present form is the direct decendant of that notable instrument which in 1639 bore the stamp of a settlement in Connecticut, and was the first written democratic constitution on record. This Connecticut constitution of 1639, to use the expression of the writer on Connecticut in the series of American Commonwealths, Professor Alexander Johnson, "was the starting-point for the democratic development which has since gained control of all our Commonwealths, and now makes the essential feature of our Commonwealth

government." The good old Commonwealth of Connecticut has stood firm to her constitution, and has grafted her traditions and principles upon the vast territory to the West, until they have been embodied in larger and mightier Commonwealths. She can not now be construed, after her peaceful and prosperous experience of two hundred and fifty years under her present form of local government, into an excuse or a palliation, or a precedent for Southern operations during the last twenty-five years. These operations in crime and trickery have attempted the subjugation of all government, local and national. In effect these operations have oppressed a free citizenship, and have destroyed a free suffrage.

Let me again refer to the fact that in the Connecticut State elections of 1884, 1886, and 1888 the Democratic candidates failed to receive the majority of votes cast. In the election of 1884 there were cast 137,689 votes for candidates for governor, and the Democratic candidate lacked 935 votes of a majority. In the election of 1886 there were cast 123,243 votes for candidates for governor, and the Democratic candidate lacked 2,804 votes of a majority. In the election of 1888 there were cast 153,648 votes for candidates for governor, and the Democratic candidate lacked 1,751 votes of a majority.

Mr. ALLEN, of Mississippi. In each one of these cases from 1884 the Democratic candidate received more votes than the Republican, did he not?

Mr. RUSSELL. Exactly, sir, in the case of the candidates for governor. In each of these three elections the Democratic candidate for governor received a plurality vote. But in the election of 1884 three Republican candidates received a plurality vote over their respective competitors on the Democratic ticket. In other words, in that election the Republican pluralities to the Democratic pluralities were in the ratio of 3 to 2; and yet under our constitution the three Republican pluralities did the Republican party no more good, as far as the control of the State was concerned, than the two Democratic pluralities did the Democratic party. In the election of 1888, the last held in the State, the Republican candidate for lieutenant-governor received a plurality over his Democratic competitor.

Mr. ALLEN, of Mississippi. Yet the Republican got the office and the Democrat did not.

Mr. RUSSELL. Yes, all the Republican candidates on the State ticket, both those who had pluralities and those who did not, because the Legislature in joint ballot elected each State officer on each of the three occasions mentioned, and the Legislature—the local representation of the political sentiment of the people, the home-rule representation for which you gentlemen so vigorously contend—was Republican. Had the Legislature been Democratic; had that been the political sentiment of the State during those years, then I presume all the Democratic candidates for State offices, both those who had pluralities over their Republican competitors and those who did not, would have been elected. And the people acquiesce contentedly in the elections by their Legislature whenever the constitution places that duty upon the Legislature, whatever be the political complexion of the same; for the good people of the "land of steady habits" believe in their constitution and the exercise of all its prerogatives.

But the gentleman from South Carolina had further to say regarding Connecticut's political representation. I read the following from his printed speech:

> As we all know, Connecticut has her representatives in the Senate of the United States who advocate and vote for Republican principles, while the political sentiment of Connecticut is ablsolutely Democratic, and has been for many years.

Now, I wish to take decided exception to that statement, and I submit its inaccuracies. The last expression we had from Connecticut of her political sentiments in anything relating to Congressional measures and actions was in the election of 1888. In that election there were 75,129 votes cast for the four Republican candidates for Congress and 74,340 votes cast for the four Democratic candidates for Congress. In other words, there were 789 more votes cast for Republican representation from the State of Connecticut in the House of the Fifty-first Congress than were cast for Democratic representation. The political sentiment of my State by its last expression at the polls does not seem to be so "absolutely Democratic" as the gentleman from South Carolina would have the country believe. In fact, it appears to be perceptibly Republican.

Mr. TUCKER. Will the gentleman tell us how many Democrats there are in this House from that State?

Mr. RUSSELL. In a moment, sir. In the same election year, 1888, for the State senate, which is the popular branch of our Legislature, there were more votes cast for Republican candidates than for Democratic candidates. In the State there are twenty-four senatorial districts, and the division of districts is as equitable as possible, according to population, decade by decade. The total number of votes cast for the twenty-four Republican candidates for the State senate in the election of 1888 was 74,599, and the total number for the Democratic candidates 74,343. In other words, the political sentiment of the State of Connecticut on popular vote, measured by its ballots for State senators in its last election, was 256 votes in favor of the Republican party; not an excessive plurality, I admit, but sufficient to show that politics in Connecticut are not "absolutely Democratic." Now, in view of the foregoing, I submit that according to the last and best expression which Connecticut has given of her political sentiments, as far as the legislative control of government goes, the two Republican Senators from the State are to-day properly, as well as ably, representing the political sentiment of my State when they "advocate and vote for Republican principles." Gentlemen must not confound the political sentiment of Connecticut as expressed in 1888 on the administrative control of the National Government with her sentiment on legislative control. The influence of an Administration and the power of a Democratic national committee might have induced, as it did, the meager plurality of 336 votes for Democratic electors. But that influence and that power, or anything else, can not make the political sentiment of Connecticut on legislative control of the Government Democratic, when Democracy stands for free trade and dishonest elections and Republicanism stands for protection and a free ballot and fair count.

The gentleman from Virginia [Mr. TUCKER] has just propounded a question which I suppose means to emphasize the fact that the 75,129 Republican votes cast in Connecticut in the Congressional election of 1888 gave the State in this Congress three Republican Representatives, while the 74,340 Democratic votes cast in the same election gave only one Democratic Representative. He seeks to convey the impression that the ratio of party representation here is disproportionate to the votes cast by the respective parties. To reply to that impression I have only to make reference to the representation of the State in the Fiftieth Congress. In the Congressional election of 1886, when four members were chosen to the House from the State of Connecticut, there were 57,234 votes cast for the four Republican candidates and 58,581 votes for the four Democratic candidates. Thus there were only 1,347 more votes cast for the Democratic candidates in that election than were cast for the Republican candidates. Yet in the last Congress Connecticut's representation on this floor was three Democratic members and one Republican member. If gentlemen assume that the apportionment of Congressional representation in my State is unequal or unjust to the parties, let them consider the two Congresses named—the present and the last. If there be anything unfair, which I deny, or anything unjust to the political sentiment of my State, it would surely seem that one case washes the other.

Mr. TUCKER. I wish to ask the gentleman another question in the line on which he has been proceeding. I have been informed that the city of New Haven, which is a Democratic city, and has in round numbers one-eighth of the population of the State of Connecticut and therefore would be entitled to one-eighth of the numerical representation in the Legislature of the State, instead of having some thirty and odd representatives has in fact only two.

Mr. RUSSELL. I can not go into that question at length in the time allowed me. The gentleman is now referring to the town representation which the State of Connecticut has and always had in the house branch of its Legislature. That form of local representation is an old, an honored and respected one in my State. It has much to recommend it and I believe it is admitted to be the most complete recognition of the principle of local government. "In Connecticut it was the towns that created the Commonwealth." The Commonwealth still continues a combination of towns and in each member of the combination remains to-day the political power for the exercise of which the State must first establish its clear and just right. The towns of Connecticut stand in much the same relation to the Commonwealth as the States do to this Union and it seems strange for gentlemen contending against what they imagine may be an infringement or subversion of local government by the Federal Government to instance Connecticut as a place where there is a misrepresentation of home rule, as they call it.

So much, in the brief time I have, for the theory of the town representation in Connecticut. As to the politics of this form of representation, the Legislature of the State of Connecticut has been Democratic in the past; less than a decade ago a Democratic Senator represented the State in Congress. If the Democrats then did not care to preserve this honored and old form of town representation, which politically had done them service, they had the chance to change the constitution as far as legislative action could do it. But the city of New Haven is not the only city in the State where representation in the house of the Legislature is restricted to two members, though it is the largest. Other cities under another form of representation might politically show an advantage to our side.

Mr. TUCKER. Still, it is true that almost one-eighth of the population have only two representatives in the Legislature.

Mr. RUSSELL. I can not yield further, Mr. Speaker, much as I am willing to discuss town representation, for I have promised a portion of my time to the gentleman from Missouri [Mr. FRANK]. I do not believe that the political facts, truly stated, in regard to Connecticut's constitutional form of representation in State and nation furnish argument for the form of misrepresentation acquired and maintained in some of our Southern sections. The vote of every legal voter in Connecticut is freely deposited, fairly counted, and correctly returned. The present Federal supervision law has been used now and then in certain places in Connecticut, and both parties have accepted it. I

believe the majority of the voters of the State will approve the extension of the present law to be made applicable anywhere and everywhere where fraud of any sort exists or is anticipated. I know further, Mr. Speaker, that the honest, fair-minded people of the North are well aware of the political disturbances which have existed in our Southern sections. They know that bloodshed and crimes of all sorts have pertained to these disturbances, and the result, as they believe, has been the unlawful subversion of the majority suffrage of many districts in Southern States. They know that in the loss of life which has pertained to these disturbances the Republicans generally have been sacrificed. Formerly it was the loss of life of black Republicans only; latterly, some white Republicans, or white citizens who belonged to the free-ballot and fair-count contingent, have been included in the list of slain.

We begin to judge that the race issue and the political issue in parts of the South are much the same. While recognizing the growth of a new and peaceful South on the line of a business development and an intelligent application of resources and enterprise, while hoping for and stimulating by our investments and our social and commercial relations the fullness of this growth and the perfection of this development, yet in the interest of humanity, and as well as in the interest of fair elections, we can discover no calamity to the good citizen or the law-abiding section in the present proposed extension of the Federal election law. Only to the lawless need this proposed law, as any law, have terror.

I yield to the gentleman from Missouri [Mr. FRANK].

Mr. FRANK. Mr. Speaker, owing to the views I entertain on the pending measure, I enter into the discussion of this question with great reluctance, and have concluded to do so after mature reflection and from an impressive sense of duty to myself, my party, and my country. When I was honored by my party with the nomination for Congress in the Ninth district of Missouri in 1888, I accepted it on an issue exclusively local to St. Louis, and in which the people were intensly interested—an honest election, a pure ballot. In 1886, when I was nominated for Congress, the election machinery was in the hands of a corrupt and conscienceless gang of thugs and ballot-box stuffers. I was elected, though counted out by this ring. I set about to bring to justice these destroyers of the honest ballot and was enabled to do so only by reason of the fact that I had Federal supervisors at the election. I was enabled to invoke the jurisdiction of the United States courts.

Through my contest in the Fiftieth Congress testimony was preserved which secured the conviction of the registration officials and their punishment for illegally disfranchising thousands of qualified voters, most of whom were colored, though the gentleman who prepared the report of the committee and submitted to this House, living within my own State, and not 200 miles from the place of those trials, felt called upon to apologize for these scoundrels, and was convinced in his own mind that—

> While it is true that in every election isolated instances of partiality, unfairness, and the inequitable working of the law are, perhaps, always apparent, we find nothing in this case to stamp it as one in which the powers of the election officers under the law were illegally or unfairly used for purposes of oppression or for improperly influencing the election or the method of its execution, unusually arbitrary or harsh.

Mr. MCKINLEY. Who made the report?

Mr. FRANK. Mr. HEARD, of Missouri.

