HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 1, 1890.

The House met at 11 o'clock a.m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

FEDERAL ELECTION LAW.

Mr. SPRINGER. Mr. Speaker, I should like to have some understanding in regard to the time which shall be allowed for debate on the several amendments which may be offered to this bill. A number of members upon this side of the House and upon the other who are opposed to this bill desire to have certain amendments submitted and to have a yea-and-nay vote upon them before 3 o'clock to-morrow; but if the debate is to be unlimited upon any particular amendment or amendments we can hardly have those votes.

Gentlemen on this side of the House, I understand, have three or four important amendments that they desire to submit in addition to the one that is pending. If possible, I would like to have an understanding as to the length of time that is to be allowed for debate upon each one of those amendments, and for the purpose of reaching that result I ask unanimous consent that fifteen minutes upon each side be allowed for debate on the pending amendment, and that then a vote be taken, and that thereafter, when an amendment is offered by the minority of the committee, only fifteen minutes' debate shall be allowed on each side, after which we shall have a vote.

Mr. HOLMAN. But the five-minute rule still to govern?

Mr. SPRINGER. The five-minute rule still to govern.

Mr. LODGE. Say twenty minutes.

Mr. SPRINGER. I will accept that.

Mr. LODGE. But that is to apply only to the pending amendment.

Mr. SPRINGER. I will submit the request separately with reference to the pending amendment in order to have that settled first.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent that debate on the pending amendment shall be closed after twenty minutes have been occupied in debate on each side.

There was no objection, and it was so ordered.

Mr. SPRINGER. Now, Mr. Speaker, I renew the request that upon subsequent amendments debate shall be closed after twenty minutes have been occupied on each side.

Mr. CULBERSON, of Texas. I object.

Mr. BUCHANAN, of New Jersey. I object. If you will only give other members a chance to be heard there will be time enough for all.

Mr. SPRINGER. You mean this side of the House?

Mr. BUCHANAN, of New Jersey. No; you individually. [Laughter.]

Mr. SPRINGER. I have not consumed two minutes upon this question. The record will show it.

The SPEAKER. The Chair would suggest to the gentleman from New Jersey that the gentleman from Illinois [Mr. SPRINGER] is to be addressed as "the gentleman from Illinois," and that personal dialogues are not strictly parliamentary, though sometimes indulged in on the floor of the House. [Laughter.]

Mr. LODGE. Mr. Speaker, I desire before the debate begins to ask consent that the bill be reprinted with the amendments of yesterday, as I find there is a demand for it in that form.

Mr. BLOUNT. Why not let the reprint cover also the amendments of to-day?

Mr. LODGE. I have no objection to that.

The SPEAKER. If there be no objection, the bill will be reprinted as it stands at the close of the day.

There was no objection, and it was so ordered.

Mr. MILLS. What is the understanding, Mr. Speaker, with reference to the debate on this amendment? I understand that it is twenty minutes on either side and then a vote.

The SPEAKER. Twenty minutes on each side and then a vote.

Mr. McCREARY. Will the time be controlled by the gentleman from Massachusetts [Mr. LODGE] on the one side and the gentleman from Illinois [Mr. SPRINGER] on the other?

The SPEAKER. The Chair has already promised that he would give the gentleman from Indiana [Mr. HOLMAN] five minutes, and hopes that that arrangement may not be interfered with.

Mr. HEMPHILL. I shall be glad, so far as I am concerned, to yield to the gentleman from Indiana.

Mr. HOLMAN. Mr. Speaker, the fourth section of Article I of the Constitution is as follows:

> The time, place, and manner of holding elections for Senators and Representatives shall be prescribed by 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.

Under this clause of the Constitution of the United States it is claimed by the friends of the pending bill that Congress has the constitutional power to enact it into a law and enforce its execution.

It will be seen that the power of Congress under the foregoing provision is exactly the same to "make or alter" regulations in a State for the election of Senators as for the election of Representatives, "except as to the places of choosing Senators."

It is clear that Congress, under this clause of the Constitution, can prescribe the time when Senators and Representatives shall be chosen; that was done years ago; practically Congress could not "make or alter" regulations as to the place of holding elections for Representatives. That of course has never been and never will be attempted. Congress has already by law made "regulations" as to the "manner" of electing Senators and Representatives, and has prescribed as to the election of Senators, with reference to the vote in the two houses and of the vote in the two houses in joint session, that in the election of Senators the vote of the members of the Legislature shall be *viva voce* and the vote of the people in the election of Representatives shall be by ballot. Congress has also prescribed by law that Representatives shall be elected by districts, and not on a general ticket. These ars all manifestly "regulations" as to the "manner" in which Senatore and Representatives shall be chosen. No one disputes the power of Congress to prescribe such regulations, for the section above quoted clearly contemplated such regulations.

But the question, in part, presented by this bill is, can Congress not only prescribe rules as to the procedure in these elections of Senators and Representatives, but through its own agents take charge of these elections and decide and declare the result; organize returning boards in the Legislatures and Congressional districts of the several States? This is certainly a new and startling question after more than a century of government under the Constitution of the United States. This clause of the Constitution gave rise in a large degree to the heated opposition which the Constitution encountered when it was originally submitted to the States for ratification. It was contended by the enemies of the Constitution that it conferred on Congress the power to regulate and control the election of the Representatives in Congress in the several States.

The friends of the Constitution, on the other hand, contended that this fourth section of Article I only conferred on Congress the power to "regulate the manner of holding the elections of Representatives," not the power to hold the elections through agents designated or provided for by Congress; that the "holding" of the elections was to be under the exclusive control of the respective States, but Congress might, by law, prescribe the "manner" in which the election should be held; for instance, whether the voting should be "by ballot or *viva voce*," whether by general ticket or by districts; also as to the form of the certificate attesting the result of the election; and it is absolutely certain that the Constitution was adopted upon that interpretation of this section.

It is equally certain, judging from the records of that important period of our history, that if it had been understood by the several States that under this section Congress was to be invested with the power to enact laws under which the Federal Government should, through its own agents, hold the elections of Representatives and control them and verify the result in derogation of the rights of the States over their local affairs, the Constitution would never have been adopted. The reason is obvious; the men of that period were jealous of delegated power, intensely vigilant in the maintenance of all of their rights of local government, and implacably hostile to any tendency to consolidate Federal power.

It is an instructive fact that for more than half a century after the adoption of the Constitution of the United States no attempt was ever made by Congress to interfere in any manner whatever with the election of members of Congress. Judge Story, the eminent jurist, in his Commentaries on the Constitution of the United States, on this clause and the possible improper use by this power of regulation, says:

> The most that can be urged, with any show of argument, is, that the power might, in a given case, be employed in such a manner as to promote the election of some favorite candidate, or favorite class of men, in exclusion of others, by confining the places of election to particular districts, and rendering it impracticable for the citizens at large to participate in the choice. (Volume 1, paragraph 820.)

It never occurred to the eminent judge that the power of Congress might "be employed" in actually taking charge of elections for the benefit of "a favorite class of men."

This eminent jurist saw no danger of an arbitrary attempt of Congress to wrest the words used in this clause of the Constitution from their ordinary meaning to an improper purpose, and he exults in the fact that up to the time when he wrote his great work on the Constitution no such attempt had ever been made. He says:

> A period of forty years has since passed by without any attempt by Congress to make any regulations, or interfere in the slightest degree with the election of members of Congress.
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> The States now regulate the time, the place, and the manner of elections in a practical sense exclusively. (Volume 1, paragraph 826.)

The first attempt of Congress to exercise any power under this fourth section of Article I was in 1842, when, on the 25th of June of that year, the following provision became law, being the second section of the act to apportion the Representatives among the States on the basis of the census of 1840.

> SEC. 2. *And be it further enacted*, That in every case where a State is entitled to more than one Representative, the number to which each State shall be entitled

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under this apportionment shall be elected by districts composed of contiguous territory, equal in number to the number of Representatives to which said State may be entitled, no one district electing more than one Representative.

Even that provision requiring Representatives to be elected by districts encountered fierce opposition on the ground that it was an impertinent interference of Congress in the affairs of the States, and it was adopted by the close vote of 101 to 99. The two greatest men of that House (Twenty-seventh Congress), John P. Hale, of New Hampshire, and Nathan Clifford, of Maine, the two greatest men either of those States have as yet produced, the one afterwards Senator and candidate of the Free Soilers for President, the other afterwards Attorney-General and a justice of the Supreme Court of the United States, voted against it.

While the measure was originally pending in the House, Mr. Atherton, of New Hampshire, and Mr. Ferris, of New York, and many other members, denounced the measure as an impertinent intermeddling by Congress with the local affairs of the people.

These speeches expressed the ground on which the measure was opposed. Gentlemen will understand the spirit which animated the House of Representatives at that time against the interference of Congress in the local affairs of the States when it is remembered that many of the States were then electing their Representatives by districts instead of general ticket; and this measure was adopted only to secure uniformity in the elections.

New Hampshire, Georgia, and other States refused to obey this order of Congress and elected their Representatives to the next Congress (the Twenty-eighth Congress) on general ticket. When the Twenty-eighth Congress met an attempt, of course unsuccessful, was made to exclude the Representatives so elected, and a protest was made against the legality of their election. The following extracts from speeches made in the House express the spirit of the public men of that period and their indignation at any attempt of Congress to meddle with the local affairs of their States:

John P. Hale, of New Hampshire, said:

He and his colleagues had come here in virtue of the laws of New Hampshire, laws which had been in force ever since her government had been established; and he had never been able to find any law of that State to divide it into districts for the election of members of Congress. To be sure, she had seen in the legislation of Congress an act commanding her Legislature to divide the State into districts, but New Hampshire has not been in the habit of looking to Congress or any other body under God's heavens to ascertain what her legislation should be. Standing here, then, under the guaranty of the Constitution, and bringing with them the same evidence of their rights to their seats as was brought by other members, all that they asked was that the House would not take the extraordinary course of entertaining an argument against him (referring to the protest) which he was not allowed to reply to; that it would not even by implication prejudge this question, but would leave it open for fair and manly discussion.

Andrew Kennedy, of Indiana, a famous Congressman of that day, from the Fort Wayne district of the State, who was a member of the preceding Congress, said:

The Twenty-seventh Congress, of which I was a member, attempted a law directing the States how they should elect their Members of Congress and Senators.

He said "attempted," because there never was any such law that had any binding effect. The Congress of the United States had no power to pass any such law. It was a nullity; and he declared when it was passed he should so treat it. He had occasion in the last Congress to give his vote on this law, and he then said that he hoped he should live long enough to spurn it and trample it under his feet. He came from a State that elected her members of Congress by districts—and this was very proper, because it was her pleasure to do so; but if she had elected her members by the general ticket system, and had, in obedience to that command of Congress, adopted the district system, he would have scorned to hold a seat here.

There was one view of this question which was of no little importance. The people throughout the country had looked at that mandamus act and had put the seal of condemnation upon it; and nowhere, he believed, was it more odious than in his State. Of the members then in Congress from Indiana, solitary and alone he voted against that law, and solitary and alone of that number he came back to this Congress. Those from his State who had voted for it had been left at home in oblivion. Much as he had cause of rejoicing for the success of his party and his principles, he could truly say that it gave him more joy of heart than anything else that he had the privilege of seeing that law set aside.

Indiana then had seven Representatives in Congress.

These speeches, and there were many of them, simply show the hostility of the people and their Representatives in Congress forty-eight years ago to any intermeddling of Congress with matters local to the States. As a matter of fact the States at that time were rapidly adopting the system of slecting their Representatives by districts. Indiana and the greater number of the States had already done so, and New Hampshire and the other States would undoubtedly have soon adopted that policy, for it is manifestly the better policy, holding the Representative to a closer responsibility to the people who elected him and securing a juster representation of every section of the State; it was a "manner" of electing Representatives over which Congress clearly had the power of supervision under the fourth section of Article I of the Constitution. It was the unnecessary and impertinent interference of Congress that called forth the vigorous protest.

The passage of that act of 1842 by the Congress which came into power with President William Henry Harrison was one of the measures that hastened the downfall of the Whig party, a great and honorable party and valuable to the country in all else than a tendency to enlarge the Federal power at the expense of the just and constitutional rights of the States.

Now, sir, Congress has fixed as a rule (with some exceptions) the time when Representatives in Congress should be elected; also the "manner" of voting; that is, by "secret ballot." This seems to exhaust the power of Congress over the subject except that Congress, as to such matters of regulating the "manner" of electing Representatives in Congress, may in its discussion modify, alter, or repeal any of its acts of regulating the "manner" of such elections heretofore enacted.

Congress has gone further. By the acts of 1871, as parts of the "reconstruction measures" now incorporated into the Revised Statutes of the United States under the title of "The Elective Franchise," Congress has authorized a "supervision" over the election of Representatives in Congress by a chief supervisor, by supervisors, and by deputy marshals, but the powers conferred do not extend to any control of the elections. The general drift of those acts of Congress are expressed and restricted by the following two sections:

SEC. 2028. No person shall be appointed a supervisor of election or a deputy marshal under the preceding provisions who is not at the time of his appointment a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed.

SEC. 2029. The supervisors of election appointed for any county or parish in any Congressional district, at the instance of ten citizens, as provided in section 2011, shall have no authority to make arrests, or to perform other duties than to be in the immediate presence of the officers holding the election and to witness all their proceedings, including the counting of the votes and the making of a return thereof.

These provisions have at least the merit of requiring the supervisors and deputy marshals to be voters of the neighborhood where they exercise their authority, and simply in that case report to the chief supervisor what was done. I admit that in some of its provisions the law is more arbitrary than this; yet on the whole it is simply inquisitorial, and does not attempt to take control of the election, ignore the officers authorized by the laws of the State to conduct the election, and make a final decision as to the result.

At the time this law was enacted the country was just fairly emerging from a great war, the colored people had been enfranchised, and the dominant section of the Union would naturally acquiesce in any legislation intended to carry out the radical changes that had been made in the political and domestic affairs of the region of country then recently in revolt against the Federal Government. Under any other circumstances or conditions those acts of Congress would have aroused the fierce indignation of the whole people. They have never been enforced in a Northern section of the Union without exciting the resentment of the people.

Those former acts of Congress of the reconstruction period, arbitrary as they are, at least have the merit of leaving the elections in the several States and the ascertainment and certification of the result under the control of the States. I have thought the foregoing statement necessary to a fair understanding of the pending bill.

THE PENDING BILL—WHAT DOES IT PROPOSE TO DO?

The pending bill, No. 11045, "to amend and supplement the election laws of the United States and to provide for the more efficient enforcement of such laws, and for other purposes," proposes an absolute and complete change in our system of government. For over a hundred years our government has been administered upon the theory that the people themselves were the only safe depository of political power, that the people themselves in their townships, villages, towns, counties, parishes, and States should control all public affairs which could, under our system of government, be brought within their reach. Hence, for more than a hundred years all elections, local and Federal, have been under the control of the people of each community, exercising their authority under the laws of their respective States.

All this is to be reversed by the pending bill if it becomes a law. The Federal Government, by its agents, is to take charge of the elections. A separate system of the Federal Government, where members of Congress are to be elected, is to be established and the people in their primary organizations completely ignored. And a system as remote from the people as can be devised is to take the place of a system which brought the affairs of Government as nearly under the control of the people as possible.

Let us see. Under this bill a circuit judge appointed by the President and holding his office for life will appoint in each of the several States of his circuit a chief supervisor, this chief supervisor to hold his office for life. This chief supervisor, whenever requested to do so by "one hundred persons claiming to be citizens of the United States, and residents and qualified voters in the city or Congressional district," or by "fifty persons claiming to be citizens of the United States, and residents and qualified voters of any county or parish of any Congressional district," shall notify a United States circuit judge of his judicial district, no matter in what State the judge may live, "that he has business to present to such court in respect to the ensuing election," and the judge shall open such circuit court "at the most convenient place in such judicial district, and keep it open until the day succeeding the election."

And the election shall be guarded, scrutinized, and supervised in the manner herein set forth. With the circuit court of the United States in continuous session this chief supervisor of the State shall certify to the court lists of persons for appointment as supervisors of elections, and the court shall appoint "such number as the chief super-

visor shall believe to be sufficient." No limit to the number! But the number of these supervisors shall not "be less than double the whole number of supervisors which each such city, or town, county, or parish, or entire Congressional district is entitled to the service of."

Then the chief supervisor assigns these supervisors to their field of operation. Three are to be assigned to each field of duty, "but two of whom shall be of the same political party." Of course the third may be of any political party, Democrat, Mugwump, Prohibitionist, Labor Reform, or of any other political party that may best suit the purposes of the chief supervisor; but the chief supervisor may at any moment in his discretion suspend any supervisor and fill his place by another. He names the chairman of the three supervisors, who is in fact invested with absolute control. He finally announces the result of any given count of voters in the election.

In addition to this autocratic power conferred by the bill on the chief supervisor in the selection of supervisors to do his bidding, he may require the United States marshals to appoint a number of deputy marshals to aid him in controlling the elections in his State only limited by his will. The provision of the bill in this respect is as follows:

Special deputy marshals, when required by the chief supervisor of elections, shall aid and assist the supervisors of elections in making the house canvass provided for by this act; the number of special deputy marshals who may, under any provision of law, be appointed for election purposes shall be determined from time to time at conferences between the marshal and the chief supervisor of elections, and no other or greater number of special deputy marshals shall be appointed than the chief supervisor of elections shall from time to time certify to be in his opinion necessary to observe the manner in which the election officers [of the State] are discharging their duties to enforce the election laws of the United States and to prevent frauds and irregularities in naturalization.

Despotic government could hardly go further than this bill does in investing irresponsible power in a satrap. The United States circuit judge shall appoint as many supervisors as he may deem necessary, and the United States marshal shall appoint as many deputy marshals as he may deem necessary, and these supervisors and deputy marshals are under his absolute control.

Before the elections they are to be employed in overhauling and correcting the registrations in States where the registration of voters is required and in overhauling the records of the naturalization of foreign-born citizens and in watching the proceedings of the courts in cases of naturalization. Spies and public informers in the discreditable work of finding technical defects in the naturalization of citizens to deprive them of the right of suffrage! A mean, petty system of espionage on the citizens of our country! See how elegantly this system of spies and informers, this debasing espionage on the courts of justice, is expressed:

Fourteenth. To observe and scrutinize the manner in which naturalizations are made and to aid the court in the matter of preventing fraudulent naturalizations, and for these purposes to have at all times free access to all rooms where such proceedings are being conducted.

Has any government, no matter how despotic, ever before appointed spies to watch the proceedings of its courts of justice?

How steadily history repeats itself. The Know-Nothing crusade of 1854, the most infamous incident in our history, came from New England, and now in a new form and under the sanction of law proposes to renew its old-time proscription and intolerance of persons of foreign birth. It will be interesting to see how gentlemen representing large constituencies of foreign birth, who by an invitation have come to our shores and have become citizens of the Republic and upheld its flag in the late war with invincible courage, will vote on this question.

When this machinery to control the elections is fully organized except as to the returning board, this chief of supervisors of the elections shall, "on or before the 1st day of September next following this act, 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;" and it shall be the duty of the circuit judge "so informed" to open a court in his judicial district on or before the 1st day of October next following, and he shall hold a court in his judicial district at a place "most convenient for him," and shall appoint "three persons of good standing and repute," "residents of the State," "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."

They shall hold their office for life and not more than two of them shall be of the same political party. The third, of course, will be a Mugwump, Prohibitionist, Reformer, Democrat, as the chief supervisor shall determine. "Each shall receive a salary of $15 per day" and "$5 per day for their personal expenses," with a clerk at $12 per day. They shall convene at such place in their State "as shall be most convenient for them," but at a place where a circuit court of the United States shall be held, so that in Indiana this returning board would sit at Fort Wayne, Indianapolis, Evansville, or New Albany, being the four places in Indiana where a circuit court of the United States is held.

The returns of the supervisors of each election in the cities, towns, counties, and parishes or districts, as the case might be, and their count of the vote at the election under their charge, in which "they shall conduct" said elections "as provided by the laws of the State in which the election is held, save when the same are modified, annulled, or changed by the laws of the United States," shall ultimately go through the clerk's office of the United States of the judicial district to this returning board, sitting at such place where a circuit court is held "most convenient to them."

This returning board shall at their leisure ascertain the result, and shall, among other things, declare and certify their decision as to who was elected to Congress by the given district under their charge to the Clerk of the House of Representatives, and then this extraordinary bill proceeds 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 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 of 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.

This bill bristles with extraordinary and arbitrary provisions as, for instance, in the case of the challenge of a voter, referring to a "statutory" oath (whether Federal or State is not stated), the chairman of the supervisors is to proceed as follows:

Seventh. To require the statutory oath or oaths to be immediately put to any voter whose right to vote shall be challenged, and in case the State, Territorial, or local election officers shall neglect or refuse to immediately put such oath or oaths, and to at once pass upon the qualifications of any such challenged person, then it shall be the duty of the chairman of the supervisors, or in his absence the duty of either of his associates who may be present, to, without delay, put such oath or oaths, whereupon the supervisors of election present shall promptly pass upon the qualifications of such person.

I will not enter into further details of this bill of seventy-two pages of complicated and arbitrary provisions, overriding State laws and placing the ballot-box under Federal control, an unexampled instance of the distrust of a great party of the capacity of the people to control their own affairs.

It is the most outspoken expression of "Federalism," a distrust of the people to carry on their own government, that has appeared in Congress since the "alien and sedition laws" were enacted—laws which the people at the earliest opportunity branded as monarchical and infamous.

Instead of keeping political power closely under the control of the people, it organizes a power above and beyond the people, irresponsible to the people, to control and regulate their most important affairs—the election of men to carry on their Government.

Does any man believe that a chief supervisor of elections, appointed for life by a circuit judge appointed by the President for life, with power to appoint subordinates with ample salaries without limit, is a safer repository of power than the people in their primary organizations of towns, cities, counties, parishes, and States? If so, republican government is a failure. Does not every man know that this scheme of Federalism would riot in dishonesty and corruption from the very beginning?

It is claimed by the Republicans that our States of the North will not be humiliated or dishonored by this system of Federal elections being applied to them. But why not? The mercenary motive offered by this bill may, in the early future, put it in operation in every State in the Union. There are, unfortunately, in all our States people whose sense of public virtue would hardly resist these salaries, ranging from $5 per day to $20 per day, and the great salary in fees and perquisites which this bill proposes to pay to the autocrat of our elections, the chief supervisor.

It is said that this Federal interference in elections is necessary to protect in the right of voting the colored people of the South. But will this Federal interference be beneficial to the colored people? We meet almost daily in this city with colored people from the South who give us assurance of the prosperity and progress of their race in the Southern States. According to official statistics they are gradually becoming property-owners to a greater or less extent in every Southern State, to a much greater extent than in the States of the North, numbers considered. Now, why should we by Federal interference imperil and interrupt the progress of the colored race in the South? Their destiny is interwoven with the white race. You only provoke a war of the races by your selfish partisan policy. The progress of the colored race in the South during the twenty-five years of their liberty is simply wonderful, considering that they have so recently emerged from the slavery of centuries. Will you interrupt this progress and create fierce antagonism between the races to obtain a mean partisan advantage?

There are, unfortunately, inequalities in the representation of our people in almost every State. In Maine, Connecticut, New Hampshire, and many other States the Democrats, by a system of unjust and dishonorable districting of the States for the election of Congressmen, are absolutely excluded from any participation in the affairs of the Federal Government. During the last thirty years the Democrats have for more than half the time been absolutely excluded in Massachusetts by a crafty system of districts from any voice in Congress. All men must see that these inequalities in representation can only be corrected by the growth, always going on, of the sentiment of justice and honor in the people of the several States of the Union in matters pertaining to partisan contests. Federal interference will not advance, but will delay, the hour when all citizens will be fairly represented in the Congress of the United States.

How can you excuse or justify this conflict between the States and Federal Government in control of the elections at this particular period? A suspicion will arise that you have seized upon this occasion to defeat the valuable reforms the States have inaugurated during the last two years to purify the ballot-box. Two years ago, in the election of President and members of Congress, the corrupt use of money to influence the results of the elections was well known to all men. That vast sums of money, collected in sections of the Union where capital had been enormously increased by the special protection of its industries by acts of Congress, were used in other sections of the Union to corrupt the ballot-box, is known to all men. To arrest this system of corruption has been the special effort of many of the States since the election of 1888.

There is not one paragraph in this bill which even attempts to correct that evil in our elective system, but the bill as a whole renders abortive all of these worthy efforts of the States to secure honest elections. A horde of mercenaries are to supervise and control our elections, and all these efforts at honest elections are to be defeated. And all this on the dishonest pretense of securing to every man the right to vote and have his vote counted. "O, Shame, where is thy blush?"

This bill, this wretched combination of federalism and knownothingism, both outgrowths of the politics of New England, both of which isms have heretofore received the merited condemnation of the American people, may become a law. No period in our time has exhibited such a subserviency of the majority controlling the House to its leader as the present. Both federalism and knownothingism were condemned by the American people long ago, because both were destitute of true patriotism and both were un-American. The bill seeks to revive federalism and knownothingism as forces in our political system, the one condemned and rejected early in the present century by our fathers, the founders of the Republic, the other in more recent years by the enlightened judgment of the American people, as unpatriotic, un-American, and unfriendly to our republican form of government.

This bill if it shall pass the House will be passed under the dictation of a few party leaders, animated by the mean hope of a party advantage. It may become a law and remain the law for a time, for in contempt of the right of the people to govern it makes appropriations absolutely permanent for the pay of the horde of mercenaries it will call into the Federal service, but if it does become a law the future historian will write that it struck a deadly blow at the free institutions of the American Republic and was only unsuccessful in its purpose because it was ignominiously ignored by the people or because they indignantly commanded its prompt repeal.

Mr. Speaker, the proposition now pending does not seem to be an unreasonable one if this bill must become a law. The genius of our system of government is against special, partial, and class legislation, and if it is proper for this measure to become a law and to be enforced at all it ought to be made applicable to the whole Union. Then the character and effect of the measure would be understood by the whole people and a just public judgment pronounced against it.

But, sir, judging from the expressions already heard in the House, there is no justification of this measure. The gentleman from North Carolina [Mr. EWART], the gentleman from Tennessee [Mr. HOUK], the gentleman from Louisiana [Mr. COLEMAN]—honorable men, and Republicans, and others of the South—the gentleman from New York [Mr. BAKER], Mr. ALLEN and Mr. BURROWS, from the State of Michigan and others, Republicans and honorable men, away up in the North, all insist that this measure shall not be applicable to their districts, and no gentleman has yet risen on the floor of the House and admitted that this measure, if it should become a law, should apply to his district.

Indeed, sir, from the nature of the measure no gentleman would be willing to make an admission that this bill if it becomes a law should be understood by his people as applicable to them; for this measure is arbitrary and insulting and its tyrannical provisions could only be justified on the assumption of the corruption of the people and their incapacity for government. It seems to embody two ideas in government, both of which have received the unqualified condemnation of the people of our country: the one, old-time federalism, which was signally struck down when the alien and sedition laws were repealed—a measure consigned to infamy by our fathers; and the other, the knownothingism of more modern times, intolerant and tyrannical, the very memory of which is a national dishonor. This measure, a cross between the two, federalism and knownothingism, is repudiated by every member of the House as to his own district. Those who have spoken from the South, as well as those who have spoken from the North, condemn with equal emphasis the application of this proposed law to their districts. Gentlemen from every section of the Union demand the right of the people of their districts to manage their own affairs. And, sir, of all the gentlemen present, Republicans and Democrats, I think I may safely say not one of you will rise and declare that he thinks this bill, if it shall become a law, should have any application whatever to his Congressional district.

Mr. TAYLOR, of Illinois. I rise to say that I want it in my district.

Mr. HOLMAN. Well, there is one; and you will see to it that fifty or one hundred men—mercenaries, spies on the courts of justice, to watch over your naturalizations and control your elections, shall be furnished by Federal authority to put the law in operation in your district! I do not envy the gentleman. Who else of the three hundred and thirty members desires that this law of espionage upon your courts of justice in proceedings of naturalization, this bill which ignores your people and their local authorities, this measure which gives control of local affairs to a power not emanating from the people, shall regulate and control the affairs of his district? But one—one gentleman, "solitary and alone," of all the three hundred and thirty members of this House—announces that this measure of federalism and knownothingism ought to be made applicable to his Congressional district. I do not envy the gentleman his position. And I predict that my friend's district, when he goes before it and informs the people there of the character of this measure, will repudiate him with signal unanimity. [Applause on the Democratic side].

[Here the hammer fell].

Mr. TAYLOR, of Illinois. Mr. Speaker, a person listening to the debate on this question for a number of days past would have gone away from the House with the idea that this measure was local, was being passed simply for one portion of these United States. I have read the bill carefully, studied its provisions, and I rise here to say that I support it because I want it for my district. I rise to say that I support it because I want it for the city a part of which I represent on this floor.

Mr. FLOWER. You need something.

Mr. TAYLOR, of Illinois. The gentleman is right; we do "need something." And it seems the Democrats in the last campaign, when they were supporting their grand, free-trade, civil-service candidate for President, thought they "needed something;" for under the election law already on the statute-book they appointed nineteen hundred deputy United States marshals in Chicago. They seemed to favor this deputy-marshal law then. What has turned them against it now?

I say we do "need something" in Chicago. There never has been an election held in Chicago within my recollection when there has not been illegal voting and cheating at the polls. After nearly every election we have to arrest, try, and convict some persons for violating the elective franchise. And I will say to my friend from New York [Mr. FLOWER] that ninety-nine times out of a hundred it is a Democrat that is sent to the penitentiary.

Mr. BLAND. You do not prosecute Republicans, I suppose? [Laughter.]

Mr. TAYLOR, of Illinois. The courts in my city are equally divided politically; one-half of the judges who preside over them are Democrats and one-half are Republicans; and the greatest Democrat that was ever sent to the penitentiary was prosecuted by a Democratic United States district attorney, tried and sentenced by a Democratic judge.

Mr. FLOWER. How will it be under this law?

Mr. TAYLOR, of Illinois. We are trying to live up to the law there; we are trying to enforce it. While we need it in Chicago, I do not believe we need it in any other district in the State of Illinois.

Mr. WILLIAMS, of Illinois. Was not that same man pardoned by a Republican governor and turned out? [Laughter and applause on the Democratic side.]

Mr. TAYLOR, of Illinois. Yes; because, two days before, he served his time out; his four years had expired before he got the pardon.

Mr. WASHINGTON. They would have pardoned him sooner, I suppose, if they could have got at him.

Mr. TAYLOR, of Illinois. And while I am familiar with the working of the election laws in Illinois, I am also familiar with their working in one of the Southern States and with the government of that State—the State of Texas. I want to bear witness, Mr. Speaker, to the fact that I believe the State of Texas is as economically and well governed as any State in the Union. I want to bear witness that I do not believe the State of Texas needs this election law any more than the State of Illinois. There are places in Texas probably where it would be an advantage to put it in operation just as there are in Illinois. But there are other districts in Texas where they do not need it and where it would not be applied. Hence I am against the amendment.

Mr. MILLS. Against the amendment? Why, I thought you were arguing in favor of it. [Laughter.]

Mr. TAYLOR, of Illinois. I am against it.

Mr. MILLS. You spoke for it.

Mr. TAYLOR, of Illinois. No; against it.

Mr. SPRINGER. Mr. Speaker, I desire to call the attention of the House to the fact that in Chicago, so ably represented by my friend across the way [Mr. TAYLOR] who has just spoken, the election law governing that city is entirely different from the law as applicable to any other part of the State, a special law having recently been passed applicable exclusively to that city in its elections. It is one of the most stringent and efficient laws that has ever been put in force upon the statute-books of the State of Illinois. It was passed by a Republican Legislature for the express purpose of securing honest and fair elections in that city. It has worked to the entire satisfaction of all of the people of the city of Chicago, without regard to party.

That law divides the city into voting precincts of not exceeding 400 voters in number, in each of which precincts the polls are to be closed at 4 o'clock in the afternoon, so that all persons can vote in daytime and have their votes counted before dark. I have not heard of the frauds to which the gentleman alludes as having taken place under its operation. I do not believe that frauds have taken place under that law. There were some frauds alleged last spring, but not committed under this law.

Mr. TAYLOR, of Illinois. Why, the gentleman knows, or must know, that there were some twenty-five or thirty indictments for illegal voting.

Mr. SPRINGER. Very well, then I stand corrected upon that point. That was an election for town officers and other local officials, and indictments were found for alleged fraud against two Democrats. A jury was empaneled for the purpose of trying them, which had on it nine Republicans, I think, and they scarcely left their seats after hearing the testimony in the case when they brought in a verdict of "not guilty."

Allusion has also been made to the indictments found against Mackin and Gleason for alleged fraud in elections. Mackin was tried, but Gleason, being a Republican, was allowed to escape on his own personal recognizance.

Mr. TAYLOR, of Illinois. Why, the gentleman knows that Gleason is a Democrat.

Mr. SPRINGER. No, sir; I do not know it.

Mr. TAYLOR, of Illinois. Gleason was always a Democrat.

Mr. SPRINGER. Then, if he is a Democrat, why did you not punish him?

Mr. TAYLOR, of Illinois. Why did not you punish him?

Mr. SPRINGER. You had control of the courts.

Mr. TAYLOR, of Illinois. You punished Mackin, and he got out on a technicality.

Mr. SPRINGER. I have stated the facts in regard to it——

Mr. TAYLOR, of Illinois. The gentleman is entirely mistaken; he is not stating the facts.