So in 1888 my campaign was fought on this issue and the people sustained me, not Republicans alone, but people of all politics; this is demonstrated by the fact that the district had always been regarded reliably Democratic by 1,600, and I was elected by over 2,500 without the use of money against a man who had many qualifications, not the least of which was a "barrel."

I allude to these matters for many reasons. First, to show that I am here to advocate the purity of the ballot; second, to prove the efficiency of supervision as the law now stands, if extended so as to be operative in any place as it is in cities alone; third, to prove the fairness of this measure properly modified.

This question, in the very nature of things, when rightly understood can not be contorted into a party question.

The Constitution, as interpreted by the judicial branch of this Government, has settled any question of that kind so far as this law is an extension of the provisions of the act of 1871, now upon the statute-book; but, so far as new provisions therein are concerned, a party issue may be made, not, perhaps, upon constitutional grounds, however, but upon grounds of policy to which I shall advert in a moment. But the questions of a fair ballot and an honest count, unimpeded vote and a correct return, an unbribed voter and an incorrupt canvasser, all these recognized and appreciated as the very foundation of a representative government and the perpetuity of republican institutions, are no patent rights of the Republican party; all the wisdom is not ours, all the blunders are not yours. The thoughts of the people of most of the States have been concentrated on this question for years. Each State has endeavored by its election laws, amended, altered, and improved, to secure the same result; and hence you have heard so much said of the latest fad, the Australian system, adopted in Massachusetts and my State, and this American system just adopted in New York, these systems which, in the zeal for a honest election, seem to have entered into a competition for the championship which can disfranchise the most voters.

This is wholesome legislation; this is not an invasion of home rule; it is recognition of home rule—local self-government—when sections 10, 15, 16, and 38 are eliminated or modified; when so eliminated or modified its provisions do not clash with a single right of a State or a State officer; it is a bill for Federal supervision without Federal interference or Federal control. With those provisions in, it is a hybrid-mongrel affair, subversive of recognized State rights, odious in its authorization of the determination of results by setting up comparatively irresponsible persons, selected by one man, as paramount in authority and position to the chief executive officers of the State chosen by the people of the State. With these provisions out or altered the people will sustain it and no party can afford to oppose it.

By the provisions of sections 15 and 16, the circuit judge appoints for each State three citizens to compose a national board of canvassers, two of whom will belong to the same political party in most cases, who, at $15 a day, shall do what?—declare and certify the results of the election on figures, tabulated returns, and statements furnished to them by the chief supervisor and the clerk of the court, which declaration and certification shall entitle the person designated to a seat on this floor.

The United States partakes of the State hospitality, uses its machinery, registration sheets, tickets, ballot-boxes, clerical force, voting booths, all the paraphernalia furnished free, and then withdraws without returning thanks; worse than this, acts the bear by refusing to give credence to the completed work; eats of the repast, and when the last course has been finished takes the "Rosa perfecto" furnished by the host, puffs it heartily, leaves the festive board, and discredits the dinner.

[Here the hammer fell.]

Mr. CHEADLE. I ask unanimous consent that the gentleman from Missouri [Mr. FRANK] be permitted to proceed further.

Mr. HEARD. Before that consent is granted, I ask that I may have five minutes to make a personal explanation.

Mr. BUCKALEW. Wait until the gentleman from Missouri is through.

Mr. HEARD. No; I would like to have this matter settled now. The gentleman from St. Louis has gone out of his way to single me out as a member of the committee which made a unanimous report against him, and I insist that I should be permitted to be heard on a personal matter.

Mr. FRANK. That is not an accurate statement.

Mr. HEARD. I say it is; and I will prove it before this House.

The SPEAKER *pro tempore*. The Chair would state that a large number of gentlemen are on the list as desiring to speak, and the time has all been parceled out, so that any extension must necessarily cut out some one who has been promised recognition.

Mr. CHEADLE. The gentleman from Missouri is a member of the committee and is entitled to an hour. He asks for only a few minutes additional.

Mr. DOCKERY. I hope the gentleman will be allowed to proceed five minutes.

Mr. HEARD. I shall not object; but I give notice that I shall reply to the gentleman's remarks at some time during the progress of this discussion, either during the debate on amendments or otherwise.

The SPEAKER *pro tempore*. The Chair would be very glad, indeed, to accommodate himself to the wishes of the gentleman from Missouri, but he can not do so in justice to other gentlemen.

Mr. ALLEN, of Mississippi. Can not the gentleman's time be extended by unanimous consent?

A MEMBER. We can sit so much the longer to-night.

Mr. DOCKERY. The request is for unanimous consent.

The SPEAKER *pro tempore*. Unanimous consent is asked that the gentleman from Missouri be allowed to proceed—for how long?

Mr. FRANK. Five or six minutes.

Mr. BUCKALEW. Say ten minutes.

The SPEAKER *pro tempore*. Is there objection to allowing the gentleman to proceed for ten minutes longer? The Chair hears none.

Mr. FRANK. It is passing strange that gentlemen on this side in the discussion of this bill close their eyes to the danger lines and make their detour in the high atmosphere, free from obstacles. I say "let the lower lights be burning."

It may appear to some people that the rôle of statesmanship has reached the acme of perfection when the wisdom of a questionable measure is determined by the opposition aimed at it with invective against the Commonwealth of Massachusetts and her great thinkers, and the bill therefore supported by the distinguished Representative from Massachusetts [Mr. GREENHALGE]. It may appear to some people that opposition to this bill may be justified by the treatment the negro has received, the party has received, and many men on this side have received from persons high in rank and power; but it does not appear sufficient to me.

With the expurgation of the sections I have alluded to and will print in connection with these remarks in the RECORD, I believe the bill fair legislation. I do not think it means negro supremacy. It

means a solution of the problem as suggested by Senator INGALLS: Justice—justice which follows an observance of the laws of man; the laws of nature work out their own results. I use that distinguished gentleman's language:

Sir, the black race is capable of civilization. Notwithstanding the obstacles and discouragements, the failures and disappointments, justice requires the admission that in the dark and tragic interval of its transition period it has made marked and substantial progress, greater, far greater, than could have been reasonably expected. If the degenerate proclivities engendered by centuries of oppression and ignorance have not been extirpated, they have at least been surprisingly modified; and while there is nothing in his origin and in his history to justify the expectation that the African can ever successfully compete with the Anglo-Saxon in government, in art, in conquest, or practical affairs, neither is there anything to indicate that he is not susceptible of high civilization.

Much has been said about a new South—there is a new South; something has been said about a new North—there is a new North; but better than that there is a new, a rejuvenated, Republican party only partially represented, I fear, on this floor—a party who know the war is over, who believe the result is fixed and honestly accepted by the Southern people; a party who believe that the party is one of progress, of good-will, and not one to retard the prosperity of any section of the country by promoting labor disturbances and race antagonisms; a party composed of young men who first saw the light of day since the days of Appomattox who see enough in the issues framed by the party platforms to think about and to contend for without appealing to the worm-eaten chestnut of bloody shirts and interred hatred to arouse discord.

I am a friend of the colored man. I appeal to the many black men in my district who are among the most industrious, orderly, and enlightened of the population whether I have not given them incontrovertible proof of it in my efforts and zeal in their behalf.

I am opposed to this measure in its present form. I am not willing to say as did the gentleman from North Carolina [Mr. EWART] that if this be treason to the party make the most of it. Let me say this: With the Republican party in undisputed control of every branch of the Government a warning voice raised against abuse of power—an emphatic protest against the use of power unnecessary for the prosperity of the country and the resolution to resist such measures are the highest attributes of party allegiance. [Loud applause on both sides of the Chamber.]

APPENDIX.

OBJECTIONABLE PROVISIONS.

SEC. 10. * * * If, at any time, the whole number of ballots found in any box intended for the reception of ballots cast for the office of Representative or Delegate in Congress which properly belong therein shall exceed the total number of persons who shall have voted that day in the election district, then, in such case, it shall be the duty of the chairman or acting chairman of the inspectors of election and of the chairman or acting chairman of the supervisors of election to place in the said Congressional box all the ballots found to have been cast therein for the office of Representative or Delegate in Congress, and to thoroughly mingle the same, when, if such excess shall be but one ballot, one of the inspectors of election, and if such excess shall exceed one ballot, then one of the inspectors of election and one of the supervisors of election shall be blindfolded and placed with his back or their backs to the said box, from which they shall publicly draw so many ballots as shall be equal to the excess, which ballots shall be forthwith destroyed and the votes for the persons named in such withdrawn ballots shall be deducted from the votes entered for such persons on the tallies. Where the ballots drawn from any such box are to be drawn by an inspector of election and a supervisor of election, such drawing shall be done as follows: The first ballot shall be drawn by the inspector of election and the second ballot by the supervisor of election; all ballots drawn thereafter shall be drawn by each of said officers alternately.

SEC. 15. It shall be the duty of each chief supervisor of election, on or before the first day of September next following the passage of this act, to cause a judge of the circuit court of the United States in his judicial district to be informed in writing that it is necessary that the circuit court should be opened for the purpose of complying with the provisions of this section.

It shall be the duty of the circuit judge who shall be so informed, on or before the first day of October next following the date of any communication containing such information, to personally open and hold a circuit court of the United States in such judicial district in such one of the States comprising his judicial circuit as shall be most convenient to him, and within ten days thereafter the said circuit court, so held by said circuit judge, shall, for each State within the said judicial circuit, appoint three persons of good standing and repute, citizens of the United States and citizens and residents of the State for which they shall be appointed, who shall be known as the United States board of canvassers of the Congressional vote within and for the State for which they shall be appointed; one of said three persons shall, when appointed, be named as chairman of the board. Such persons shall be sworn to the faithful performance of their duty and to support and defend the Constitution of the United States. They shall each hold their office so long as faithful and capable, and not more than two of them shall belong to the same political party; they shall each receive a salary of $15 a day for each day actually employed in the work of canvassing the statements and certificates of ballots cast at any election, general or special, for a Representative or Delegate in Congress and a further sum of $5 per day for their personal expenses. They shall have a seal and may appoint a clerk, who shall receive $12 a day for his services and expenses while actually in attendance upon said board. As a board it shall be the duty of such appointees of the said circuit court to convene on the 15th day of November of each even year, unless the same shall fall upon Sunday, when they shall convene on the following day. In case of a special election they shall convene one week from the day of such special election. They shall so convene at such place in their State as shall be most convenient for them, which place must, however, be a place where a term of the circuit court of the United States is by law regularly held, and there proceed to finally canvass and tabulate the votes which shall have been stated and certified as cast for Representative or Delegate in Congress in each Congressional district in their State in and throughout which this act shall have been enforced, and not elsewhere, and shall declare and certify the result of the election thereof in each such district.

For the purposes aforesaid they shall use the statements and certificates and such accompanying papers, if any, as shall have been forwarded to the clerk of the circuit court of the United States in the several judicial districts in their State, and the same shall be, by such officers, produced before the said board for such purpose; when opened by the chairman or acting chairman of the said board he shall mark each separate sheet of each such statement and certificate as shall be contained therein with the initials of his name. The said board may also require the production before it of such certificates and statements and such accompanying papers and tallies filed with the several chief supervisors of elections in the same judicial districts as shall be necessary for examination and comparison by said board, where it shall appear by a comparison of the tabulated returns furnished for their inspection and reference by such chief supervisors, as provided in this act, with the statements and certificates filed with the several clerks of the circuit courts, that there are discrepancies or errors existing. It shall also be authorized and empowered to summon and compel the attendance before it of the supervisors of election who served on election day in any election district in and from which there shall be found to exist incomplete, imperfect, or inconsistent certificates and statements, and to examine such officers for the purpose of ascertaining whether such certificates and statements are imperfect or inconsistent and of arriving at the facts. Any supervisor of election who shall fail, neglect, or refuse, without good and sufficient excuse, to obey any summons of said board to so attend at the time and place required therein, shall be liable to arrest, and upon conviction shall be punished by a fine of not more than $500, or by imprisonment for not more than one year, or by both such fine and imprisonment. The marshal of the United States in the judicial district in which any such board of canvassers shall be convened shall detail one of his deputies to attend its sessions and preserve order thereat. Such marshal shall, by his deputies, serve all summonses of said board.