Mr. SPRINGER. I state the facts as they are generally understood by the people.

On yesterday the honorable gentleman from Tennessee [Mr. HOUK] stated that I had submitted a report in the case of Dean against Field, sustaining, substantially, the election bill now pending. The gentleman is entirely in error in that regard. That case was simply this: Under the laws of the United States, two supervisors were appointed in every election precinct. They met at all of the polls and in connection with the State officers of Massachusetts both agreed on returns of every precinct of the Congressional district, which, when aggregated, elected Dean by a majority of 5 votes.

The law required the returns to be counted in the presence of the supervisors of the precincts when the returns were made up. That was the law at that time. But, notwithstanding the existence of the law, the city council of the city of Boston took the returns and referred them to a committee of the city council, consisting of three persons, who took these returns into a private room, locked the door, and counted them by themselves, apart from the supervisors, and that count was brought here to the House of Representatives, and, although contrary to the national election law, it was sustained by every Republican in the House except General Butler, and he was read out of the Republican party for voting against sustaining that count. So that gentlemen who have claimed so much for the count by Federal supervisors here are the very persons who have themselves disregarded it and set it aside and put in its place a count of the board of aldermen of one of the cities of the country. I believe that the law of Congress was paramount in the case and that the count in the presence of the State officers and the national supervisors was superior in validity; the House of Representatives so held, and hence Dean was seated. The only question involved in the case being as to the validity of the different counts which were made, we held that the return made under the law of Congress was superior.

On yesterday the gentleman from Ohio [Mr. GROSVENOR] referred to illegal voting in Ohio some years ago. It so happened, Mr. Speaker, that I was chairman of the committee appointed for the purpose of investigating the alleged frauds in connection with that election. It so happened that there was arrested in connection with that a gentleman named Mullen——

The SPEAKER. The time of the gentleman has expired.

Mr. COOPER, of Ohio. A gentleman! A penitentiary convict.

Mr. SPRINGER. And he arrested one hundred and fifty negroes coming across the Ohio River at Covington to vote in the State of Ohio under the protection of your deputy marshals. It so happened, however, that of the whole number he arrested three of them happened to be residents of the city of Cincinnati, entitled to vote in that city, and hence he pleaded guilty as to them and was sent to jail, not to the penitentiary, for twelve months.

The SPEAKER. The gentleman has exhausted his time, and one minute over.

Mr. HILL. Mr. Speaker, history delights in parallels and paradoxes, and sometimes the same act is both a parallel and a paradox. Saul of Tarsus, according to biblical lore, once had a great experience on his way to Damascus, as those on this side of the House will remember. [Laughter on the Republican side.] He saw a great light; he heard a voice from heaven saying "Why persecutest thou me?" "Saul, Saul, why persecutest thou me?" was the inquiry; and he fell to the earth with his mouth in the dust and asked, "Lord, what wilt Thou have me to do?" The Democracy of to-day in the past few hours have seen a great light. Perhaps the parallel will cease there. [Laughter on the Republican side.]

For several days it has been the business of the Democracy in this House to denounce and vilify this bill. They have searched the dictionary for words of vilification and condemnation. They have condemned it as unconstitutional, and the great constitutional lawyers on that side of the House have spent hours in trying to demonstrate its unconstitutionality. They have talked by the hour about the enormous expenditure that will be imposed upon the people of the United States. I hold in my hand the minority report carefully drawn by one of the ablest of the minority of the committee [Mr. BUCKALEW], in which the estimate is made of ten millions of dollars as the expense of this bill if enacted into law and put into operation.

What do we see to-day? After days and days of talking against this bill in every conceivable form, using every possible argument against it, we find them advocating its application, if enacted into law, not merely to a few Congressional districts, not merely to a few cities and localities where it is needed in this country, but to every Congressional district. The constitutional argument is forgotten, the great expense to the people of the United States is forgotten, all the arguments that they have used against this bill are forgotten for the time, and they are ready to fall in and adopt the amendment of the gentleman from New Jersey [Mr. LEHLBACH] extending the operations of this bill to every Congressional district, making it not voluntary but compulsory, regardless of expense and regardless of constitutional law. I say a great light has fallen on the Democracy. Presto, change! The curtain lifts, the scene changes, and to-day the Democracy, that for days past have been talking against this bill as the abomination of abominations, stand shoulder to shoulder and arm in arm with the gentleman from New Jersey in support of it.

Mr. TRACEY. Not in support of the bill, but in support of the amendment.

Mr. HILL. And I suppose they will vote for the extension of this bill to every Congressional district. I say that may be either a parallel or a paradox, or it may be both. It remains to be seen. We have got to look behind the curtain, to look behind the scene and see what the object of these gentlemen must be in their ready and prompt espousal of this amendment, in putting this vast and unnecessary expense upon the people of the United States.

We all know, gentlemen, that the application of this bill is not needed in every Congressional district. We all know that it is not needed in many of the Congressional districts of the North.

It is needed in some few districts in the great cities like New York, Philadelphia, and Chicago. It is not needed in my Congressional district, and I hope the time will never come when it will be needed there. But it is needed in many Congressional districts of the South, as well as in the great cities of the North.

Mr. Speaker, in the brief time at my command I shall not even attempt a defense of this bill. There is in my judgement no question as to its constitutionality. That is settled, not only by the plain provisions of the Constitution, but by the decisions of the highest court in the land. Even those who have argued here against its constitutionality have been obliged to admit that the question has been settled by the Supreme Court against them.

The only question left is, is this bill wise, is it expedient? To that question, Mr. Speaker, there ought to be but one answer. No candid man can deny that there have been great frauds on the ballot-box. The history of this country for the past few years, the records of this House, the results of contested-election cases, all demonstrate not only the existence, but the magnitude and extent, of such frauds. Not a member from the South has risen in his place to deny their existence. They are conceded by all. What, then, shall be done? Is there no remedy? Shall we let these gross frauds pass in the hope that at last they will die out of themselves, or shall we attempt their suppression?

Mr. Speaker, the American people believe in a "free ballot and a fair count." Upon that proposition rests the perpetuity of free institutions, the future of the Republic, black or white, rich or poor, foreign

or native born, every voter must be permitted to cast one ballot for the candidate of his choice, and have that ballot counted. Fraud upon the ballot-box is a species of treason; it threatens the very life of the Republic. Wink at it, apologize for it, tolerate it, let it spread, and sooner or later this great Republic will totter to its fall.

I am for this bill. Do you say it will not cure the evil? Let us try it. The power of the Federal Government is great. The fear of punishment will deter the evildoer. Let us at least try what Federal power can do toward purifying the ballot-box and the suppression of intimidation, false counting, and ballot-box stuffing. [Applause.]

[Here the hammer fell.]

Mr. STONE, of Missouri. Mr. Speaker, I agree with the observations of my friend from Indiana [Mr. HOLMAN] that if this bill is to be enacted into law it should be uniform. If there is to be an assault upon the State governments the disaster should be made general, and not sectional.

When Solomon, the great monarch of Israel, reared that splendid edifice which became the glory of his reign and the wonder of his age he put two brass pillars in the porch of the Temple. One he called "Boaz," the other "Jachin." They denoted support and stability, or, in mystic lore, symbolized the pillar of cloud by day and the pillar of fire by night, which guided the footsteps of the Jews through the dangers of the wilderness.

Upon the threshold of this Republic stand two majestic pillars, on whose white lintels the fathers laid the Constitution of the country. One they called "National Sovereignty," the other "State Sovereignty." Break, remove, undermine either, and this noble fabric of constitutional government, reared in the wisdom and cemented in the blood of the sages and warriors of the Revolution, will fall into decay and ruin, and its broken fragments will be scattered by the contending storms of ambitious strife and partisan passion.

Sir, we hear much talk of treason and traitors in these latter days. It is not an unusual thing to hear Representatives on this floor denounced as traitors for their participation in the great civil war thirty years ago. But I affirm it is as much a crime under the Constitution and against the Constitution to assault the authority and the sovereignty of the State as it is to assault the authority and the sovereignty of the nation. The men who, thirty years ago, upon the battle-fields yonder across the broad Potomac, with rifles in their hands and flashing swords, sought to destroy the autonomy of the nation were no more guilty of high treason than are the men who assemble here under the marble arches and swelling Dome of this Capitol and conspire to destroy the autonomy of the States. [Applause on the Democratic side.] The men who by indirection, by covert plot, by extraordinary or extra-constitutional methods, adopted in cabinet or legislative council, seek to overthrow, subvert, or suppress the authority or the sovereignty, in their respective spheres, of State or nation, are no less traitors—damned, odious traitors—than are the men who seek upon an open field to strike an open blow amid the storm of shot and shell and saber stroke. [Applause on the Democratic side.]

Mr. BUCHANAN, of New Jersey. Mr. Speaker, I suppose the gentleman from Missouri [Mr. STONE], following up the same line of thought to which he has just given utterance will, upon the vote which is soon to be cast on this amendment, vote against it, because, as I understand the effect of this amendment, it makes the bill far more reaching in its provisions, in its character, and in its effect, than as it originally stands; and I shall look with disappointment upon his vote if it be found not to be in accord with the sentiments which he has just so eloquently uttered.

As this amendment, sir, emanates from the State I have the honor in part to represent, it is perhaps not out of the way for me to say that in our local affairs we do not have the uniformity for which my colleague from New Jersey [Mr. LEHLBACH] pleaded so eloquently yesterday and which he says he wants to secure by this amendment. As I have already said on this floor, our Congressional elections in the past have not been held in all portions of that State under the operation of the present law; in other words, in some districts the operation of that law was invoked and in others it was not. So far as the registration feature goes—and we know that that is the very initial proceeding in an election—for years it has been our law upon that subject in our State that the registration was confined to the cities, and did not take effect in the rural districts. And why? Because there was no necessity for registration in the rural districts, where every man knew his neighbor.

It was only necessary in the thickly settled portions and because they were so thickly settled, and therefore the people do not know each other so well. I want to say this one thing further with reference to this amendment. I am sorry that it emanated from this side of the House, because it does not tend to perfect the bill. If it is designed to harass and obstruct the passage of the bill; if it is designed to make the bill more costly in operation; if it is designed to make it more odious in effect, by forcing it where not needed, I can understand why the amendment was offered; but knowing the honest convictions of my colleague as I do and knowing his sterling qualities of heart, I can only believe that he was not aware of the effect of offering this amendment from this side of the House.

One other thing. I do not know but what I have done the gentleman from Illinois [Mr. SPRINGER] an injustice awhile ago in asserting that if he would give some of the others of the members an opportunity of speaking they could be heard. He replied that he had not spoken more than two minutes on this bill. Since then, Mr. Speaker, I have taken occasion to examine the RECORD, and I find that on yesterday he addressed the Speaker or some member of the House just thirty-four times. [Laughter.] I want to pay him the compliment of saying he is the only gentleman upon this floor who could do that in two minutes.

Mr. HEMPHILL. Mr. Speaker, the effort to get this discussion away from the real point at issue has been in some measure successful, and it is exceedingly important, if we are to cast an honest vote upon this part of the bill, that we should be brought back to the consideration of the amendment offered by the gentleman from New Jersey. The proposition is to relieve the bill of that section which provides that this law shall be put into operation in certain districts of the United States upon the petition of fifty or one hundred citizens of the district, town, or city. But gentlemen on the other side say that this amendment is intended to make this law odious. I want to say, if it is so bad a law that you are afraid to vote for its general application all over the United States, why are you such cowards as to throw on fifty or a hundred citizens of any particular district the responsibility of putting into effect a law which is odious to the people of the United States?

We want to assume the responsibility of this law so as not to place it upon any limited number of people to say whether or not the people of that particular district, city, or town shall be put under its operation.

I want to insist further upon the fact, Mr. Speaker, that unless this law is made universal in its application there will be gentlemen upon this floor who will be seated here under the State law, others will be seated under the United States law, others will come here with every vote counted for them under the United States law if this bill goes into effect, and others will come here with every vote only which is cast and counted under the State law and counted for or against them.

Mr. RICHARDSON. And some without any law.

Mr. HEMPHILL. Some parts of a district can be put under the operation of this law and other parts of it will not be put under the operation of the law, and there are some districts, or parts of districts, which can not be put under the operation of this law, even if fifty or one hundred inhabitants of the district shall petition for it to be put under the law.

Now, I want to say to gentlemen that if this law is good for one district it ought to be good for all and if it is odious for one district then it is odious to all; and it is neither fair nor just to vote down this proposition on the ground that it is odious to the people of the United States. Let us have the courage to assume the responsibility of putting this law on the statute-books and putting it into operation, or say it is not going into operation, and not shift the responsibility on to fifty or one hundred, who may know nothing about it and who may be the very worst men in the district.

Mr. MILLIKEN. Mr. Speaker, will the gentleman allow me to ask him a question there?

Mr. HEMPHILL. Yes, sir.

Mr. MILLIKEN. Can not the gentleman see that there may be one district where it should be put into operation and that there may be another place where it should not go into operation; that the law proposes to leave that to be determined?

Mr. HEMPHILL. Who is to decide that?

Mr. MILLIKEN. Why, the people of the district themselves.

Mr. HEMPHILL. It is not to be decided by a majority of the people of the district, but by fifty or one hundred men who may be drawn from among the hungry politicians of the community who may take up a notion to have it put in operation; the sore-heads, the dead-beats, and the like may want to put it in operation.

The circuit judge has not the right to decide whether or not it shall go into operation, but is compelled to put it into operation if these people ask for it, and in that case he simply compels it to be done. If there is fraud enough in the United States, taking it all over; if there is such an emergency as to require the execution of the law in the United States in reference to elections, let us say so; but, if there is not enough, let us say there is not enough; but do not pass a law which puts it in the hands of fifty or one hundred to say whether or not there is fraud in a district in the United States, because they may be the people who are drawing the money from the Treasury of the United States, and of course they will be in favor of putting this law into effect.

Mr. MILLIKEN. But suppose both parties, or all parties, in a Congressional district say that they do not want the law, would you force it upon them?

Mr. HEMPHILL. No, I would not force anything upon them. I say that if you let the people alone and educate them properly they will come to their senses and do what is fair and just.

Mr. PAYNE. Mr. Speaker, either our friends who oppose this bill have been converted more suddenly and more thoroughly than Saul of Tarsus or else they are not honest in pressing this amendment. They say now in effect: "This is so good a thing that we propose to force it

upon every Congressional district in the United States." That is what they say, if they are honest.

Mr. OUTHWAITE. Oh, nobody is honest but you.

Mr. PAYNE. Or, on the other hand, they insist on putting this amendment upon this bill to force it upon all the people of the United States because they believe that the expense of its enforcement will make the law unpopular.

Mr. HEMPHILL. And you have not got the courage to stand up to the expense.

Mr. WASHINGTON. We believe you need the law as much as we do.

Mr. PAYNE. In other words, their argument is that, because a plaster is a good thing on a sore spot, therefore it should be extended to the whole body and would be a good thing on the whole body. [Laughter.] They oppose this bill for three different reasons. One is that it is unconstitutional. We are willing to leave the plain language of the Constitution on that subject to the plain people of the United States, backed up and re-enforced as it is by the repeated decisions of the Supreme Court of the United States. They say that if we force this law upon certain sections of the country there will be revolution. They make threats; they insinuate that it will cause the shedding of blood in certain districts. Mr. Speaker, it is enough for us to know that the law is right, that the law is in the direction of an honest vote and an honest count, and those who oppose the law must take the responsibility of breaking it, or defying it, or attempting to nullify it. We are simply seeking under this provision of the bill to perpetuate and extend the present system.

Under the present system the supervisors' law can only be extended to a city upon the request of a number of the qualified voters of that city, 10, I think, instead of 100 or 150, as required by this bill. That law was passed in 1871, and has been in operation for nineteen years. By the census of 1880 there were ninety-eight cities in the United States to which the law was applicable, of which twenty-two were in the South. The people of the South, by their petitions, extended the benefit of the law to thirteen of those twenty-two cities. In the North there were seventy-six cities of over 20,000 inhabitants, and this law was extended by petition to forty of those seventy-six Northern cities. So it appears that in some localities the people desired the law and in some they did not. Now we propose to leave it optional with each Congressional district, with each city in the United States, with each county, to say whether they shall have the benefit of this law or not. We do that in the interest of economy. We do that to decrease the expense of the enforcement of this law.

The opponents of the bill seek to put this amendment upon it in order to load down the law with expense so as to make it odious and obnoxious to the people.

The gentleman from Illinois [Mr. SPRINGER] spoke a few moments ago about the election law in the city of Chicago and told us how perfect it was. Why, sir, that election law was copied from the election law of the city of New York. The law has been in force there for many years, yet all parties in the State of New York—I will not say all parties, but the Republican party has been trying for years to ingraft upon the statute-book a more stringent election law both for the city of New York and for the rural districts. They enacted it and forced it upon the Democratic governor three times, and three times he vetoed it, but popular feeling on the subject became so strong that it began to invade even the ranks of the Democracy. Mass meetings were held. Even Mr. Cleveland joined the movement at a late hour, and finally it has resulted in a compromise that is to give us a new election law in the State of New York, a law not applicable alike to all localities in the State, because our Legislature understood and recognized the unreasonableness of that.

We have one law for the city of New York, we have another law for Brooklyn, we have another law for cities of 10,000 inhabitants and upwards, and still another law for the rural districts. We need this law in some of the cities in our State. It would be a good thing in the district represented by my friend from Albany [Mr. TRACEY]. It would be a good thing in Troy. We want to rid ourselves of these scandals upon the elective franchise in the State of New York. We want pure and honest elections there. Why, Mr. Speaker, if such a law as this was needed in all the districts of the United States, if there was corruption at the polls, if there was intimidation, if there was false counting all over the country, the time would have fully arrived when the last and best experiment in republican government would have perished from the earth. [Loud applause on the Republican side.]

Mr. TRACEY. The gentleman knows that this very bill has been denounced by his own paper in his own district.

The SPEAKER. The gentleman from New York [Mr. TRACEY] is not in order.

Mr. TRACEY. Well, the gentleman——

The SPEAKER. The gentleman is not in order. The Chair is sure the gentleman will not insist on violating the rules. The time for debate on this amendment has expired. The question is on agreeing to the amendment of the gentleman from New Jersey [Mr. LEHLBACH].

The question being taken; there were—ayes 123, noes 124.

Mr. HEMPHILL. I call for tellers.

Mr. ALLEN, of Michigan. I call for the yeas and nays. We may as well have them and be done with it.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 132, nays 138, not voting 58; as follows:

YEAS—132.

Abbott,	Cowles,	Lane,	Quinn,
Alderson,	Crisp,	Lanham,	Richardson,
Allen, Miss.	Culberson, Tex.	Lee,	Robertson,
Anderson, Miss.	Cummings,	Lehlbach,	Rogers,
Andrew,	Dargan,	Lester, Ga.	Rowland,
Bankhead,	Davidson,	Lester, Va.	Rusk,
Barnes,	Dibble,	Lewis,	Sayers,
Barwig,	Dickerson,	Maish,	Shively,
Blanchard,	Dockery,	Mansur,	Skinner,
Bland,	Edmunds,	Martin, Ind.	Springer,
Blount,	Elliott,	Martin, Tex.	Stewart, Tex.
Boatner,	Ellis,	McAdoo,	Stockdale,
Breckinridge, Ark.	Enloe,	McCarthy,	Stone, Ky.
Breckinridge, Ky.	Fithian,	McClammy,	Stone, Mo.
Brickner,	Flower,	McClellan,	Stump,
Brookshire,	Forman,	McCreary,	Tarsney,
Brunner,	Forney,	McMillin,	Tillman,
Buchanan, Va.	Fowler,	McRae,	Tracey,
Buckalew,	Geissenhainer,	Mills,	Tucker,
Bullock,	Gibson,	Moore, Tex.	Turner, Ga.
Bunn,	Goodnight,	Mutchler,	Turner, N. Y.
Bynum,	Grimes,	Norton,	Vaux,
Candler, Ga.	Hare,	Oates,	Venable,
Carlton,	Hatch,	O'Ferrall,	Washington,
Caruth,	Hayes,	Outhwaite,	Wheeler, Ala.
Catchings,	Haynes,	Owens, Ohio	Whiting,
Chipman,	Heard,	Parrett,	Wike,
Clarke, Ala.	Hemphill,	Paynter,	Wilkinson,
Clements,	Henderson, N. C.	Peel,	Willcox,
Cobb,	Herbert,	Penington,	Williams, Ill.
Cooper, Ind.	Holman,	Perry,	Wilson, Mo.
Cothran,	Hooker,	Pierce,	Wilson, W. Va.
Covert,	Kilgore,	Price,	Yoder.

NAYS—138.

Adams,	Dalzell,	Lacey,	Ray,
Allen, Mich.	Darlington,	La Follette,	Reed, Iowa
Arnold,	Dingley,	Laidlaw,	Rife,
Atkinson, Pa.	Dolliver,	Lansing,	Rowell,
Atkinson, W. Va.	Dorsey,	Laws,	Russell,
Banks,	Dunnell,	Lind,	Sanford,
Bartine,	Evans,	Lodge,	Sawyer,
Bayne,	Farquhar,	Mason,	Scranton,
Beckwith,	Featherston,	McComas,	Scull,
Belden,	Finley,	McCord,	Smith, Ill.
Belknap,	Flick,	McCormick,	Snider,
Bergen,	Frank,	McDuffie,	Spooner,
Boothman,	Funston,	McKenna,	Stephenson,
Boutelle,	Gear,	McKinley,	Stockbridge,
Bowden,	Gest,	Miles,	Struble,
Brewer,	Gifford,	Milliken,	Sweney,
Brosius,	Greenhalge,	Moffitt,	Taylor, Ill.
Brower,	Grosvenor,	Moore, N. H.	Taylor, J. D.
Buchanan, N. J.	Grout,	Morey,	Taylor, Tenn.
Burrows,	Hall,	Morrill,	Thomas,
Burton,	Hansbrough,	Morrow,	Thompson,
Butterworth,	Harmer,	Mudd,	Townsend, Colo.
Caldwell,	Haugen,	Niedringhaus,	Townsend, Pa.
Candler, Mass.	Henderson, Ill.	Nute,	Turner, Kans.
Cannon,	Henderson, Iowa	O'Donnell,	Vandever,
Carter,	Hill,	O'Neill, Pa.	Van Schaick,
Caswell,	Hitt,	Osborne,	Waddill,
Cheatham,	Hopkins,	Payne,	Wade,
Comstock,	Houk,	Payson,	Wallace, Mass.
Conger,	Kelley,	Perkins,	Wallace, N. Y.
Connell,	Kennedy,	Peters,	Wilson, Ky.
Cooper, Ohio	Kerr, Iowa	Post,	Wilson, Wash.
Craig,	Ketcham,	Pugsley,	Yardley.
Culbertson, Pa.	Kinsey,	Quackenbush,	
Cutcheon,	Knapp,	Raines,	

NOT VOTING—58.

Anderson, Kans.	Crain,	O'Neil, Mass.	Stewart, Ga.
Baker,	De Haven,	Owen, Ind.	Stewart, Vt.
Biggs,	De Lano,	Phelan,	Stivers,
Bingham,	Dunphy,	Pickler,	Taylor, E. B.
Bliss,	Ewart,	Randall,	Walker, Mass.
Brown, J. B.	Fitch,	Reilly,	Walker, Mo.
Browne, T. M.	Flood,	Reyburn,	Watson,
Browne, Va.	Hermann,	Rockwell,	Wheeler, Mich.
Campbell,	Kerr, Pa.	Seney,	Whitthorne,
Cheadle,	Lawler,	Sherman,	Wickham,
Clancy,	Magner,	Simonds,	Wiley,
Clark, Wis.	Montgomery,	Smith, W. Va.	Williams, Ohio
Clunie,	Morgan,	Smyser,	Wright.
Cogswell,	Morse,	Spinola,	
Coleman,	O'Neall, Ind.	Stahlnecker,	

So the amendment was rejected.

During the roll-call the following announcements were made:

Mr. EWART. I am paired with the gentleman from Connecticut, Mr. SIMONDS. If he were present, he would vote "no" and I should vote "ay."

Mr. SMYSER. I am paired with my colleague, Mr. SENEY. If he were present, he would vote in the affirmative and I should vote in the negative.

Mr. MONTGOMERY. Mr. Speaker, I am paired for to-day with the gentleman from Pennsylvania, Mr. BINGHAM; otherwise I should vote "ay."

The following-named members were announced as paired until further notice:

Mr. WATSON with Mr. KERR, of Pennsylvania.

Mr. SMITH, of West Virginia, with Mr. WHITTHORNE.
Mr. ROCKWELL with Mr. LAWLER.
Mr. PICKLER with Mr. STAHLNECKER.
Mr. DE LANO with Mr. DUNPHY.
Mr. SMYSER with Mr. SENEY.
Mr. STEWART, of Vermont, with Mr. MAGNER.
Mr. EZRA B. TAYLOR with Mr. CLANCY.
Mr. T. M. BROWNE with Mr. MORGAN.
Mr. CLARK, of Wisconsin, with Mr. WALKER, of Missouri.
Mr. RANDALL with Mr. CLUNIE.
Mr. SIMONDS with Mr. EWART, on the election bill. Mr. SIMONDS is for and Mr. EWART against the bill.
Mr. SHERMAN with Mr. WILEY, on the election bill. Mr. SHERMAN would vote for and Mr. WILEY against it.
Mr. DE HAVEN with Mr. BIGGS.
Mr. WHEELER, of Michigan, with Mr. FITCH, until Thursday next.
Mr. STIVERS with Mr. STEWART, of Georgia, until Thursday next.
Mr. BINGHAM with Mr. MONTGOMERY, until to-morrow.
Mr. COGSWELL with Mr. O'NEIL, of Massachusetts, for one week.
Mr. MORSE with Mr. PHELAN, until the 4th of July.
Mr. BAKER with Mr. SPINOLA, for three weeks.
Mr. BLISS with Mr. CHIPMAN, except on election law, until Wednesday at 12 m.
Mr. ANDERSON, of Kansas, with Mr. CRAIN, on this vote.
Mr. REYBURN with Mr. O'NEALL, of Indiana, on this vote.
Mr. WRIGHT with Mr. REILLY, on this vote.

Mr. HEARD. Mr. Speaker, I desire to vote. I was in the Hall and listening for my name, but did not hear it, I was standing at the rail with the gentleman from Illinois [Mr. WILLIAMS] and some other gentlemen, and was listening for my name, but did not catch it.

The SPEAKER. Does the gentleman say he was within the bar of the House and was listening——

Mr. HEARD. Yes, sir; I had come to the bar for the purpose of voting.

The SPEAKER. Does the gentleman say he was listening at the time when his name should have been called so that he thinks it was not called?

Mr. HEARD. No, sir; I would not say that it was not called. I did not hear it called, but there was some confusion. The first name I heard distinctly after my name should have been called was "HERMANN."

Mr. MCMILLIN. I make the point that the rule does not require a gentleman to state that he does not think his name was called.

The SPEAKER. The strict terms of the rule do not permit the Chair to entertain any request to vote after the second roll-call.

Mr. MCMILLIN. But, Mr. Speaker, there has been a practice which has allowed members under such circumstances to have their votes recorded.

The SPEAKER. But that practice has had for its origin solely the idea that the name of the member may not have been called. If it has been called—and the presumption is that it has been called, unless the member himself asserts that it has not been—the rule has been rigidly applied to refuse to entertain the request to record the vote. The gentleman from Tennessee must be aware of what would be the natural result of any other interpretation of the rule.

Mr. MCMILLIN. I agree with the Speaker that the rule ought to be rigidly enforced, but the Chair will bear witness that it has never gone to the extent of requiring a member to state that he did not think his name had been called.

The SPEAKER. The Chair has always explained to the House the basis of his ruling upon this question, namely, that there must be some reason to suppose that the name was not called. Because if a member, either through indifference or inadvertence or for any purpose, fails to vote, the rule of the House is explicit that the Chair shall not entertain the request to record his vote after the roll has been completed. It does not rest upon any other question than where the gentleman has reason to suppose that his name was not called, if, listening at the time, he failed to hear it. The Chair, under such circumstances, has felt it to be his duty to cause a mistake of that kind, where there was reason to suppose a mistake had occurred, to be rectified. But if it is a question where a member can not, in fact, make that statement, the Chair thinks it is incumbent upon him to refuse to entertain the request, under the practice and under the rule.

Mr. HEARD. But let me state this, Mr. Speaker: I am not prepared to say that the name was not called because I did not hear it. I was in the Hall of the House listening at the time, so that it was through no inattention on my part that I failed to hear the name called; but whatever the reason, whether it was because of the noise and confusion about me, or because the name was not called, or from any other cause not arising from my own neglect, I do not believe that I ought to be barred from the privilege of voting, and I do not understand that the rule has been so applied.

Mr. BRECKINRIDGE, of Kentucky. Let me also suggest this, Mr. Speaker, that the member can only vote when he hears his name called, because at any other time than that he would only cause confusion in the roll.

The SPEAKER. If the member fails to hear his name called through his own inattention, however, the Chair does not think he could bring himself within the rule on that ground.

Mr. COWLES. I understand the gentleman from Missouri to say that he was trying to hear his name and did not hear it.

The SPEAKER. The Chair does not wish in any way to go beyond the rule, but wishes to adhere to it, because it would be a sufficient reason that it is the rule of the House. But the Chair also thinks it a very salutary rule, and the House will bear witness that the Chair has endeavored to enforce the rule strictly on all occasions. If the gentleman says, however, that he was listening at the time his name should have been called and did not hear it the Chair will cause the Clerk to call his name and give him an opportunity to record his vote.

Mr. HEARD. I do say so, Mr. Speaker.

The name of Mr. HEARD was then called and his vote recorded as above.

Mr. CLUNIE. Mr. Speaker, I desire to state that I am paired with the gentleman from Massachusetts [Mr. RANDALL]. If present, he would vote "no" on this question and I should vote in favor of the amendment.

Mr. CHIPMAN. I am announced as being paired, Mr. Speaker, but that pair applies to everything excepting the election law.

Mr. WALKER, of Missouri. I am paired with Mr. CLARK, of Wisconsin. If he were present, I would vote "ay."

Mr. LA FOLLETTE. My colleague [Mr. CLARK] is paired with the gentleman from Missouri [Mr. WALKER], and if present would vote "no."

Mr. ROGERS. Mr. Speaker, I desire to ask whether a pair has been announced for Judge TAYLOR of Ohio.

The SPEAKER. The Chair has no other means of information than that which is accessible to the gentleman from Arkansas. The pair-clerk informs the Chair that the gentleman is paired.

Mr. TRACEY. Several of my colleagues are absent paired. If they were present I do not know how they would vote. [Laughter and applause.] I desire to state in explanation that I refer to my colleagues on the side of the majority.

The SPEAKER. The Chair thinks the gentleman's statement needs explanation.

The result of the vote was then announced as above recorded.

Mr. HEMPHILL. Mr. Speaker, I desire to offer the amendment I send to the desk.

The Clerk read as follows:

Strike out sections 15, 16, 17, and 18 and insert the following:
"SEC. 15. From the returns of the supervisors the chief supervisor shall tabulate and forward to the Speaker of the House of Representatives, to be by him submitted to the House, the results as they appear therefrom in each Congressional district under his jurisdiction in which this act has been enforced."

Mr. HEMPHILL. Mr. Speaker, I only want to state to the House briefly the purport of the amendment, so that it may understand what it proposes. This amendment seeks to eliminate from the bill what is known as the United States board of canvassers. It does not affect in any way the supervision or any portion of the duty of the supervisors at the polls, but it does change the course of the returns after they leave the chief supervisor. Instead of going to the United States board of canvassers in order to be tabulated by them and sent here so as to overrule the decision of the State board of canvassers, this amendment requires that the tabulated returns, as made up by the chief supervisors, shall be sent to the Speaker of the House, to be laid by him before the House at its organization as a matter of information for the House to act upon.

If the gentleman from Massachusetts [Mr. LODGE] is on the floor and there is any desire to discuss the amendment, I would like to see if we can not agree upon a limitation of the debate.

Mr. ADAMS. I wish to ask for information if the gentleman from South Carolina has taken into consideration the fact that the organization of the House takes place upon the election of the Speaker, and that election may be postponed, the effect of which would be that the information would not reach the House of Representatives until thirteen or fourteen months after the election takes place.

The election takes place in November of the even-numbered year, the House meets in December of the following year; the Speaker is elected pretty soon after that, but how soon depends upon the temper of the House.

Mr. HEMPHILL. Well, the effect of it is that we organize as we do now upon the returns issued by the governor of the State, upon the certificates, and when the House organizes the Speaker lays before it all the information that the United States supervisors have been able to gather, and it is for the House then to make such use of it as the House may see fit. I would like to say, before we enter further into the matter, that I would like to agree with the gentleman from Massachusetts [Mr. LODGE], if we can, upon some reasonable time for debating this amendment.

Mr. LODGE. How much time does the gentleman wish?

Mr. HEMPHILL. Say thirty or forty minutes on a side. Thirty minutes on a side, I suppose, will be sufficient.

Mr. SPRINGER. Thirty minutes on a side.

Mr. HEMPHILL. Yes.

Mr. LODGE. I have no objection to that. It may be understood that there shall be thirty minutes on a side on this amendment.

Mr. HEMPHILL. Yes, sir. I ask that it be agreed that the debate be limited to thirty minutes on a side upon this amendment.

The SPEAKER. The gentleman from South Carolina [Mr. HEMPHILL] and the gentleman from Massachusetts [Mr. LODGE] unite in their request that debate upon the pending amendment be limited to thirty minutes on a side. Is there objection?

Mr. KERR, of Iowa. I object until the amendment is read again.

Mr. BLOUNT. I wish to inquire of the Chair if it will not be competent to accomplish this by a demand for the previous question at the end of the sixty minutes' debate.

Mr. HEMPHILL. I think we can agree upon it.

Mr. BLOUNT. But objection is made.

Mr. HEMPHILL. The gentleman from Iowa [Mr. KERR] only wishes to understand the proposition.

Mr. KERR, of Iowa. I think this is a vital amendment and it should be considered at some length, if I understand it.

The SPEAKER. The House will be in order. The Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. HEMPHILL. Now, Mr. Speaker, I renew my request that debate be limited to thirty minutes on a side.

Mr. KERR, of Iowa. I would suggest an hour on a side.

Mr. BLOUNT. The time has been limited for debate under this order. There has been general debate. Certainly the gentleman does not want more than an hour on this single amendment.

Mr. LODGE. Make it forty minutes.

Mr. HEMPHILL. Thirty minutes on a side.

The SPEAKER. The question is upon granting unanimous consent that the debate upon the pending amendment be limited to thirty minutes on a side. Is there objection?

There was no objection, and it was so ordered.

Mr. LODGE. I wish to lay before the House an amendment that goes to one of these sections, simply for the information of the House. It is a part of the same thing. As these sections are under debate, I desire to offer two amendments, or to ask to have them read, and I state that I shall offer them after the vote is taken on the amendment now pending. They go to the perfecting of the sections under consideration. They provide for a limitation of the power of the canvassing boards, to which so much objection has been made. The amendments were suggested to the committee by the gentleman from Louisiana [Mr. BOATNER], and members of the committee whom I have been able to consult with agree with myself that they are fair amendments tending to improve the bill, and I therefore give notice that I shall offer them after debate on this proposition is concluded or at such time as the House may desire.

Mr. HENDERSON, of Iowa. They ought to be voted upon before the amendment of the gentleman from South Carolina [Mr. HEMPHILL].

Several MEMBERS on the Democratic side. "Oh! no."

The SPEAKER. The Chair will rule upon that question when they are offered.

Mr. DINGLEY. They would be first in order, and the vote upon them ought to come before the vote upon the amendment of the gentleman from South Carolina.

Mr. LODGE. I ask that they be read.

The Clerk read as follows:

Insert in section 15, after the word "convene," line 114:

"As soon as the certificate of said board has been made public, any person who was a candidate for election may, by motion before the United States circuit court having jurisdiction in the district where said election was held, contest the correctness of the certificate made by said board and demand an examination and compilation of the returns by said circuit court, which said motion shall be served upon the person declared elected by the certificate aforesaid, and upon the returning officers aforesaid, and shall be heard after ten days' notice. The said returning officers shall produce before the circuit court all the returns, reports, protests, tickets, and all the evidence upon which they acted in awarding the certificate aforesaid. The circuit court shall thereupon determine and certify the persons shown to be entitled to the certificate."

In section 16, line 15, after the word "Congress," insert:

"*Provided*, That if there shall be an appeal from the decision of the United States board of canvassers to the circuit court as herein provided, the Clerk of the House of Representatives shall place on the roll as Representative-elect the name of the person certified by said circuit court as entitled to said certificate."

Mr. LODGE. I do not know whether those amendments would be in order first or not.

Mr. DINGLEY. They are first in order.

Mr. LODGE. It seems to me so, because they go to the perfecting of the section which it is proposed to strike out. I therefore offer the amendments with that in view.

Mr. HEMPHILL. I will state that they do not go to the perfecting of the section at all. This is an independent section, as I understand it.

The SPEAKER. It seems to be composed of an independent section and an amendment also.

Mr. HEMPHILL. We had better vote upon the clear proposition as to whether the State is to certify or the United States is to certify.

The SPEAKER. The Chair will examine the matter.

Mr. HEMPHILL. In the mean time we will go ahead on my amendment under the limitation of time already agreed to.

Mr. LODGE. I want a ruling on the proposition whether my amendment is in order.

The SPEAKER. The Chair does not make a ruling at the present time, but will examine the question, and in the mean time the debate will proceed.

Mr. BUCKALEW. Mr. Speaker, this amendment now proposed by the minority of the committee, when properly understood by the House, is simply this: That the existing system for State elections for Representatives in Congress, including all the proceedings of returns, shall be left unimpaired. The election will be held by the proper State officers. In the first place, the election returns will be carried in such States as mine to a court a day or two after the election, all the returning judges appearing there, the court being empowered to correct errors or any apparent frauds. Then they pass to the district returning boards, which is merely a mere matter of form now in those, and then to the proper high State officers, the secretary of the Commonwealth, and the governor of the Commonwealth, and then the returns come here, and are *prima facie* evidence of what the people have done.

This amendment is simply to preserve and continue that system, which in substance has always been enforced, and under which I venture to say in not half a dozen instances has there ever been any complaint of the action of the State authorities—the secretary of the Commonwealth and the governor—in making returns. It is admitted that these high State officers, acting under the great responsibility of distinguished character, are reliable personages, by whom these returns are to be made to the House; and until something to the contrary appears it will be assumed that these returns contain the true voice of the people, the legitimate expression of the popular power of electing members of this House.

Now, sir, this bill reported by the majority of the committee provides for inspecting registration, inspecting naturalization, inspecting elections, and interfering partially with them, and for returns by the precinct supervisor of the district or the district supervisor; that statement also containing all the information necessary to exhibit on behalf of the United States the choosing of officials, in exhibiting any peculiarities at the election precinct, and under the amendment that information, the returns, certificates, and statement in the hands of the district supervisor of the election and his chief supervisor will be transmitted to the House, there to be laid by the Speaker before the House for its information, and if they impeach the returns the House has the power to send that information to the Committee on Elections, who may make a report on the *prima facie* right as to that choice, and the House may take all proper order to preserve the dignity and justice of the proceedings.

In short, this amendment is calculated to eliminate from this bill the whole element of contradiction, inconsistency, and contrariety between the returns as they come to us through the long-accepted channels—the governor of the State and his subordinates—and this irresponsible, from a legal point of view, authority of the district supervisors; but leaving to it the proceedings under this bill as to naturalization, registration of elections, and all district returns which it provides for, leaving all the proceedings, the objects, and purposes for which these inspection laws were originally passed, and that is for information, to detect frauds, to enable this House to do justice in a prompt and summary manner. That is all there is in this amendment, and it presents a sharp question to gentlemen of this House between the regular legal State action on the one hand and the irregular, mischievous, and dangerous action on the other, while the bill retains all those features intended for inspection and the detection of frauds.

Mr. ROWELL. Mr. Speaker, the object of an election is to reach some result. The result is the ascertainment of who was elected and such certification as will enable the person elected to take his seat in the body to which he is elected. This is the House of Representatives of the United States. It certainly ought not to be objected that under a law of Congress the certifying of a vote created under that law should outrank the certifying of a vote created under the State law in ascertaining who in the first instance should take his seat in the House. It is said that the governors and the highest authorities of the States are always honorable men, and therefore it can not be inferred that they would make false certifications.

Mr. Speaker, that is not sought to be guarded. The State certifying board simply ascertain the result coming before them from the county, precinct, and township certifying board; and while the governor of a State may honestly and in exact accordance with the law tabulate and certify the returns as they come to him, the county board sitting in the midst of a sentiment in favor of falsification may so absolutely falsify the returns as that a man who was overwhelmingly defeated gets from the governor of the State a certificate of election. Three times in two Congresses one man came to this House with a certificate against the vote of his district as given at the polls and delivered into the hands of the county canvassing board (twice in the Forty-seventh and once in the Forty-eighth Congress), and by reason of false certification of the canvass he held the seat during those two Congresses within seven or eight days.

In the State of North Corolina by a law recently passed these county

canvassing boards are made judicial officers and are required to judicially pass upon precinct returns, taking the whole matter even out of the hands of the court, and permitting the county canvassing board appointed by the governor to reject the returns, to throw out the vote of the various precincts, and to so reject the returns as to return one man, even when the other man had been elected by the people. More than that. From the Seventh Congressional district of South Carolina, by simply rejecting and throwing out the precinct returns, one gentleman has been selected and certified as elected when another received the votes from the various precincts and the returns of those votes were duly and properly delivered into the hands of the county canvassing board, not selected by the people of these counties, but appointed by the governor of the State.

The purpose of these four sections is to have two certifications, and by means of these certifications to hold a check, not upon governors, not upon State officers, but upon the irresponsible and corrupt officers in the various counties who in times past have been in the habit of throwing out returns and falsely certifying results to the governors of the States. It is for the purpose of letting some man from each district participate in the organization of this House, and it only goes to the extent of having the certificate of the Federal canvassing board outrank the certificate of the various county officers in the Congressional districts which are supervised according to the provisions of this bill. It seems to me reasonable, proper, and conducive to a proper organization of the House and to a representation here at the beginning from every one of the Congressional districts in the country.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, the provisions of these four sections when taken in connection with section 29 and with the section under which the chief supervisors are appointed, create a system which puts it in the power of the courts of the United States and of non-residents of the States where the elections are held to substantially control the House of Representatives.

I am not now speaking as a Democrat, but as a citizen and a Representative of the people of the United States, looking to the future without regard to the animosities of the past. We are legislating for a common people for that great future, and these sections, I say, give to the circuit judges of the United States (of whom there are but nine) power to appoint the supervisors and boards of canvassers in States in which the judges do not reside, which boards of canvassers have the power to make certificates which are to be sent to the Clerk of the House, and by those certificates the Clerk is to make up the roll of this House.

We are the representatives of the people of the States. We speak in a representative capacity; we represent those whose commission we bear. We bear the commission of those who choose us. No district can be a part of two States. We are collectively the representatives of the people of the United States; individually we are representatives of our districts. For a hundred years the certificate of the governor of the State has been *prima facie* evidence of our title to our seats. Under this bill a non-resident circuit judge, appointed because of his political affiliation, goes into a State and chooses a board of canvassers whose certificates, made up from the certificates of the lower supervisors, is final upon the Clerk of this House. So that the number of men put by these certificates into this House may control the House of Representatives. The gentleman from Massachusetts [Mr. LODGE] says this is a bill to give publicity. It is no such thing. It is a bill to give secrecy and power to the supervisors of the elections appointed by a judge who is a non-resident of the State.

Under the domiciliary visits of the supervisor from house to house the voter and that officer are alone. Every bribable man is brought into direct and secret contact with the officer, who is appointed by the party in power, whichever party that may happen to be. That officer stands by when that voter goes to the polls. That officer certifies the list to the chief supervisor; that chief supervisor certifies it to the board of canvassers; those canvassers certify it to the Clerk of this House, and that Clerk puts the name upon the rolls of this House. The men upon this floor may hereafter be no longer the representatives of the people. They will become the representatives of the party that happens to be in power, provided this bill shall pass and shall be obeyed in every section of the States and of the country.

I can understand the gentleman from Michigan [Mr. ALLEN], whose frankness outran his discretion when he said that he was not willing to have this bill made applicable to his district because fifty or one hundred unscrupulous men might be tempted to petition to have it apply there. It is that which makes gentlemen vote for it. They are willing to subordinate the certificate of State officers, they are willing to make this stab at the purity of elections, because it does not apply to their States. They would not do it, they would resent another doing it, if it did apply to their States. Gentlemen on the other side vote for this bill because they believe that they will not have to live under it, that they will not have to be chosen under its provisions, that their people will be free from this enginery, that their States will not be subjected to the horde of mercenaries that this law may turn loose.

But the future is uncertain. The exigencies of the future may put this power into the hands of other parties. I have seen the Whig party go into history. I have seen the Knownothing party destroyed. I have seen the Democratic party, using force in Kansas to make the elections a lie, lose power by the very means which it took to perpetuate its power. Therefore I am not to-day pleading merely as a Democrat, but I am pleading for every section of the country, for every district in the country, that the House of Representatives may continue to be the representatives of the people, chosen by a majority of the voters at a ballot-box not controlled by mercenaries. [Loud applause on the Democratic side.]

Mr. Speaker, I take advantage of the permission of the House to submit more fully some observations on this measure.

It may be that Congress has the right under the Constitution to enact a Federal election law and that it is expedient to exercise that power in the present condition of the country, but it does not by any means follow that the proposed election bill is either constitutional or expedient. It may be possible that all which has been so earnestly, if not generously and accurately, urged by gentlemen on the other side as to the condition of the negro in the South, and as to frauds heretofore committed in some of the larger cities of the North is true, and yet it may be also true that this proposed bill is unconstitutional, unwise, and iniquitous.

It devolves upon gentlemen who advocate and vote for this measure to demonstrate not only that Congress has the power to enact an election bill and that the condition of the country requires its enactment, but that the particular provisions of this bill are wise, impartial, and necessary. I beg to impress this upon the members of this House and upon the country. The real contest between us and the gentlemen on the other side is not as to the power of Congress to pass an election law, nor as to the possibility that there are frauds committed at the election of certain Representatives, but that this proposed measure is obnoxious to the provisions of the Constitution, is unwise in its general scope, and is iniquitous in its particular provisions.

This bill has fifty-seven sections, some of them containing as many as fourteen subdivisions; it re-enacts twenty-nine, repeals ten, and amends six other sections in the Revised Statutes; twenty-one sections create crimes and misdemeanors and fix penalties. It is seventy-three pages in length. It was introduced into the House on Saturday, June 14, was reported to the House on June 19, and was taken up for consideration on the 26th. Of course, such a bill can not be thoroughly digested in so brief a time, even if Representatives were able to devote their whole time to its consideration.

This mode of legislation necessarily produces vicious results; necessarily must the grave and important interests of the people be imperiled and their rights be in danger. This House ought to refuse to consider such a bill in such haste, and its duty to itself requires that it will not be forced by the decree of caucus, by the exigencies of party, or by the fear of party censure to pass a measure so long, so complicated, so revolutionary, without ample time, careful deliberation, and full opportunity for amendment.

But as the House has ordered the consideration of the bill it is forced upon us to examine its provisions.

CONSTITUTIONAL POWER OF CONGRESS.

The first section of the Constitution is:

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.

SEC. 2. 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.

* * * * * * *

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years; and each Senator shall have one vote.

It is perfectly evident that the phrase in the second section, "chosen 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," and the phrase in the third section, "chosen by the Legislature thereof," are precisely equivalent. They describe the electors who shall choose the Representatives in the first instance and the Senators in the second instance. In neither case did the Constitution undertake to select these electors, but solely indicated those who should be qualified by the several States, in the one case by the proper action of the State through its constitution or laws, to wit, the "electors of the most numerous branch of the State Legislature," and in the second those chosen under the constitution of the State and by the people at the prescribed times and in the prescribed mode, as members of the Legislature.

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It is demonstrable that the power of Congress to "make or alter" the regulations as to "the times" and "manner of holding elections for Senators and Representatives" is precisely the same. It has constitutionally exactly the same power to prescribe the times and manner of holding elections for Senator that it has for Representative, no greater and no less. Its power is limited so that it can only "make or alter" regulations as to the "times and manner of holding elections" of Senators and to the times, places, and manner of holding elections for Representatives.

It can no more hold the election for Representative than it can for Senator. It can no more create offices of its own and provide the officers to superintend and conduct and certify the election of Representatives than it can hold, conduct, and certify the election of Senators. It has the same power to prescribe how the members of the Legislature shall be elected, qualified, and perform their duties as it has to prescribe how the electors of Representatives shall be selected, qualified, and perform their duties. I want to make this point perfectly clear, because I think that if it is once distinctly understood that the broad claim made by the gentlemen on the other side applies in the future to an election bill ousting the lieutenant-governor and speaker of the house and other officers of the State, and turning over the election of Senators to appointees of the Federal judicary and depriving the State officers of the power to certify the election, and giving it to a board of canvassers, it may be that a halt will be called.

The election of Senators and Representatives was to be by the States; as to the Representatives, by the voters at the polls; as to the Senators, by the Legislature; but in each case each was to be chosen by the people of the State. It must be remembered that the power of a State to choose its Representatives in any legislative body which might have been formed by that convention was necessarily anterior to the formation of the convention and its adoption of any constitution. The particular form of Legislature which might be created, whether it should be bicameral or composed of a single house, did not abridge this anterior right of the State, but simply rendered some prescribed mode necessary. If that Legislature was to consist of but one house, then that convention might be at a loss to decide whether the Representatives should be chosen by the people of the respective States at the polls, by the Legislatures of those States, or in such mode as each State might determine.

As a bicameral Legislature was determined upon by a convention composed of delegates from large and small States, a compromise was made by which the States as States, by their Legislatures, without regard to population, chose their Representatives in one House, which was called the Senate, and chose by popular election, in proportion to numbers, their Representatives in the other House, which was called the House of Representatives; but the right of the State in each case was precisely the same, "to choose their Representatives." The mode of choosing, and the electors choosing, and the basis of representation were different.

For the purpose of self-preservation the Federal Government was given the power, in case the States failed to provide a manner of thus choosing its Senators or Representatives, through Congress, to provide that manner, and as incidental to the providing of the manner it was given the power to provide the times and places of election, except as to Senators; it could not change the location of the capital of the State. And the language of the fourth section must be construed in the light of the anterior power of the States to choose their Representatives, and of the duty imposed under the second and third sections that they should choose their Senators and Representatives.

To have power to prescribe the manner of holding elections does not include the right to hold the election. The word "manner" is synonymous with mode. To prescribe a mode of doing an action does not give the power to do the action. It does not invest him who has the mere right of regulation limited in terms to the manner of doing a thing with the power of actually performing the action. The power to prescribe how a thing shall be done is generically different from saying who shall do it or from the power to do it.

It is, no matter how plausibly presented, an extremely shallow claim, utterly unjustified either by the rules of the language or by any rule of construction, much less by the nature of our Government and the relation between the General Government and the States, to hold that the power, even if it were a primary and original power, to prescribe regulations for the manner of holding elections conferred upon Congress the power to prescribe who should hold the elections, who should vote at such elections, and give to Federal officers the authority to decide challenges as to the qualifications of the electors, open and hold the polls at precincts, and issue certificates which would give *prima facie* title to seats on this floor. It is not true that the Supreme Court has ever decided that Congress had this power.

Neither in the Siebold case (100 United States), nor in that of Yarborough (110 United States), was such decision either necessary or possible. It was not necessarily involved in either, and the dicta of the distinguished judges who pronounced those opinions are entitled only to the weight which the character and learning and virtues of those particular gentlemen give to what they might utter from the bench. I deny that that court is committed to the monstrous proposition that the Congress of the United States has the power to hold through Federal officers elections for Senators representing the States as States, or for the Representatives who represent the people of the States respectively; nor can I believe that under any circumstances will that court ever so hold.

That the Supreme Court, in cases properly made up by litigants, has the power to pass upon the constitutionality of acts of Congress is undeniable; but there resides in it no power to declare what is the duty of the Congress of the United States, its co-ordinate branch of the Government, in any given matter submitted to its legislative action. I protest against the sentiment pronounced on this floor that the dictum of any judge uttered in an opinion and announcing the decision of that court in a private litigation between private citizens can bind the consciences and judgments of the members of Congress. Where the power sought to be exercised is doubtful, it is a weighty argument against the adoption of a law that the Supreme Court has held that such a law or one analagous to it was not within the provisions of the Constitution, but this is wholly different from the argument in such doubtful cases that Congress ought to exercise that doubtful power because eminent judges in *obiter dicta* have made utterances which seem to construe the Constitution favorably to the exercise of the power.

I do not hesitate to aver that this proposed bill is beyond the power of Congress; that it is in violation of the fundamental principle announced in the second and third sections of the Constitution, that the Representatives and the Senators shall be "chosen" by the people of the States and the Legislatures thereof. But I will not pursue this line of argument, simply desiring to put on record this opinion.

IT IS ANTI-REPUBLICAN.

The fundamental principle of a republican as distinguished from a democratic government is that all laws shall be enacted by legislative bodies composed of representatives chosen in some prescribed mode. Great jurists have held that it is not within the power of Congress or of the Legislatures of the various States to enact any law dependent for its efficiency upon the subsequent vote of the people.

I have always held this view; but there are some exceptions to it so weighty and so well established as to render the general principle subject to exceptions; but, as a rule, all will agree that statutes should be enacted by the representatives of the people. That the wisdom and expediency of passing a certain law and subjecting the people to its operation and requiring of them obedience to its provisions ought to be the act of a legislative body composed of the representatives chosen by the people, will be admitted by all. So all will agree that, as a rule, all laws should be general in their operation, universal in their application, and uniform.

This act violates not only this general principle, but also that which lies at the foundation of all democratic and republican governments: that in a given community the majority therein shall rule as to its local affairs. This act does not take effect by its passage through Congress and its approval by the President, nor by its adoption by the majority of the voters of any given city, county, or Congressional district. The precedents for such an act ought not to be enlarged. It is not seemly that in two Congressional districts lying side by side in the same State there should be different election machineries; that in one fifty or one hundred persons—not a larger number than might expect to receive appointment under this act—who do not have to be, but only to claim to be, citizens of the district, should have the power, against the will of a very large, if not unanimous, desire of all the voters save these fifty or one hundred, to impose upon that district an obnoxious, arbitrary, and fraudulent election machinery, while on either side of that particular district the contiguous districts hold their election free from these obnoxious and fraudulent provisions. Of course the purpose of this is well understood, but it is one that does not justify the act.

The central committee of either of the great parties could issue from Washington or any Eastern city an order to a particular district, which would be obeyed by the fifty or hundred who are by this bill made the legislative power to enact this provision into efficient law, that would put under its operation such a district as in the opinion of that committee could be carried under this law. This provision makes the central committee of either party the Congress of the United States for the election laws under which Representatives in Congress must be chosen. It is an intentional conferral of the power by Congress upon the party managers to examine the returns and conditions of every Congressional district in the United States and to decide whether the exigencies of the party require that this law shall or shall not be enacted as to each particular district.

I am not now speaking as a Democrat denouncing this bill as a weapon forged by Republican committees and brought out of a Republican caucus into a Republican House by orders which that caucus dare not disobey, but I am speaking as an American citizen looking to the future. The present operation of the law in the pending election will be, or it is supposed that it will be, for the benefit of the Republican party. But, in a broad sense of the word, parties are not permanent. I have lived to see the Whig, the Knownothing, and other parties go to pieces. I expect to live to see the Republican party pass into history. I have seen the Democratic party lose power by division. The changes and fluctuations of the future are to be taken into account by those who legislate for a free people, and this act is not merely a temporary transference of Congressional power under the Constitution, but it may be a permanent transference of power, so that that party which can obtain control of this machinery may secure Congress.

Under this bill the election of the President will be in the hands of the officers appointed in accordance with its provisions. That this is one of its purposes seems to be clear; and it may be that the States may be driven to change the time, if not the mode, of choosing Presidential electors. This can not be accomplished before the election of 1892; and those who have forced this measure on Congress hope to se-

cure the Fifty-second and Fifty-third Congresses and the next Presidency; and these prizes would repay them for all done and expended to enact this law.

Any Federal election law, in my judgment, is unwise. Any Federal machinery is inexpedient. With the States controlling their elections there can be only local frauds and only temporary mischief. In the give and play of counteracting forces these frauds will generally offset each other. The average result in a series of years will about be equal on either side; but if there is but one machinery applicable to all elections in every part of the country, and that machinery falls under the control of a single will and it desires to perpetuate power by the use of that machinery thus given to its control, it will see that the control is perpetuated; that that machinery is prostituted for that purpose; that it is used to accomplish that end, and then there can be no way of destroying that power thus arbitrarily and fraudulently perpetuated save either by an overwhelming revolt of the people or by an appeal to extra-legal means.

It is a step in the wrong direction. It is not only unwise in that it turns over the elections to a single machine dominated by the will of the party in power, but it is iniquitous in that it directs that party to go into any community and by the bribery of office and the pay attached to those offices use "the lewd fellows of the baser sort" who exist in every community, to corrupt the elections of the people and really take from them the right of choosing their Representatives. It is in another mode the old Roman idea by which the emperor preserved power by false elections. It is the Napoleonic idea put into American politics, that the emperor controlling a universal plebiscitum controlled the government.

The bribes that can be given may control the election, and where it does not happen to turn out as is expected the officers who hold their office at the will of that party and are its creatures and subservient to its purposes will see to it that the counting of the ballots is made to utter the voice which it desires the ballot-box to proclaim. Under this act, with its multitudinous army of officers, none of whom are responsible to the people, all of whom are appointed by partisans, all of whom are tempted by the pay, most of whom must necessarily come from those most easily corrupted, there is danger.

I will not say that that danger is certain, for I believe that it will be averted by a revolt of the American people, but, I repeat, there is danger of the power at Washington selecting such districts as can be won by fraudulent means, by a conspiracy between the appointing power and those who are corrupted by the bribes offered by this bill, and then such number of Representatives may be chosen as will make in point of fact the House of Representatives selected by the machinery of this bill, and not by the voters at the polls. It is true that when the three hundred and thirty Representative districts are examined, a shrewd and well informed politician can calculate that a certain number of districts will undoubtedly go Democratic, and a certain number will go undoubtedly Republican. The residuum put down as doubtful is the prize of contending parties. This bill gives to the party in power the opportunity to select through the machinery that it creates the Representatives from those doubtful districts, and thus control the House of Representatives.

SUPERVISORS.

By the twenty-second section the chief supervisors hereafter to be appointed must be selected from the circuit court commissioners. As for the last twenty-five years the circuit judges of America have been, with scarcely an exception, Republican, it is not unnatural that almost without exception the circuit court commissioners are gentlemen who agree in opinion with the judges and are Republicans. This is not unnatural, for it is to be expected that a judge would be most apt to appoint out of persons who are equally well qualified those with whom he is most thrown into contact, with whom he has most intercourse, and between whom and himself there are the most points of agreement. This is not, however, an accidental provision. This is intentional. It may be that there are Democratic circuit judges who have not taken the trouble to change the commissioners and who are by this act compelled to appoint a Republican as the chief supervisor.

We may therefore assume that as a rule the chief supervisors—some seventy in number—will be Republican. They substantially control the appointment of the district supervisors, for the courts may only appoint from lists furnished by the chief supervisor; so that two-thirds of the officers under the chief supervisor will be Republicans chosen by him. The other third will be nominal Democrats, and in the main only nominal Democrats. They will be chosen for reasons that do not include their Democracy. We have seen in the action of the present Administration what the Republicans construe as the meaning of laws which require the appointment of Democrats, or of such appointments as good taste dictates shall be from the Democratic party; and with very few exceptions it is well known that those appointees are not such Democrats as a Democratic President or convention would have chosen.

But these Democratic supervisors are absolutely without any power. The whole power is granted to the majority of the board, so that, in a board of three composed of two Republicans and one Democrat, the Democrat has no power whatever except to file, if he chooses to do so, a certificate reciting a state of facts different from that recited in the certificate signed by the majority, which certificate signed by the Democrat is given no validity anywhere and is of no effect.

The deputy marshals are appointed by the marshal, every one of whom in America is or will be Republican before this bill goes into effect, either of his own selection or at the direction of the chief supervisor, and the chief supervisor has unlimited power of suspension from office and of control over his subordinates. His warrant in the shape of a certificate of estimate of the necessary expenses to the Attorney-General is made by the twenty-third section of this bill a compulsory order to the Attorney-General, without delay, to cause to be deposited in a subtreasury or in a Government depository in the judicial district from which the estimate shall be sent, to the credit of the marshal of the United States of said district, the sum of money he so estimates; and to pay these estimates the law makes it a permanent appropriation, so that, if the next House or any House should be by Providence Democratic, the Treasury of the United States is absolutely without any protection by that House.

He is also made an officer for life, so that no changes that may occur, except his death, would relieve the district of which he is chief supervisor from his domination. Under his orders his subordinates have the power—it is made their duty, in fact—to make a canvass from house to house of every city and obtain a perfect list of the voters residing therein, so that at the expense of the tax-payers he may have for the benefit of his party absolutely accurate knowledge of the views and circumstances of every voter, and thereby be enabled to bring to bear upon every voter whatever corrupt means may be thought best suited to his condition.

Under subdivisions 6, 11, and 14 of section 8, every city, town, and village may be subjected to these domiciliary visits. In these visits the officer and the voter are alone; this secret conference affords the opportunity for bribery or intimidation, and the tax-payer contributes the pay for this chance to debauch the suffrage and demoralize the voters of America.

The enormous power of corruption thus put into his hands is beyond calculation. There is a widespread suspicion that in the last canvass the Presidency of the United States was substantially purchased by contributions supplied by those who expected to secure from legislation under a favorable administration many times the sums contributed. This puts into the hands of organized capital a complete list of all doubtful voters in every doubtful district in America, and furnishes this list at the public expense, and furnishes the willing tools paid out of the public Treasury to see to it that the means adopted shall be properly applied to the voter selected. It is absurd for any advocate of this measure to pose as a ballot reformer.

There may be some gentlemen so ignorant of its provisions, so innocent of the political methods employed in the last canvass, so unfamiliar with the means employed to debauch the voters, as to be enabled to conscientiously vote for this bill without believing that its end, if not its object, its effect, if not its purpose, is to corrupt the ballot-box and to furnish the cheapest mode of purchasing elections.

It is disingenuous in any one who has read this bill to proclaim that its object is supervision and its effect publicity, and that these are its only objects. These domiciliary visits are necessarily secret if the supervisors choose to make them so. No one accompanies these officers in these visits.

No one is present at the examination of these citizens by these officers, and a shrewd politician, clothed with Federal authority, going from house to house, ascertaining exactly the condition and environments of each voter, has the very best opportunity in the most secret way, free from inspection or surveillance, of ascertaining who can be corrupted and of corrupting those who can be purchased. He also has the best possible opportunity to know who can be intimidated and of bringing the necessary pressure to bear. It is a bill framed to accomplish in secrecy the utter demoralization of the ballot-box, and its pretended publicity is purely a sham used to cover the possibilities of its secret use.

It is also disingenuous to say that the power granted is only supervision and watchfulness. Not only is the chief supervisor charged "with the enforcement of the national election laws and with the prevention of frauds and irregularities in naturalization," but the subordinate supervisor under the seventh subdivision of section 8 not only has the power to require the State officers to immediately put to the voter whose right to vote shall be challenged the statutory oath or oaths and to require the State officers to at once pass upon the qualifications of any challenged person, but to decide whether that State officer has neglected or refused to obey his order and upon his decision to perform that State duty of putting the proper oaths and passing upon the qualifications of a voter; and if he decide that the voter be a lawful voter his decision is final. Under section 14 the subordinate supervisors are required to open the polls and hold the election in the precincts which may not be opened within one hour; and the certificates of these supervisors are practically conclusive of the right of a Representative to have his name placed upon the roll of this House by the Clerk, for their certificates pass to a board of canvassers and are by those canvassers used as the basis of their certificate, which certificate controls the Clerk of this House in making up his roll; so that, instead of the mere

duty of supervision being put upon these officers, chosen as we have pointed out heretofore, the control of this House is placed in their hands.

They may so perform their duties as to necessitate the board of canvassers to grant a certificate which the Clerk of this House must recognize and make up his roll in accordance therewith. It is therefore not ingenuous for any one to attempt to mislead this House by the plea that this is giving to the Federal elections merely a proper publicity. And, by section 52, willful disobedience of any command given by a supervisor under the provisions of this act is made a misdemeanor punishable by fine or imprisonment, or both, so that the power of oppressive and expensive prosecution in distant courts is put in the hands of every supervisor, to be used for intimidation and outrage.

CLERK OF THE HOUSE.

I can not imagine the state of mind which would permit a Representative from any State to turn over to a board of canvassers appointed by a circuit judge, who may not be a resident or citizen of his State, the power to grant a certificate which would be superior to that certificate which the authorities of the State under the great seal of the State now by law transmit to this House, and which compels the Clerk of this House to place upon the roll of the House the names of those who hold this bastard certificate and probably put them in actual possession of the power of deciding the complexion of this House.

The circuit judge who appoints the chief supervisor and the board of canvassers may not be a citizen of the State. If the judiciary bill which passed this House some months ago, and which now is in the proper committee of the Senate, becomes a law it may be possible that this act may be construed to mean that these chief supervisors and boards of canvassers are to be appointed by the district judges, upon whom, under that law, all the powers of the circuit court are conferred; but if this is not so then it is absolutely certain that the circuit judge must be a non-resident of most of the States whose elections he helps to control, for we have forty-two States and only nine circuit judges.

The power, therefore, which brings into operation the machinery of this act is vested in non-residents of thirty-three of the States of the Union—I mean the nominal power; of course the real power is the chief committee of the party at whose dictation this bill is introduced. That that non-resident judge, wholly irresponsible to the people of the State, ambitious possibly to succeed to the next vacancy on the Supreme Bench, appointed to his present position because of his party affiliations, should be given authority to appoint those who can grant a certificate superior to the certificate issued by the authorities of the State under the great seal of the State, is an outrage upon the State which to me is inconceivable when committed by a citizen of any State; and the only possible reason for it is that the majority of those who are going to vote for this bill do not expect it to apply to their States and vote for it because they do not expect it to apply to their States.

It is a blow aimed by them at other States which they would not dare to aim at their own and would resent if any other Representative dared so to do. I venture the assertion that there will never be different certificates issued by any board of canvassers based upon returns of the supervisors of elections except in cases when the authorities of the State certify to the election of a Representative belonging to an opposite party to those supervisors and boards of canvassers.