The determination arrived at and stated in the declarations and certificates of any such United States board of canvassers shall, as to each such Congressional district, be at once made public, and the declaration and certificate for each Congressional district shall be made in triplicate, be signed by each member of the board, and have affixed thereto the seal of said board; one shall be filed in the office of the chief supervisor of elections, under whose supervision the Congressional district covered by it was, together with all the papers and documents used, or which might by law be used, before such board for the purpose of ascertaining, declaring, and certifying the result in said Congressional district; another shall be forwarded by mail to the person found by them to have been elected, addressed to him at his place of residence; the third copy shall be similarly forwarded to the Clerk of the House of Representatives of the United States at Washington. In case no person be found duly elected in any district a certificate of that fact shall be made by said board in triplicate, under their hands and seals, and forwarded as follows: One to the governor of the State, another to the Clerk of the House of Representatives, and the third to the proper chief supervisor of elections.

The final declaration and certificate of said board as to the result in each and every Congressional district shall be completed and transmitted to the Clerk of the House of Representatives as soon as practicable, and in no event later than the last day of the month in which by law said board is to convene.

SEC. 16. Upon the receipt by the Clerk of the House of Representatives of the declaration and certificate of any United States board of canvassers of the Congressional vote as to the election of any Representative or Delegate in Congress it shall be the duty of that officer to open and file the same in his office. If by such declaration and certificate it shall appear that another and different person has been elected as a Representative or Delegate in Congress than the person certified as elected by such officer or officers of the State in which such Congressional district is situated, whose duty it is by the laws of the State to make such certificate, then the person so certified as elected by the declaration and certificate of the United States board of canvassers shall be, by the said Clerk of the House of Representatives, placed upon the rolls of persons elected as Representatives or Delegates in Congress, and the provisions of existing law respecting the names of persons who shall be placed upon the roll of the House of Representatives by the Clerk thereof are modified to the extent herein provided, and to such extent only. Any Clerk of the House of Representatives who shall neglect, fail, or refuse to place upon the roll of Representatives and Delegates elect the name of any person entitled to be placed thereon as provided by the laws of the United States, shall be liable to arrest, and, upon conviction of such neglect, failure, or refusal, shall be punished by a fine not less than one thousand nor more than five thousand dollars, or by imprisonment for not less than one nor more than five years, or by both such fine and imprisonment, and shall be forever disqualified from holding thereafter any office of trust or profit under the Government of the United States.

Section 38 is the one changing the jury law.

[Mr. MAISH addressed the House. See Appendix.]

[Mr. O'NEALL, of Indiana, addressed the House. See Appendix.]

Mr. BOOTHMAN. Mr. Speaker, I have listened to-night with a great deal of interest to many of the arguments that have been advanced by gentlemen on the other side of the House and on this regarding the substance of this proposed law. I desire in some measure to review the arguments as they have struck my attention in the delivery here.

The gentleman who first occupied the floor asserted, in substance, that gentlemen on this side who voted for the bill would not vote their convictions. Now, I am here to say that that is a mistake. The members on this side who vote for this bill will, in the main, vote for it because they believe that it is framed in the interest of good government and of free and fair elections.

It has been argued that elections are fair and free and that there is no necessity for the passage of this bill. Gentlemen of the South, we of the North have been impressed in a different way regarding elections held in your portion of this country—whether with reason or not is a question of fact to be determined not by declamation and rhetoric, but by the returns and the recorded facts of history.

In what I have to say I do not propose to fight over any issues of the war. In that great struggle I took my part, as you did yours; and I suffered for my convictions, as you suffered for yours. I believed then I was right; I still believe I was right; and the conviction that thus impresses me is a conviction not particular and peculiar to myself alone, but a conviction that is diffused among the people of the North, which permeates every fiber of their being.

The desire of the great body of the people of the North is that there shall be given to each individual citizen in this land of ours the same equal right to participate in the privileges of government that is enjoyed by each individual citizen at the North. We care not whether

his skin be black or white; we care not whether his estate be mean or noble; we desire simply that his rights under the law, wherever he be located, whether in the East, the West, the North, or the South, shall be equal and equally maintained. That is all the people of the North desire. And when it is argued that in supporting a measure which is calculated, in the judgment of the members on this side of the House, to obtain for each individual citizen that equal right we are voting against our convictions, gentlemen make a grave mistake.

If we support this bill we shall do so because it promises to give equal rights to the people of this country, black and white, poor and rich, noble and mean alike. And is there objection to be found to that? Is there any good reason that can be urged why such a law as this should not obtain in this Republic if it be founded on the principles of our Constitution?

Gentlemen say the law is unconstitutional. Whom is it aimed at and what is it aimed at? It is simply aimed at the man, wherever he be, upon American soil that shall undertake to destroy the right of the citizen to enjoy equal rights under the Constitution and laws of the land. Why, then, should gentlemen object to it; why stand up in their places and level against it all the invective and all the harsh language that they can command for the purpose of casting odium upon this measure, the promoters of which believe to be constitutional, designed simply to do justice between men?

Do you say that it is unnecessary? Then we take issue with you upon the question of fact. We say that after the war closed the black man in the South was not clothed with the equal rights which the Constitution and the laws of the land granted to him, and we refer you simply to your statutory enactments to be found upon the statute-books of nearly every State of the South which interfere with his civil rights and privileges in proof of the assertion. The statutes to which we cite you on that subject are numerous.

Mr. WHITING. Does the gentleman claim as a Republican to be talking for the people of the North?

Mr. BOOTHMAN. I am talking now for the people of the whole country.

Mr. WHITING. Yes, you are talking for the North.

Mr. BOOTHMAN. I am talking for the whole country. This is a national question.

Mr. Speaker, we find on going over the history of political matters in the South since the war, that wherever there has been a disturbance in the Southern portion of the country, where killing has been done, the black man died and the white man triumphed. I am not inveighing against the white man of the South, but I am inveighing against the state of affairs that could produce such occurrences as have taken place in the last few years in that section.

I turn now, sir, to the elections in the South as an illustration of the point I am making, and I am free to admit, Mr. Speaker, that the acts of violence that existed for many years have given way to a milder form, that strikes not with the bludgeon or the shotgun, but strikes with the blow of fraud. I turn now to some of the statistics of your elections in the South, to ascertain the fact whether or not there are these free and fair elections there that should be accorded to every community and to every individual citizen throughout this broad land. For I say to you, gentlemen of the South, when you attack the fairness and freedom of elections in your own sections in the South you strike a blow at fair elections all over the land.

You enact or produce or bring into being a principle which, when applied to your own existence and political privileges in time to come, will debauch and destroy them; for like the cancerous sore on a healthy man, after it has performed its functions it feeds upon the living tissues of the flesh and destroys the organization. So with your suppression of the ballot; so with your interference with fair elections in the South, you pave the way to your own destruction as far as your political liberties are concerned. For, Mr. Speaker, when the present issues pass by, when the time comes that old issues are dead and new ones have arisen, when you are divided on different lines a hundred years hence, when your children's children come to inherit the liberty which has come down to us through hundreds of years of hardships, suffering, turmoil, and bloodshed, and they seek to accomplish political results unfairly, will they not better the instructions which you have given to them? Will they not interfere with your liberties then and there?

It is not so much a question for the people of the North, so far as the people now living are concerned, as it is a question for your posterity and for my posterity in this Republic that we hope to see go down through all the years crowned with blessings to you and yours and to me and mine.

Now, I ask your attention for a moment while I consider some of these elections in the South. I turn to the election of 1886 for Congressmen, and find in several States of the South that there was an aggregate of twenty-two "no-opposition" districts.

The time, gentlemen, has been when it was accounted an honor for men to occupy seats in this House. The time was when it was regarded as something of value to the citizen to come to the Congress of the United States and participate in the legislation for the whole country. And it is yet regarded as a prize worthy of striving for. But what do we find now in these districts? Twenty-two districts in the South in 1886 where there was but one candidate, or, if there was more than one, but one is known or recorded in history. And how were the men elected who were candidates in that election? I find the vote has fallen off enormously from the normal vote that should be cast there.

What does it argue to you and to me? It argues that the value of the elective franchise has become cheapened, lessened, in the sight of the people, and not worth working for in the minds of the Republicans of the South who have been deprived of their elective franchise and fair and free elections; and not only in their minds, but in the minds of the men who are electing Democrats to this body.

Take Alabama, which by the census of 1880 had a voting population of 259,884. What was the vote cast for your whole delegation in Congress in 1886? Only 71,704 votes, a falling off in your vote there of 188,180, as based upon the census of 1880.

I repeat, what does that argue to you and to me? That the value of the elective franchise is being lost sight of, cheapened, obscured, and placed out of sight by both parties, both races in the South. And that argues to you and to me that there is danger to your institutions and to mine in such a state of affairs.

Take the State of Arkansas. There, by the same census, there were 182,977 persons of voting age, or male residents twenty-one years of age and upwards. And the total Congressional delegation was elected in 1886 by 46,642.

Mr. PEEL. Will my good friend allow an interruption?

Mr. BOOTHMAN. Certainly.

Mr. PEEL. My district is one of those.

Mr. BOOTHMAN. Yes.

Mr. PEEL. I have in my district about 30,000 legal voters. I did not receive 5,000 votes, just simply because nobody went to the election.

Mr. BOOTHMAN. Precisely; and why did nobody go?

Mr. PEEL. One moment; there was no opposition to me; and let me state that there sits an honorable gentleman who is a Republican from the State of Missouri. His district adjoins mine, and he will not say there is a suspicion upon my district.

Mr. BOOTHMAN. I am not charging any individual gentleman here with these matters, but I am talking of the effect of this thing upon the morals of our country [derisive laughter upon the Democratic side], and the effect of this thing upon the elective franchise of our country, and the value that is placed upon it throughout those parts of the country.

Mr. WHEELER, of Alabama. My district has been referred to and I will say that for the five elections now past no one will say a single unfair vote was cast or that there was any unfairness in the election.

Mr. BOOTHMAN. I can not yield any further. I would be glad to if I had the time or if my time could be extended. I desire to refer to these matters and my time is very brief. Now, take the State of Georgia. There were there 321,438 voters according to the census of 1880, and the delegation in the Fiftieth Congress were elected by total vote of 27,475, or 10,000 votes less than were cast in my own district for one Representative. Now, take another State, the State of Mississippi, which had 238,532 voters by the census of 1880, and the total Congressional delegation was elected by 44,951 votes.

Take the vote of South Carolina, with a total vote of 205,789 by that census, but with only 39,077 votes cast for the total Congressional delegation. Now, I do not charge that every gentleman upon this floor who comes from a no-opposition district came here because somebody had been deprived of the right to vote, but I say that I argue legitimately and naturally and properly from the condition of affairs found there in four or five different States in the South that the condition of things there indicates there is something wrong, and there can be no other construction placed upon it.