It is intended to grant a fraudulent certificate to defeated candidates, whereby they may be enabled to exercise the representative power to retain the seats to which they have no just title and to prevent the control of the House from passing from their party friends. It is a travesty upon the relations between the State and the Federal Government to enact a provision by which the certificate of the authorities of the State that that State has chosen by its people the requisite number of Representatives is held for naught, in comparison to a certificate filed by three canvassers appointed by a non-resident circuit judge, basing their action upon the certificates of officers whose source of appointment is the judicial power of the Federal Government operating through those who do not live within the boundaries of the State to be represented.

THE JUDICIARY.

Besides, it is an utter confusion of the principles upon which our Government rests to confer this power upon the judiciary at all.

I have listened in vain for any explanation of section 29, which confers upon the circuit court the power to order "either national, State, Territorial, county, or other local board" to correct "errors" and to issue a mandamus. Does section 15 confer semi-judicial powers upon the board of canvassers and authorize a contest before that board as to the certificate it can issue and section 29 authorize another and wider contest before the circuit court as to both certificates? If so, what are the powers conferred, the forms of procedure, the rules to be applied?

These are new and extraordinary functions to be executed by the circuit courts of the United States, that the officers of the States can be compelled by the order of the Federal judge to issue certificates of election which they believe to be false! Let us pause before we grant such tremendous powers to our courts, and render probable if not certain frequent collisions between the Federal judiciary and the authorities of the State. If we will not halt, then let us make absolutely unambiguous the grant of power.

Upon whose "affidavit" must the court act and at what time must this extraordinary litigation be inaugurated? What is the effect upon the rights of the Representative if the order of the court is disobeyed?

Surely this House was entitled to have from the committee which reported this bill further explanation of its provisions.

Our fathers in framing the Constitution believed that the three great co-ordinate departments of Government should be independent of each other. Free institutions positively require the separation of the executive, the legislative, and the judicial functions. This truth was not as distinctly apprehended in that day as now, but even then the principle was carried out substantially in the Constitution, and I submit completely so as to the judiciary. There are conjoint functions of government imposed upon the President and Congress. With the consent of the Senate the President makes treaties and appointments to office. With both Houses he concurs by his approval in legislation or requires of Congress a reconsideration of their action and a reaffirmation by the constitutional two-thirds.

To both Houses he is required to submit his recommendations for legislative action; but the judiciary was kept entirely separated, entirely independent of its co-ordinate branches. I believe that even that clause which gives to Congress the power to vest the appointment of such inferior officers as they think proper in the President, in the courts of justice, or in the heads of the Departments must be construed to limit this power to vest the appointment of inferior officers in courts of law to such officers as are properly under the control of the courts and necessary to the transaction of their business; and all such decisions as do not make this distinction are ill considered.

The power to make law, the power to declare law, the power to administer or execute law, embraces all the functions of government. These exhaust all governmental powers. They ought to be kept separate. He who has the power to make the law ought never to be allowed to exercise the right to construe or to enforce that law, and he whose duty it is to enforce it ought to do it by authority vested in him by the law-making power, and they who are to declare what that law is ought not to have had any hand in its enactment nor be charged with its execution. These are elementary principles. They are utterly obscured and confused in this act.

We have boasted of an independent judiciary and in a certain sense of a non-partisan judiciary. It is true that men do not become translated when they are appointed from private life to the Supreme Bench; nor do they change their convictions by exercising judicial functions; and so the Federalist Secretary of State, John Marshall, remained the Federalist Chief-Justice; and so in later times the decision of the Electoral Commission was precisely on the line of the party opinions of its members; but the mere partisan struggles for party supremacy at any given time have not been carried as a rule to our courts.

We have tried to keep our ermine from becoming spotted with the mud of our fierce struggles and with the stains of party corruption. We ought not to make it the enginery for the destruction of free elections; we ought not to make it the source of power to mercenaries to debauch the ballot-box. We ought not to require of our judges to sit in chambers to pass upon questions of contested party struggles. We ought not to give to supervisors of election the power to require of our judges to open their courts and to hold themselves ready to do business at the beck and call of partisan election officers. Already the suspicion of the people that our courts are not as pure as they once were is becoming unpleasant and widespread.

Gentlemen have said that it is not only important that the elections should be fair, but that they should be known to be fair. It is infinitely more important that our courts should be pure and that they should have the confidence of the people. They are the last barrier between freedom and her assailants. It is not too much to say that the splendid tribute paid by Johnson in the dedication of his play, Every Man out of his Humor, to "The noblest nurseries of humanity and liberty in the kingdom, the Inns of Court," was as just as it was superb. The battle for English freedom has been fought before the courts and juries of Great Britain by the lawyers of Great Britain; and for the last thirty years the battles for the preservation of our peculiar system of government and of the constitutional rights of minorities have been before the Supreme Court of the United States. That battle is not yet over.

Amid the passions of that great war, amid the temptations which those passions necessarily produced, drunk with blood and inflamed with the hate which grew out of the contest, it is not strange that there were encroachments upon the rights of the people, that there were doubtful statutes, that there were unconstitutional acts. In the courts of the United States year by year has the unending struggle gone on to reconquer what was lost of liberty. Some of the decisions made by those august tribunals have been monuments not merely of their patriotism, but of their power to subordinate the partisan to the judge and to decide grave party questions in the realm of judicial fairness instead of in the atmosphere of party animosity.

Every citizen is interested in keeping these courts free from temptation to participate in our party struggles, in preserving the confidence of the people in the purity of those courts, in not subjecting the incumbents of the benches to the terrific pressure of such temptations

as this bill puts before them; of not convincing a great party, in numbers larger than its adversary, though it has not the possession of power, that the judiciary is the chiefest engine of mischief, and a debauched and corrupt bench the implement wisely chosen for the destruction of a free ballot-box. If gentlemen of the majority feel themselves compelled to pass an election law, remodel this proposed bill.

Strike out from it the provisions which give power of appointment to the courts. Let it be political in all its parts—I mean political in the true sense of political. Let the officers be appointed directly by the President or by some one who is responsible to public opinion. Let us maintain the separation of the judiciary from the legislative and executive departments of the Government. Let us hedge about that judiciary with every possible barrier, so that in its holy chambers there may not come these unscrupulous partisan contests. In its halls let us be obedient to the law, trying to find precisely what the law means and administering public justice from motives of justice and under a sincere desire to reach an honest judgment. As long as we have pure, non-partisan, and independent courts there is hope of the preservation of the liberties of the people. Do not let us take any step in the direction of prostituting the power that these courts derive from their independence.

THE BILL IS SECTIONAL, IT IS UN-AMERICAN.

This measure is based on a false conception of the nature of this House and its relations to the Federal Government and of the relations of the States and the Federal Government to each other. This is a Union of States and of the people thereof; this House is composed of the representatives of the people of the States; our commission must come solely from the citizens of a single State; there can be no district composed of parts of different States. We represent the wants, wishes, opinions, convictions, and aspirations of our respective constituencies. This is the essence of representative and Federal Government. Through us each district makes known its wants and obtains consideration therefor. It must not be obscured that we are only representatives, that we act only in a representative capacity, that we speak in the name of those by whom we are chosen, for them and in their stead we act.

Collectively we represent all the States and the people thereof; individually each represents his respective district and, with his colleagues from his State, that State. The gist of representation is that the representative be freely chosen by those he is to represent; that there shall be no interference with the exercise of this supreme and sovereign right.

In Congress the true relations of the Federal Government and the States practically result in wise and cordial results. Its members, chosen by the Legislatures and people of the respective States, compose the Legislature of the United States, jealous of the honor of the General Government, yet zealous to preserve the autonomy of the States and the rights and equality of the people thereof.

It is only by such a Congress that our duplex system can be preserved. A Congress chosen by Federal officers must soon become a body subservient to central power, and in its rank and file would soon lose its representative character. Insensibly the relative and constitutional rights and powers of the States and Federal Government would undergo radical and disastrous change.

American institutions mean a Federal Union composed of States governed by a written constitution, in which a Congress chosen by the States and the peoples thereof exercise all legislative powers as the representatives of the governed, on whose consent the Government rests and by whose sovereignty all power is delegated to their representatives. This measure humiliates the States, sets aside its certificates, and surrounds its ballot-boxes with irresponsible officers charged with the duty of packing this House.

It is a measure modeled after the force bills passed by an English Parliament for Irish constituencies and defended on precisely the same grounds. Mendacious slanders of the people of the weaker sections; exaggerated and sensational reports of occasional acts of violence; passionate appeals to the people of other sections; petty persecutions and irritating annoyances by an unscrupulous constabulary; offensive and insulting charges thrown at the representatives; urgent party persuasion characterize in common those who pass force bills there and press force bills here.

Grievances do not justify either change of institutions or destruction of them. Reform ought not to be revolution. This changes the customs and laws of a century, it inaugurates a new system, it is revolution, and that towards espionage, surveillance, irresponsible powers, the building up of clashing tribunals, the vast accretion of this central power, the impairment of the dignity of the States, the diminution of the independence of the Representatives of the people.

Now, a Representative may assert his independence of party decrees and appeal to his constituents; then he must meet in fierce contest this powerful and compact machinery. There is nothing in the condition of any part of any State which justifies any Federal election law; but I aver that there can never be palliation, much less justification, for such a measure as this.

No one who has listened to this debate needs any further assurance that its real purpose is to secure the return of Republican Representatives from certain of the Southern districts. In this debate much has been said of the North and of the South; of the slaveholding and of the non-slaveholding States; of the States in rebellion and the loyal States. I represent a district somewhat peculiarly circumstanced. The State of Kentucky was a border slaveholding State. It is therefore classed with the Southern States and grouped with the disloyal States, as they are called.

At the beginning of the war it was divided, having elected a Democratic governor in 1859, but through the division of the Democratic party it cast its electoral vote in 1860 for Mr. Bell. It remained loyal to the Government during the whole of the war. It furnished fully and generously its quota of troops—not only its own, but it helped to complete the quota of Massachusetts by furnishing from its colored population a certain number of regiments. The General Government, since the introduction of Kentucky as a State, has never called upon it for any sacrifice that has not been given. It had no Tories during the Revolution. It had no secret traitors during the war of 1812. It furnished more than its quota in the war with Mexico, and when the late war came upon us, while it was divided and many of her sons went into the Confederate army, she did her full duty to the Federal cause, and she has asked less for it than any State of the Union. She has not been clamorous about pensions, she has not debauched her public men by organized raids on the Treasury, and she to-day yields precedence to no State in her undivided loyalty to the Constitution, in her faithful obedience to all the laws enacted by the Government, and her generous affection for the entire country. There has not been a contested election from any of her districts for more than a score of years, and her elections have been absolutely fair. No Federal supervision is needed at her polls. Her Senators are chosen without regard to their wealth. No scandal attaches to her Legislature in its act of choosing her Senators; and her Representatives on this floor in this and in preceding Congresses hold unsullied commissions. She has treated her colored citizens not only with justice, but with generosity; without any pressure brought to bear during reconstruction times. By her own voluntary act she distributes her school fund per capita without regard to race, and her people are getting along peaceably and prosperously.

The animosities of the war could not be kept alive even for the sake of party office, and by the steady but powerful influence of daily good-fellowship and neighborly, mutual interest her people have become one. She accepts with good-natured complacency the Phariseeism of those good people who thank God that they are not as that poor publican, and she feels that there is no system of law which any other part of the United States can live under that she can not also bear. Her mountain region, where the Republican party has been and is powerful, is becoming richer every day. Those feuds which grew out of the peculiar nature of society and civilization in those sections, pass away as railroads penetrate the fastnesses of her mountains and develop the richness of her resources. Yet interference in her elections by such a law as this will be full of mischief.

The grave problem of the races is to her not of danger, but only of gravity. But it is to other parts of the country full of danger, and the very first requisite to its proper solution is non-interference. The absolute necessity of home rule never was so complete as in those States. No community can afford to permit itself to permanently do wrong, to permanently commit injustice, to permanently be poor. If left to itself it will make the most out of the conditions which surround it and of it the elements which constitute it. It best knows the evils and the remedies for those evils. It feels the grievances most and is most interested in the removal of those grievances. It is most deeply involved in the development to the highest degree of the money-earning power of its citizens, and this must rest finally upon content. There can be no permanent prosperity based on discontent.

No people know this so well as the Southern people. No thinkers more clearly apprehend this truth and no communities more intensely understand and appreciate it than those mixed communities. For twenty-five years those people, white and black, have been living together trying to reach the very best possible results, and if man is capable of self-government and if christianity is in truth from God, the ultimate result is certain. But there must be internal peace; there must be mutual good-will; there must be a sense of complete dependence of each upon the other and of security from all outside interference.

This is a truth which the Republican party will not understand; will not try to understand; do not seem to desire to understand, that the white Southern people are the most interested of all the white people in the world in the highest possible development of the colored people; that the Southern colored people are the most interested of all people in the world in securing the friendship, the kindness, and the good will of the Southern white people. Any state of society produced by outside interference is unnatural and must be temporary. There can not be a permanently unnatural condition of society any more than there can be a permanent storm. The subsidence of passion must restore the people to their normal condition, to their natural status.

Therefore, in the end, intelligence must prevail, even if in the mean while it is wholly disarmed and to ignorance and to brute force is

given every possible weapon. War and all violence must be temporary, and every special enactment, every law thought to be called for by an exceptional exigency, every unusual system or special machinery must equally be temporary, for it is exceptional and abnormal. This has been illustrated since the war. In 1865 there was not a Democratic organization in the land that had any power. The South was bankrupted; her public credit gone; her private credit destroyed; every institution or corporation blotted out; her houses burned; her fences destroyed; her fields devastated; her system of labor reversed; her civil governments obliterated, and military authority made dominant; Congress passed exceptional statutes applicable only to the South; troops were billeted upon her people; military officers usurped governmental and legislative functions; Legislatures were dispersed by the order of the soldiery; courts-martial took the place of civil tribunals; Representatives sat on this floor with commissions signed by generals; the people had no real Representatives in Congress. Necessarily such an abnormal and unnatural condition could not last. When the Republicans controlled every State, had possession of both Houses of Congress, possessed the Executive, with the Army in command, with the South utterly prostrate, the experiment was tried. There were annoyances, embarrassments, bloodshed, and unhappy occurrences; there were thefts, public demoralization, and many transactions which were deplorable. These are the necessary concomitants of a system of force and of fraud. They accompany the domination in Ireland and India, as well as in the Southern States of America. No thinker was surprised at such occurrences, no student of history believed that this condition could continue.

Now, this is the use of statutory force instead of military force. It is as unnatural and as abnormal as that experiment. It is less violent. It is less public. The forces are concealed under the forms of law. The persons are called marshals and supervisors instead of generals and soldiers; but the system is as abnormal and as unnatural and as illegal; and the result must be precisely the same. Temporarily the good feeling in the South will be suspended. Suspicion will take the place of friendship. Race passion will take the place of a desire for the general good. Hostility will be substituted for kindness. The desire for party advantage will take forms of violence. To the operation of oppressive and iniquitous laws will be put the resistance of intelligence. Extravagance will mark the execution of the law. The venal will be attracted by it. The purchasable will be temporarily seduced by its bribe. Those who expect gain in any form by it will give to it the most violent and unscrupulous construction. Northern capital that is invested there will become alarmed, and there will be a temporary arrest of the industrial progress which has marked the last ten years, which is now so pleasant to any lover of his country. Trade will be disturbed. The Southern market, which now takes so much of Northern products, will become straitened. The men who sell in the South will have a limited market. It will be followed by bankruptcies, both North and South. There will be a temporary suspension of progress. It may be that in certain localities, under the rude and unscrupulous execution of the harsh and iniquitous provisions of this bill, there may be a resistance which will produce collision.

But all this will be but temporary. As in March, 1877, the Republican party turned the colored men of the South over to the white men of the South; sacrificed Packard in Louisiana and the representatives of the Republican party in South Carolina and Florida, paying the returning boards who fraudulently gave the votes of those States to Mr. Hayes by the bestowal of Federal offices and Federal honors, so the day will come when the Republican party can no longer carry this bill and be responsible for the outrages committed under it, and will again turn over the colored people of the South to the white people of the South. That problem must be solved, gentlemen of the North, by the people resident within those States, and you who do not live there postpone the day of permanent peace and give to the colored man the burden of that postponement every time you undertake to interfere with it.

Gentlemen from Massachusetts may talk in eloquent terms of the luminous ideas of Massachusetts, and gentlemen from Iowa may declaim about a killing bullet to secure a pure ballot; but stripped of rhetoric and passion, of declamation and hypocrisy, it means simply in plain English that the negro shall be used to enact laws which will give to certain industries private aggrandizement out of the public Treasury and that he shall then be turned over to the mercies of the people among whom he resides; and I charge those gentlemen and their associates who vote for this bill, under the solemnity of my oath as a representative of the American people and with a profound consciousness of the issues involved in this debate, that all the violence that this act, if passed, will produce, in justice will lie at their door, safe in their homes they will be the guilty, and from their act will proceed all the evil consequences which this bill may produce.

They at the bar of God will be responsible, and if I had the power I would appeal from those Representatives of Massachusetts to the people of Massachusetts. I would appeal to the descendants of the Adamses. the Quincys, the Warrens, the Otises, who know that power, either by the sword or by statute, can only retard, and not prevent, the development of human ideas and of free institutions. I would appeal to the culture of Harvard; to the men who work in the factories of Lynn and Lawrence; to those who are the real Massachusetts, to protest against an act which is based upon distrust of the people; which violates the fundamental principle of home government; which puts into the hands of from fifty to one hundred the whole election machinery of a great Congressional district; which brings into the arena of partisan contests the judiciary of the country; which destroys the relation between the States and the General Government; which takes from the people of the State the control of the ballot-box when they are in the act of choosing their Representatives in Congress; which spits upon the certificate of the State officers under the great seal of the State, and which loots the public Treasury by the employment of a vast horde of mercenaries to perpetuate a party in power; and I not only appeal to the people of Massachusetts, but to those of every State of the Union.

Is there no better contribution that Scandinavian exiles who come among us for broader homes and ampler freedom can bring to the prosperity of their adopted country than to bring destruction to the freedom of the ballot-box and the libertyof the citizen to select his representatives without supervision or oppressive and impertinent interference? I appeal from those Southern Republicans who profess to represent great States like Maryland and Tennessee and who show their distrust of the States which bore them to the people whom they represent to say whether it is true that they can not be trusted without the supervision of Federal office-holders and without domiciliary visits from deputy marshals. I know Maryland, Tennessee, and Kentucky, and I protest that their Republicans do not deserve this humiliating distrust, and their Democrats have secured to all free and pure elections and wise and generous governments; and those States are happy, contented, prosperous, and growing. Can it be that, in the week which is made sacred by another Fourth of July, as a result of a hundred and odd years of American liberty and of the American Constitution, the people have become so corrupt and violence has become so nearly universal and fraud so brazen that the power which those States control is sufficient for all other objects and purposes in life, but is powerless to secure a free and pure ballot? If this be so, then, indeed, is American liberty a failure and our particular form of government a disaster.

Mr. McCOMAS. Mr. Speaker, the proposition in this amendment, strangely enough, does the very thing against which the gentleman from Kentucky [Mr. BRECKINRIDGE] protests. It takes away from the people the power of election and certification of their Representatives. It takes away the right of organization of a House of Representatives and provides that, in every case in which this law (if it becomes a law) shall be applied, the returns shall be made to the Speaker of the House by the chief supervisor. To what Speaker? In the organization of the House more than one-half of this body may be disfranchised by this proposition in the choice of a Speaker. Does it not say so? Does it not provide that in every case where there has been a supervision of election under this bill the returns shall be sent to the Speaker of the House? Am I wrong in that?

Is it not the purpose of the amendment?

Mr. BRECKINRIDGE, of Kentucky, rose.

Mr. McCOMAS. I will ask the gentleman from South Carolina.

Mr. HEMPHILL. I did not catch the question.

Mr. McCOMAS. Does not this amendment provide that in every case where there has been a national supervision the returns of the election for that district shall be made to the Speaker of the House?

Mr. HEMPHILL. It provides that the returns as tabulated by the chief supervisor shall be forwarded here to be laid before the House—not the certificate of election, but the tabulated returns.

Mr. McCOMAS. But there will be no certificate of the election at all in that case by the national supervisors.

Mr. HEMPHILL. None, except by the State authorities.

Mr. McCOMAS. Now, that means that where there has been a supervision either the whole supervision shall be null and void or that the men who come here, even if that certification is finally to obtain, though declared to be elected, shall stand on the outside until the Speaker of the House shall dispose of or refer their cases.

Mr. HEMPHILL. I will say to the gentleman that this is right in the line of the very argument that has been made on the other side, that this is a bill for supervision. If that is the object, gentlemen on the other side should vote for this amendment.

Mr. McCOMAS. The proposition is that the Speaker of the House, elected in the manner I have indicated, shall refer the credentials of the gentleman himself and of myself to a committee of his own choosing——

Mr. HEMPHILL. Oh, no; not our credentials.

Mr. McCOMAS. Yes, of course; our credentials.

Mr. HEMPHILL. Oh, no; our credentials we get from the governor of the State.

Mr. McCOMAS. But our credentials in this case ought to be the result of the supervision made by the national officers as well as that of the State officers.

Mr. HEMPHILL. The gentleman mixes up terms. Supervision and credentials are entirely different things.

Mr. McCOMAS. The proposition is that the Speaker shall send

these supervisors' certifications to a committee that he will appoint to pass upon your rights and mine.

Mr. HEMPHILL. He does that every day.

Mr. McCOMAS. I submit that this sort of centralization which has been so much declaimed against on the other side of the House should not now be incorporated in this bill.

Mr. HEMPHILL. Oh, that is too absurd.

Mr. McCOMAS. There is no trouble about this supervision. There is no reason why there should be a supervision at all unless it is to have some effect in results. Gentlemen assume here that when the supervisors are appointed by our United States judges—judges of some of the highest courts in the land, untainted in their high offices——

Mr. HEMPHILL. You are not describing the judge who presides in a certain part of the United States; nobody would recognize him from that description.

Mr. McCOMAS. I am describing judges who in this country rank next to the judges of the Supreme Court of the United States, judges whose record is so good after a century of our national existence that declamation which undertakes to disparage them will fall harmless. These judges stand as high certainly as the judges of the State, as high at least as the local election officers of the State machinery. Sir, if the State election officers make honest returns of the elections and United States supervisors stand beside them and also make returns, the very publicity of the action of these two bodies of officers will bring about fair results. The apprehensions of gentlemen on the other side upon this subject are simply a nightmare which they bring here in the morning from their dreams. How could a law live for five years in this country if under it the supervisors, in defiance of the actual returns, give the results of the elections differently from the results as declared by the State officers?

I look to see as the result of this legislation a duplication of the returns giving a tabulation of the result on both sides, constrained to be fair by its publicity, by its openness, and by the challenge of public scrutiny before the courts.

[Here the hammer fell.]

Mr. MILLS. Mr. Speaker, I am strongly persuaded that gentlemen on the other side of the House who favor the adoption of the provisions of the bill now under discussion have not seriously thought of the consequences which this bill makes possible. Under existing laws the State officers certify from the returns made to them the Representatives chosen to seats in this House. Under the bill now presented for our consideration a board of returning officers is provided, and they are to send to this House the certification of their judgment as to the parties chosen to be its members. When these two sets of certificates (conflicting as they may be) come to this House you provide that the Clerk of the House of Representatives shall ignore the certificates given by the chosen officers of the people who have voted for Representatives—the certificates given by the public servants they have selected to carry out their will—and you provide that your creatures whom you invest with power for life, responsible to nobody, from a distant State, it may be, shall give certificates and seats in this House to the persons whom they declare to be the representatives of thousands or hundreds of thousands of people.

Have you thought of what the consequences may be to this country? When a Democratic House shall have been chosen, when Democratic governors and secretaries of state shall send the accredited servants of the people here, showing a political majority of twenty-five or thirty on that side, your supervisors may certify twenty-five or thirty men instead of those whom the people have chosen; may send them here with certificates; and your Clerk of the House, under the terrible penalties which you provide in this bill, must accord them seats on this floor. What will be the consequences to the country?

Gentlemen, you ought not to forget that we belong to the Anglo-Saxon race. It is idle for you to shut your eyes to the history of this people. Trace them back for centuries, and from the time you find the first germ of them in the forests of Germany they have been jealous of their rights, they have been bold and prompt to assert them, and they have never counted the cost, whether of blood or of treasure, in vindicating them. The history of our race is the history of a struggle for two thousand years to retain the right, the God-given right, the natural-born right of the citizen to control the Government that exercises its power over his head.

Why, sir, local self-government is the very germ of our political existence. Our fathers declared we could not maintain a free government on this soil except by leaving it to the localities themselves and giving into the hands of the people everything pertaining to their local affairs. What responsibility do your supervisors hold to the people of the United States? None whatever. What responsibility do the governors of your States, the secretaries of state, and the returning boards of your different States, chosen by the people, appointed by the people, elected by the people, hold in your domestic affairs? They are the creatures of the people, the servants of the people, they are under the control of the people, and they can dismiss them at will. They can protect themselves from wrong or aggressions at their hands and can force a strict obeyance of the laws of the State. They are accountable to the people of the State for the duties intrusted to them.

Now, gentlemen, you would not pass the bill—there is not a single gentleman over on that side who would have voted for the bill two years ago if the President of the United States then in office had been clothed with the power of appointing these supervisors. You would not do it, and you know it, and laying your hand on your hearts and looking up to your God, if the judges who are to appoint these people were Democrats instead of Repulicans, you know that you would vote solidly against any such proposition. [Applause on the Democratic side.]

Mr. KERR, of Iowa. Mr. Speaker, it depends very much from what party standpoint you look at these matters. The gentleman from Georgia [Mr. TURNER] on yesterday spoke about the very great danger of these returning boards and of the fears that he entertained because of the powers intrusted to them of kindling the fires of political persecution.

Now, in 1876, the returning boards of the States of South Carolina and Florida and Louisiana, boards organized by the State governments, certified in the election of that year to certain men being entitled to seats in the electoral college. These certificates were made by the State organizations; and no man and no set of men have ever been denounced with more vindictiveness than this class of men have been denounced from that day to this by the Democratic party of this country. The Democratic organization of this country sought to set aside the certifications made by these State returning boards, by their own State organizations, and to declare a man elected to the Presidency of the country in open defiance of these certifications, because the State boards, as they claimed, were corrupt.

Now, what is the object of the pending bill? It is to provide that the United States shall have supervision of the men elected to represent the people in particular districts of this country. It is to provide that the National Government, to which these men are the accredited representatives, shall have supervision to say that the people from which they claim to be the accredited Representatives, are, in fact, represented, and not misrepresented, by the men who come here and claim to hold the right from them to act as their representatives upon this floor.

The gentleman from Texas speaks about the States. The Constitution provides that the States shall be entitled to two representatives in the Senate of the United States, and the Senators are the representatives of the States as States. They will see to it that the State is not harmed; that the State organization is preserved when attacked. But when it comes to this representative body it is the duty of this House to see that the people of the various representative districts throughout the land have not their rights infringed by any local, temporary wrong.

I referred the other evening to the provision embodied in the forty-third article of The Federalist, in which Mr. Madison alluded to the necessity of the National Government having supervision of these questions; and he did so for the reason that if any local temporary wrongs existed it was better that outside and extraneous influences should supervise it than that the people should be left to struggle between themselves over the settlement of such a question, on the ground that they would be less liable to be influenced by passion and prejudice. And it is on the theory that Mr. Madison has laid down in the article of The Federalist, to which I have referred, because these representatives are the representatives of the people of the districts, and not of the States, that this House ought to see that they are represented by the men that they have in fact chosen, and not by another set of men.

Now, the provision proposed to this bill, the amendment suggested by the gentleman from Massachusetts [Mr. LODGE], I think is a most important one. I believe that gentlemen on that side of the House, from what I have heard among them, ought to concede this to be a very desirable condition of things. I believe in Great Britain it is provided, instead of having the legal committees in this body to determine the right of members to their seats upon the floor (which all, at least on that side, claim is not a judicial determination, but wholly partisan), that these questions should be submitted for judicial investigation to the courts; and with that amendment I do not think any man in this body should make objection to the provision for certification of who is in fact elected a Representative in this body.

Mr. CARUTH. Mr. Speaker, I have heard a great deal during the course of this debate about "a free ballot and a fair count," and I have turned the matter over in my mind to ascertain the reason gentlemen were so anxious for this; or, rather, I have tried to find out the correct definition of the terms, and I have ascertained from the speeches which have been made and the action of members on the floor that "a free ballot and a fair count" meant a ballot that elected our party and a count that counted us in. [Laughter.]

This is an effort here, Mr. Speaker, to perpetuate you Republicans in power. For the first time in quite a number of years the Republican party finds itself in possession of the executive office and of both bodies constituting the legislative department of the Government.

The methods by which it secured this supremacy were, to say the least, questionable. The party fought with a desperation which seemed born of despair. There was no means unused which might secure votes. The "fat" was fried out of the protected manufacturers and the "floaters" were arranged in "blocks of five." Nothing was sacred

from the "campaign liar." No appeal was unspoken, no "influence" was untried. Success came not by the popular vote of the country, but in the Electoral College a majority was secured and in the Congressional districts a few more Republicans than Democrats were chosen.

It is true that had there been a fair representation of the whole people these seats would be filled by a majority of Democrats, but this was not the way in which the Republicans had arranged it while in power in many of the Eastern States.

I submit an extract from The Baltimore Sun, which sets out the inequalities of representation as they exist in some of these States:

WASHINGTON, *June* 10.

Some brief mention has heretofore been made of the remarkably disproportionate influence and power in national affairs exercised by the Republican voters of New England. It is an interesting subject and will well repay entering upon details. The bulk of the political literature which almost engulfs the CONGRESSIONAL RECORD is contributed by New England Senators and Members, the burden of whose lay is the alleged denial of representation to voters in other sections than their own. Mr. Speaker REED in speeches and interviews and magazine articles in the last six months has clamored without cessation for the doctrine that so many black voters in the South, constituting a certain percentage of the population, are entitled to a proportionate number of Representatives in Congress. It is for securing this end that the election measures which he so earnestly advocates are to be directed. If he will only consent to apply the same principle to his own section the measures to be brought forward would most probably receive a much stronger support than is likely to come to them under existing circumstances.

It is really astonishing that so little comment has been provoked by the condition of political affairs in New England. It is marvelous that the descendants of the Anglo-Saxon race have not risen in revolution at the denial of political rights which has prevailed for more than half a century. No such Congressional and legislative gerrymandering has been continued or enforced elsewhere in the world as that existing in New England for Republican benefit. At the last Congressional elections in November, 1888, the Republicans polled an aggregate of 449,090 votes and the opposition polled 378,477, or very much more than two-fifths. Yet the Republicans have all of the twelve Senators from New England and twenty-three out of twenty-six Representatives.

In Connecticut the Republicans were in a minority of more than three thousand, yet they have the two Senators and three of the four Representatives. In New Hampshire the Republicans polled 45,271 votes, and the opposition 45,430, yet the Republicans hold on to both Senators and both Representatives. In Rhode Island the Republicans have held on to power not only by unfair apportionments, but by the most wholesale disfranchisement of citizens. That State is bound to slip from them now, and if it is ever possible to receive a reasonably fair apportionment Connecticut and New Hampshire would soon follow suit.

The Republican Senators and Representatives from New England, so many of whom are occupying seats to which they are not justly entitled, have put themselves into positions of commanding influence in both branches of Congress. In the Senate they are at the head of the most important and influential committees and exercise a control over legislation monstrously unequal. Of the two Maine Senators Mr. FRYE is at the head of the Committee on Commerce and Mr. HALE is chairman of the Committee on the Census. The two New Hampshire Senators respectively head the Committees on Education and Labor and Immigration. The Senators from the insignificant State of Vermont, which hardly contributes enough to the national Treasury to pay its own office-holders, preside over the Committees on Finance and the Judiciary. The Massachusetts Senators have the chairmanships of the Committees on Privileges and Elections and on Indian Affairs. Senator ALDRICH, of Rhode Island, is chairman of the Committee on Rules. The two Connecticut Senators hold the Committees on Territories and on Military Affairs. Mr. DIXON, of Rhode Island, is the only New England Senator who is not a chairman. This is because he only came to the Senate in November last. But it may be taken for granted that in a short time he will be found at the head of some big committee.

In the House we have Mr. REED, of Maine, whose election is only compassed by wholesale and open bribery, assuming despotic power in the Speaker's chair and at the same time acting as chairman of the Committee on Rules. Of his colleagues, Mr. DINGLEY is a member of the Committee on Ways and Means, which is equivalent to a chairmanship; Mr. BOUTELLE is chairman of the Committee on Naval Affairs, and Mr. MILLIKEN of the Committee on Public Buildings and Grounds; Mr. SPOONER, of Rhode Island, is chairman of the Committee on Accounts; Mr. GROUT, of Vermont, is chairman of the Committee on the District of Columbia; Mr. BANKS, of Massachusetts, is chairman of the Committee on Expenditures of the Interior Department; Mr. LODGE, of Massachusetts, chairman of the Committee on the Election of President and Vice-President, and Mr. CANDLER, of Massachusetts, chairman of the Committee on the Quadro-Centennial.

It need not be supposed that these New England Republicans, who have walked into Congress over the slaughtered political rights of nearly one-half the population of their section, are satisfied with monopolizing the chairmanships of the principal committees. They will be found stowed away in top places of all other desirable committees, so that their influence permeates every species of legislation for every section. Effrontery has long been characteristic of the New England Republican Congressman, but it is difficult to conceive how they, the beneficiaries of the almost complete practical denial of political rights to hundreds of thousands of white voters, can assume to discourse so much upon alleged and imaginary similar instances as to black voters.

How the Republicans increased their majority from a certified 9 to 20 the country knows. Elections were held on the floor of this House and the wishes of the majority of the Committee on Elections complied with by forcing members on the other side to vote with them even against the decision of their judgment and the dictates of their conscience. That it is an unfair and usurping majority none know better than those whose votes brought it into being. At the other end of the Capitol, too, history, infamous and degrading, has been made, and "the Montana steal" will take its place next in importance to the theft of the Presidency among the outrages and crimes committed by the Republican party in its fraudulent career since the war.

But the Republican party had in the White House a President chosen by the minority of the voters of the Union and who was repudiated by the people among whom he lived and who knew him best; in the Senate a power which had been strengthened by fraud; in the House a majority which had been made at the sacrifice of justice and right, and this supremacy it is determined to uphold at all hazards.

Confidence in Republican methods, regard for its pledges, did not exist in the American mind. A free and untrammeled election meant the triumph of the Democracy at the November election. It meant the overthrow of the fraudulent majority in this House and the return of the party of the people to the control of this, the representative body of the Congress.

Animated by a spirit which would prefer revolution to the surrender of a power fraudulently obtained and unjustly held, the Republican party of this House early set its machinery in motion to serve, not the people, but its unholy partisan ends.

First, it revolutionized the rules of the House and trampled with relentless power upon all the precedents which had been established for a century and which had been followed by distinguished patriots in this House, the latchet of whose shoes they were unworthy to loosen, and established new rules under which they said they could "do business." That business seemed to be to deplete the Treasury and steal the rights and liberties of the American citizen.

Old-fashioned folks supposed that we were sent to this Capitol by the people to deliberate and consider concerning their interests and to legislate for their welfare, and, in doing this,

Bound by no party's arbitrary sway,
We'd follow right where'er it led the way.

But judge of their horror when they heard it announced by "the organ of the House," the Speaker, that the House of Representatives was "no longer a deliberative body," and when they see the Republican majority of Congress adopting as the motto of their action the sentiment,

Bound by our party's arbitrary sway,
We follow REED where'er he leads the way.

[Laughter and applause on the Democratic side.]

It was then announced by this leader that it was proposed that the Federal Government should control, supervise, count, and certify to the election of members of Congress, and that it would no longer trust the people of the several States to perform these functions, which had been exercised by them unquestioned since the foundation of the Government. In pursuance of this plan there was aimed this outrageous and damnable blow at the constitutional rights of the people, a blow designed to strike down home rule and concentrate still more power in the Federal Government, to magnify the nation and dwarf the State.

ELECTION SUPERVISORS.

This measure is a distinctively party bill. It was formed as the result of caucus action. It is proposed to pass it, not by appealing to the conscience and judgment of members, but by plying the party whip and threatening the party displeasure. Time at my command does not permit me to analyze this proposed legislation as I would desire. Some of its important provisions I must, however, note, that its diabolical character and revolutionary methods may be understood by those who hear me.

Among the objections to be urged against it, it may be stated that it places, if properly enforced, at the nearly sixty thousand voting places of this country at least three supervisors of election, who are appointed by a chief supervisor, who derives his authority from the United States circuit judge. When it is known that out of all the circuit judges in the United States but two are Democrats it will be seen that these appointments will be of a partisan character.

It is well enough to say that these judges hold their offices for life and are thereby removed from partisan influence; but the American people will never forget the action of the supreme judges associated in the Electoral Commission of 1876, and so long as they remember the now admitted theft of the Presidency and the record made by "*Ali-unde* Bradley" you can not make them believe that they, these Federal judges, will be impartial. The argument is both a delusion and a snare.

Such an idea as intrusting the judiciary with any power over the elections is repugnant to the Constitution. The division of the departments of the Government into executive, legislative, and judicial meant that they should be separate in their functions, the legislative to make, the judicial to construe, and the executive to enforce the laws. To confer the power on the judicial department to control in the least degree the election of members of the legislative branch of the Government destroys the intent and undermines the Constitution of our country. It is inimical to our rights and destructive to our liberties. But, again, it establishes, not in words, but in fact, a Federal interference with State elections. In many States, on the same tickets with Congressmen appear the State, county, and city tickets. The election is held on the same day, in the same voting place, by the same officers.

FEDERAL RETURNING BOARD.

Not only do the courts appoint supervisors, but they also make returning boards. The board is to be composed of three persons—two of one party and but one of the other—who shall be life officers or hold "during good behavior." Their certificate and their return is to govern the election, and the person who receives their certificate is entitled to recognition by the Clerk of the House in making up the roll of members. If the Clerk fails to place this name on the list he is subject to a fine of not less than one thousand nor more than five thousand dollars, or by imprisonment not less than one year nor more than five years, or by both such fine and imprisonment, and to this is coupled

a disqualification to ever thereafter hold any office of honor or profit under the Government of the United States. The powers given the supervisors over the voter are great and universal and the punishments for any violation of the provisions of the act are extremely severe.

JURY TRIAL.

We hold as one of the dearest of our rights a speedy trial by a jury of our countrymen. In comparison with this privilege all others sink into insignificance. To obtain this right people in the past have been willing to pull down thrones and trample upon rank. When this right of a fair trial by jury is denied us, what remains? Yet this bill does this. It is not enough that we have Republican circuit and district judges, Republican clerks and Republican marshals, Republican supervisors and Republican returning boards, but to try offenses under this proposed act we must have Republican juries.

Under existing law juries are selected by the clerk of the United States court and a jury commissioner appointed by the court, who, by express law, must belong to a different political party from the clerk. Under this bill the office of jury commissioner is abolished and the clerk selects the jurors. Was any measure more cunningly devised than this to overawe and intimidate the American citizen? Surround the polls with Republican spies and hirelings, with supervisors and deputy United States marshals, clothed, commissioned, and badged by the authority of the Government; place the voter at the mercy of these creatures; render him liable, the victim of petty malice or party spite, to be torn from his family, dragged hundreds of miles from his home, tried in a community where he is a stranger, confronted by witnesses who are his political enemies, and before a jury selected to convict, by a Republican official. Could partisan ingenuity devise a more wicked, diabolical plot against the liberty of the citizen?

TAX ON THE PEOPLE.

Not only does this bill interfere with the right of the citizens of the various Congressional districts to choose their Representatives without Federal dictation or interference; not only does it empower the Federal authorities to pass upon the qualification of voters and place its powerful hand in the ballot-boxes, wherein repose the suffrages of the citizens for their local and State officers; not only does it surround the voting places with so-called supervisors and deputy marshals to overawe and intimidate the voter; not only does it seek to terrorize him by holding up before him the United States courts, officered by Republicans, holding its sessions distant from his home in many cases, and with a panel of jurors selected to convict; but it provides for the payment of these minions of its power—not with the "fat fried out of the manufacturers," not by means raised by the sanctimonious Wanamaker or the unscrupulous QUAY from "the protected industries," but out of the Treasury of the United States. It is to be paid by the honest tax-payers of this country out of their scanty earnings, and will be a tax of from five to ten millions of dollars. What is the excuse for this? We know that if the Republican party thought it could maintain its supremacy without it it would not be urging with all its power the passage of this bill. It must present some reason for this unusual and unrepublican action, and it finds that reason in what it calls

"THE SUPPRESSED NEGRO VOTE OF THE SOUTH."

It refers to the census for an argument and tells us how many negroes fail to vote at each election. It claims that if these votes were polled they would all be cast for the Republican ticket. Does the Republican party own the negro vote? By what right or authority do they claim it? Because Lincoln signed the emancipation proclamation and Grant forced Lee's surrender at Appomattox? They forget that they have departed from the teachings of each; for the martyred Lincoln, speaking on the battle-field where Northern courage and Southern valor had met in deadly conflict, spoke in favor of the maintenance of "a Government of the people, for the people, and by the people;" and, on his death-bed, after speech was gone, the hand of Grant tremblingly wrote his farewell wish to the people of the North and the South for closer union, for fraternity and peace.

It has departed from the teachings of its leaders and become unworthy of countenance or confidence. Why should the negro vote the Republican ticket? The bold, independent, and patriotic EWART, who as a Republican is accredited here from the State of North Carolina, says that in his State you can not say a man is a Republican because his hair curls and his complexion is black, and this is getting to be more and more the case everywhere throughout the South. The negro is getting educated, and reads, and thinks, and reasons for himself. For him and to him the Republican party has been one of broken pledges and unfulfilled prophecies.

The negro reads that early in the war the party in power declared that it was not a war waged for the liberation of the slave, but for the preservation of the Union. He knows how to discount the loud professions of the Republicans in this respect. When he reads and knows from history that the Democratic party sent as many soldiers to the front as the Republicans, and aided to carry the flag amid the smoke and danger of battle until it floated in triumph over all the Union, he knows how hollow are the pretenses of that organization. He recollects, too, that when victory did come he was homeless, and they sheltered him not; he was naked, and they clothed him not; he was hungry, and they fed him not. And when he gathered his household goods about him and attempted to manage for himself, and work unaided and undirected, when he attempted to save a few dollars to supply the wants of old age or to put a roof over his wife and children, he remembers that a Republican institution stole the first fruits of his freedom. [Applause on the Democratic side.]

This was more than twenty years ago. Why do you not give them back this money? You have had the power time and time again, but you would not exercise it. Although every President you have had since the war obtained his place by the negro vote, it was left for a Democratic President, Grover Cleveland, to recommend the repayment of this stolen money. Since the first part of this session I have had before the appropriate committee of this House a bill looking to the payment of these just claims, but it has never been reported. Better pay them this money and give practical proof of your devotion to their interests than to pass a measure they do not demand and do not need.

Why should they have confidence in the Republican party? You have made them no promises which you have ever fulfilled. Might not the Southern negro, when you ask him for his vote, respond by asking you, "Where is that 40 acres of ground and where is that mule?"

You adopted a new scheme in Presidential years, and for a time it worked well. You told the colored man that if the Democrats were ever put in power they would re-enslave the negro. You knew it was not so, but it answered the purposes of several campaigns, until finally Grover Cleveland was elected President. He treated everybody fairly; the negro saw his rights were undisturbed and his liberty was unfettered. He found you were false prophets. In 1888 you thought you would try a new dodge; you would work upon his fear and also his superstition. You told him that if the Democrats won they would not enslave him, it was true, but they would put his children into bondage, and then you got him into secret organizations, secret political societies, unpatriotic and un-American in character. I knew one of them; it was called

THE ORDER OF THE UNION

and had secret signs, grips, and passwords which I can not give you. I discovered the existence of this society in my district, and I have no doubt of its having been extended throughout many States of the Union. The members were bound by a terrible oath to vote the Republican ticket and vote it early. I secured a ritual of one of the lodges of this organization, and here is the solemn oath which was administered to each member:

I, ——— ———, in the presence of Almighty God and these witnesses, do solemnly swear that I am a Union-loving citizen of this State; that I will do everything in my power to sustain the party on the day of election; that I will do this by casting my vote for the party of the Union, which is the Republican party, and for the Republican party only; and that I will cast my ballot as soon and as early as I can get to the polls; and that after that is done I will use every honorable means to get every legal Republican voter in my precinct to cast his vote. I further promise and swear, in the presence of Almighty God and these witnesses, that I will not make known any of the secrets, or secret works, or the numbers of the members of this order; nor its objects, signs, or passwords, to any person not a member thereof, binding myself under the penalty of being branded as a perjured villain, a traitor to the order of the Union, so help me God.

President Harrison holds office by virtue of the colored vote. Take from him the negro vote of Indiana, of Ohio, of Illinois, and other States and he would be an unheard-of quantity in American politics. The reading negro knows this; and he knows that his services are not recognized. He pulls the corn and fills the crib that the white Republicans may be fed while he starves. Why should he remain with such a party when his friends, those who employ him, those who pay him, those he lives among, are not Republicans, but Democrats? He is fast deserting, as he should desert, this ungrateful party of broken pledges and unfulfilled prophecies. The negro can care for himself, and all sensible men of his race know that all this talk of protecting him in the exercise of the rights of his citizenship is voice, and nothing more, spoken to excuse this diabolical blow aimed at the very life of the Republic.

In a few days we celebrate the anniversary of American Independence, when, revolting against unjust laws, the colonies of the New World threw off the British yoke. We commemorate that occasion with bonfires and illuminations, with the booming of cannon, with universal rejoicing. The movement then proclaimed brought us liberty as the end of war. This liberty we have since enjoyed. We have marched forward to greatness and renown, at once the wonder and admiration of the world. Among the nations of the earth these "free and independent States" stand proudly forth. Their power is acknowledged in every foreign court. Their flag is respected wherever it floats. Shall we in the month that marked the Declaration of our Independence enact a law which is subversive of our liberties and I believe will be destructive of our free institutions? No! a thousand times no! Let us preserve this rich heritage of liberty and transmit it, untarnished and unimpaired, to our posterity.

Mr. DOLLIVER. Mr. Speaker, I have been amused by the suggestions just made by the gentleman from Kentucky [Mr. CARUTH] that on this question the policy of the Republican party had been dictated by one man. The truth is that no current public question has

taken so large a place in the popular thought. Behind the Speaker of this House is the Republican majority of the House, and in uniting to protect free citizenship in the United States they stand together for the Republican millions of America. A good deal has been said here about the Constitution of the United States. Gentlemen seem to forget, in arguing this question, that the Constitution has been amended so as to conform to the history of the United States. [Applause on the Republican side.]

I have listened with attention to the view often expressed here that an ignorant race ought not to govern this country. There is no such danger involved in this bill, but even if there were I had rather see the nation governed by men who obey the Constitution without being able to read it than by men who trample upon the Constitution, but can read it in ten languages. [Applause on the Republican side.]

When the great amendments were added to the Constitution citizenship was lifted above State lines and made a national thing. So far as I am concerned I would have the nation go to the full length of investing it with all the authority of the law and of putting behind it all the force there is in the Republic. [Applause on the Republican side.]

The present status of the negro in the South is the completion of an open programme, announced twenty years ago by the Democratic leaders on this floor, in the days when the rude contrivances of murder and violence were introduced as decisive factors in Southern politics. With no word of reproach, the minority of the committee sent to investigate these outrages asserted in their report that the freedmen ought to be stripped of the political influence awarded to them by the Constitution. They quoted Mr. Lincoln's maxim that the nation could not exist half slave and half free, and said that "the paraphrase of that proposition is equally true, that no nation can long exist half black and half white." They predicted the speedy overthrow of the Republican party and set that event as "the end of the political power of the negro among the white men on this continent."

That report, signed by Mr. Blair of Missouri, Mr. Bayard of Delaware, Mr. Cox of New York, Mr. Beck of Kentucky, and other Democratic leaders, furnished the partisan warrant under which the gradual process of disfranchisement has gone on, until to-day in a large area of the territory lately in rebellion the forms and substance of universal suffrage have practically disappeared. The cheerful participation of the Democratic party of the North in this crime and the eagerness of its leaders to deny the facts and to frame a cheap apology for their allies, have greatly facilitated the progress of lawlessness in the South. Anarchy never before flourished under auspices so accommodating. The South has been left free to invent the instruments of fraud without the loss of self-respect incident to lying about it before the world.

No nation is strong enough to concede to any part of its people the right to nullify its laws. Cicero relates that on one occasion the twelve tables of the Roman law were struck by lightning and the solid metal melted to a shapeless mass. We have lived to see the great enactments that followed the national victory of 1865 eaten up by moths and covered up by dust, until the parchment upon which they were solemnly engrossed has become fit for nothing, except to comfort an occasional brewer getting away from the jurisdiction of a State court or some panic-stricken corporation trying to dodge the fury of a State Legislature. It is an ominous thing that the nation of America has begun its second century by casting out the manuscript of equal rights to be trodden under the feet of lawless men.

I gladly stand with the Republican party in the enactment of a statute which seeks to restore the wasted vigor of the national life. I believe that the cowardly acquiescence of the American people in the overthrow of free citizenship portends the approach of perils fatal to the welfare of the Republic. Already it has discredited the dignity of our citizenship abroad, since no nation that deserts its plain duty to its people at home can be expected to do much for their rights away from home. It has depreciated the level of citizenship even in those quarters not commonly infected by the atmosphere of election frauds.

My friend from Illinois [Mr. SPRINGER] referred a moment ago to the case of Mike Mullen, the police captain in Cincinnati, who, in the election of 1884, without information or legal process, arrested more than a hundred voters and imprisoned them until the election was over. He was indicted for that crime by a Federal grand jury, tried before a Democratic judge, Judge Baxter, of the southern district of Ohio——

Mr. OUTHWAITE. Did you say that Judge Baxter was a Democrat?

Mr. RICHARDSON. Judge Baxter was a Republican.

Mr. DOLLIVER. Whatever the politics of the judge may have been there was no dispute as to the facts in this case. For, after the Government's testimony was all in the prisoner changed his plea in open court, and the just judge, with burning words of indignation, gave him the full benefit of the law, saying that it was a shame that the law provided no adequate penalty for so great a crime. Yet within a few months, on the petition of the governor of Ohio, the President of the United States extended to this convicted felon the free grace of executive pardon, turned him out to prey on the politics of Ohio, world without end, and from all that I can learn he is now in full fellowship with the party management of that state. [Laughter and applause on the Republican side.]

Again, the miserable consent of the nation to this crime against free citizenship has brought about exactly what John C. Calhoun foresaw, when he said in 1836, in trying to show that no service would be rendered the negro by setting him free, that without political equality emancipation instead of abolishing slavery would only change the form and conditions of servitude. We witness to-day in the Southern States the swift encroachment of the new forms of servitude. This fact makes the election question also a labor question. Within fifty years every manual occupation of the United States will face the open competition of this growing and scattering mass of disfranchised and helpless workingmen.

A republic with an outcast industrial population rapidly increasing in number can spend its time to better advantage than by debating old questions about State rights and negro supremacy. Already the leaders of organized American labor discern the direction of events. In the New York World of June 15, Mr. Powderly prints a letter which every man interested in the welfare of the workingman ought to read. It is as follows:

While I was standing at the end of the bridge that spans the Ohio River in Cincinnati one day not long ago, a carriage drew up to the curb and the occupant spoke to me in this fashion:

"What can be done to raise the standard of labor in the factories of the South? I am a manufacturer in Cincinnati and am willing to operate my factories on the short-hour plan if the labor organizations will do something to keep the factory hands of the South from working from ten to fifteen hours a day."

I asked him where his chief point of competition was located.

"All over the Southern States," he said. "Factories are springing up everywhere below here, and they can afford to undersell us because they have the advantage of short wages and long hours."

I was already aware of the fact that the field of factory operations had been widened and developed wonderfully in the South during the past five years. When I went through the Southern States in the winter of 1885 I noticed but little change in the workday life of the inhabitants. They seemed to plod on in the same rut they had traveled in some years ago when I passed through that territory, but last November, when going to Atlanta, I could not help noticing the wonderful change in the appearance of the country.

On every side of the railroad could be seen the many-storied brick factories that had been erected or were in course of construction. Coming back over another line, the same sights were seen. In the iron and coal belts of the South the change is more marked, for rolling-mills, blast furnaces, and iron foundries have been put in operation, and, with an inexhausable supply of coal and iron within speaking distance of the mills, with good railroad facilities and with plenty of determination, money, and push, the people who operate these concerns are reaching out to take the market that the Pennsylvania rolling-mills and blast furnaces once felt so secure in possessing.

With the era of factory life dawning on the South so rapidly, and in the very place where the cotton can be thrown from the field into the factory window, with the fuel close at hand and cheap, with a climate so mild that the workmen can sleep outdoors during nine months of the year and part of the other three under an umbrella, where labor is cheap and men are willing to work as long as they are able to stand on their legs, the manufacturers of New England will soon find themselves standing face to face with a very grave and perplexing question. Most of the factories are running on Northern and Eastern capital, and the old, old cry of economy is heard on every hand.

"We get fuel cheap, cotton cheap, and right at the door of the mill; workmen are not so independent as in the North, and they work very cheaply and live so economically that they can undersell their Northern brothers. We can therefore afford to sell our product much cheaper than can the Northern manufacturer," they say.

If the Northern, Eastern, and Middle States find themselves forced to lower the standard of wages to successfully compete with the South, who will receive wages enough to buy what is manufactured?

Edward Bellamy says: "The plutocratic tendency dates back thirty years. It has increased so rapidly that it is enough to scare any thinking man. If it continues to increase as it has in the past the wealth of the country will be wholly in the hands of a small fraction of the people, and the rest of us will have to live on wages."

If the manufacturers in this ungodly age of competition will wage war on each other and in the fight lower the wages of the workmen to the smallest fraction on which a human being can exist and work, "the rest of us" will not be able to live on wages, or rather we will not get a chance to earn wages, for the poorest-fed darky of the South or the latest importation from Europe or Asia will be better qualified to live on the wages of the future than "the rest of us," and we will have to hunt bigger game than will be found in the woods where labor is paid. When that day comes hundreds of the manufacturers who now seek for low wages and cheap raw material will be, with "the rest of us," hunting for something to eat, without work, for they will be tramps, like "the rest of us."

It is idle to suppose that the riches of public liberty won through an awful ministry of blood can be thrown away in the same generation without involving speedy and measureless penalties. It may be that we have the first of these in the approaching degradation of the level of our industrial life, to which Mr. Powderly refers. I sometimes fear that the most searching and merciless lash of God's wrath is yet to come, when the financial and economical policy of the nation is dictated by men who come up from the deserted polling places of the South, bringing with them the half-forgotten platform of plantation politics, the simple creed of free trade cut with a pair of scissors from the old Confederate constitution.

I support this bill because in some small degree it offers to the industrious millions of the South the prospect of citizenship under national protection. I understand how impotent a thing is the law when it deals without the aid of public opinion with the fixed purposes of anarchy. "The operation of the wisest laws," says Gibbon, "is imperfect and precarious." I would not for that reason reject the arm of the law. To do that would be for civil government to abdicate in order to meet the convenience of the criminal classes. I know that in the presence of this question some Republicans are full of doubt, perplexity, and fear. In the midst of them all I want to see the Republican party stand faithful to the obligation laid upon it by the providence

of God in the emancipation of an unfortunate race—united as one man to defend the sanctity of American citizenship. [Loud applause on the Republican side.]

Mr. OATES. Mr. Speaker, the question first for consideration is that of the power of Congress to legislate upon this subject; secondly, the necessity which will justify the exercise of that power; and in the third place, if any necessity exists, whether the legislation proposed meets the requirement.

Section 4 of Article I of the Constitution reads 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.

The entire history of this clause of that instrument shows that it was the intention of its framers, as well as of the States which adopted it, that they, through their respective Legislatures, should primarily exercise this power; and they have so exercised it, with but few additional regulations by Congress to secure greater uniformity, for over one hundred years.

That Congress may at any time make or alter the regulations of the States for holding such elections I freely admit. But for Congress to make or alter these State regulations when the States have made such as do not obstruct nor deny to the State representation it should first be ascertained that there is an overwhelming necessity therefor.

The alternative power vested in Congress is a necessary one for the preservation of its own integrity and the perpetuation of the Government itself, but it never was intended to be exercised except for such a contingency. Is there present the indisputable evidence of such a state of affairs in any one State or number of States which justly calls for the interposition of Congress to make or alter the laws of such State or States touching the election of members of Congress therein? If so, I say let the proper remedy be applied.

What are the facts? What proof has this House which will justify any amendment of existing laws?

It is said by the advocates of this bill that they have found that frauds have been committed in one district out of the eight in Alabama, in two districts of Arkansas, one in South Carolina, one in Virginia, and one in Mississippi. And the gentleman from Illinois [Mr. ROWELL] said there were frauds in three districts in Mississippi; but I understand that his committee have agreed that in one of these the proof shows that the sitting member is entitled to his seat, and the other two districts his committee have not yet passed upon.

Now, making the most liberal concessions, this is all that can possibly be claimed to have been proven to this House of the necessity for any legislation. If we concede so much, if we admit that frauds in counting the votes are perpetrated in a half dozen districts in Southern States, that can not warrant any radical legislation by Congress, nothing further than to amend the present law so as to allow United States supervisors to participate with the State inspectors in conducting the election, counting the ballots, and joining in the certification in every county and district where it may be necessary to secure a fair election and honest count of the ballots cast.

I do not object to such reasonable amendment as will secure a fair and honest election. I do not believe in fraud. There is at this time nowhere in our country any necessity or excuse for it, whatever may have been in the past. I want no dishonesty; I want every lawful voter to have a fair opportunity to vote, and, if he does so, his vote to be counted as cast. And I assert that to-day the prevailing sentiment among the best class of people throughout the entire country is in favor of honest elections; the South is no exception. But such a law as that proposed will stifle that sentiment in the Southern States and set us back to the days of violence which were prevalent there twenty years ago. I do not believe that any legislation by Congress is necessary. If you but allow that sentiment to take its course, within a few years more you will cease to hear of election frauds, even in the blackest districts of the South.

The Legislature of Alabama in 1875 redistricted that State, and they did just what has been done by every other State when the party in possession has had the power, they made seven Democratic districts, or, to speak more accurately, they made seven districts in which the white voters were in the majority, and one district they made of five contiguous counties, as black as Erebus, with 27,000 colored voters and less than 7,000 white voters.

The Legislature, by this arrangement, intended to give that district to the negroes, and just here I wish to say that that district contains among its white people more intelligence and capacity of a high order for self-government and in its colored population more ignorance and incapacity for self-government than can be found in any other district anywhere in the United States. With their vast majority the negroes seem to be unable to concentrate upon a member of their own race and elect him to Congress. They quarrel and divide among themselves, and, with one exception, they have been represented here by white men, Republicans or Democrats, ever since the district was formed.

The negroes are not a bad people; there is much in their past history—their friendly relations with the white people with whom they have been reared, and their commendable conduct during the war—to make a large majority of the white people in the South their friends and sympathizers. But very few of them as yet have developed capacity for self-government. Why, right here in the city of Washington, the most intelligent community of colored people in the world, with Douglass, Gregory, Carson, Smith, and other men of learning to guide and direct them, they can not hold a convention to appoint delegates to a national convention, or other important meeting, without quarreling and disgraceful rioting during their deliberations.

Perhaps this evidence of incapacity was the secret cause of Congress, then two-thirds Republican in both branches, with a Republican President, abolishing self-government in this District, and thereby disfranchising both white and colored voters.

They have been free men in the Southern States for over a quarter of a century and they have been voters for twenty-one years, and what sort of capacity do they now exhibit for controlling affairs of state?

A large majority of them have the good sense to voluntarily abstain from all participation in conventions and political meetings. The politicians and best educated among them attend and manage the conventions, and what capacity do they exhibit?

The State Republican convention which assembled in Montgomery, Ala., on the 4th of June to nominate a State ticket was about an average specimen of such conventions in the Southern States. It was composed mainly of negroes, with a sprinkling of white Republicans, mostly Federal office-holders. The chief struggle was over the chairmanship of the State committee. There were two or three fights or attempts at assault and battery, drawing of pistols, etc., but bloodshed was averted by the interposition of friends of the respective parties. They nominated a candidate for governor and for secretary of state, neither of whom were eligible under the State constitution, they not having resided in the State a sufficient length of time. They nominated for attorney-general a respectable Republican named Ezell, who but recently went to the State from somewhere north of the Ohio. He wrote a letter to the chairman declining the nomination in the following language:

> I wish to make it public that I can not accept the nomination for attorney-general tendered recently by the Republican convention. I am a Republican, and I would feel it an honor to accept the nomination made by a convention of the Republican party. As an eye-witness, I know that the recent meeting at Montgomery was not a convention. Excepting a few gentlemen who were there by mistake, it was a meeting of negro politicians and deputy collectors. An instantaneous photograph of that meeting would be a political education to those in power who made such a meeting possible. If the time comes when such assemblages are not recognized as representing the party, a convention could and would assemble in Alabama that would at least command the respect of the country.

It is a notorious fact that two-thirds of the Northern Republicans who became citizens of Southern States, not for the purpose of office-getting, but to invest their money and engage in business enterprises, very soon vote the Democratic or white man's ticket. Why do they do so? The answer is plain enough; they see that that party is the only one there which contains the capacity for self-government and the ability to enact and administer laws for the protection of life, liberty, and property. If this be not enough, a look at one of their conventions will complete the conversion.

The masses of the people of this country, North and South alike, can not see the utility of a political party which fails to foster and protect the business interests of the country and to contribute to the prosperity of the people. The Democratic is the only party in the South which has done that since the war. The short reign of the Republican party, composed of the negroes and led by the carpet-baggers and scallawags, was noted only for its incapacity, reckless extravagance, thievery, and corruption. It was a dismal, gloomy, and pitiable failure in every sense.

During the reign of the carpet-baggers and their allies every Southern State and nearly every county and municipality within them were rendered bankrupt by the loads of debt, resulting from misgovernment and corruption, more than could ever be paid. These governments which were propped up and sustained by the bayonet, so soon as that was withdrawn tottered and fell before the sturdy strokes of the irrepressible white men, armed alone with that virtue and intelligence which will ultimately rule any community. They were united and stimulated in each State by a sense of insecurity to their homes and families which lawlessness and univeral bankruptcy threatened. Since then, under the rule of white men calling themselves Democrats, honest laws have been enacted and are enforced; the loads of debt have been compromised, credit restored, and all of the Southern States have become fairly prosperous.

But now Massachusetts statesmanship, Republican partisanship and hatred have united to foist upon us this infamuous piece of legislation. It is the best devised and most dangerous piece of mischief that ever the diabolical ingenuity of man invented. The hue and cry raised in its advocacy is an unfounded, a most unjust, and sweeping charge against the white people of the Southern States that they universally suppress the votes of the negroes, either by intimidation or fraud, and proclaim that this bill is but a righteous provision for honest elections.

Why, sir, there never was a more cunningly devised scheme for the perpetration of frauds in elections and of looting the Treasury to pay for it. It provides all of the necessary machinery for thwarting the will of the people, setting at defiance the laws of the States, and per-

petuating the Republican party in power. If it becomes a law frauds will be perpetrated in the interest of the Republican party in comparison with which the worst election frauds ever perpetrated by any Democrat pale into utter insignificance, as I will show before I conclude my remarks.

It is called the Lodge bill, and that gentleman manifests so much pride at having his name connected with it that I am in charity constrained to believe that he is not aware of the iniquities it contains. It is not his scholarly production; if so, it puts his erudition at a discount. It certainly did not emanate from the gentleman from Illinois [Mr. ROWELL], for to-day he showed to this House that he was unacquainted with the contents of section 29 of the bill.

Sir, I charge its paternity to John I. Davenport, who seems to have been a political tramp a good part of his life, and of late years has been and is now the great Republican supervisor of elections in New York.

In order to make the country believe that this bill is a proper exercise of constitutional power, when in fact it is a gross abuse and prostitution of it, the gentleman from Massachusetts and his lieutenants parade many figures before this House and the country to show that Congressional elections in the Southern States are generally characterized by intimidation of colored voters, which they say is proven by the smallness of the vote polled.

The gentleman from Michigan [Mr. BURROWS], in his rich voice and with rhetorical flourish, said that "we are told that elections in the Southern States are quiet—so, too, is a grave-yard."

That was a pregnant insinuation that Southern Democrats had murdered all their opponents—had planted them in a grave-yard, and that in consequence elections were quiet affairs. There never was a more flagrant case of *suggestio falsi* in any argument that I ever heard advanced even in a police court, and a gentleman of such high reputation ought to be ashamed of it and strike it from the CONGRESSIONAL RECORD.

The argument that the paucity of votes polled proves either intimidation or fraud is so lame as to be contemptible, and I would not condescend to reply but for the fact that such statements unchallenged may mislead and impose upon plain people who have never given any attention to the question. If the gentleman from Massachusetts and his abettors will first cast the beam out of their own eyes, if they will but sweep around their own doors before they pay their respects to the affairs of other people, they will be wiser statesmen if not better men than they are at present.

The six New England States had 1,144,919 males of the voting age in 1880, according to the census of that year. Five Southern States, the two Carolinas, Georgia, Florida, and Alabama, which contained, as shown by the census, 1,143,530 males of the voting age—1,379 less than the New England States, but most nearly approximating them in numbers, will by comparison serve to illustrate the falsity and ridiculousness of the argument of the other side to prove the suppression of the Republican or colored voters in the Southern States.

Take the Presidential and Congressional election of 1884, and the six New England States had 398,075 voters, who did not go to the election, or if they did they failed to vote. Just think of it! Nearly 400,000 votes in cultured New England suppressed, presumably by the Republican party; while in the five Southern States, with nearly the same voting population, but 427,524 voters failed to go to the election, or, according to the logic of Mr. LODGE and others on his side, were suppressed and not allowed to vote. The difference is a mere trifle.

The last census shows that in 1880 Alabama had 259,884 voters; and that at the Presidential and Congressional elections of that year 151,507 voted and 108,377 failed to vote. In that year the State of Maine had 187,323 voters, and at the Presidential and Congressional election that year 143,618 voted and 43,705 failed to vote. California had 329,392 persons of the voting age, but at the election that year only 164,166 voted, while 165,226 failed to vote.

Massachusetts had, by the census of 1880, 512,648 males of the voting age, and at the Presidential and Congressional election of that year only 281,713 voted, while 220,935 failed to go to the election; or if they did go and participate their votes were suppressed.

These official figures show that a larger percentage of voters in Massachusetts abstained from voting than in Alabama. And at the last election, in 1888, there were in Massachusetts 162,000 voters who abstained from voting, while in Alabama at the same election there were but 86,130 voters who did not vote.