Mr. BUNN. Will the gentleman yield for a single question?

Mr. BOOTHMAN. Yes, sir.

Mr. BUNN. How do you account for the loss of 40,000 votes in the States of Connecticut that has been mentioned here on the floor.

Mr. BOOTHMAN. I do not know the total vote of Connecticut.

Mr. BUNN. It has just been given by the Representative from that State.

Mr. BOOTHMAN. But I do know this, that if you go through the North, in every State of the North where there is a general election, you will not find a single instance where there is no opposition.

Mr. PEEL. They are more greedy than we are.

Mr. BOOTHMAN. Now, gentlemen, I put it to you as honest men, as men who love your country, who desire its best interest——

Mr. BUNN. I thought you had ruled us all out on that question.

Mr. BOOTHMAN. I ask you whether that state of affairs ought to continue; whether there is not something wrong there that ought to be righted? This law proposes to do it. It proposes that there shall be a counting of all the voters and a registration; that there shall be a scrutiny of the votes in all cases, and now if that is done you say that it is as far as it ought to go. What would that amount to, now, if there is no one to certify to that vote? What would that amount to if there is no way of sending the result here, that shall bring it before this body untainted by any suspicion that something is wrong? What will the law amount to in that case?

Mr. WHEELER, of Alabama. Suppose that there is a suspicion that the return which comes here is wrong?

Mr. BOOTHMAN. I will say that all human action must be intrusted to men, and the best that can be done is to select men who have good names.

Mr. WHEELER, of Alabama. Then why do not you trust the responsible State authorities instead of a set of irresponsible men who are accountable to nobody?

Mr. BOOTHMAN. When the judicial branch of the Government appoints these men from both political parties [derisive laughter and cries of "Oh, no!" on the Democratic side]—when the judicial branch of the Government appoints these men, not from one party, but from both political parties, residents of that district, it seems to me it comes with poor grace to say that rascals will occupy those positions.

Mr. SHIVELY. Does the judicial branch of the Government appoint these men?

Mr. BOOTHMAN. Yes, sir; they are appointed by the circuit judges.

Mr. BUNN and Mr. ALLEN, of Mississippi. Oh, no.

Mr. BOOTHMAN. If I am in error about that I hope the gentleman will correct me.

Mr. ALLEN, of Mississippi. You are in error. You are not stating the bill as it reads.

Mr. SHIVELY. The supervisors are appointed by the judges.

Mr. BOOTHMAN. The supervisors are appointed by the judges, and that amounts to the same thing. [Cries of "Oh, no!"]

Mr. SHIVELY. But the supervisors make all the other appointments.

Mr. BOOTHMAN. That amounts to the same thing. [Derisive laughter on the Democratic side.]

Mr. BUNN. That is a very different thing.

Mr. BOOTHMAN. When you come to talk about the thugs and assassins, the burglars and that class of men being appointed to these positions, it seems to me that you stultify your own intelligence. You know that no political party will attempt to do that sort of thing as a rule.

Mr. BUNN. They have done it.

Mr. BOOTHMAN. There may be exceptional cases. [Derisive laughter on the Democratic side.] There may be exceptional cases. I propose to discuss this thing squarely. There may be cases where some bad man will get into a position of that kind, just as bad men get into all other positions; but as a rule you will have those men selected under this law as they have been selected under the other law, from the reputable men of your community; and the law amended this afternoon proposes that they shall hold their offices for two years, or until their successors shall be appointed and qualified. Now you know just as well as I do that the circuit judges and the supervisors are just as amenable to public opinion as anybody.

Mr. WHEELER, of Alabama. Are they any more so than the State officers?

Mr. BOOTHMAN. And if the men who are appointed do not perform their duties properly they will be thrown out and others put in their places. I tell you, gentlemen, you have a deep interest in the proper solution of these difficulties. You have got the Southern question to deal with. You have got your negro question to properly solve.

Mr. BUNN. We are willing to attempt it, and we believe we can do it successfully.

Mr. BOOTHMAN. You have got these people among you, and you have these questions before you, and how are you going to solve them? You can not do it by taking away the elective franchise. You can not do it by depriving them of their rights. Where that condition of things exists under which they are deprived of their rights, that condition must be changed, whether it be this year or next year or a quarter of a century hence.

It can not go on in that way. For you have your own rights and your own interests to look out for, and I tell you you are more interested than any other class of men on this continent in having that question solved rightly and justly. We of the North believe that, whatever your desires have been in the matter, in the past you have unjustly deprived men of their rights.

Mr. BUNN. Oh, no.

Mr. BOOTHMAN. You must produce before us something which will controvert this statement which I have placed before you before you convince Northern men that you are now doing your duty to that dependent class of people.

Now, Mr. Speaker, I shall vote for this bill because I am not afraid to place around any American citizen all the legal and constitutional requirements that will inure to his privilege and benefit and all the advantages of the position that he ought to occupy in relation to the elective franchise. I am not afraid of any law that will guard the honest voter, and I am not afraid of the enforcement of any law that will destroy the power of the men who destroy and debauch the elective franchise. [Applause on the Republican side.]

[Mr. BUCHANAN, of Virginia, addressed the House. See Appendix.]

Mr. LESTER, of Georgia. Mr. Speaker, if the proposed measure could have dispassionate consideration, unaffected by partisan bias, it could not meet the approval of the Representatives on this floor, and I shall indulge the hope that sufficient conservatism still remains here to stay the hand now uplifted to do violence to the Constitution and to disturb the peace and fraternity of the States now so happily existing.

The proposition which it is proposed to enact into law is that the Federal Government shall step into the States and by its officers declare what persons shall constitute the representatives of the people of the States whenever one man in any one particular district shall certify that one hundred qualified voters in that district wish it to be so.

The chief supervisor shall, in fact, appoint three supervisors for each election district. These three shall overlook, interfere with, and declare who shall vote, by the power given them to pass upon the qualification of voters, to receive the ballots, and particularly to make such return to their chief as they shall see fit. The chief submits such returns as he pleases to make to three men appointed by the court to canvass the returns submitted and to certify the election, which certification shall be practically conclusive as to the election, and the Clerk of the House of Representatives must, under severe penalty, place the name so certified on the roll of elected members. The persons so certified shall constitute the Congress of the United States.

This bill is the response to that bold declaration recently made by the chief Republican, advising his party as to methods to meet party exigencies. "Let us do our own registration, our own counting, and our own certification. Let us, the Republican party, do this."

Are there no longer "people of the States?" Is representation of States in Congress no longer a matter essential to the Government, which is by the States, of the States, and for the States? Is it that the Congress is a distinct entity, independent of and of no concern to the States? Whence came the Government of the United States? It was created by the people of the States, and its succession depends upon the people of the States. The elections for members of Congress are by the people of the States, in the States, and for the States. Representation is one of the constitutional rights of the people of the States. It is one of the most sacred of all political rights, and no political party or power can justify its action in taking it away.

If statehood was obliterated there would be no constitutional government. None can have so great an interest in this General Government as the people of the States, because the representation is their representation, and this is not the less so because the people of all the States of the United States may be affected by legislation perfected by all the Representatives—the Congress of the United States. The first, the primal representation, is the representation of the "people of the several States." The very existence of the Government of the United States depends upon the representation of the States.

The governmental right, the national authority, did not come into existence by a higher power. It did not descend upon any man or body of men. It ascended, so to speak, from the people; not the aggregate mass of all the people, but from the segregated mass, from the several people of the several States. The Government is styled the "United States of America;" the significance of which is that it is the Government of States united for the purposes specified in the Constitution. "We, the people of the United States," used in the preamble of that Constitution, suggests no idea of consolidated power above, beyond, outside of, and independent of the States, no more than did the term "United colonies of North America," as applied to the Government of the Revolution, and the term "United States of America" used in the Articles of Confederation imply or suggest such absolute consolidated and independent government.

The nature of the General Government with respect to the composition of its governing powers and the manner of their creation is not left in doubt when we reflect that it has no power and not even an existence except as derived from the Constitution. The legislative authority, the subject of concern in the consideration of the measure under discussion, is provided for as follows:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. (Article I, section 1.)

And the manner of creating the House of Representatives was thus prescribed:

The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature. (Article I, section 2, paragraph 3.)

The Representative must be an inhabitant of the State in which he shall be chosen. (Article I, section 2, paragraph 3.)

But this is not all.

Representation and direct taxes shall be apportioned among the several States. (Article I, section 2, paragraph 3, and fourteenth amendment, section 2.)

When vacancies happen in the representation from any State the executive authority thereof shall issue writs of election to fill such vacancies. (Article I, section 2, paragraph 3.)

I invoke these provisions of the Constitution to show that the right of representation in the American Congress is a right that belongs to the "people of the States," a right the exercise of which concerns them alone; a right as sacred as any political or other right they may

have, either by the guaranty of the Constitution of the United States or by the constitutions of the States.

If this right of choosing their own Representatives is not an important and cherished right, what is? It is our boast that the American Government is a representative Government. Representative of whom, or of what? There is but one answer: Representative of the people of the States, selected by the people thereof.

It will not do to say that the people of the States may manage their own affairs in the State governments, but have no concern in the selection of members of the House of Representatives, because representation in the Federal Government is their constitutional right, and he who attempts to deprive them of that right, either directly or by a device which may have the effect of suppressing their voice in the selection of their own Representatives, is far on the road to an absolute centralized government.

But it is said that the General Government has the power to take into its own hands the election of the Representatives of the States. It is derived, we are told, from Article I, section 4, of the Constitution, which declares as follows:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

Not only is the right of the States to elect their own Representatives given, but it is made their duty to prescribe the time, place, and manner of holding the elections. In whom exists the right of holding the elections? The "time, place, and manner of holding" is a different thing from the regulations as to the "time, place, and manner" of the holding.

I ask again in whom does this right exist—in the States, or in the United States? It is not given in terms to either. The power is not in the United States, nor can it be assumed by the United States, for the United States is inhibited by the Constitution from the exercise of any power "not delegated" to it. It is in the States, first, by the necessary implication of the grant giving the right to representation; and, secondly, because "all powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively, or to the people." So speaks the Constitution.

An examination of this provision of the Constitution excites the inquiry, why was this power, whatever its limit, given in such strange manner, a power so apparently inconsistent at first view with the language immediately preceding it? There must be a reason, and a reason which will explain the ambiguity. When found it will furnish a satisfactory solution, not only a satisfactory solution, but a conclusive one; and by the rules of construction, the reason upon which the law is founded is the life and very expression of it. When the reason ceases the law ceases, by whatever words it may be expressed. While the reason exists law lives.

Referring to the history of the Constitution we find that this provision was considered and violently opposed by many of the States and some of the most eminent of its framers. They feared it might be used for the destruction of the rights of the States in the selection of their Representatives, but its advocates contended that the States might fail or refuse to provide for the time, place, and manner of electing Senators and Representatives and thus cause lapse of the General Government. To prevent the contingency of this lapse was the reason and the only reason assigned for such a provision as this. Thus assured, the opponents acquiesced in the provision.