In view of these figures, which can not be disputed, how does the gentleman from Massachusetts [Mr. LODGE] appear before this House and the country? Do they not show conclusively that his alleged facts and logic are as bad as his bill, which is damnable?

Why, sir, in the election of 1880, the year of the census, there were in Pennsylvania 221,487 males of the voting age who did not vote. In New York there were 306,328 who did not vote, although that was the home of the Vice-Presidential candidate. In Indiana at that election there were 175,131 voters who did not vote, and in the State of Ohio, the home of Garfield, the Republican candidate for the Presidency, there were 104,225 voters who abstained from voting. Were they intimidated, or their votes suppressed?

Why, sir, in six Northern States of the Union I have shown that at that election there were 1,193,332 voters who failed to go to the polls, or whose votes were not counted. And I would like to hear an explanation from the advocates of this bill of what it was that caused so many of their fellow-citizens in these Northern States to abstain from exercising the franchise; their failure to do it sufficiently proves the falsity of their argument.

The gentleman from Iowa [Mr. HENDERSON] said in his remarks the other day that there was no necessity for proof of a general conspiracy among the Democrats in the Southren States to defraud the Republican colored men out of their votes; that they were intimidated or cheated at every election, and the fact was notorious; and then he proceeded to read from a newspaper some bald assertions to sustain his general allegation. In these and similar ways false reports have been extensively circulated and are believed by most of the people in the Northern States, who from life-long teaching and prejudices are but too ready to give credence to any story of wrong or oppression upon the part of Southern white people towards their former slaves and their descendants, however unreasonable or monstrous the story may be. They fail utterly to understand the relations existing between the two races. They are most mistaken in their efforts to understand the characteristics of the colored race.

I will cite the substance of what has been said in this connection by some of the newspapers in the Northern States.

The Chicago Inter-Ocean, a radical Republican newspaper, said of me during the last Congress that I was representing a Republican district, elected apparently without opposition, but that it was in consequence of intimidation of Republican voters. It said:

The Alabama member admits that he owes his own seat to fraud.

The reasons given for this false and reckless assertion were that in round numbers the census shows over 15,000 colored Republican voters in the district, and that so large a number would not abstain from voting if they had not been intimidated. The fact is they had no candidate. Were they prevented by intimidation from making a nomination? I will refer the editor of the Inter-Ocean to the 15,000 white voters of the district at large, and will furnish him the names and addresses of 100 of the most intelligent colored voters in the district, Republicans as well as Democats, either one of whom I would believe on oath as soon as I would him, and if he will send an honest reporter down there to investigate, and he finds a man among them who will say on oath that he was intimidated, or saw any one else of any color or politics who was intimidated at that election, or in any wise interfered with or denied the right to vote just as he pleased, I will pay the entire expense of the investigation.

The method adopted by that paper to find the number of voters in a given locality is that usually employed by members on the other side of this Chamber, which is by counting one to every five of population, which is utterly erroneous and unreliable, as the census from which it quotes abundantly and conclusively proves. On that basis the census of 1880 would show a majority of over 3,000 colored voters in the district I represent, but an actual count, which I had made by the Census Bureau under Republican administration in the spring of 1882, shows but a very small majority of colored voters therein. That was during the Forty-seventh Congress while my seat was being contested by the Republican nominee, who was a white man and an ex-Confederate soldier, and with whom I canvassed the district in joint discussion. The case was decided by a Republican committee of the House of Representatives in my favor. Lee, one of the counties of my district, contains 2,824 more colored than white people, yet the actual count showed about 100 more white than colored voters in that county.

The last census shows in Alabama a white population of 662,185 and a colored population of 600,103—an excess of white over the colored of 62,082. One voter to every five of the whites would give 132,437, while the same census shows the actual number of white males of the voting age to be 141,461, or 9,024 more voters of the white race than the 1 to 5 theory gives. At one voter to every five colored persons it would give 120,020, while the actual number of colored males of voting age is shown to be but 118,423, or 1,597 less than the 1 to 5 theory gives. It will therefore be seen that, while there is an actual majority of white voters in Alabama of 23,038, the 1 to 5 theory gives but 12,417 majority, which is less by 10,621 than the true number. This is a demonstration that the theory is deceptive and unreliable.

Gentlemen on the other side of the Chamber claim that there is a majority of colored voters in three States of the Union, to wit, South Carolina, Mississippi, and Louisiana. The black population in the latter, by the census of 1880, exceeds the whites, while the same authority shows a majority of 800 white males of the voting age. The one voter to five of population is deceptive and unreliable, yet that is the theory relied upon by the advocates of this bill.

Northern men do not understand the negro question at all. They can not see how it is possible that a Democrat can be elected to Congress in a district where there is a majority of colored population except by intimidation or fraud.

How can better capacity be expected among colored voters in the South, where there is greater ignorance, than is displayed by the colored people of the District of Columbia? Look at Hayti to-day and

read the history of San Domingo. How, then, can Republicans in the Northern States expect the negroes, unaided by the genius and energy of white men of character, to maintain an efficient party organization in the South against a party controlled by the talent of the white race, owning and controlling the money and property of the country?

The only Republican party organization in the South is a mere semblance without any sort of efficiency, and is kept up in a slip-shod, half-handed way on the part of a few men for the purpose of getting Federal appointments whenever there is an opening, or to make a good draw as they did on Alger's funds at the late Chicago convention. The better class of negroes see and understand the motives of their assumed leaders, and are not inclined to follow them unless they can have a share of the fat when it is fried out, and hence they do not care to vote unless some inducement is offered.

In the election on the 6th of November, 1888, there were polled in the district I represent, for me, 13,347 votes, and for Harvey, a colored Republican, not the nominee of his party, for there was no convention held, but who was put up by some of his colored friends in one county, 2,869 votes. In four counties he did not receive a vote because there were no Republican ballots distributed therein. There were but two votes cast for the Harrison electors in my county, and they were two specimen ballots I had in my pocket and gave them to two honest old darkies who always vote for a Republican President and for me for Congress. One of the Harrison electors resided in an adjacent county, and yet no ballots were distributed to Republican voters in four of the eight counties of the district. This shows what an utterly inefficient and contemptible organization your Republican party has. You make their inefficiency the basis of attack on Democratic honesty.

If the editor of the Inter-Ocean, Chicago Tribune, and some other misguided Republicans, like the gentleman from Massachusetts [Mr. LODGE], will attend to these facts they will see how it was possible for DIBBLE, TILLMAN, COTHRAN, PERRY, HEMPHILL, DARGAN, TURNER, CRISP, GRIMES, STEWART, BLOUNT, CARLTON, CANDLER, BARNES, CLARK, HERBERT, ALLEN, HOOKER, ANDERSON, BLANCHARD, PEEL, and others as well as myself to be honestly and fairly elected in our respective districts. They will see by attending to the facts instead of idle rumors how false their charge that twenty-five Democrats from Southern States are usurpers and not elected to the seats they hold in this House. As a test of the extent of their knowledge and the reliability of the statements of those newspapers, the blackest districts in the States named are entirely omitted from their outrage lists. Your party organs lie about Southern elections and you make their publications the basis of your action.

You have some proof in contested-election cases of frauds committed by Democrats on colored Republican voters in some few localities, but not extending to a half dozen districts; and having this small modicum of proof, you add to it the lies of your newspapers and stump orators, and proclaim that elections in all the Southern States are honey-combed with fraud, and that Democrats are notoriously dishonest in their politics.

Why, sir, every member of this House knows, and the whole country knew at the time of the completion of the returns of the last election, that the Republican majority in this House would be very slender and that a change of but three members to the Democratic side would have given that party control of the organization of this House. The Clerk to whom the certificates of election were sent was a Southern Democrat, a "rebel brigadier," but thoroughly honest, and obeyed the law. The prize was a great one; the temptation about as great as any that could be offered. How did Democratic governors respond to the demands of duty and their respective oaths of office?

Mr. STIVERS, a Republican member of this House from New York, received but 74 majority over Mr. Bacon, his Democratic competitor; yet a Democratic executive gave STIVERS the certificate of election.

Mr. STOCKBRIDGE, a Republican member from Maryland, received over his Democratic competitor, Mr. Raynor, but 80 majority; yet a Democratic executive gave Mr. STOCKBRIDGE his certificate.

Mr. EVANS, a Republican member from Tennessee, received but 208 majority over his Democratic competitor, Mr. Bates; yet a Democratic executive gave him the certificate of election.

Mr. COLEMAN, a Republican member of this House from Louisiana, had but 174 majority of votes over Mr. Elliott, his Democratic competitor; yet a Democratic executive gave COLEMAN the certificate of election.

Mr. T. H. B. BROWNE, a Republican member from Virginia, had but 414 votes majority over Kendall, his Democratic competitor; yet a Democratic executive gave him the certificate of election.

HENRY PLUMMER CHEATHAM, of North Carolina, a Republican member of this House, and a colored man, received but 653 majority over Mr. Simmons, his white Democratic competitor; yet a Democratic governor gave CHEATHAM the certificate of election.

All this was done when it was known that a change of three members would have given the control of this House to the Democrats. When did the Republicans, in the face of such temptation, make as good a record of honesty?

During the period of reconstruction of the Southern States, and for the years thereafter while the "carpet-baggers" were in power, it was very rare that the negro failed to attend an election and to cast his ballot for the Republican ticket. Why? He was aware that the Republican party had enfranchised him, and for this he was grateful, without regard to the motive which influenced them to do so.

This, together with the novelty of it, largely influenced his action. But fear had a more potential influence over his conduct. He was told by the carpet-baggers that if the Democrats ever got into power again they would rob him of his franchise and re-enslave him; and he believed the story. Thus informed, they banded together and marched to the polling places at elections as solid and compact as ever well-drilled troops moved to an assault upon a fortress. They would not listen to any arguments or assurances from white Democrats. They proscribed and sometimes beat and maltreated their own color who voted the Democratic ticket, which frequently produced riots, race conflicts, and bloodshed, the entire responsibility for which throughout the North was invariably charged upon the white Democrats. White men whom they trusted implicitly, and to whom they went for advice in all matters of business, could have no sort of influence over them in politics. No thoughtful and just white man blamed them; their course was a most natural one; but the results which their course produced were to put bad and incapable men in office, whose incompetent and dissolute administrations tended directly and very rapidly to the destruction of material interests, lawlessness, and bankruptcy, which within a few years presented to the property-owners the alternative of abandoning their possessions and leaving the State, or of taking control of the State and local governments. The latter they resolved at any hazard to accomplish.

Why, sir, such a thing as fraud in elections was never heard of in Alabama until your Republican reconstruction measures sent a horde of scoundrels down there from the Northern States to steal what little property the war had left us. They brought with them the fine art of cheating at elections. On October 8, 1868, the Legislature, composed entirely of Republicans, with the exception of Dr. Worthy in the senate and Howard in the house, passed an election law, the thirty-fourth section of which made it a misdemeanor, punishable by a fine of $500, or imprisonment for six months, to "question, challenge, object, hinder, or delay any person offering to vote," and under its encouragement and protection they voted early and often, and almost all ages, sizes, and colors. They had things their own way for two or three elections; but the Democrats and Conservatives at last learned how the game was played, and then they took a hand and beat the rascals at their own game.

In 1874 the Democrats regained complete control of the State. After they did so there was no longer any necessity to have recourse to such practices; the odious law was repealed and an honest election law was enacted, and challengers of opposing political parties at each polling place were provided for; and under the equal laws of the State the rights of no man, white or black, are discriminated against or denied, with the exception, perhaps, already alluded to.

But since the colored voters of the Southern States have seen the predictions of the carpet-baggers falsified by Democratic rule in all the Southern States which did not interfere with their franchise nor their freedom, and since, in addition, they have seen the Federal Administration pass into the hands of a Democratic President who appointed some negroes to important offices, and gave satisfactory assurance to all of that race throughout this country that they were just as secure in the enjoyment of their liberty and the elective franchise under Democratic as Republican Administrations, the large majority of them, especially those who have to labor in the fields, the factories, and the shops for a livelihood, have ceased to take an active interest in elections. They have all along exhibited a commendable zeal for the education of their children.

In Alabama the carpet-baggers and scalawags, when in power, embezzled the school fund and closed the public schools. The Democrats there and in all the Southern States tax themselves and their property to raise funds to keep open the public schools one-third to one-half the year, and distribute all the funds equally to white and black children alike. The colored voters are not unmindful or unobservant of these things, and while the large majority of them are still Republican in politics, they are not afraid to trust their rights in the hands of Democratic officials, and hence are less active in elections than formerly. A much larger percentage of them of late years vote the Democratic ticket in obedience to the friendly solicitation of their white neighbors. And I believe that when they are informed, as they will be, of the hypocrisy of their professed friends, the Republicans, who, with a majority in each House of Congress, have refused to pass the Blair educational bill, a much larger percentage of colored men will vote the Democratic ticket than ever before. They are learning to think for themselves, and are about to throw off the yoke of political slavery.

None of that turmoil and partisan strife characterizes elections in the Southern States which is almost invariably observable in elections in the Northern States, which accounts for the polling of a larger vote. Our Congressional elections in Alabama and Georgia are not held on the same day of State elections, and, consequently, are remarkably quiet and tame affairs, except in districts where there is an earnest contest. In the district I have the honor to represent, at the election of

1886, I received less than 7,000 votes, which is not one-half the number of white voters in the district. About 1,000 of those I did receive were the votes of colored men. I had no opposition, and in such a case both white and colored men find it more profitable to remain at home gathering their crops than to go to the election.

The object of the bill under consideration is political slavery; the Republicans here do not want the negro to enjoy his liberty of voting or not as he pleases. But I tell you, gentlemen, that he is a free man, and he knows it and will remain so. You will be disappointed if you think you can through your Federal supervisors manacle him, drive him to the polls, and vote him as the carpet-baggers did. He has to earn his bread by the sweat of his brow when Republicans are in power the same as when the Democrats are, and now that his liberty is safe he votes or not as he pleases. Your bill is intended to rob him of that much of his freedom and compel him to vote the Republican ticket.

By this proposed law you invite the return of the carpet-bagger, with his secret league, his midnight conferences, his falsehood and deception, to lead the Southern negroes and have them vote him into office again in the Southern States. But they now know him too well; the colored voters remember how he deceived them and robbed the white people, and they will never put such another lot in office again.

In 1870 all the members of Congress from Alabama were white scoundrels; there was not an honest negro among them.

William H. Smith, the first Republican governor of that State, in a fit of virtuous indignation, impelled by a profound sense of the justice of the remark, said:

Our entire delegation in Congress, excepting perhaps Hoy, are a set of unprincipled scoundrels.

You can neither induce nor compel the negroes of Alabama to send such another delegation to Congress. Which would the substantial business men of the Northern States prefer to have sit in Congress and aid in making the laws of the country, the delegation now here from Alabama or the set which Governor Smith denounced? I leave them to say.

Mr. Speaker, I charge that the Republicans enfranchised the negro for the purpose of keeping their party in power. I do not think the motive was merely to humiliate "conquered rebels," by making their former slaves rule over them, nor because the ballot in their hands was deemed necessary for their protection. I know that enfranchisement was alleged as necessary to protect their newly acquired rights of citizenship, and Mr. Blaine, in his very able and instructive book, Twenty Years in Congress, defends the policy of his party in this respect entirely on that ground. There were abuses which he cites tending to justify the policy, but these were but temporary and transitory expedients designed to break the force of the shock produced by the sudden change in the condition of 4,000,000 of people from slavery to freedom; and omitting all reference to the revolutionary method by which it was accomplished, it was a very unwise and mischievous error, born of a necessity which was not real but apparent and at most but temporary. It presents a case wherein the remedy applied is worse than the disease.

The manner in which that party received into its ranks and honored Longstreet, Mahone, Mosby, and other distinguished Confederate soldiers proves that the purpose of proclaiming universal manhood suffrage, which, however, was not extended to the Chinaman and Indian, but confined to the black race, was to perpetuate itself in power.

The scheme succeeded by aid of the military in putting all of the "conquered provinces" under Republican control, but as soon as the prop of the bayonet was removed, these "piebald" governments passed into Democratic hands, and the Republican party realized the wisdom of the great speech of Senator Morton, of Indiana, against the adoption of the fifteenth amendment to the Constitution. It greatly increased the representation of the South both in Congress and in the electoral colleges; and now they are attempting by this force bill of Davenport, LODGE, and ROWELL, instigated by Speaker REED, to recoup their former mistake, instead of acknowledging it like men and making the best of a bad bargain.

The facts of the case show that the Republican party was much more concerned to secure the votes of the colored men of the South than they were to secure any benefits to them as voters. Does the fifteenth amendment to the Constitution secure to the negro voter any right to hold office?

In the case of Cruikshanks against the United States, 92 United States, 542, it is said:

Under the fourteenth amendment each State has the power to refuse the right of voting at its elections to any class of persons, the consequences being a reduction of its Representatives in Congress in the proportion which such excluded class should bear to the whole number of its male citizens over the age of twenty-one years.

This is understood to mean and did mean that if one of the late slave-holding States desired to exclude its colored population from the right of voting at the expense of reducing its representation in Congress it could do so before the adoption of the fifteenth amendment.

In the case of the United States against Reese, same report, page 214, the Supreme Court said:

The fifteenth amendment does not confer the right of suffrage upon any one; it prevents the States of the Union from giving preference in this particular to one citizen of the United States over another on account of 'race, color, or previous condition of servitude.'

The first section of the fourteenth amendment declares—

That all persons born or naturalized in the United States or subject to the jurisdiction thereof are citizens of the United States and the State wherein they reside.

The Constitution does not say that a negro shall not be disfranchised, but it prevents his disfranchisement on account of his "race, color, or previous condition of servitude." He may be disfranchised because he does not own property of any given value; he may be disfranchised because he can not read or write, or because he is not a believer in the Protestant or Catholic religion, or because he was foreign born, or because he can not read Latin, Greek, or Hebrew, or because he can not speak French or German; yet the law which disfranchises him for any of these causes must be made to apply to all white men within the State in like condition.

Citizenship which is secured by the fourteenth amendment does not confer the right to vote. Women and children born in this country or naturalized are citizens, but they can not vote. Neither does citizenship nor the right to vote, nor both combined, confer the right to hold office by reason of anything contained in the Constitution of the United States.

When the fifteenth amendment was under consideration in Congress on the 11th of January, 1869, the House Judiciary Committee reported a proposed amendment, to be known as Article XV, and recommended its adoption. On the 15th of the same month the Senate Judiciary Committee also reported one. The one reported to the House was in these words:

The right of any citizen to vote shall not be denied or abridged by the United States or any State by reason of the race, color, or previous condition of servitude of any citizen or class of citizens of the United States.

The Senate proposition was in these words:

The right of citizens of the United States to vote and hold office shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.

Thus it will be seen that the House proposition only inhibited the States from denying the right to vote, while the Senate proposition was to inhibit the States from denying either the right to vote or hold office. The House proposition was passed on the 30th of January, 1869, and sent to the Senate on the 3d of February. The Senate amended the House proposition by striking it out and inserting in lieu of it the Senate proposition. On the 17th of February, 1869, the Senate passed its own proposition and sent it to the House. Mr. Logan moved to amend the Senate proposition by striking out the words "and hold office," which was rejected. Bingham, of Ohio, moved to amend by inserting, after the word "color," the words "nativity, property, creed," which was adopted, and thus amended the Senate proposition passed the House, and read as follows:

The right of citizens of the United States to vote and hold office shall not be denied or abridged on account of race, color, nativity, property, creed, or previous condition of servitude.

The Senate refused to concur in the House amendment, and a committee of conference was ordered by both Houses. The House conferees were Boutwell, Bingham, and Logan, and those of the Senate were Conkling, EDMUNDS, and STEWART—all Republicans, in politics, of the most pronounced type. No Democrat was placed on that committee. Five of the six members signed the following report:

That the House recede from their amendments and agree to the resolution of the Senate, with an amendment as follows: "Strike out the words 'and hold office;' and that the Senate agree to the same."

The report of the conferees was adopted by both Houses and the fifteenth amendment was thereupon passed in the following words:

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.

So that it is clear from the amendment itself and the history of its origin and enactment, as well as from the debates in each House at the time of its passage, that it secured to the negroes only the right to vote in all cases where white men were allowed to do so and left the States free to prescribe whatever qualifications they deemed essential to the public welfare and safety for office-holding. It is therefore within the power of any State as well as of Congress to declare by law that white men alone shall be eligible to office.

The agreement and compromise among the conferees was that Boutwell agreed to strike out the words "and hold office" if Logan and BINGHAM would strike out the House amendment "nativity, property, creed." To this arrangement STEWART, of Nevada, and Conkling, of New York, assented; but EDMUNDS, of Vermont, refused, and did not sign the report of the conferees and spoke against the adoption of the same. See the debate in the Senate in which EDMUNDS, Wilson, of Massachusetts, Morton, STEWART, and MORRILL, of Vermont, participated.

Senator Morton said:

We are liable to this charge which will now be made, and the force of which we can hardly avoid, that we are willing the negro shall vote, provided they vote for white men, but the office must be reserved for the white men.

What more conclusive evidence can any intelligent colored voter re-

quire that the great object of the Republican party was merely to strengthen itself by securing his vote for its candidates, and that they did not enfranchise him for his benefit, but theirs?

ANALYSIS OF THE BILL.

I shall now proceed as briefly as possible to give an analysis of the bill by sections.

The first section continues in office all of the present chief supervisors, but section 22 excepts from that rule such chief supervisors as are, on the passage of the bill, clerks of either the United States circuit or district courts. The chiefs to be continued and the chief supervisors to be hereafter appointed, one for each judicial district throughout the United States, are charged with supervision of Congressional elections and the prevention of frauds in elections, irregularities in naturalization, and with enforcement of the election laws.

Under section 2, in any town or city containing a population of 20,000 or upwards, or in any entire Congressional district, on the petition of "one hundred persons claiming to be citizens and qualified voters," or upon the petition of fifty such persons claiming to be citizens or qualified voters in one or more counties or parishes of any Congressional district, the chief supervisor shall take action to secure supervision therein as provided by the laws of the United States; which means that when the chief presents these petitions to the circuit court the judge has no discretion but to grant them. And the third section provides that the chief may notify the judge and require him to convene the circuit court at the chief's dictation for the appointment of such supervisors as he may need, in his discretion, for the supervision of the election.

Section 4 provides that any person who can read and write may apply to the chief for appointment as a supervisor of election; and thereupon the chief will furnish him with a blank application printed and paid for by the Government, which will enable the "rounders," hangers-on, professional jurors, and court-house loafers to get in their applications to the exclusion of good, honest, and competent men who will never voluntarily apply for any such appointments.

Section 5 makes it obligatory upon the judge to appoint as many supervisors as the chief may desire, and while the chief may in his discretion present additional names to those who have formerly applied, the judge has no discretion, but is bound to appoint the number desired from the list furnished him by the chief, three supervisors at least to each precinct or polling place, two from one political party and one from the other, and gives full authority to the two who are agreed to act independently of the other; that is to say, the two Republican supervisors may act and their action is made lawful if no Democratic supervisor at all should be appointed, and if appointed and he should undertake to expose any rascality practiced by the other two or should fail to pull smoothly in harness with them the chief may remove him and suspend his pay in his discretion.

This section arms the chief supervisor with a complete muzzling process. He can order any amount of cheating and rascality to be perpetrated at any polling place within his jurisdiction, and if either one of the supervisors or the deputy marshal protests or attempts to expose it, or refuses to bear witness that what the majority does is fair and honest, or that what the State inspectors or poll-clerks do is dishonest and fraudulent—in short, for doing or failing to do anything which the chief may desire or order—he may suspend or remove any officer within his jurisdiction, stop his pay, and cut off his rations. In short, this section is framed upon the idea that the chief supervisor, like the king, can do no wrong.

Section 6 establishes a kind of carpet-baggery by authorizing the chief to transfer his subordinate supervisors anywhere throughout a Congressional district. What is more irritating to the voters of one county than to have men who are citizens of another and frequently a distant county sent to supervise them, to watch them, and see that they commit no rascality, and do no dishonest act? And it may be that those sent from another county would themselves perpetrate a wrong or miscount the votes.

This section seems to have been framed for the purpose of provoking collisions, personal rencounters, and the shedding of blood. Why, sir, the advocates of this bill would be delighted to have a few negroes killed in each Congressional district throughout the Southern States. Then abuse of Southern Democrats and waving the "blood shirt," themes which have become partially stale, would be revived, and, they hope, prove most fruitful in keeping them in office.

The latter part of this section, in connection with the preceding, invests the chief supervisor with the autocratic powers I have described.

The seventh section declares the chief and all of the inferior supervisors and deputy marshals to be officers of the United States the moment they are assigned to duty; which puts them within the protection of the Nagle case recently decided by the Supreme Court, the effect of which is to exempt them from prosecution in the State courts for any crime they may commit under color of their office, or while assuming to discharge the duties thereof. If one of them should kill or maltreat a citizen of the State he would not be amenable to the State law, but could only be tried in a United States court, and before a partisan judge, whose creature he is.

What will free American citizens, accustomed to seeing those who violate the laws of their respective States tried in their courts and properly punished, think of such a law as this which puts the petty partisan officials of the Federal Government above the laws of the State? Yet that is exactly what this section of this bill does.

Section 8 invests the chief with the power, through his subordinates, to revise and supervise the registration of voters; to examine State ballot-boxes before elections begin; to keep a poll-list and to number the voters; to receive and count ballots rejected by the State inspectors; to make statements and returns to the chief supervisor in whatever form, manner, and to the extent the chief requires, and such returns to be sent up to him by the deputy marshal; and in a city of 20,000 inhabitants and upwards, the chief may require any of the supervisors and a deputy marshal to make a house-to-house canvass, which may begin five weeks before and be continued on the day of election, inquiring into the eligibility of voters and whether they have ever been legally naturalized, which is simply a provision for domiciliary visits to do the work of ticket peddlers in the interest of the Republican party. Neither of the men assigned to this work is required to belong to the opposing political party.

These officers are also authorized to call for and examine naturalization papers of our adopted American citizens, and to go into the courts and examine records to see whether naturalization papers have been regularly obtained. They are authorized to enter any court of any State or of the United States where naturalization proceedings are going on and to take a hand in the business, and aid the courts in the discharge of their duties and to prevent fraudulent naturalization.

They are also authorized to inform all voters in which box to deposit their ballots. And if they see any Democrat go with a voter into any booth or room it is made the duty of one of them to enter and see that the voter is not misled or cheated; in other words, it is made their duty to see that no Democrat induces any negro or other Republican voter to vote the Democratic ticket, which is a well-devised scheme to get the heads knocked off of several supervisors for impudently projecting their noses into the private business of gentlemen. What right have they to participate in the proceedings of any court, much less a State court?

The sixth subdivision of section 8 authorizes the supervisors in towns of 5,000 inhabitants or upward "by proper inquiry and examination at the respective places assigned by or to those registered as their residences, all such names placed or found upon the registration books, rolls, or lists as the chief supervisor of elections shall require to be so verified, and to make full report thereof to such chief supervisor." And the fourteenth subdivision authorizes the chief supervisor, when he shall have reason to believe "that fraud or perjury has been, or is being, committed about the matter of naturalization in any place," to send his supervisors to prevent it, and when thus sent they are to be clothed with 'all the power and authority conferred upon supervisors in cities of 20,000 inhabitants and upward.'" That is to say, whatever in the chief's own opinion gives him "reason to believe" is a matter for his own conscience, if he has any, and in cases where the exigencies of the party to which he belongs require it, his conscience will usually be found to be sufficiently elastic for the purpose, or altogether wanting. In the language of James Russell Lowell—

> Some philosphers think a faculty's granted
> The moment it's proved to be thoroughly wanted;
> As for instance, that rubber trees first began bearing
> When political consciences came into wearing.

Whenever the chief supervisor's conscience makes a case where he could send his subordinates they would be clothed with all the powers which they have in cities of 20,000 inhabitants; and then they would proceed to make a house-to-house canvass as ticket peddlers for the Republican party, and no doubt impressing the negroes and ignorant foreigners that if they fail to attend the election and vote the tickets distributed it may go hard with them.

The twelfth subdivision of section 8 beats knownothingism in its palmiest days. It requires the supervisors, when instructed by their chief, to make a complete list of all foreign-born persons who have been naturalized, with the date thereof, their place of nativity and present residence, and the name and residence of the witnesses used to obtain naturalization papers; and they are to examine and note the original affidavits and application presented to the court, all of which shall be filed in the office of the chief supervisor and there preserved. It establishes political espionage over all of our naturalized American citizens with a view to controlling their votes for the Republican party.

Section 9 annuls the State laws and prescribes a new method of counting, canvassing, and certifying the votes cast at a Congressional election; it provides for counting by tens instead of fives, alternating between State inspectors and United State supervisors, and is so complicated as to create confusion, and will not be understood by one-third of the State inspectors, nor by the supervisors until drilled, taught, and instructed by their chief, and with section 8 completely destroys the secrecy of the ballot.

Section 10 relates to the same subject.

Section 11 requires the inspectors to make their returns under the State law and requires the supervisors to make a copy of such return and to send it with any outside statement to the chief supervisor.

Sections 12 and 13 relate to the same subject.

Section 14 provides that if the State inspectors at any polling place fail to open the polls for one hour from the time they may be first opened, it shall then be the duty of the supervisors present to open the polls and conduct the election for Representative in Congress.

Section 15 authorizes the chief supervisor to notify the judge of the United States circuit court in September that he has business for the court to transact; and thereupon the judge shall open his court the 1st of October, and shall appoint a board of three canvassers, not more than two of whom shall belong to the same political party, who shall hold their offices for "so long as faithful and capable."

They shall have a seal and the power of appointing a clerk who shall receive $12 per day, and each of them shall 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." The board is required to convene on the 15th day of November of each even year, and shall convene at such place in the State as is most convenient to them where a circuit court of the United States is held, and are to have power to finally canvass and tabulate the statements of the votes in each Congressional district of the State according to the returns made to the chief supervisors; they may call before them and examine any of the supervisors who acted at the election anywhere in the district as to the correctness of the returns made by them.

The majority of the board are authorized to act, which is equivalent to saying that the Republican members of the board may decide any matter to suit themselves, and the Democratic member can do nothing more than to protest. When they arrive at a decision their finding is to be made public in triplicate certificates, one to be filed with the chief supervisor, one to be sent to the person elected, and one to be sent to the Clerk of the House of Representatives, unless they find that no one was elected; and then the certificate is sent to the governor of the State.

Section 16 makes it the duty of the Clerk of the House of Representatives to put on the roll of members-elect the name of the person certified by the board of canvassers to have been elected. And for failure to comply with this requirement they make the Clerk punishable by a fine of not less than one thousand nor more than five thousand dollars, and imprisonment for not more than five years, one or both, and to be forever disqualified from holding office under the United States.

A certificate of election from the governor of a State is set at naught and made worthless. Never before in the whole history of Congressional legislation were the great seal of a sovereign State and the certificate to which it is attached treated as mere waste paper. The certification of two partisan members of a canvassing board appointed by a Federal judge is to be received as gospel truth, while the certification of a governor who speaks for a sovereign State is to be treated as waste paper and utterly disregarded. Are the American people prepared to submit to such degradation? Have they no longer any State pride?

Section 17 requires the Attorney-General of the United States to formulate and have printed and furnish to the board of canvassers in each State all such blanks as they and their clerks may need in the discharge of their official duties, to be paid for out of the Treasury.

Section 18 authorizes the State board of canvassers in all matters coming before them "to act by a majority of its members;" and if the third member dissents from the decision he may state his reasons therefor and attach a copy to each of the triplicate certificates.

Section 19 provides for the compensation of supervisors and deputy marshals, and the lowest estimate of the cost I have seen made of Federal supervision in every district in the United States is for one selection $10,000,000. It authorizes the chief to refuse to pay any of the subordinates who may fail to carry out his orders.

Section 20 provides for the appointment of such number of special deputy marshals as the chief supervisor may "certify to be, in his opinion, necessary, to observe the manner in which the election officers are discharging their duties, to enforce the election laws of the United States, and to prevent frauds and irregularities in naturalization." One-third of the special deputies shall be appointed from a list of names furnished the marshal by the chief supervisor, and the marshal shall assign these special deputies according to the request of the chief supervisor; and the special deputies shall take charge of returns made by the supervisors "as rapidly as the canvass of each box is completed," and deliver them to the chief.

Just think of it! United States deputy marshals standing around, observing and overseeing State election officers to see how they are discharging their duties. You Republicans know what sort of men will be appointed for this dirty work.

The centralization of our Government strides on apace—stalks forth on stilts—over the prostrate forms of once sovereign States of this Union.

The remainder of this section provides for the location of the office of the chief supervisor, who is made an officer for life, and for the payment of the expenses thereof from a permanent appropriation.

Section 21 requires the chief supervisor to furnish to his subordinates all forms, blanks, maps, and instructions which he deems necessary, and requires him to file and preserve in his office returns, certificates, tally-sheets, poll-lists, and telegrams.

Section 22 disqualifies clerks of the circuit and district courts of the United States from being chief supervisors. And in any judicial district where no chief other than a clerk of the court has been appointed "it shall be the duty of the circuit court * * * to appoint from among the circuit court commissioners one of them the chief supervisor of elections * * * for the judicial district for which he is a commissioner."