The journal of the convention which framed the Constitution, the debates upon its ratification by the several States, and the writings of the most eminent men who took part in its formation are here at hand. They show by an unbroken current that the reason for the provision was what I have stated it to be. The consideration of the question may be found in the journal of the convention, May 31, 1787, and on pages 218, 240, 354, and 374; the Federalist, Nos. 59 and 60; and Mr. Madison, who for his great services, eminent ability, and patriotic zeal is sometimes styled the author of the Constitution, thus gives his testimony:

> The power of Congress to make regulations in reference to elections was supplied in order to enable Congress to regulate, etc., if the States should fail or refuse to do so.—*Madison's Minutes*, Elliot 5, 402.

Why should not this provision be construed as it was intended, and why should an effort be made to put it in force when the contingency upon which the power was to be put into effect has not happened? It will not do to answer that we have the power and it is for us to say when it shall be exercised; that does not satisfy.

The people of the States have the right to think that there is a limitation upon such power. Such was the undoubted understanding. Congress has the right to "declare war," but would you declare war without offense? Would you declare war without the contingency happening upon which it could be justified and expect the people of the United States to sustain you because of your unquestioned right to declare it as written in the Constitution?

The right to exercise power is not always consistent with its justification. England had the right to tax the American colonies. The colonies denied the right without representation. England lost her colonies.

To those who are urging the passage of this bill to promote, as they imagine, the perpetuation of the power of a political party I commend the sage reflections of an eminent expounder of the Constitution. They are full of significance, and maybe are full of prophecy.

Judge Story, who was disposed to give the fullest possible effect to this power, in answering the suggestion that it is a power that might be employed in such manner as to promote the election of some favorite candidate or favorite class of men, dismisses the supposition as chimerical. He says: "Every probability is against it."

> Who are to pass the laws for regulating elections? The Congress of the United States, composed of Senators chosen by State Legislatures, and of Representatives chosen by the people of the States. Can it be imagined that these persons will combine to defraud their constituents of their rights or to overthrow the State authorities or the State influence? The very attempt would arouse universal indignation and produce an immediate revolt among the great mass of the people, headed and directed by the State governments. And what motive could there be in Congress to produce such results?
>
> The truth is that Congress could never resort to a measure of this sort for purposes of oppression or party triumph until that body had ceased to represent the will of the States and the people; and if under such circumstances the members could still hold office it would be because a general and irremediable corruption or indifference pervaded the whole community. No republican constitution could pretend to afford any remedy for such a state of things.

Mr. Speaker, if the time has arrived and the contingency has happened for the exercise by Congress of the power to "make or alter" the regulations of the States, I submit that it should do so by law, and not leave the power to be exercised by the will of one hundred irresponsible persons. The bill as it stands is a confession that there is no occasion for legislation on the subject. It declares that "any registration of voters, etc., for any election, etc., at which a Representative or Delegate in Congress is to be voted for, and any such election shall be guarded, scrutinized, and supervised" by persons appointed by the circuit courts of the United States, when in any Congressional district or in any city of 20,000 inhabitants an "application shall be made by one hundred persons claiming to be citizens of the United States, residents, and qualified voters.

It shall not go into effect generally in the United States, nor generally in any State, but locally in such district or city as one hundred indefinite persons shall will to make it the law. Congress is not to express its will as to what shall be the law, nor when nor where it shall operate. That will is to be delegated to some one else, and, what is worse, it is not to be delegated to the people of the districts, nor even to a majority, but to a small fraction thereof. And yet, Mr. Speaker, gentlemen on this floor declaim about the marvelous beauty and fairness of this provision and say that it is with the people of any district to have such law or not. They can not be familiar with the bill, else, and which is most probable, they are careless about reasons.

Every man, woman, and child in the district may protest against the law without avail. One hundred of the meanest and vilest may be their law-givers. When Congress abdicates its function to legislate by law for the people whose creature it is, it should not attempt to create another law-making power over and above the people.

The power attempted to be given to these one hundred persons by this bill is clearly a delegation of legislative power by Congress, and the measure proposed can not be a law. Let us examine it a moment.

The only means by which Congress can execute legislative power (and legislative power is all that it has) is by means of law, that is, by the enactment of laws.

The power to make laws "necessary and proper" for carrying into execution the powers conferred upon it is given Congress in the eighteenth paragraph, section 8, Article I, of the Constitution. But it must be borne in mind that it can not make laws except upon the subjects over which jurisdiction is given it, and that what it does in this respect must be done by the enactment of a law.

To Congress alone is given the power to make laws, and its will and not another's must be the expression and life of the law. In other words, it can not delegate its power to another, and the act by which it attempts this is in no sense a law.

Says Judge Cooly, in his work on Constitutional Limitations:

> One of the settled maxims of the law is, that the power conferred upon the Legislature to make laws can not be delegated by that department to any other body or authority. Where the sovereign power of the State has located the authority there it must remain; and by the constitutional agency alone the laws must be made until the constitution is changed. The power to whose judgment, wisdom, and patriotism the high prerogative has been intrusted can not relieve itself of the responsibility by choosing other agencies upon which the power shall be devolved, nor can it substitute the judgment, wisdom, and patriotism of any other body for those to which alone the people have seen fit to confide the sovereign trust.

I am aware that a law may be passed to take effect upon the happening of a subsequent event. But an act to regulate elections which makes its operation to depend upon this contingency, namely, that one hundred persons shall say they desire it to go into effect, not generally, but locally, for an occasion, is not of this kind.

In the first place, the happening of such a contingency as that would not put the law into effect. It would be operative only in one locality. The rule, the law itself, would still be inoperative anywhere else. The

most that can be said of the contingency mentioned in this bill is that the law, as a rule, shall not go into effect at all; or if so, it shall be not on the happening of one but of three hundred separate and distinct contingencies, and that it shall not even operate locally except upon a contingent contingency.

Inasmuch as Congress can legislate only by laws, as the very essence of a law is that it shall be a rule, and as this act as a rule can not be applied upon the contingency provided, it can not be a law.

The distinction between a conditional law and an act of the law-making power seeking to transfer functions, the legislative to another, is thus expressed in the opinion of the supreme court of Pennsylvania (6 Barr., 527):

> The one leaves nothing to be done to perfect the rule of action, the other but molds the clay into shape, leaving to third persons the task of breathing into its mimic frame the energy of life. What is this more or better than simply preparing the project of a law to be submitted for sanction of a distinct and independent tribunal?

What is this measure when submitted to the test of rule? It is the will not of Congress, for it expresses no will. Whose will shall breathe into this clay the "energy of life?"

Congresss does not express its will, but the majority of this House seems willing to allow another will to work, under the forms of this act. Gentlemen tell us that there is no necessity for this law in their particular district; that they do not wish it to operate there; yet they say they are willing for any to have it who wish, and therefore will support the bill. Yet the gentlemen know that no people want it, or at least they do not know that they do. And they know further, or ought to know, that the people will have no option whatever in the matter when the bill shall be passed. This generosity is indeed striking. Gentlemen are willing to force upon others what they themselves do not want and will not have.

Not the least objectionable feature of the bill is the requirement that the courts of the country shall give themselves to the work of operating the machinery of elections. Courts and judges should be reverenced and respected. That they shall preserve this respect they should deserve it. When the ermine is dragged through the pool of politics it can no longer be the emblem of purity and justice. And I say, Mr. Speaker, not only that it is wrong and against public policy to subject the judges to such duties as are prescribed for them by this measure, but that it can not be lawfully done.

When a judge takes his oath of office he becomes a part of the judiciary. No functions except judicial ones can be given him by Congress; nor can duties other than judicial be imposed upon the court.

If anything is plain, it is that the legislative, executive, and judicial departments of the Government are to be kept distinct.

The bill provides that the judges of the circuit courts of the United States shall, upon the call of the chief supervisor of elections, saying to him that "he has business to present to the court in respect to the next ensuing election," open the court and do and perform the many acts made incumbent upon him by the bill, such as appointing such supervisors of elections as the chief supervisor shall nominate, appointing a board of canvassers of the election returns, and other such acts. More than this, he is required to examine into a man's political faith to determine whether he is competent to be appointed a canvasser.

"The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish," says the Constitution. Not content with giving to Congress the power to establish courts, the framers of the Constitution saw fit to define and limit the subjects of judicial cognizance, evidently to confine the courts to their proper sphere, the adjudication of matters strictly judicial. Section 2 of Article III declares as follows:

> The judicial power shall extend to all cases in law and equity arising out of the Constitution, the laws of the United States, and treaties made, or which shall be made under their authority; to all cases affecting embassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizen of another State; between citizens of different States; between citizens of the same State, claiming lands and grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

This is the entire catalogue of subjects within the sphere of the United States courts, and it will be observed that they are confined to "cases in law and equity" arising out of the various subjects. I need not waste your time by showing what a case in law or in equity means. Suffice it to state a potent fact, that a case in law and equity presupposes parties and controversy between them as to some right in question. It implies also an adjudication of the question by the court.

This bill proposes to confer a jurisdiction of a different kind. Who are the parties? What is the controversy, and what is the judgment, and how is the judgment to be executed? This is not a new question.

The case of Hayburn, decided by the Supreme Court of the United States, and reported in 2 Dallas, 409, was where the Congress attempted to confer upon the United States courts the jurisdiction to investigate and pass upon the validity of claims of certain possessions of the Government.

The case of Ferereira, decided by the Supreme Court of the United States, 13 Howard, 40, was where the Congress by an act directed the judge of the Territorial court of Florida to pass upon the claims of certain claimants for losses sustained.

In these cases the court decided that the acts conferring the jurisdiction were void, because the acts to be performed by the court were not judicial, and because powers were not enumerated in the Constitution conferring power upon the courts.

To the same effect are the cases of Yale Todd by the Supreme Court of the United States, and the case of Gordon *vs.* The United States, 2 Wallace, 516, the opinion of the court in which case will be found in 117 United States Reports, page 696.

The bill under consideration does not appoint the judge as an individual or as a commissioner to perform this work. It requires it to be done in court. It was the opinion of the court, expressed in the cases of Hayburn and of Todd which I have mentioned—

> That as the act of Congress intended to confer the power on the courts (as it does in the measure now under consideration) as a judicial function, it could not be construed as an authority to the judges composing the court to exercise the power out of court in the character of commissioner.

Here, then, is an attempt to confer upon the courts powers not judicial, and not within the scope of the authority of Congress to confer.

You ask me upon whom would I confer this power, if not upon the courts? I answer, I would confer it upon no one. But if I stood in the place of the movers and promoters of this measure, and was determined to have this law, I would confer it upon some Republican high in the council, that he might do openly and boldly what the evident design of the bill contemplates.

The committee in charge of the bill inform the House "that they do not feel that it is necessary to enter into a detailed argument" "on the expediency and need" for such a measure as this. They do not enter into any argument at all, but remit the question to discussion in the House. The subject has had discussion, but the House is left without a single valid reason why this measure should become a law. The gentleman from Massachusetts [Mr. LODGE], the author of the bill and of the report, has spoken at length. His speech covers, or may be supposed to cover, the whole ground. Does he give any reasons for the passage the bill?

Evidently recognizing the principle that no measure should become a law unless a reason can be given for it, he attempts a justification of the measure. His argument is this, and only this: He assumes that frauds upon the ballot are practiced in some localities by which the colored vote is suppressed. He assumes this to be an evil of great magnitude, and assumes that this measure provides the cure for the evil.

To sustain these assumptions no direct or positive facts are submitted. The proofs consist of statistics of the votes at elections in the Southern States and a comparison of these votes with the votes in some Northern States, by which it is made to appear that Southern Congressmen are sometimes elected by fewer votes than Northern Congressmen. The conclusion from this, it is maintained, is that the votes in Southern States corresponding to the difference must be suppressed. In other words, votes not cast are suppressed.

For instance, in 1884, the year of a Presidential election, Georgia cast 143,543 votes. In 1886 27,619 votes elected her ten Congressmen, all Democratic. The cry is: Where are the votes of 1884? The gentlemen reply to their own question and answer: The negro votes were suppressed. The argument, if it proves anything, proves too much. To make it valid at all it must be shown, as the major premises, that all votes not cast are suppressed. This is not true, nor can it be shown to be.

It proves too much. For if it be true that the failure to cast a ballot is the evidence of its suppression, then the white votes are suppressed as well as the negro vote. Gentlemen from Massachusetts and from Illinois have indulged excessively in this false logic, and the gentleman from Michigan [Mr. BURROWS] has made it the sole stock of his contribution to this discussion. If the syllogism is applicable to Georgia, it is likewise applicable to the States these gentlemen represent.

In 1884 Massachusetts cast 303,383 votes, Illinois 672,849, and Michigan 401,186. In 1886 Massachusetts cast 245,309 votes, Illinois 576,510, and Michigan 372,490. Massachusetts fell off 68,084 votes, Illinois 96,339, and Michigan 28,695. So you will find over the whole Union. Will these gentlemen apply their own logic and tell why these voters representing these several differences did not cast their ballots, or why they were not counted? Were they suppressed by fraud?

There is no law compelling a man to vote, nor is there any law to deprive a State of its representation because any number of its qualified voters fail to cast their ballots. Representation in Congress does not depend upon the number of votes cast at an election nor upon the number of voters. "Representation and direct taxes shall be apportioned among the several States * * * according to their respective numbers," is the language of the Constitution, and the qualification of electors for members of Congress are such as may be prescribed by the States. The only limitation on this power is that no discrimination be made "on account of race, color, or previous condition of servitude."

The qualifications may be different, as they actually are, in different States, so that two States having the same population and being, therefore, entitled to the same number of Representatives, do not nec-

essarily contain the same number of qualified voters. The right of a citizen to vote depends absolutely upon the States by virtue of their power to prescribe qualifications. Yet, gentlemen here seem to think that the validity and value of elections, as well as the fitness and representative character of the member of Congress, depend upon the quantity of ballots cast, and cry fraud when the ballots cast in elections at the South do not equal the number of voters.

It is pretended that this measure is necessary for the protection of the negro in his right to vote. Is it regard for the negro that really prompts you? Then why do you not protect him in his right to cast his ballot in State elections which more immediately concern his interest? If what some of the Republicans on this floor say is true of the condition of the negro of the South and of the disposition of the whites to prevent him from using his ballot, is it not cruel for you to induce him to cast his ballot in Federal elections? Do you not suppose that to vote at such elections will give quite as much offense as to vote at State elections?

We do not believe that love for the negro prompts your action in this matter. I think the gentleman from Maine fully exposed the purpose and motive of the bill, in his noted article in the North American Review, when he stated, speaking of the negro vote, the question to be, "Whether the Republican party of the United States shall receive and have counted the votes which belong to it by virtue of the Constitution of the country." You assume that the negro vote belongs to the Republicans, and that therefore it must be counted for the Republican party. I have known for a long time that the Republican party claimed to own the negro; but I had not been advised before that the party claimed him by virtue of the Constitution.

I deny that the negro belongs to the Republican party or to any party, and that any people can improve his condition except the white people with whom he lives. The negro at the South realizes his condition and aspires to its improvement. The white man is his model and his help. Antagonism of the races will not come unless it be engendered by those who think they know him better than his neighbor and seek to use him for what he is worth to them.

It is said that this measure is a harmless one. That no one ought to object to a scrutiny of elections to be assured of a free ballot and a fair count.

If your bill was nothing more than that it would not be objectionable, except as a piece of intermeddling with the affairs of the States. But the bill is not for scrutiny; it is for business, party business. It provides for partisan strikers at the polls and in the homes of citizens by the term deputy marshals, to drag people to the polls or perhaps to keep them away. It provides for troops at the polls to do the bidding of the United States. It provides for partisan supervisors of election and for a partisan "returning board," whose certificate of election seats whom they will in Congress.

Besides the evil of taking from the people their constitutional right to elect their Representative and have declared the result of their will by the governor of the State, the chances of a corrupt and fraudulent return of election are many times multiplied.

To those who desire a strong and centralized government let me say that there is no Union except the Union of the Constitution, that every blow struck at the rights of the people of the States but weakens the Government of the United States in that it takes away the pillars that support and uphold it.

[Mr. PEEL addressed the House. See Appendix.]

[Mr. SHIVELY addressed the House. See Appendix.]

[Mr. BROOKSHIRE addressed the House. See Appendix.]

[Mr. WHEELER, of Alabama, addressed the House. See Appendix.]

Mr. GEISSENHAINER. Mr. Speaker, throughout the length and breadth of this land the people are watching with trembling anxiety our deliberations upon this bill. They are fearful of the curtailment or the entire annihilation of their civil liberty. The North is equally disturbed with the South, as is indicated by the wide attention given by the press to the address which I send to the Clerk's desk and ask to have read as a part of my remarks.

The address is as follows:

SOUNDING THE ALARUM—DEMOCRATIC REPRESENTATIVES IN CONGRESS TAP THE PARTY FIRE-BELL—AN ADDRESS TO THE PUBLIC—IT IS ISSUED OVER THE SIGNATURES OF THE NORTHERN DEMOCRATS—THE LODGE BILL ANALYZED AND THEIR OBJECTIONS FORMULATED FOR THE INFORMATION OF THE PEOPLE.

The Northern Democratic members of the House of Representatives have prepared the following formal protest against the national election bill, now under discussion in the House:

The undersigned, representing in the Congress of the United States constituencies in States north of the Ohio and Potomac Rivers, feel it their duty to their fellow-citizens to briefly call their attention to the extraordinary, dangerous, and revolutionary measure now proposed by the leaders of the party in power for passage in the House of Representatives.

Under a doubtful construction of the Constitution, this bill proposes to substantially take from the States and local authorities control of all elections at which members of Congress are balloted for, and hand the same over to United States judges appointed to office for life, and chief supervisors of elections.

If the power claimed resides in the Constitution, which we deny, the Republic has gone through the difficulties of the formative period, made heroic struggle against dissolution, triumphed and successfully readjusted itself to changed conditions without the exercise of such power by the Federal Government for one hundred years and over. Mr. Jefferson and the fathers of the Republic would have considered such a proposition as this as dangerous as an open attempt at centralization.

This bill is a purely partisan measure intended primarily to control the elections for Congress and Presidential electors in all the States, and to intimidate, hound, obstruct, and harass by political prosecutions in unfriendly hands the adverse majorities in the cities of the North. To this end it gives to the control of the chief supervisor of elections, a body of Federal police spies, who are authorized to make domiciliary visits, superintend the naturalization of our foreign-born citizens, place the citizen under strict scrutiny of these trusty and unprincipled Federal detectives for days both preceding and following an election, and in every way subject him to the power and control of paid party mercenaries of Government in a way at utter variance with Republican institutions and the great principle of American freedom, home rule.

To carry on this scheme of imperial government millions of dollars will be taxed from our people, and the judiciary of the United States prostituted to the basest partisanship in the management of elections. And these invasions of the liberties of our people will be left for safety to partisan juries in the Federal courts, composed entirely of the men of the party in power. A partisan returning board is proposed for each State, the object and purpose of which, as well as the general constitutional objections to the bill, are well stated by the minority of the Committee on the Election of President, Vice-President, and Representatives in Congress, and which we herewith quote:

"The final returns of elections, made by the district boards of canvassers to the Clerk of the House of Representatives, are to constitute *prima facie* evidence of election results, and the persons so returned by the canvassers as elected are to have their names placed upon the roll as members of the House. The returns made by governors of States are to be wholly disregarded, although they may contradict the returns so made, and show that different persons were elected. The Clerk of the House must accept the canvassers' returns and reject the others, or be subjected to severe punishment by imprisonment and fine."

But as the boards of canvassers act upon the returns and statements furnished to them by the district supervisors, and do not receive or consider the official returns made by the State officers, it results that the district supervisors, with the aid of their subordinate precinct supervisors, will virtually dictate the returns upon which members will be seated in the House. By the fourth section of Article I of the Constitution it is provided:

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time make or alter such regulations, except as to the place of choosing Senators."

By this provision very clearly a primary and general power is conferred on the State Legislature to regulate in all respects the times, places, and manner of holding Congressional elections, and also a secondary and conditional power, in other words, a permissive and contingent power, upon Congress to make regulations for those purposes and to change them, and it is a necessary implication from the language of the text that the permissive and contingent power of Congress is to be exercised, if exercised at all, according to that provision of the context found in clause 18, section 8, Article I, of the Constitution, which provides that Congress shall have the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers," etc.

Therefore, if the States shall have performed their duty and exercised the general power of regulating the question, the contingency upon which Congressional action depends will not have occurred.

In case a State shall have neglected to enact laws for the election of Congressmen by its own people or shall have enacted laws in hostility to the General Government, either to deprive its people of representation in Congress or to prevent that right from being exercised in a reasonable manner and at proper times, then Congress is permitted to intervene and to establish regulations which will secure representation to the people of such State.

What was given to Congress as the law-making power of the Government in this case was a defensive power against State hostility or negligence by which popular representation would fail, and the necessary power of the Federal Government would be impaired or paralyzed for want of representation in the House.

This view of the Constitution is not mere matter of opinion begotten by the necessities of debate, nor a novel view introduced to support a foregone conclusion dictated by party interest or passion. It is a view supported by the most decisive proofs drawn from the history of our country at the time of the making of the Constitution and the organization of the Government of the United States.

In most of the States opposition was made to the ratification of the Constitution because it was alleged that this particular provision was liable to perversion and dangerous construction, extending national power to interference with State elections. In other words, those opponents apprehended the very abuse of construction which is embodied and illustrated by this bill, but the friends of the Constitution met them in debate and gave to this provision the construction above stated, vindicating this construction by substantial and satisfactory reasoning which convinced our fathers and ought to convince us.

Without considering the questions upon the construction of this provision of the Constitution which have been heretofore debated in Congress and considered by commentators upon constitutional law, relating to the manner and extent to which Congress may act in case of State default or hostile action, we are prepared to say that this bill is plainly unconstitutional, because the States have not failed to pass laws for the representation of their people in Congress nor made laws hostile to such representation and to the Government of the United States in connection therewith. On the contrary, their legislation upon this subject by the States has been apparently enacted in good faith to this Government and to their people.

In view of the great danger to the rights and liberties of the people and to the principle of local self-government involved in this bill we respectfully appeal to American freemen, without regard to party, to enter timely protest by way of public meeting or otherwise against this consolidation of Government, the destruction of popular rights, and the very foundation of American liberty, for we indulge in no mere rhetorical flourish when we solemnly affirm on our loyalty as citizens and on our honor as Representatives that this vicious and unpatriotic measure is a most serious menace to the very life of the Republic.

The issue is, "Shall a political party elect itself and keep in power by paid agents who are to control the political elections in all the States?"