The remainder of the section fixes the term of office of all chief supervisors to be for life or "so long as faithful and capable;" which means for life or so long as their administration is deemed by the appointing power to be "faithful and capable." But nowhere in the bill is the power or right of removal vested or declared to be in any person, court, or officer, unless it be as a penalty resulting from conviction for malfeasance in office.

It will be observed that no discretion whatever is given to the circuit court to appoint a chief supervisor except within the charmed circle of United States commissioners for the district; and what a sweet bevy, what a glorious lot of officials they are, in a large majority of the judicial districts of the Southern States! Many of them have been removed from other official positions, such as that of deputy marshal, for rendering false accounts and defrauding the Treasury. I appeal to the records of that Department and the accounting officers in charge of them for proof of what I say, and tenfold more. I appeal to the Attorney-General of the United States, who but recently suggested to the chairman of the Judiciary Committee of this House a thorough investigation of certain judicial officers, marshals and their deputies, clerks, and United States commissioners. Ask him as well as the accounting officers of the Treasury what he thinks of the United States commissioners, not only in Alabama and other Southern States, but in many judicial districts in Northern States as well, as to their integrity and fitness for such an all-powerful office as this bill makes of the chief supervisor of elections.

Why, sir, the records of the Treasury are reeking with bad odors, the multiplied frauds and perjuries committed by many of these officials to put money into their pockets which they never earned. I appeal to my colleagues on the subcommittee of the Judiciary Committee of this House, Messrs. THOMPSON, of Ohio, and MCCORMICK, of Pennsylvania, to say what they think from the testimony taken and the appearance of the men as to the fitness of the commissioners whom they have investigated for the exalted position of chief supervisor of elections, and I would like for them to say whether they think that all the clerks of the United States courts whom they have investigated are fit and proper men to be trusted with drawing honest, competent, and discreet jurors for service in the court of which they are clerks?

Sections 23 and 24 provide for the manner of drawing from the Treasury and the manner of paying supervisors for their services, including the chief; payments, fees, and allowances, all being extremely liberal.

Section 25 authorizes the chief as a circuit court commissioner to administer oaths to supervisors and deputy marshals, and empowers him to designate such other circuit court commissioners in his judicial district as he sees fit to administer such oaths, and allows 25 cents for administering and certifying the same.

A judicial district usually embraces two, and sometimes a dozen, Congressional districts; therefore, the chief supervisor may administer and certify the oaths to all the supervisors and deputy marshals appointed to serve at all the polling places in all the Congressional districts embraced in the judicial district. For instance, Massachusetts, with twelve Congressional districts, constitutes but one judicial district; Indiana, with thirteen Congressional districts, is but one judicial district, and Kentucky, with eleven Congressional districts, is but one judicial district.

Now, the chief supervisor in each of these States, if this bill becomes a law, is the only person, the only officer authorized by it to administer an oath to any and all of the supervisors and deputy marshals throughout the State, unless in his discretion he sees proper to designate one or more circuit court commissioners to administer and certify the oath. And in view of the fact that he would receive 25 cents for every oath administered and certified, the presumption is that he would exercise that discretion as far as practicable to put as many of those plums in his own pocket as possible, without much regard to the convenience of others. And if he is not an angel, as the advocates of this bill assume that he would be, he could farm out the privilege to other commissioners for one-half the fees received by them, and thus add considerably to his income. So, you see, he is directly interested in having supervision throughout his district.

What is there in this bill to prevent the chief supervisor in each and every judicial district from getting 100 voters, or, in the language of the bill, one hundred "persons claiming to be citizens and voters," for no other qualification is required, to sign a petition for supervision and thereby secure it throughout the district? You make it to his interest to do this, and notwithstanding your assumption of the chief supervisor's angelic qualities, I do not think you will find many who

will forego the opportunity of such a harvest of fees. The advocates of this bill violate the sacred injunction of the Lord's Prayer, "Lead us not into temptation."

Another striking feature, striking because of its utter absence, is that the bill nowhere prescribes either the form or the substance of the oath to be administered to any supervisor or deputy marshal. The fees seem to have been a far more important consideration to the framers of the bill. And an oath to conduct the election fairly and to make honest returns would, upon the hypothesis that some of the appointees might have consciences, have been a provision inconsistent with the general purpose of the bill, which is, by any means and at all hazards, to perpetuate the Republican party in power and to pay for it out of the Treasury.

Section 26 authorizes the chief to have appointed a deputy chief supervisor and a clerk, who shall each be selected from that charmed circle of favorites, United States circuit-court commissioners, and that they shall each receive such compensation as the chief in his discretion sees proper to give or allow them.

Section 27 provides that the chief supervisor shall present his account for expenses to a circuit or district judge for approval, and when approved shall be forwarded to the Treasury of the United States and there made "special," which means that they shall be audited in preference to any other accounts or claims, and shall be paid without delay. It also provides that for any items disallowed by the accounting officers, or for the entire claim, without presenting it to the Treasury at all, the chief supervisor may sue the United States either in the Court of Claims or in the circuit court of his judicial district, and recover judgment therefor; that all such suits shall be preferred causes and shall be tried without delay in preference to all other cases pending in such courts, and when judgment is recovered, which will usually be before the same judge who approves the account in the first instance, the same shall be promptly paid by the Treasurer of the United States. And the fees of commissioners for all services rendered in connection with the election laws are placed on the same basis as to allowance and payment.

Section 28 provides a permanent appropriation—a kind of appropriation which is vicious in the extreme—for the payment of all the fees and expenses of the new system provided by the bill.

Section 29, as amended by the House, provides for a review on appeal to the circuit court of any alleged erroneous action upon the part of the board of canvassers. It also empowers the circuit court, upon affidavit filed alleging error in the determination of any board of canvassers, "either national, State, Territorial, county, or any local board," to require such board to correct such error or to show cause why such correction should not be made, and to compel such correction by mandamus, if necessary; and section 30 continues any such board of canvassers for the purpose of being required to make any such correction.

Section 31 prescribes a penalty for any marshal, warden, or keeper of any jail, prison, or penitentiary to which United States prisoners are ever committed or confined pending trial, "who shall refuse or decline to receive and safely keep any prisoner committed to his custody under any warrant or other process of any judge of any court of the United States or any circuit court commissioner," by fine not to exceed $1,000 and imprisonment of not more than one year.

It will be observed that this section is not applicable alone to violations of this particular law, but is general in its provisions. Any State prison to which a United States prisoner has ever been committed or confined, although it be but pending trial, is so far confiscated, or, to speak more accurately, appropriated, to the use of the United States that this high penalty is prescribed against any jailer or keeper of such State institution who shall refuse or decline for any cause "to receive and safely keep any prisoner committed" by any United States judge or commissioner. The institution may be full of State prisoners and there be no room in which to receive and safely keep United States prisoners; no matter, the law is violated, the penalty incurred all the same. I suppose the author of the bill intended by describing the prison as one in which any United States prisoner had ever been confined to plead that as an estoppel of the keeper from denying the right of the United States perpetually and eternally to the use of such prison. To any legal mind that is preposterous and overwhelmingly ridiculous.

Any lawyer who has progressed in knowledge beyond the horn-books of the profession knows that a State officer can not be compelled to exercise a jurisdiction conferred upon him by Congress. The Supreme Court of the United States decided this question long ago. But where a State officer undertakes to exercise a jurisdiction conferred upon him by Congress, he is then and in that matter amenable to the courts of the United States for improper conduct. Congress, however, has no more constitutional right or power to appropriate State prisons for the confinement of United States prisoners without the consent of the State than it has to take and appropriate cemeteries, the capitol building, or any other property belonging to the State; and therefore no jailer could be convicted for refusing to "receive and safely keep" any United States prisoner unless the State whose officer he is previously assents thereto.

A State officer may exercise, in his discretion, a jurisdiction conferred on him by Congress, unless the State whose servant he is refuses to allow him to do so. But if the State does not object and he undertakes to exercise the jurisdiction, he is responsible to the United States for his conduct therein.

Presumably the authors of this bill framed this section with a view to having ample prison facilities for the incarceration and subjugation of numerous offenders against it. Suppression and intimidation of voters and spoliation of the Treasury are its chief features.

Section 32 adopts a large number of sections of United States statutes so as to make them apply and conform to other parts of this bill. It re-enacts those sections of the Revised Statutes referred to as touching "the elective franchise," and providing troops at the polls, and also re-enacts "civil rights," several sections of which were declared by the Supreme Court of the United States in the case of Reese, 92 United States Reports, to be unconstitutional and void.

The attempt to re-enact those sections is a covert one and done by vague reference instead of a manly and open one. That is the way that silver was demonetized. That is nearly always the style of legislation adopted when the people are to be enslaved or robbed.

Section 33 repeals many sections of the Revised Statutes in conflict with the bill saving prosecutions and actions already accrued thereunder.

Section 34 requires State inspectors or local election officers to paste a label on the front of the ballot-box for the reception of Congressional ballots and to point it out to all voters who may not be able to read the label. It requires such box to be kept upon a shelf, table, or counter in plain sight of the electors and easy of access to them and so that the voters themselves may deposit their ballots therein in plain view of all the election officers, national and State, and that the box all during the day of election shall not be shifted, changed, or otherwise moved from the place at which it is put on the opening of the polls, and that it shall not be removed from the room during the day or night following the election until all the ballots are "fully ascertained, tallied, counted, and canvassed, and the statements and certificates therefor have been made out, signed, and sealed."

The only objection I see to this, aside from that of inconvenience, is that the voter in depositing his ballot precludes the idea of numbering it in States where the law so requires, and enables the voter to deposit several ballots inclosed within each other which may have the appearance of but one. This will facilitate the perpetration of fraud by allowing one dishonest man to cast as many ballots as six honest ones. This provision, however, is in harmony in this respect with other parts of the bill.

Sections 35 and 36 provide penalties and punishment for stuffing ballot-boxes, frauds, bribery of voters or officers, and are free from objection.

Section 37 prescribes regulations comparatively free from objection, except in a matter already referred to.

Section 38, as it came from the committee, was a proposition to amend the law in respect to the drawing of jurors in the United States courts. The law now provides that they shall be drawn by the clerk of the court and a jury commissioner of opposite politics, and the proposition was to repeal it as to the jury commissioner and to allow the clerks, nearly all of them being Republicans, to select and pack juries, to convict Democrats and acquit Republicans charged with the violation of election laws. Fortunately there were enough on the other side of the Chamber to rebel against this injustice, who, uniting with the Democratic minority, struck out this odious feature; but they afterwards adopted a provision for a jury commission.

The remaining sections of the bill, from section 39 to section 57, inclusive, are definitions of offenses and prescribing penalties for violations of the election laws, and are free from objection, except section 52, which makes it a misdemeanor, punishable by fine and imprisonment, to "willfully disobey any lawful command of a supervisor of election given in the execution of his duty at any election at which a Representative is voted for," etc. It is so vague and uncertain as to leave the person in ignorance of what commands of the supervisor are lawful. Perhaps it is designedly so, that the supervisor may command and no one will know whether disobedience is lawful or unlawful. It is a "blind tiger," which answers the purpose of the advocates of the bill much better than a plain provision defining what commands the supervisor may lawfully give.

But the other provisions tending to suppress fraud and securing an honest count of votes at Congressional elections are comparatively free from objection. I do not believe that any legislation is necessary. The present laws, if enforced, would fully accomplish fair counting in any localities where cheating is resorted to. But your laws are not enforced. The Republican party in such localities may have the numbers necessary to outvote the Democrats, but they are too ignorant and inefficient to enforce the law or to see that their ballots are counted. You make this bill a law and you will provoke contention, strife, and conflict, and injuriously affect material interests in the Southern States. But you will secure very few, if any, additional Republican members of Congress. My opinion is that you will lose more than you will gain by it, even in the Southern States.

Your grievance, gentlemen of the Republican party, is the solid South. Why is it solidly Democratic with a largely increased representation? I will tell you. Your policy toward the South ever since

the close of the war has been one of repression instead of encouragement. You reconstructed us a second time. We willingly accepted and ratified the thirteenth amendment, abolishing slavery. We were States in the Union for that purpose. You offered us the fourteenth amendment, which would have been accepted and ratified with equal alacrity but for the fact that you inserted a clause in it disfranchising our comrades in the struggle who ever had taken an oath to support the Constitution and afterwards engaged in the rebellion. They were no more to blame than we were. We had engaged in a common cause, and while we were conquered and had surrendered our arms we had not surrendered our honor, and we rejected the amendment solely for that reason. Then you declared that we were not States in the Union. The Supreme Court said that we never got out and were still in the Union. You admitted that we were in, but not as States with a republican form of government and entitled to representation in Congress.

You reconstructed us and made voters out of the negroes in violation of all precedent and constitutional authority and in that way you adopted the fourteenth amendment. Not content with this, and overrunning all the Southern States with your carpet-bag thieves and their allies, you adopted the fifteenth amendment. You were so intoxicated by your thus far successful campaign against the white people of the South that you adopted that amendment over the protests of some of your most thoughtful and considerate leaders. You supported your incompetent and corrupt State governments in the South by the Army; but when that was withdrawn you were surprised and chagrined to find what a mistake you had made. Now, to correct that error, you propose this force bill as a sort of third reconstruction. You do not disguise the fact that this measure is intended for the Southern States.

Do you ever expect to win the confidence, the friendship, and respect of the white people of those States by the continuation of your repressive and unfriendly policy? Are they of this generation or their sons who succeed them the men to kiss the hand which smites them?

How can you so think of the men you conquered only when their substance was gone, their means of transportation destroyed, they living upon less than half-rations, with more than four to one against them; when three hundred thousand hillocks marked the last resting places of their dead comrades; when the whole land was draped in mourning; when the cries of the orphan and the moaning of the widow were borne to the ear upon every breeze; when nothing but Omnipotence or death could have averted their surrender; for it was then, and not until then, that their sublime courage succumbed to the inevitable? They accepted in good faith the decision of the high court of force; in good faith they renewed their allegiance to the Union. Too much must not be expected all at once of human nature; they did the best they could as honorable men. All that was involved in the war and as incidental thereto was settled, and they turned their attention to the rehabilitation of their devastated country.

Adverse circumstances and unfriendly legislation have contended against them for the mastery, but with that tireless energy and dauntless courage that have ever characterized them they have brought every State of the South into a fairly prosperous condition, and notwithstanding the present heavy blow the South will yet be the Eldorado of North America, if not of the world.

[Mr. MASON withholds his remarks for revision. See Appendix.]

[Mr. WILSON, of West Virginia, withholds his remarks for revision. See Appendix.]

Mr. ADAMS. Mr. Speaker, I have always thought it a serious defect in the laws, rules, and customs relating to the organization of this House that the determination of the question who are the members of this House has been in many cases postponed to so late a stage in the life of a Congress. It certainly can not be right that gentlemen on either side of this House, from the North or the South, should sit here participating in the election of a Speaker, acting as members of important committees, voting on important bills, perhaps passing such bills by a casting vote, and then, when they have done this week after week and month after month, have it determined, after the lapse possibly of almost two years from the beginning of the Congress, that they never had any right to sit here at all. I believe that every point of evidence relating to the election of a member of this House ought to be made available at the earliest possible moment. The amendment of the gentleman from South Carolina proposes that the evidence furnished by the supervisors shall be postponed until a period when it ceases to be available for a very important purpose for which it would otherwise be available.

Gentlemen say that these supervisors, appointed by Federal authority, are liable to political prejudice. I admit it; but we know that as political parties are constituted in this country the State returning boards, Republican or Democratic, the local officers and the general officers, are also liable to the same disability. The amendment prepared by the gentleman from Louisiana, and which the chairman of the committee, the gentleman from Massachusetts, proposes to offer, gives, as I believe, a certain superiority to the evidence furnished by the United States officers over that supplied by the State officers. Suppose that these local supervisors do make errors; suppose that the canvassing board, appointed by United States law, makes errors; any candidate can appeal; and if he does so he has a right to an immediate decision of the question, under the supervision of the circuit judge.

Why, sir, I was surprised to hear the gentleman from Texas say that it was a disability on the part of a judge authorized to determine a question of that kind, that he might be a judge resident in a distant State. It seemed to me, as it seemed to Mr. Madison, as quoted by the gentleman from Iowa, that that would be rather an advantage than a disadvantage.

The people of the different districts elect their Representatives in Congress or attempt to do so. The matter is all left to the people; and after the people of the Congressional district have attempted to do their duty, the sole question is a question of evidence as to what in fact has been done. This, in my judgment, is just as much a judicial question as a question of right in regard to any other office that may be held; and I believe it is the common law of England that a question of office is a question of right that may be tried in the courts.

Mr. OATES. Will the gentleman allow me a moment?

Mr. ADAMS. Certainly.

Mr. OATES. Is not the pending proposition, as well as the one in the bill, simply an attempt to evade the jurisdiction which the Constitution vests in this House as the judge of the election returns, and qualifications of its own members? How can you by this bill authorize some other body of officers to make a preliminary examination to determine for this House who shall sit here?

Mr. ADAMS. Certainly the House is the judge of the election, returns, and qualifications of its own members; but you do not make the House the judge of the right of a man to have his name placed on the roll. You impose that duty on some one else. It must be imposed either on State officers or on United States officers.

Mr. OATES. It is for the House to do that. But what is the necessity for this wide departure from the practice which has prevailed?

Mr. ADAMS. The practice, in my judgment, has no value whatever. The constitutional provision that the House may judge of the "election and qualifications" of its own members was similarly lodged in the House of Commons. But they have provided, as the gentleman from Iowa [Mr. KERR] has said, that the courts should first pass upon the question of fact involved, though it was admitted that if the House of Commons chose to overrule the decision of the court it could do so.

[Here the hammer fell.]

Mr. LODGE. Mr. Speaker, I now offer the two amendments to sections 15 and 16.

Mr. HEMPHILL. I rise to a question of order.

Mr. LODGE. These are to perfect the text before the motion to strike out is submitted.

Mr. HEMPHILL. I think, under the order, the time for debate was closed after thirty minutes had expired on the one amendment. Now the gentleman seeks to bring forward these amendments on which no debate has been had.

The SPEAKER. Under the rules of the House it is in order to perfect first the text of what is proposed to be stricken out. There can be no question upon that.

Mr. HOLMAN. Mr. Speaker——

Mr. HEMPHILL. The difference would be that this amendment would come in for a vote now and there is no debate at all upon it.

The SPEAKER. But the House is at liberty to debate the question.

Mr. HEMPHILL. The order was made that the debate should be limited to thirty minutes on the amendment I offered, and then a vote was to be taken upon it.

The SPEAKER. Only on that particular amendment offered. But the gentleman had notice of these amendments.

Mr. DOCKERY. But the gentleman from Massachusetts, referring to the amendments himself, said that he would have them read for information.

The SPEAKER. The amendments are clearly before the House.

Mr. OUTHWAITE. The language of the RECORD will show that they were read for the information of the House only.

Mr. HOLMAN. Mr. Speaker——

Mr. LODGE. I gave notice of the amendments.

Mr. MCMILLIN. Mr. Speaker, I make the point that there can not be two amendments pending to an amendment at the same time.

The SPEAKER. But this is a motion to strike out, and before the motion to strike out is submitted the friends of the paragraph have a right to perfect the text of it.

Mr. HOLMAN. Mr. Speaker, I make the further point——

The SPEAKER. The principle of parliamentary law is perfectly simple and clear. The friends of the paragraph have the right to amend the provision and present it in the most satisfactory form before the House. If the House then wishes to strike out it is disposed of satisfactorily, but if the House refuses to strike it out prior to the amendment of the text it causes members to vote in uncertainty as to what is being stricken out.

Mr. MCMILLIN. But, Mr. Speaker, and I address the remark to the gentleman from Massachusetts, when the debate was limited by the House on this amendment, the gentleman from Massachusetts gave no notice that he would seek to have these amendments voted on without discussion.

Mr. LODGE. I beg the gentleman's pardon. I said I was not aware of the fact whether it would be in order to offer them at that time or not, but I would propose them at the proper time.

But I have no objection to further discussion on these amendments if it be the wish of the House to do so.

Mr. MCMILLIN. And when the gentleman suggested the amendments and the propriety of their being in order at that time, the Speaker said, as I remember now, that he would decide at the proper time.

The SPEAKER. The Chair said he would consider the question, and in the mean time that the debate would go on. The Chair has considered the question.

Mr. HOLMAN. Mr. Speaker——

The SPEAKER. The gentleman from Indiana seems desirous of addressing the Chair.

Mr. HOLMAN. I rose some time ago to present a question of order, which the Chair has thought proper in the mean time to decide upon.

The SPEAKER. The Chair will hear the gentleman from Indiana.

Mr. HOLMAN. I desired to make the point of order that the first proposition submitted by the gentleman from Massachusetts is an independent section. Here are three, I believe four, sections involved. Now, the gentleman offers an independent section.

The SPEAKER. The Chair will state to the gentleman from Indiana that the gentleman from Massachusetts offers his amendment to the text of section 15.

Mr. HOLMAN. But as an independent proposition.

The SPEAKER. Not as an independent section.

Mr. BLOUNT. I wish to say, without dissenting from the enunciation of parliamentary law, as announced by the Chair, that it seems to me the present status takes this question from under the operation of the rule. The majority of the committee were allowed, in pursuance of an understanding, to offer all the amendments they had, beginning with the first section of the bill and running entirely through it without interruption on this side, because it was understood to be their right; and that was to be followed by the right guarantied to the minority members of the committee, when that process had been concluded, to offer amendments themselves. In pursuance of that understanding the gentleman from South Carolina has offered one amendment and now he has offered a second. I repeat, in pursuance of a well understood agreement in the House this was done.

Now, if these agreements are not executed I can not see how the minority, under the order of the House, can have any assurance that their amendments are to be voted upon at all. If it is in order here now for the gentleman from Massachusetts to submit these amendments, it is in order for him to continue offering amendment after amendment; and it seems to me good faith requires that the gentleman should not now obstruct the clear right of the gentleman from South Carolina.

The SPEAKER. There is no better witness of the ample good faith with which this question has been treated than the gentleman from Georgia himself. The Chair desires to say that it is not possible to anticipate a motion to strike out until the motion is made. After it is made it must be made in conformity with the rules of the House; and under the rules of the House the gentleman has a right to perfect the text of the section before the House considers the question of striking it out. It is not only a well established principle of parliamentary law, but it is a sound, common-sense construction of the rule, and has always been followed for the orderly conduct of the business of the House.

Mr. BLOUNT. I do not question the right or any right the gentleman has to perfect the text of his bill before the motion to strike out is submitted. It was in contemplation of all of his rights that I spoke. But it was understood, when the right of amendment was given him on yesterday, that he should perfect his bill. That he proceeded to do, and offered a series of amendments, which were adopted by the House. But the motion now made to strike out does not add to his right in that direction under the agreement which was entered into.

Mr. CUTCHEON. Mr. Speaker, the gentleman in charge of the bill——

Mr. BLOUNT. Mr. Speaker, the gentleman from Massachusetts announced yesterday that he was through offering amendments.

Mr. CUTCHEON. But the gentleman from Massachusetts could not anticipate a motion to strike out until it was made.

Mr. BLOUNT. What has that got to do with the question of perfecting the bill? He offered all the amendments he desired to in order to perfect the bill.

Mr. CUTCHEON. This is subject to the rules of the House.

Mr. BLOUNT. What has that got to do with this matter? You have gone on and perfected your bill.

Mr. CUTCHEON. This is subject to ordinary rules of the House. It is stated on page 23:

> If it is proposed to amend by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can, by amendments, before the question is put for striking it out.

We could not anticipate your motion to strike out.

Mr. BLOUNT. You had the opportunity to perfect your bill, and you went on and did it.

Mr. CUTCHEON. What is the object of that rule unless it is to meet just such a case as this?

Mr. HEMPHILL. What did you do all day yesterday except to try to perfect you bill?

Mr. BLOUNT. It seems to me this is not offered in good faith at this time. You ought to have offered your amendment in the beginning. You defeat all our rights by any such course of procedure as this.

Mr. LODGE. Mr. Speaker, I think it is a pretty serious thing for one member of this House to charge another with acting in bad faith. I have not acted in bad faith with anybody. I said, when I offered these amendments that I did offer, that I was through and that I would stand aside for the gentlemen upon the other side to offer their amendments. I did not say, I never intended to say, and of course no man would say that he would offer no more amendments to the bill. The bill might be changed at any point, so that it would become essential for the committee to offer amendments. That was a right that I never abandoned for one moment.

If this motion to strike out had not been made I should not have offered these amendments until the gentlemen on the other side were all through. It is impossible for me to withhold the amendment now, for they are moving to strike it out. It is impossible for the House to deal with the matter intelligently unless they know what it is proposed to do. I have acted in the most absolute good faith in the matter. I have not the slightest desire to do anything in the least unfair, but I think we ought in justice to the bill and in justice to the members of this House to put that section in the condition in which the committee means it to be before we pass upon the question of striking out.

Mr. MCMILLIN. Will the gentleman yield for a moment?

Mr. BLOUNT. So far as the gentleman is concerned personally I did not mean to reflect upon him. I was discussing the proposition involved in this motion, and that it was not in good faith, and I still claim that it is not in good faith. The majority have had the right to perfect their bill. They occupied hours of time; they went through the bill paragraph by paragraph and perfected it to their hearts' content. Having offered all they had to offer, the gentleman from South Carolina [Mr. HEMPHILL], on the part of the minority, comes in with a second amendment to that perfected bill, or supposed to be perfected bill, to strike out a section. At once the gentleman from Massachusetts says we must have more perfection before we can have a vote.

The SPEAKER. What objection can the gentleman from Georgia have to perfecting the section before the question is put for striking it out.

Mr. BLOUNT. I would like to know what perfection means. It has been perfected once, and the right to perfect is not determined or affected by the motion to strike out or by any motion that the gentleman may have made. If this rule is to be carried out the gentleman from South Carolina may be taken off the floor for one amendment after another at any time.

Mr. MCMILLIN. Mr. Speaker, if I may be indulged one moment in reply to the inquiry to the Chair, I will make this suggestion: Here is the injustice that can come from it and will come from it. The gentleman from Massachusetts was given an opportunity to perfect his bill, and it will be remembered by those who were present yesterday that there was desistance from resisting a number of those amendments, in order that we might have the opportunity to present amendments on this side. Now, after the gentleman from Massachusetts has taken all the time he wanted for that purpose, if when we present an amendment he is allowed to come in with other amendments to that section and take up the time that is remaining, or supposed to be remaining, for the offering of amendments on this side of the House, the right to offer amendments is curtailed and cut off. That is the injustice of it.

The SPEAKER. The desistance of the gentleman from Tennessee and his friends was of their own motion.

Mr. MCMILLIN. But impelled by the fact that we did not want to take up the time which might be used for the offering of amendments on this side.

The SPEAKER. The Chair can not be guilty of the obvious injustice of refusing, by its action, so far as it is a refusal, to allow the House to perfect a section which it is proposed to strike out.

Mr. MCMILLIN. Mr. Speaker, I would not be understood as questioning the Chair's right to administer the rules of the House strictly. What I have to say is addressed more particularly to the gentleman from Massachusetts who is not doing justice by this side of the House in the proceedings that he has instituted.

Mr. OUTHWAITE. Mr. Speaker, I should like to call attention——

The SPEAKER. Does any gentleman appeal from the decision of the Chair?

Mr. OUTHWAITE. I should like to call attention to the colloquy which took place on the floor of the House yesterday when the amendments were offered by the gentleman from Massachusetts. It simply shows that the gentleman was asked by the gentleman from Texas [Mr. MILLS] to perfect the bill at the time he offered his amendment, and that in pursuance of the proposition to perfect his bill he offered a number of amendments, and then offered one, and said this is the last amendment which I wish to make.

Mr. DINGLEY. He did not say that.

Mr. OUTHWAITE. That is the language of the RECORD.
Mr. DINGLEY. Oh, no, it does not go so far as that.
Mr. OUTHWAITE. Very well; I will read what he said:

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.

And again:

Mr. LODGE. That is the last of the amendments.

The Clerk read the amendment, and then he said that was the last he had to offer.

Mr. DINGLEY. He meant at that time.

Mr. OUTHWAITE. That is at the end of the submission of amendments?

Mr. DINGLEY. But of course the gentleman does not mean to say that the gentleman from Massachusetts [Mr. LODGE] took away from himself the power to offer amendments.

Mr. OUTHWAITE. And then he follows it up with the statement that that is the last of the amendments.

Mr. DINGLEY. The last that he held in his hand. [Cries of "Oh!" on the Democratic side.]

Mr. CUTCHEON. I would like to inquire what is the pending question before the House.

The SPEAKER. The question is on the amendment proposed by the gentleman from Massachusetts [Mr. LODGE].

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BUTTERWORTH. I desire to call up as a privileged matter the subject of the conference on 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. As will be observed in a report brought in a few moments ago, the Senate has requested another conference, and I desire to move that the House adhere to its disagreement. This relates solely to the matter of the Senators' clerks. It has been discussed very fully in the House, and because it has been so discussed I move that the House adhere and call for a vote. That ends the matter and the bill fails unless another body interested shall feel called upon to recede.

The SPEAKER. The gentleman from Ohio [Mr. BUTTERWORTH] moves that the House adhere to its non-concurrence in the Senate amendments relating to the compensation of clerks.

Mr. BUTTERWORTH. The only amendments in conference.

The motion was agreed to.

FEDERAL ELECTION LAW.

The SPEAKER. The question is upon the adoption of the amendment offered by the gentleman from Massachusetts [Mr. LODGE].

Mr. TRACEY. Is it in order to speak on this amendment? Is debate closed? Will I be permitted to ask the gentleman from Massachusetts a question?

The SPEAKER. The Chair does not think that the debate is closed on this amendment, but if gentlemen have anything to say upon that point I would be glad to hear from them. The present impression of the Chair is that the debate is not closed.

Mr. TRACEY. Is the question now pending on the amendment of the gentleman from Massachusetts?

The SPEAKER. That is the pending question.

Mr. TRACEY. If the gentleman from Massachusetts [Mr. LODGE] will give his attention I would like him to answer a question relating to his amendment.

Mr. BUCKALEW. Let us arrange a limit of time for debate. Mr. Speaker, as the amendment of the gentleman from Massachusetts is an important one and raises a new question entirely, I propose that we have some arrangement about the length of time for debate before we vote upon it. I suggest that there be twenty minutes on a side.

Mr. BLOUNT. How long a time?

Mr. BUCKALEW. Twenty minutes.

The SPEAKER. Is there objection to the request of gentlemen on both sides that debate be limited to twenty minutes on each side?

Mr. BLOUNT. I hope the gentleman will modify that somewhat. We do not want to take the time in discussing matters with nothing substantial about them. We have just taken away an hour, and here comes another. Make it ten minutes on each side.

Mr. TRACEY. I object.

The SPEAKER. Objection is made to the request that ten minutes be allowed on each side. The question is, Shall twenty minutes be allowed on each side? [After a pause.] The Chair hears no objection.

Mr. TRACEY. Mr. Speaker, I would withdraw my objection if I can have a couple of minutes of the time that is allowed.

Mr. HEMPHILL. I suggest fifteen minutes on each side.

Mr. BLOUNT. That will do.

The SPEAKER. Is there objection to an agreement that fifteen minutes be allowed on each side? The Chair hears no objection, and it is so ordered.

Mr. BLOUNT. I ask that the Clerk may read the amendment in order that the House may understand it.

The amendment was again reported.

Mr. BUCKALEW. Mr. Speaker, I have great doubt about this amendment, both as to the legal character of it and as to its practical effects; but as it is thrown suddenly into the House in the great hurry of our proceedings, and concluding our action upon this bill, I do not know, sir, that I can speak with that due deliberation and comprehension of the amendment which ought to exist with any one who undertakes to debate it. I know that the Constitution of our country provides that the House of Representatives shall judge of the election and qualifications of its members. This amendment very clearly turns over to the circuit court the right to judge upon a trial which, whether with the aid of a jury or without a jury, is necessarily judicial in its nature. It is a judgment which is to be pronounced. The parties are to appear before them. Both sides are to be heard, doubtless counsel employed, and the action will be that of a circuit judge.

The provision of this amendment is necessarily inconsistent with the exclusive power of the House of Representatives to judge of the election and qualifications of its members. That is not a power to be exercised by the House of Representatives as an appellate court and after some other court has pronounced its opinion and judgment. It is an original, inherent, exclusive power; and I take it that you can not properly provide by law that the canvassing of election returns, like any other act of ministerial officers—of officers who have simply ministerial power to pass upon questions of ordinary fact and to take such action—does not make them judges and conclude the rights of either party, even as in a *nisi prius* decision or hearing. In other words, if this be a trial, if it be a judicial proceeding in the circuit courts of the United States, then this House has simply the appellate power to overrule the decision which they may make, and the judgment of the House is to be influenced, if not controlled, by a prior judgment pronounced by a court of law.

Mr. OATES. Will my friend state whether he thinks that it will amount to anything more than a State certificate now does?

Mr. BUCKALEW. Yes; it is a decision to come here under the laws of the United States, and the decision of one of the highest judicial tribunals of the country upon a question of law and fact, which this House is to decide. It places this court in the same position as an ordinary judicial tribunal from which there may be an appeal afterwards to the Supreme Court.

Mr. ADAMS. Will the gentleman object to a question there?

Mr. BUCKALEW. No.

Mr. ADAMS. Does the fact that it comes from a circuit judge give it any higher authority than if it came from a State authority, and has not the House the same right to overrule it as it would have in the other case?

Mr. BUCKALEW. The report from the State now is simply the report of a ministerial officer without power or judgment. He simply sends to us the returns which the people in their precincts have made; sums them up and sends them here.