William S. Holman, C. R. Buckalew, William M. Springer, William McAdoo, Amos J. Cummings, W. P. Willcox, James Kerr, Samuel Fowler, William F. Parrett, J. Chipman, Benjamin Shiveley, C. A. McClellan, J. B. Brown, J. W. Covert, A. N. Martin, C. H. Mansur, D. B. Brunner, J. R. Williams, William Mutchler, Richard Vaux, Levi Maish, Jos. H. O'Neill of Massachusetts, John F. Andrew, Charles H. Turner of New York, William Stahlnecker, John Tarsney, J. A. Geissenhainer, R. P. Flower, William D. Bynum, Elijah V. Brookshire, Charles Tracey, F. B. Spinola, Thomas F. Magner, John H. McCarthy, John M. Clancy, Felix Campbell.

The House then, on motion of Mr. COLEMAN (at 11 o'clock and 35 minutes p. m.), adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

ADDITIONAL ESTIMATES BY THE COMMISSIONER OF PENSIONS.

Communication from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior, submitting additional estimates transmitted by the Commissioner of Pensions, for the prompt execution of the act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents"—to the Committee on Appropriations.

ESTIMATES OF DEFICIENCY IN APPROPRIATION FOR PAY OF ARMY.

Letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War, submitting an estimate of deficiency in the appropriation for "pay, etc., of the Army, 1889," amounting to $3,513.18—to the Committee on Appropriations.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 312) for the relief of Thomas P. Morgan, jr.—to the Committee on Claims.

A bill (S. 383) for the relief of Daniel C. Rodman and others, sureties on the bond of Ozias Morgan—to the Committee on Claims.

A bill (S. 707) for the allowance of the claim of George Brown for stores and supplies taken and used by the United States Army, as reported by the Court of Claims, under the provisions of the act of March 3, 1887—to the Committee on War Claims.

A bill (S. 921) for the relief of John Finn—to the Committee on War Claims.

A bill (S. 922) for the relief of G. M. Hazen and others—to the Committee on War Claims.

A bill (S. 923) for the relief of Davidson Dickson and others—to the Committee on War Claims.

A bill (S. 1044) to provide for the purchase of a site and the erection of a public building thereon at Madison, in the State of Indiana—to the Committee on Public Buildings and Grounds.

A bill (S. 1046) to extend the time for filing claims in the Court of Claims under the provisions of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to July 1, 1801"—to the Committee on Foreign Affairs.

A bill (S. 1559) for the relief of the estate of A. H. Herr, deceased, late of the District of Columbia—to the Committee on War Claims.

A bill (S. 1689) for the relief of George M. Wheeler—to the Committee on Military Affairs.

A bill (S. 2095) to place Henry Zell on the retired-list of the Army—to the Committee on Military Affairs.

A bill (S. 2228) for the relief of John W. Blake—to the Committee on War Claims.

A bill (S. 2508) to reclassify and fix the salaries of persons in the railway mail service known as railway postal clerks—to the Committee on the Post-Office and Post-Roads.

A bill (S. 2726) to enable the State of California to take lands in lieu of the sixteen and thirty-six sections found to be mineral lands—to the Committee on the Public Lands.

A bill (S. 2839) to provide for the purchase of a site and the erection of a public building thereon at Ogden, in the Territory of Utah—to the Committee on Public Buildings and Grounds.

A bill (S. 2841) granting a pension to Lizzie Wright Owen—to the Committee on Invalid Pensions.

A bill (S. 2970) to provide for the purchase of a site and the erection of a public building thereon at Altoona, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

A bill (S. 2996) to grant a right of way to the Texarkana and Fort Smith Railway Company through the Indian Territory and Territory of Oklahoma, and for other purposes—to the Committee on Indian Affairs.

A bill (S. 3039) to provide for the purchase of a site and the erection of a public building thereon at Palestine, in the State of Texas—to the Committee on Public Buildings and Grounds.

A bill (S. 3238) to provide for the purchase of a site and the erection of a public building thereon at Clarksville, in the State of Tennessee—to the Committee on Public Buildings and Grounds.

A bill (S. 3303) to provide for the purchase of a site and the erection of a public building thereon at Jacksonville, in the State of Illinois—to the Committee on Public Buildings and Grounds.

A bill (S. 3430) to confirm the title to certain lands in the city of Sault Ste. Marie and State of Michigan, and to release any reversionary right of the Government of the United States therein—to the Committee on the Public Lands.

A bill (S. 3531) to provide for the purchase of a site and the erection of a public building thereon at Allentown, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

A bill (S. 3555) to increase the compensation of the assistants to the attorney of the United States for the District of Columbia, and to amend section 907 of the Revised Statutes of the United States, relating to said District—to the Committee on the Judiciary.

A bill (S. 3751) to grant to the Mobile and Dauphin Island Railroad and Harbor Company a right to trestle across the shoal water between Cedar Point and Dauphin Island—to the Committee on Commerce.

A bill (S. 3776) authorizing and directing the Secretary of the Treasury to pay to Frank Rother $225, due him for services as route agent—to the Committee on Claims.

A bill (S. 3829) for the relief of Charles W. Cronk—to the Committee on War Claims.

A bill (S. 3841) to authorize the commissioners to use and occupy as a site for a truck-house the space at the intersection of Fourteenth and C streets and Ohio avenue, northwest—to the Committee on the District of Columbia.

A bill (S. 3873) to amend an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889, and amended January 23, 1890, in relation to the compensation of supervisors and enumerators of census—to the Select Committee on the Eleventh Census.

A bill (S. 4102) to give effect to the eighth article of the treaty of commerce and navigation with Sweden and Norway, of July 4, 1827—to the Committee on Merchant Marine and Fisheries.

A joint resolution (S. R. 66) authorizing Commander Dennis W. Mullan, United States Navy, to accept a medal presented to him by the Chilian Government—to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. BURTON, from the Committee on Claims, reported favorably the bill of the Senate (S. 3078) to carry out the findings of the Court of Claims in the case of James H. Dennis, accompanied by a report (No. 2592)—to the Committee of the Whole House.

Mr. WADE, from the Committee on Labor, reported favorably the bill of the House (H. R. 11120) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, accompanied by a report (No. 2593)—to the House Calendar.

Mr. HITT, from the Committee on Foreign Affairs, reported favorably the joint resolution of the Senate (S. R. 95) to surrender certain bonds, drafts, and other papers in the Department of State to Robert S. Hargous, administrator of Louis S. Hargous, deceased, accompanied by a report (No. 2594)—to the House Calendar.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. TUCKER: A bill (H. R. 11206) to amend section 572 of the Revised Statutes so as to provide for the holding of the regular terms of the circuit and district courts for the western district of Virginia—to the Committee on the Judiciary.

By Mr. RUSSELL: A bill (H. R. 11207) to provide for a term of the circuit and district court at Norwich, Conn.—to the Committee on the Judiciary.

By Mr. FLOWER: A bill (H. R. 11208) for the erection of a statue of Robert Dale Owen in or on the grounds of the Smithsonian Institution—to the Committee on the Library.

By Mr. LAWS: A bill (H. R. 11209) providing for a commission on the subject of the social vice—to the Committee on Education.

By Mr. HOUK (by request): A joint resolution (H. Res. 186) to request the President of the United States to negotiate with the British Government for the purpose of appointing a commission to meet at Washington, D. C., to investigate and make awards in satisfaction of all American citizens who had purchased lands from the chiefs of the Fiji Islands prior to 1874, and whose property has been seized and claims for lands disallowed by the British Government at the Fiji Islands—to the Committee on Foreign Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. COLEMAN: A bill (H. R. 11210) for the relief of certain employés of the United States mint at New Orleans, La.—to the Committee on Claims.

By Mr. EVANS: A bill (H. R. 11211) for the relief of W. J. Walsh, of Cleveland, Tenn.—to the Committee on Military Affairs.

By Mr. HAYNES: A bill (H. R. 11212) granting a pension to Zeruiah A. Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11213) to remove the charge of desertion against the name of George A. Reading—to the Committee on Military Affairs.

By Mr. HITT: A bill (H. R. 11214) granting a pension to Thomas L. Johnston—to the Committee on Invalid Pensions.

By Mr. MARTIN, of Indiana: A bill (H. R. 11215) granting a pension to Joel A. Holdren—to the Committee on Invalid Pensions.

By Mr. McKINLEY (by request): A bill (H. R. 11216) for the relief of John Poehls—to the Committee on Military Affairs.

By Mr. PIERCE: A bill (H. R. 11217) for the relief of the estate of Z. C. Nolen, late of Haywood County, Tennessee—to the Committee on War Claims.

By Mr. RAY: A bill (H. R. 11218) granting an increase of pension to John M. Weltner—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: A bill (H. R. 11219) for the relief of the estate of Antoine Donate Meullion, late of St. Landry Parish, Louisiana—to the Committee on War Claims.

Also, a bill (H. R. 11220) for the relief of the estate of Suzanne Belezaire Meullion, late of St. Landry Parish, Louisiana—to the Committee on War Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 11221) granting a pension to Mrs. W. C. Hannon—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Colorado: A bill (H. R. 11222) granting a pension to Samuel Doolittle—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELKNAP: Petition of M. J. Dillenback and 112 others, citizens of Boston, Ionia County, Michigan, for passage of Butterworth bill—to the Committee on Agriculture.

By Mr. BUCHANAN, of Virginia: Petition of J. S. Akers and others, of Washington County, Virginia, for the removal of restrictions upon silver coinage, and for other purposes—to the Committee on Coinage, Weights, and Measures.

By Mr. BURTON: Petition of Malon R. Hemler, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. CHIPMAN: Protest of journeyman tailors, of Detroit, Mich., against the allowance to Americans of $500 worth of foreign-made clothing, as provided by the McKinley bill—to the Committee on Ways and Means.

Also, petition of John McPhee and hundreds of others, citizens, in favor of the River Rouge Bayou Basin improvement—to the Committee on Rivers and Harbors.

Also, memorial of citizens of Detroit, Mich., protesting against legislation by Congress compelling railroads to transport petroleum barrels free—to the Committee on Railways and Canals.

By Mr. CULBERSON, of Texas: Petition of N. Y. Batchelor and 28 others, of Hopkins County, Texas, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. CULBERTSON, of Pennsylvania: Petition of citizens of Crawford County, Pennsylvania, for passage of House bill 5978, prohibiting the transportation of intoxicating liquors, etc.—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of sundry citizens, of Pittsburgh, Pa., for the passage of a law giving the use of certain arsenal property for a public park—to the Committee on Public Buildings and Grounds.

By Mr. DARGAN (by request): Petition of citizens of Marion County, South Carolina, praying the appropriation of $6,200,000 for improvement of the port of Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. DINGLEY: Memorial of Somerset Congregational Conference, Maine, for passage of bill to restore to States the control of imported liquors—to the Committee on the Judiciary.

Also, memorial of Piscataquis Maine Congregational Conference, for same relief—to the Committee on the Judiciary.

Also, memorial of Lincoln Conference of Congregational Churches of Maine, for same relief—to the Committee on the Judiciary.

Also, memorial of York County Congregational Conference of Churches in Maine, for same relief—to the Committee on the Judiciary.

Also, memorial of Franklin Conference of Congregational Churches of Maine, for same relief—to the Committee on the Judiciary.

Also, memorial of Waldo Conference of Congregational Churches of Maine, for same relief—to the Committee on the Judiciary.

Also, memorial of Penobscot Conference of Congregational Churches of Maine, for same relief—to the Committee on the Judiciary.

Also, memorial of North Cumberland Congregational Conference of Maine, for same relief—to the Committee on the Judiciary.

By Mr. DUNNELL: Memorial of C. N. Merrill and 24 citizens of Minnesota, protesting against legislation by Congress compelling railroads to transport petroleum barrels free—to the Committee on Ways and Means.

By Mr. EWART: Petition of S. M. Greene and 52 others, of Mitchell County, North Carolina, for passage of House bill 7162—to the Committee on Ways and Means.

Also, petition of W. W. Proffitt and 19 others, of Yancey County, North Carolina, for same measure—to the Committee on Ways and Means.

By Mr. FLOWER: Petition of John C. Black, president of a mass meeting in Arizona, in regard to arid lands—to the Select Committee on Irrigation of Arid Lands in the United States.

By Mr. FUNSTON: Petition of citizens of Kansas, asking for an amendment to the Constitution of the United States for the election of United States Senators by the people—to the Committee on Elections.

Also, petition by other citizens of same State, for same purpose—to the Committee on Elections.

Also, petition of other citizens of Kansas, for the passage of a law to counteract the effect of the recent original-package decision of the Supreme Court of the United States—to the Committee on the Judiciary.

Also, resolutions of the congregation of the Methodist Episcopal Church of Williamsburgh, Kans., urging the passage of the Wilson bill—to the Committee on the Judiciary.

Also, resolutions of students and faculty of the Baldwin University of Kansas, asking the passage of such laws as will enable Kansas to enforce its prohibitory amendment—to the Committee on the Judiciary.

Also, petition of citizens of Williamsburgh, Kans., asking for the early passage of the Wilson bill—to the Committee on the Judiciary.

By Mr. GOODNIGHT: Petition of citizens of Muhlenberg County, Kentucky, favoring harbor at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. GROSVENOR: Petition of certain citizens of the Fifteenth Congressional district of Ohio, for the suppresion of impure literature—to the Committee on the Post-Office and Post-Roads.

By Mr. HEARD: Petition of citizens of Morgan County, New York, in favor of the principle of House bill 8526, introduced by Mr. BRECKINRIDGE, of Kentucky, relating to the admission of goods for which products of American agriculture may have been exchanged free from duty—to the Committee on Ways and Means.

By Mr. KELLEY: Petition of 11 citizens of Butler County, Kansas, asking for the appropriation of $6,200,000 for the improvement of Galveston Harbor, and thereby save to the farmers of Kansas and of the West millions of dollars in freight to a deep-water seaboard—to the Committee on Rivers and Harbors.

Also, petition of 129 citizens of Topeka, Kans., asking Congress to pass a law that will enable States to legislate so as to counteract the effect of the recent decision of the Supreme Court in reference to the importation and sale of intoxicating liquors from other States—to the Committee on the Judiciary.

Resolutions of a mass meeting of the Sunday-School Workers of Americus Township, Lyon County, Kansas, asking for such legislation as will allow each State to control the liquor traffic within its borders—to the Committee on the Judiciary.

Resolutions adopted by Sherman Alliance and Industrial Union, No. 1621, of Sherman Township, Ottawa County, Kansas, asking for the free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. KENNEDY: Petition of citizens of West Liberty, Ohio, for the passage of laws restricting the circulation of the Police Gazette and other such newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. LAWS: Petition of the National Woman's Christian Temperance Union, signed by Frances E. Willard, president and superintendent of department for promotion of social purity, Caroline B. Buell, corresponding secretary, Mary A. Woodbridge, recording secretary, Esther Pugh, treasurer, Kate C. Bushnell, M. D., evangelist, and Ada M. Bittenbender, superintendent of legislation and petitions, praying for a law providing for a commission on the subject of the social vice—to the Committee on Education.

Also, petition of Ayr Farmers' Alliance, urging passage of the Conger bill and the Butterworth bill—to the Committee on Agriculture.

Also, petition of Houston Farmers' Alliance for same measures—to the Committee on Agriculture.

By Mr. McRAE: Petition of Elisha G. Haltone, of Clark County, Arkansas, asking for a pension—to the Committee on Invalid Pensions.

By Mr. NIEDRINGHAUS: Protest signed by about 550 citizens, delegates of the German-American societies, against any material change in the present laws on immigration and naturalization—to the Select Committee on Immigration and Naturalization.

By Mr. O'NEILL, of Pennsylvania: Petition to restore to the pension-rolls the name of Maj. Patrick S. Tinen—to the Committee on Invalid Pensions.

By Mr. OSBORNE: Resolutions of Merchants and Manufacturers' Association of Baltimore, relative to improving the port of Baltimore, Md.—to the Committee on Rivers and Harbors.

Also, report and resolutions of New Orleans Board of Trade, on the overflow of the Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of George W. Shouk and others, favoring bill to limit hours of work of clerks and employés in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, resolution of National Furniture Manufacturers' Association—to the Committee on Ways and Means.

By Mr. PHELAN: Petition of John S. Toof, late of Shelby County,

Tennessee, for reference of claim to Court of Claims for rehearing upon question of loyalty—to the Committee on War Claims.

By Mr. SCRANTON: Petition of Lackawanna Lodge No. 95, Brotherhood of Railroad Brakemen, for passage of House bill 9682—to the Committee on Railways and Canals.

By Mr. SIMONDS: Petition of Mary Boyle for pension—to the Committee on Invalid Pensions.

By Mr. STEWART, of Texas: Petition in behalf of settlers, for investigation into the unlawful treatment and occupancy of the public domain in New Mexico and Colorado—to the Committee on the Public Lands.

By Mr. STOCKBRIDGE (by request): Petition of Samuel W. Harmon and others, against increased naval expenditures—to the Committee on Naval Affairs.

By Mr. TAYLOR, of Tennessee: Petition on claim of G. F. Josknick—to the Committee on Claims.

By Mr. TOWNSEND, of Pennsylvania: Petition of Joseph Forker and 105 others, citizens of Mercer County, Pennsylvania, for the passage of laws perpetuating the national-banking system—to the Committee on Banking and Currency.

By Mr. TUCKER: Petition of citizens of Virginia, for Senate bill 867—to the Committee on the Judiciary.

By Mr. WHEELER, of Alabama: Petition of William Hayes, of Jackson County, Alabama, for reference of claim to Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

Also, petition of James J. Jenkins and 40 others, of Jackson County, Alabama, asking passage of House bill 7162—to the Committee on Ways and Means.

By Mr. WRIGHT: Petition of citizens of West Burlington, Bradford County, Pennsylvania, asking for the passage of bill to prevent the transportation of intoxicating liquors from one State to another—to the Committee on the Judiciary.

Also, petition of citizens of Vernon, Wyoming County, Pennsylvania, asking passage of same measure—to the Committee on the Judiciary.

SENATE.

TUESDAY, *July* 1, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Arctic Ice Company and others, of Tucson, Ariz., praying for the discontinuance of the use of Government property for the manufacture of ice in Arizona to be sold in competition with private enterprise and capital; which was referred to the Committee on Agriculture and Forestry.

Mr. WASHBURN presented a petition of citizens of Minneapolis, Minn., praying that the duty on Portland cement be not increased; which was ordered to lie on the table.

Mr. STEWART. I present a letter from the Secretary of Agriculture giving the general conclusions of an investigation which was ordered and for which an appropriation was made. The time limited for the general report as to artesian wells was on or about the 1st of July, and the information is important to have now for the use of the committee. I addressed a note to the Secretary of Agriculture asking him to transmit the general conclusions, which he has done, and I ask that it may be printed and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. It will he so ordered, if there be no objection. The Chair hears none.

Mr. CAMERON presented a memorial of the Board of Trade of Philadelphia, Pa., favoring such legislation as will provide means to prevent future overflows of the Mississippi River; which was referred to the Committee on Commerce.

He also presented the memorial of Grange No. 66, of Lancaster County, Pennsylvania, favoring certain rates of duty on imported farm products; which was ordered to lie on the table.

He also presented the petition of Rev. Samuel Strong and 14 other residents of Bucks and Montgomery Counties, Pennsylvania; the petition of S. F. Platt and 23 other residents of Bucks County, Pennsylvania, and the petition of Joseph Foulke and 38 other residents of Bradford County, Pennsylvania, favoring the passage of House bill 5978, concerning the transportation of liquor in certain States; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2445) to increase the pension of William R. Lebert, First Iowa Battery Volunteers, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2249) to provide for the construction of a public building at Baltimore, Md., reported it with an amendment.

Mr. FAULKNER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2571) granting a pension to Francis C. Smith; and

A bill (S. 1647) granting a pension to Sarah A. Hanger.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the petition of Samuel Doss, of Christian County, Kentucky, praying to be placed on the pension-roll, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred an amendment submitted by himself yesterday intended to be proposed to the sundry civil appropriation bill, reported it favorably; and it was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9580) granting a pension to Rebecca Tussey;

A bill (H. R. 5031) granting a pension to George W. White; and

A bill (H. R. 3477) for the relief of Niel Nielson.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1994) to increase the pension of Henry Sommers; and

A bill (S. 3550) granting a pension to Dora Benjamin.

Mr. STOCKBRIDGE, from the Committee on Fisheries, to whom was referred an amendment submitted by Mr. CULLOM June 25, 1890, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon; and the amendment was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

BILLS INTRODUCED.

Mr. FRYE. I introduce, at the request of the Woman's Christian Temperance Union of the United States, a bill, which I ask may be read twice and referred to the Committee on Education and Labor.

The bill (S. 4173) providing for a commission on the subject of the social vice was read twice by its title, and referred to the Committee on Education and Labor.

Mr. COLQUITT introduced a bill (S. 4174) to authorize the construction of bridges over the Savannah, Ocmulgee, and Oconee Rivers; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE introduced a bill (S. 4175) authorizing the Secretary of the Treasury to settle the indebtedness to the Government of the Sioux City and Pacific Railroad Company; which was read twice by its title, and referred to the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission.

Mr. MORGAN introduced a bill (S. 4176) to limit the right of entry, under the pre-emption, timber culture, desert land, and homestead laws in Wyoming; which was read the first time by its title.

Mr. MORGAN. I ask for the second reading of the bill in full. The bill is very short.

The PRESIDENT *pro tempore*. The bill will be read the second time, at length, if there be no objection.

The bill was read the second time at length, as follows.

Be it enacted, etc., That after the date of the approval of this act no person shall enter any of the public lands of the United States in the State of Wyoming under the laws providing for timber culture, or the irrigation of desert lands, or under the homestead or pre-emption laws of the United States who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or of the United States forbidding any such crime, or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime, or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, consents, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or which teaches or advises that the laws of said State prescribing rules of civil conduct are not the supreme law of the State.

And the Secretary of the Interior shall make all needful regulations to carry this act into effect.

Mr. MORGAN. I desire permission to say in offering the bill that, taking it intrinsically and apart from other surrounding facts and circumstances, I would not be in favor of the principles of the bill, but having admitted Wyoming without any reference at all in the constitution of Wyoming to Mormonism or polygamy or anything of that kind, and being about to admit Idaho with a constitution that prohibits the voting of Mormons in that State, I believe that we are opening a door of invitation to the Mormons and their wives to sell out their property in Utah, which they can do at a very high price, to go over into Wyoming, into that new State, where under its constitution men and women have the right to vote and can accomplish all that is to be desired by the Mormons in the propagation of their civil and religious establishment. There is nothing in the constitution of Wyoming to prohibit it, nothing to affect it in any degree. The acts of