Mr. ADAMS. And the House can overrule them.

Mr. BUCKALEW. Yes.

Mr. ADAMS. And so it can in this case.

Mr. BUCKALEW. But this is a judgment of a court.

Mr. OATES. Although it would be a judicial action the House would be competent to examine it and all the evidence.

The SPEAKER. The time of the gentleman has expired.

Mr. CULBERSON, of Texas. I want to make an inquiry or two about the object of this amendment.

Mr. ROWELL. The effect of the amendment, Mr. Speaker, is to bring all the papers which were before the canvassing board before the circuit court.

Mr. CULBERSON, of Texas. I understand that; but what I wish to direct your attention to and upon which I need information is this: What authority have you to confer upon the circuit court of the United States a case in which by the very terms of your amendment you refuse and reject this power to make its judgment imperative and final? That is to say, if I understand, this amendment provides that when the United States canvassing board has entered its judgment and promulgated its results the person aggrieved may appeal to the circuit court of the United States for a rehearing, not *de novo*, not upon the case as the aggrieved party may desire to present, but an appeal to the circuit court, to be tried upon the very papers, on the very notes, and the very statements upon which the board of canvassers entered up their judgment.

Now, can you impose upon the circuit court of the United States any function not judicial in its character or can you impose upon any court of the United States any duty which they may not enforce by their judgment? And if you do impose that duty upon the circuit court, then it is clearly unconstitutional, because it takes away from the House of Representatives the right to pass upon the election and qualification of its members.

Mr. ROWELL. Why, Mr. Speaker, this House passed a law imposing a duty upon one of the Federal courts, the Court of Claims, to take charge of a certain class of cases that might be referred to that court by the House, or by committees of the House, not to enter up a judgment, but to report to the House its opinion upon the facts and the law.

If that jurisdiction could be conferred upon the Court of Claims, it is certainly competent to confer upon the circuit courts of the United

States the power to try in the first instance any contested-election case, to examine all the facts and hear all the testimony, and to authorize that court to give a certificate upon the facts and the law to the person found by the court to be elected, which certificate shall entitle that person to take a seat here; and it is competent to do all that without taking away any right from the House, in the second instance, to determine the qualification and election of its own members.

Mr. BLAND. Does not this amendment confine the contest simply to such evidence as the election officers may lay before the court? In other words, do not they determine beforehand how the court shall decide?

Mr. ROWELL. I was about to say that this amendment proposes to bring before the court, any party being aggrieved, all of the papers of every kind and character in the hands of the original canvassing board, so that that court may review the decision which that canvassing board has made with reference to any of the returns and determine whether that decision has been properly made, so that no one can thereafter say that any partisan court or any dishonest board has, by false or partisan ruling, excluded or included returns which would change the result, but that the judicial body of the United States, that great authority which is the conservator of law, to which the people look in all emergencies for protection against usurpation and against unconstitutional legislation, in which all parties, Democratic, Republican, and every other, have confidence—that that judiciary shall review the action of the canvassing boards, so that no one can say that there has been improper, illegal, or unjust action by those boards.

Mr. CHEADLE. Will the gentleman permit a question for information?

Mr. ROWELL. Yes, sir.

Mr. CHEADLE. When the papers are brought before the circuit court are they only the papers in possession of the supervisors or are they the papers in possession of the supervisors and also those in possession of the various State officers who have held the election?

Mr. ROWELL. There is no power to get possession of the papers of the various State officers; but, under the provisions of this law, all of the reports that go up from the supervisors contain an exact statement of the reports that go to the State officers, and a statement of the differences, if any, between their reports and those that go to the State officers; so that the canvassing board, and eventually, on complaint, the circuit court has before it as complete a statement as the local canvassing boards of the State; not the same statements, perhaps, that are in the hands of the governor, because it frequently happens that large numbers of the reports down in the hands of county officers are never tabulated and sent up to the governor; but there is a complete statement showing what each precinct has returned, under the requirements of this law. There is no power to get possession of the papers in the hands of the various State officers.

Mr. CULBERSON, of Texas. I desire to ask the gentleman from Illinois another question. Pending this trial in the circuit court, where is the original certificate that is issued by the board of canvassers to be kept?

Mr. ROWELL. One certificate is to be delivered to the person found to be elected and another is to be sent to the Clerk of the House.

Mr. CULBERSON, of Texas. But you will observe that in the original bill, or in the substitute which is under consideration, it is provided that one of these certificates shall go to the person claiming to have been elected and the other shall be sent to the Clerk of the House of Representatives, and that thereupon the Clerk shall enroll the name of the beneficiary of the certificate upon the roll of the House. In the mean time, however, as soon as it is promulgated that a result has been reached by the board of canvassers an appeal is provided for by this amendment——

Mr. ROWELL. Yes.

Mr. CULBERSON, of Texas. Now, does that appeal under this amendment suspend the action of the board of supervisors and arrest the certificate which is then *en route* to the Capitol?

Mr. ROWELL. One of the clauses in this amendment provides that if there is a reversal of the action that reversal shall be binding on the Speaker of the House.

Mr. CULBERSON, of Texas. But in the mean time the Congress may have organized and organized upon a certificate which the circuit court of the United States may subsequently hold to be void.

Mr. ROWELL. That can not possibly be. There is a fixed time when the canvassing board shall meet, and it could not possibly be that the certificate would arrive before this determination would have to be made.

Mr. CULBERSON, of Texas. The gentleman is mistaken there, because, if he will observe, this amendment falls short of what would be a fair and just proposition on this subject. As soon as the appeal is made to the circuit court of the United States, the original certificate which the board of supervisors prepared to be filed with the Clerk of the House of Representatives should be sent to the clerk of the circuit court of the United States, and not sent here. Because it will happen in many cases—at any rate it can happen and probably may happen—that the trial in the circuit court will be continued beyond the time at which the House shall be convened; unless it be the object on the other side (which I would hardly now charge) to organize the House upon certificates pending at the time in the courts, it seems to me you ought to ameliorate this amendment a little.

Mr. ROWELL. If there is anything in the amendment that does not cover the question of having the certificate of the court prevail—if it is necessary, on notice that an appeal has been taken, that the Clerk of the House shall not put the name on his roll, and if a proper amendment covering that matter can be formulated, no one would object, because the purpose of this proceeding is to obtain on complaint the decision of the circuit court.

Mr. CRISP. Let the appeal supersede the first judgment.

Mr. ROWELL. By putting in a provision that the hearing should be had before the 4th day of March the objection would be obviated.

Mr. CULBERSON, of Texas. No, we do not want a provision of that kind; we want to lap over the organization of the House of Representatives.

Now, if I understand this amendment fully (I have only heard it read from the desk) it seems to me we are imposing upon the circuit court a duty which ought not to be imposed upon it. In the first place, I believe that Congress has no power whatever to impose upon the circuit courts of the United States any duty which is not strictly judicial in its character. It will be remembered that a few years ago we raised a commission——

[Here the hammer fell.]

Mr. FRANK obtained the floor, and said: I yield my time to the gentleman from Texas, and I desire at a convenient time to ask him a question in the line of his remarks.

Mr. CULBERSON, of Texas. Availing myself of the courtesy of the gentleman from Missouri [Mr. FRANK] I wish to say that a few years ago we raised a commission with *quasi*-judicial powers to inquire into the state of the accounts between the United States and the Pacific railroad companies, and it was provided in the bill that the commission might refer to the United States circuit court of the particular district certain questions that might arise during the proceeding or investigation.

The commission held a session and had before it several witnesses who refused to answer questions propounded to them. The matter was referred to the circuit court of the United States of that district, then presided over by Mr. Justice Field, who held that Congress had no right to impose upon a circuit court of the United States a function or duty not strictly judicial.

Now, it seems to me this amendment undertakes to impose upon the circuit court the duty simply of looking over a lot of papers and seeing whether or not the board of supervisors has made a wrong footing of the figures. That is all there is in it. The court is not authorized to hear any additional testimony whatever, but is to try the case upon the statements and the figures which were before the original board of supervisors. If the court should find that the board of supervisors made a mistake and gave the certificate to the wrong person, and should enter up a judgment of that kind, of what effect is the judgment? The court has no power to enforce it, because at the doors of this Capitol its action is met by the constitutional provision that this House shall be the judge of the election of its own members.

[Here the hammer fell.]

Mr. FRANK. I would like to ask the gentleman from Texas [Mr. CULBERSON] a question.

Mr. CULBERSON, of Texas. I hope you will not. [Laughter.]

Mr. TRACEY. Mr. Speaker, I would like to have the attention of the gentleman from Illinois [Mr. ROWELL] for a moment in regard to the effect of this amendment upon the existing law of the State of New York. I notice the amendment provides that in case of an appeal to the judge a number of papers, including the tickets, shall be brought before the court. Now, the law in the State of New York is that after the canvassing board has counted the tickets and has reserved one of each kind to paste upon its returns, the balance of the tickets are to be destroyed. The question therefore presented here is whether in destroying the tickets in pursuance of the law of the State of New York the canvassing board would not violate the law of the United States if this bill should be enacted. I would like to have the gentleman from Illinois explain in what way the canvassing board can act or how this difficulty can be obviated.

Mr. ROWELL. If the gentleman had read the bill carefully he would have found that it provides, precisely as does the law of New York, that sample tickets shall be pasted to the returns. No other tickets except those found in boxes where they ought not to be are taken possession of by the Federal supervisors; all other tickets are left in the custody of the State officers, so that the tickets which will come before the court under this amendment will be the sample tickets pasted to the returns——

Mr. TRACEY. That may be so, but the amendment does not so state.

Mr. TUCKER. I would like to call the attention of the gentleman from Illinois [Mr. ROWELL] to the wording of this amendment:

> The said returning officers shall produce before the circuit court all returns, reports, protests, tickets, and all the evidence upon which they acted in awarding the certificate.

Mr. ROWELL. Precisely; that refers to such tickets as the law pro-

vides shall go into the hands of this canvassing board; and those are the sample tickets pasted to the returns and the tickets that have come out of boxes where they ought not to be.

Mr. TUCKER. Why, the gentleman must see that the wording of this amendment shows for itself that all of the tickets are required to be sent to the circuit court, and yet the law of the State of New York requires that these tickets shall be destroyed. Now I ask him, which are you to obey, the State or the Federal law?

Mr. TRACEY. And the inspectors must destroy the tickets in New York.

Mr. ROWELL. I understand that the inspectors destroy all but the sample tickets in New York. Now this law will require the sample tickets also to go with the returns, and they would not be destroyed; that is all.

Mr. FRANK. They can only produce the tickets they have.

Mr. ROWELL. Of course they can only produce the tickets they have; and there is no provision in the bill that any tickets can be so returned to the chief supervisor, except that sample tickets——

Mr. TUCKER. Let me interrupt the gentleman to read the forty-seventh paragraph of the law of the State of New York on that subject.

Mr. ROWELL. I understand that provision.

Mr. TUCKER. It provides—

That the remaining ballots not so pasted or attached shall be destroyed, and the board of inspectors shall be dissolved.

Mr. ROWELL. Yes, sir, I understand that; and this law, to the extent of getting only so many more sample tickets, will overrule the authority of the New York inspectors to destroy the ballots, precisely as the law of 1871, as found by a Democratic committee and sustained by this House, overruled the statute law of Massachusetts and took the ballots out of the hands of the supervisors and counted them at a place where the supervisors were not permitted to come, and by which action a Democratic House seated a Democrat as against a Republican. And the law of the United States as reported by my colleague from Illinois [Mr. SPRINGER] on that occasion was held to overrule the law of Massachusetts.

Mr. OATES. I would like to ask the gentleman from Illinois this question: This amendment simply allows any defeated candidate to bring the action of the board of canvassers before the United States court for review.

Mr. ROWELL. That is all.

Mr. OATES. Now is there any provision which allows, when such complaint is lodged, the United States circuit judge to reassemble the court and correct any error that may have been made?

Mr. ROWELL. My friend has made a mistake there. There is no such provision in the bill. You know that in some of the States the canvassing board of the county, which becomes *functus officio* after counting the ballots, is for the purposes of the law continued in existence, and the United States court may compel that county canvassing board to reassemble and count the votes.

Mr. OATES. But section 29 of your bill reads:

Whenever it shall appear by affidavit that errors have occurred in the determination of any board of canvassers, either national, Territorial, county, or other local board in any State or Territory in the matter of the votes cast for Representative or Delegate in Congress, the circuit court of the United States * * * may, by order, require any such board to correct such errors, etc.

Now, as I understand the gentleman from Illinois, your construction is that this would require alone the county canvassing boards to reassemble?

Mr. ROWELL. Yes, that is the provision of the section.

Mr. FRANK. Mr. Speaker, I want to say to my friend from Virginia [Mr. TUCKER], my colleague on the committee, that he misapprehends the force and effect of this language. What is before the returning officer? The returns of the supervisor are sent to the chief supervisor and by him sent to the clerk of the circuit court of the circuit in which the Congressional district lies over which there has been this supervision. All they have before them, these three citizens appointed by the judge of the circuit court—and that is the provision to which I am most heartily and unalterably opposed, putting these three men paramount over the State officers—and what have they got? They have only the tabulated statements, the returns, sample tickets, and certain protests or challenges, if you please, of the votes. Now this provides—

The State returning officers shall produce before the circuit court all the returns, reports, protests, tickets, and all of the evidence upon which they acted in awarding the certificate aforesaid.

That is merely in the nature of further supervision by the circuit court over the returning board, that being a sort of supervisory board to supervise the supervision over the election, and in my judgment removes one of the worst features of the bill, that to which I briefly alluded, namely, that the three citizens become and take the place of the persons elected by the people of the State, namely, the governor and the secretary of state. This removes the temptation on the part of the Federal supervisor from doing the electing himself, whereas the people have been supposed to do it.

Mr. MILLS. But you turn it over to the circuit judge.

Mr. FRANK. Well, of course, it has got to be lodged somewhere.

I yield the balance of my time, if I have any, to the gentleman from South Carolina, my colleague on the committee [Mr. HEMPHILL].

Mr. ANDREW. Before the gentleman takes his seat will he allow a question?

Mr. FRANK. Yes, sir.

Mr. ANDREW. Under the Massachusetts law—the ballot act there—all ballots must be returned whether counted or not. There are official ballots printed by the government. All of these must be returned to the city or town clerk, otherwise these election officers are liable to imprisonment. Now, I would like to ask how the sample tickets are to be obtained to be sent by the supervisors to the court without conflicting with that law?

Mr. FRANK. The sample ticket, as I understand it, is not the ballot that is cast.

Mr. HEMPHILL. Oh, yes; I beg the gentleman's pardon.

Mr. ANDREW. But even in that event it does not matter. Under the Massachusetts law every ballot furnished by the State, whether cast or not, must be accounted for in these returns.

Mr. FRANK. Then the Massachusetts-Australian ballot law must yield to the paramount law of Congress.

Mr. ANDREW. Then, I understand you propose an act here which will conflict with the law of Massachusetts, a law which after a great deal of difficulty we have secured in that State and which meets the approval of everybody, Democrat and Republican, in the State. You propose to conflict with a law which nobody would like to see interfered with.

Mr. TRACEY. And the same in New York.

Mr. HEMPHILL. Mr. Speaker, unless the time allotted to debate has expired I would like to be heard for a moment.

The SPEAKER. The Chair thinks that the time has been exhausted.

Mr. HEMPHILL. I would only like to say that this amendment, I suppose, is intended to ease the consciences of some gentlemen; but it amounts to nothing, because the circuit judges are simply to tabulate and add up what the returning officers have furnished. They are not to hear outside evidence, but they are simply to add up figures which these boards shall return, and hence it is only a sham and a humbug.

Mr. KERR, of Iowa. Will the gentleman yield for a question?

The SPEAKER. The Chair thinks the gentleman has no time to yield for anything.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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 message also announced that the Senate further insisted upon its amendments to 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, disagreed to by the House, asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL conferees on the part of the Senate.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. 10716) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1891, disagreed to by the House, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLUMB, Mr. FARWELL, and Mr. CALL conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment 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.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

A bill (S. 3034) to provide for the purchase of a site and the erection of a public building thereon at Muskegon, in the State of Michigan; and

A bill (S. 4171) to authorize the leasing of school lands in the Territory of Oklahoma, and for other purposes.

The message further announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 4562) to provide for the admission of the State of Idaho into the Union; and

A bill (H. R. 9048) 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.

The message further announced that the Senate requested the House of Representatives to return to the Senate the bill (S. 3430) to confirm the title of 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.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. MCCOMAS. I move that the House insist on its disagreement to the amendments to the District of Columbia bill and ask a further conference thereon.

The SPEAKER. The gentleman from Maryland, on behalf of the Committee on Appropriations, calls up the District of Columbia appropriation bill and moves that the House further insist upon its disagreement to the amendments and agree to a conference.

The motion was agreed to.

The SPEAKER announced as conferees on the part of the House on the disagreeing votes of the two Houses on the District of Columbia appropriation bill Mr. MCCOMAS, Mr. HENDERSON of Iowa, and Mr. CLEMENTS.

FEDERAL ELECTION LAW.

The SPEAKER. The question is upon agreeing to the amendments of the gentleman from Massachusetts [Mr. LODGE].

The question was taken; and the Speaker announced that the ayes seemed to have it.

Several MEMBERS. Division.

Mr. HEMPHILL. I think we had better let it go. It is a mere sham. It does not amount to anything.

The SPEAKER. The request for a division is withdrawn. [Laughter.]

The amendments were agreed to.

The SPEAKER. The question is upon the amendment of the gentleman from South Carolina to strike out and insert. The Clerk will report the amendment.

The Clerk read as follows:

Strike out sections 15, 16, 17, and 18, and insert the following:

"SEC. 15. From the returns of the supervisors the chief supervisor shall tabulate and forward to the Speaker of the House of Representatives, to be by him submitted to the House, the results as they appear therefrom in each Congressional district under his jurisdiction in which this act has been enforced."

The SPEAKER. The question is upon the amendment of the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. I think we might as well have yeas and nays on that.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 137, nays 144, not voting 47; as follows:

YEAS—137.

Abbott,	Covert,	Lane,	Richardson,
Alderson,	Cowles,	Lanham,	Robertson,
Allen, Miss.	Crain,	Lee,	Rogers,
Anderson, Miss.	Crisp,	Lehlbach,	Rowland,
Andrew,	Culberson, Tex.	Lester, Ga.	Rusk,
Bankhead,	Cummings,	Lester, Va.	Sayers,
Barnes,	Dargan,	Lewis,	Shively,
Barwig,	Davidson,	Maish,	Skinner,
Blanchard,	Dibble,	Mansur,	Springer,
Bland,	Dickerson,	Martin, Ind.	Stockdale,
Blount,	Dockery,	Martin, Tex.	Stone, Ky.
Boatner,	Edmunds,	McAdoo,	Stone, Mo.
Breckinridge, Ark.	Elliott,	McCarthy,	Stump,
Breckinridge, Ky.	Ellis,	McClammy,	Tarsney,
Brickner,	Enloe,	McClellan,	Tillman,
Brookshire,	Fithian,	McCreary,	Tracey,
Brown, J. B.	Flower,	McMillin,	Tucker,
Brunner,	Forman,	McRae,	Turner, Ga.
Buchanan, Va.	Forney,	Mills,	Turner, N. Y.
Buckalew,	Fowler,	Moore, Tex.	Vaux,
Bullock,	Geissenhainer,	Mutchler,	Venable,
Bunn,	Gibson,	Norton,	Washington,
Bynum,	Goodnight,	Oates,	Wheeler, Ala.
Candler, Ga.	Grimes,	O'Ferrall,	Whiting,
Carlton,	Hare,	O'Neall, Ind.	Whitthorne,
Caruth,	Hatch,	Outhwaite,	Wike,
Catchings,	Hayes,	Owens, Ohio	Wilkinson,
Cheadle,	Haynes,	Parrett,	Willcox,
Chipman,	Heard,	Paynter,	Williams, Ill.
Clancy,	Hemphill,	Peel,	Wilson, Mo.
Clarke, Ala.	Henderson, N. C.	Penington,	Wilson, W. Va.
Clements,	Herbert,	Perry,	Yoder.
Cobb,	Holman,	Pierce,	
Cooper, Ind.	Hooker,	Price,	
Cothran,	Kilgore,	Quinn,	

NAYS—144.

Adams,	Cheatham,	Hall,	McDuffie,
Allen, Mich.	Comstock,	Hansbrough,	McKenna,
Anderson, Kans.	Conger,	Harmer,	McKinley,
Arnold,	Connell,	Haugen,	Miles,
Atkinson, Pa.	Cooper, Ohio	Henderson, Iowa	Milliken,
Atkinson, W. Va.	Craig,	Henderson, Ill.	Moffitt,
Banks,	Culbertson, Pa.	Hermann,	Moore, N. H.
Bartine,	Cutcheon,	Hill,	Morey,
Bayne,	Dalzell,	Hitt,	Morrill,
Beckwith,	Darlington,	Hopkins,	Morrow,
Belden,	Dingley,	Houk,	Mudd,
Belknap,	Dolliver,	Kelley,	Niedringhaus,
Bergen,	Dorsey,	Kennedy,	Nute,
Boothman,	Dunnell,	Kerr, Iowa	O'Donnell,
Boutelle,	Evans,	Ketcham,	O'Neill, Pa.
Bowden,	Farquhar,	Kinsey,	Osborne,
Brewer,	Featherston,	Knapp,	Payne,
Brosius,	Finley,	Lacey,	Payson,
Brower,	Flick,	La Follette,	Perkins,
Buchanan, N. J.	Flood,	Laidlaw,	Peters,
Burrows,	Frank,	Lansing,	Post,
Burton,	Funston,	Laws,	Pugsley,
Butterworth,	Gear,	Lind,	Quackenbush,
Caldwell,	Gest,	Lodge,	Raines,
Candler, Mass.	Gifford,	Mason,	Ray,
Cannon,	Greenhalge,	McComas,	Reed, Iowa
Carter,	Grosvenor,	McCord,	Rife,
Caswell,	Grout,	McCormick,	Rowell,
Russell,	Stephenson,	Thomas,	Wade,
Sanford,	Stewart, Tex.	Thompson,	Wallace, Mass.
Sawyer,	Stockbridge,	Townsend, Colo.	Wallace, N. Y.,
Scranton,	Struble,	Townsend, Pa.	Williams, Ohio
Scull,	Sweney,	Turner, Kans.	Wilson, Ky.
Smith, Ill.	Taylor, Ill.	Vandever,	Wilson, Wash.
Snider,	Taylor, J. D.	Van Schaick,	Wright,
Spooner,	Taylor, Tenn.	Waddill,	Yardley.

NOT VOTING—47.

Baker,	De Lano,	Phelan,	Stahlnecker,
Biggs,	Dunphy,	Pickler,	Stewart, Ga.
Bingham,	Ewart,	Randall,	Stewart, Vt.
Bliss,	Fitch,	Reilly,	Stivers,
Browne, T. M.	Kerr, Pa.	Reyburn,	Taylor, E. B.
Browne, Va.	Lawler,	Rockwell,	Walker, Mass.
Campbell,	Magner,	Sency,	Walker, Mo.
Clark, Wis.	Montgomery,	Sherman,	Watson,
Clunie,	Morgan,	Simonds,	Wheeler, Mich.
Cogswell,	Morse,	Smith, W. Va.	Wickham.
Coleman,	O'Neil, Mass.	Smyser,	Wiley.
De Haven,	Owen, Ind.	Spinola,	

So the amendment was rejected.

Mr. MONTGOMERY. Mr. Speaker, I wish to say that I am paired; otherwise I should vote "ay."

The Clerk announced the following additional pairs:

Paired until further notice:

Mr. REYBURN with Mr. REILLY.

Mr. EZRA B. TAYLOR with Mr. CAMPBELL.

Mr. CLUNIE. I desire to announce that I am paired with the gentleman from Massachusetts [Mr. RANDALL]. Were he present, I should vote "ay" and he would vote "no" on the amendment.

Mr. ANDREW. I would like to announce that my colleague from Massachusetts [Mr. O'NEIL] is paired with General COGSWELL. If Mr. O'NEIL were present, he would vote, "ay."

The Clerk began to recapitulate the names of those voting.

Mr. HEMPHILL. I move to dispense with the reading of the names.

There was no objection, and it was so ordered.

Mr. STRUBLE. I would like to know if I am recorded.

The SPEAKER. The gentleman is recorded in the negative.

Mr. BUCKALEW. Mr. Speaker, on behalf of the minority of the committee, I move to strike out the thirty-eighth section of the bill.

The SPEAKER. The Clerk will read the section that it is proposed to strike out.

The Clerk read as follows:

SEC. 38. Section 2, chapter 52, acts of 1879, is hereby amended by striking out all after the words "by the clerk of such court" as far as and including the words "placed therein."

Mr. BUCKALEW. Mr. Speaker, I propose that debate on this amendment be limited to twenty minutes on a side.

There was no objection, and it was so ordered.

Mr. BUCKALEW. Mr. Speaker, I yield to the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON, of Texas. Mr. Speaker, the provision contained in the thirty-eighth section of this bill develops as clearly the gross partisan character of the measure as any other provision in the bill, and the motion of my friend, the distinguished gentleman from Pennsylvania [Mr. BUCKALEW], ought to prevail.

From 1789 to 1862 the laws prescribing the qualifications of jurors for service in the courts of the United States and regulating the manner of their selection were not materially changed. Jurors to serve in the courts of the United States in each State respectively were required, under those laws, to have the same qualifications and to be entitled to the same exemptions as jurors in the highest court of law in such State.

In June, 1862, an act was passed by Congress which made a radical change in respect to the qualifications of jurors. By the provisions of that act every person was disqualified for jury service in the courts of the United States who had voluntarily taken up arms against the United States, or had joined any insurrection or rebellion against the United States, or had adhered to any insurrection or rebellion, giving it aid and comfort, or who had given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever to or for the use or benefit of any person whom the giver of such assistance knew to have joined or to be about to join any insurrection or rebellion, or to have resisted or to be about to resist, with force and arms, the execution of the laws of the United States, etc.

The act of 1862 further provided that, at any term of any court of the United States, the judge might, in his discretion, require the clerk to tender to any person summoned to serve as a grand or petit juror, or venireman, or talesman, in said court, the test oath substantially, commonly called the "iron-clad oath," and any person who declined to take the oath was summarily discharged by an order of the court from serving on the grand or petit jury.

This statute remained in force until 1879. And during all that long period, made memorable by war and embalmed in our memories by the oppression and wrongs of reconstruction, no Democrat accused of crime under the provisions of the elective franchise or crimes articles ever entered the portals of a United States court-house in the South believing that he would be granted a fair and impartial trial. And, Mr. Speaker, no Republican charged with the violation of a penal statute

of the United States during that period entertained the slightest doubt of a triumphant acquittal and a free deliverance at the hands of a Republican jury and a partisan Republican court.

In 1879 Congress passed an act which repealed sections 820 and 821 of the Revised Statutes, which contained in substance the partisan provisions of the act of 1862, and that act further provides that—

All jurors, grand and petit, including those summoned during the court, should be publicly drawn from a box containing at the time of each drawing the names of not less than three hundred persons possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen of good standing, residing in the district in which such court is held, and a well known member of the principal political party in the district in which the court is held opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in the box alternately, without reference to party affiliations, until the whole number required shall be placed therein.

This beneficent statute not only repealed the partisan provisions of the act of 1862, but guarantied to the citizen, North and South, Democrat or Republican, a fair and impartial trial. I have observed to some extent the operation of this law, and I can confidently assert that it has in the main destroyed partisanship in the trial of civil and criminal causes in my section of the country, and has done more than any other thing to sweep behind us the bitter memories of the war and the persecutions in the courts which followed it.

The awe and terror with which a court of the United States was regarded during the reign of unfettered and unbridled partisanship in the conduct of judicial proceedings have ceased to exist, and in their stead has come the universal belief that party spirit or partisan hate no longer employs the machinery of the courts to crush opponents or reward friends.

The proposition of the Committee on Elections of members of Congress, as presented by this section of the bill under consideration, is to amend the act of 1879 by striking out all that relates to the appointment of a commission to act with the clerk in placing the names of suitable persons in a box from which the jurors for each term of the court are to be drawn.

If this proposition should become the law what would be the result? The answer is plain. The clerk of the court would then be required by law to place the names of the persons in the box and to draw from the box the number of names required to compose the juries for the term.

Perhaps I ought not to say that the object of this proposed change in the law is to place the Republican party in absolute control of the machinery of the courts in order that Republicans may be screened from the just punishments of the law and political enemies intimidated, outraged, and persecuted by the perversion of this great and powerful arm of the Government, the judiciary, to the basest of all purposes. But while I will not charge such a motive on the part of any member of the House, such will be the inevitable effect and result if this amendment to the law of 1879 should become the law.

The circuit and district judges of the United States, the district attorneys, and the clerks of the circuit and district courts, with here and there an exception, are all Republicans, and if the change of the act of 1879, as proposed by the bill, shall become law, nonebut Republicans will be permitted to serve as jurors.

Our friends on the other side can not appreciate the horror with which we contemplate such a condition. They have never lived in the South. Their courts have never been polluted by the filth of partisan politics, disgraced by brutal and ignorant jurors, or prostituted to partisan purposes by tyrannical and unscrupulous judges.

I will not, Mr. Speaker, trespass further upon the time allotted to my colleagues on this side of the House.

Mr. WADDILL. Mr. Speaker, this is in many respects the most important provision of this bill, and I doubt not that gentlemen on the other side who have fought this bill with so much persistency do look upon it with horror. I am glad to know that there are some things that they can not charge with being sectional. The same power in this country which makes a Federal judge in the North makes a Federal judge in the South. The President appoints the judges for the Federal courts all over this country and the Senate of the United States confirms his appointments.

I admit that any provision of law that seems to mix politics with the jury system of a country is unfortunate, but I ask the gentleman from Texas [Mr. CULBERSON] to put his finger upon any other statute passed by any law-enacting power in any civilized land before the act of 1879 that did bring politics into the jury box. The act of 1879, which we repeal, provides in effect for political juries, and I say that under that law you can not convict of a political crime, North or South. Think of it, Mr. Speaker, setting out to convict a man for stealing an election, with half of the jury consisting of one party and half of the other! These gentlemen say: "Ah, but you want to have all on one side." I deny it. I want to say here that in the community in which I live, and in the community in which every Democratic member lives, there can be found Democrats who would convict a Democrat for an election fraud as quickly as any Republican would. I can go to my city and walk up and down the streets and find numbers of Democrats who would be as quick to convict a Democrat for violating the election laws as a Republican.

Mr. OUTHWAITE. Then, why do you wish to exclude them from the jury?

Mr. WADDILL. We do not. What we complain of is that they never get on the jury under the existing system which we propose to repeal. That is the very gist of this law. We propose now to have the juries selected by an impartial tribunal that will put these men on, and when you select a jury of non-partisans, or business men, I do not care whether they be Republicans or Democrats, they will treat all criminals alike.

Mr. ALLEN, of Mississippi. Why is the clerk of the court more non-partisan than the jury commissioner?

Mr. WADDILL. I will answer that, too. The clerk is the arm of the court; he selects the jury under the supervision and direction of the court. But by the existing system one of the jury commissioners is from the Democratic party and the other from the Republican party, both chosen because they are of different political parties, and the result is that the Republican commissioner feels that he should select his party friends, or partisans, and the Democratic commissioner feels that he should do likewise, and we hence start out with not only a partisan jury, but as a rule with a jury of politicians, and not unfrequently the most violent politicians in the community.

Theory will not do, gentlemen. Experience is the best teacher. Show me any criminals that have been convicted in the United States courts since the enactment of this law. If you will show me one I will show you one hundred who have laughed at the law and defied it. In the Presidential election of 1888, in the city of Richmond and in other places in the eastern district of Virginia, the fraud was bold, open, and audacious. I stood and looked with my naked eye for eight hours that day upon men who were openly defying the election laws of this Union. Now, you would be surprised if I were to tell you that there has been scarcely a United States jury convened in the city of Richmond since that transaction that has not had some of the prominent election criminals upon it. Mr. Speaker, whatever may be said against the proposed system, and I admit there are some objections to it, I say that the present system will not work. It is a guaranty to criminals that they shall go scot-free. The people who committed frauds in the Harrison election have kept it up since, and unless you change this law they will always do it.

Mr. OUTHWAITE. Mr. Speaker, I had expected some gentleman from the North upon that side of the House to rise in his place and attempt to defend this most infamous and outrageous feature of this bill. Who has arisen? I had expected that some of our friends from the North would do that if they hoped to satisfy the country that they were not actuated by a partisan spirit in the passage of it. The gentleman who has just taken his seat has given no good reason for this peculiar feature, this obnoxious change in the jury system of the Federal courts. He has admitted to you that there can be found, even in his own district, Democrats as pure as any Republicans who might be put upon the juries. Yet we are now confronted with the proposition, insinuated if not directly asserted, that in the whole United States, in my district as well as in yours, gentlemen, your Democratic fellow-citizens can not be trusted upon a Federal jury. That is the simple proposition. Starting out with a Federal election law providing for the appointment of Republicans only as canvassing boards, Republicans two to one as supervisors and inspectors of election, Republicans only as marshals, you come now to the proposition that you will have Republicans only to try the cases, both civil and criminal, that arise in the courts of the United States.

That proposition, strangely enough, is made in a proposed election law. I call your attention as Republicans to this feature. It has been said that the Democratic party has made colossal blunders. If you Republicans shall vote for this bill you will have taken from the Democracy the palm in that respect; you will have made such a blunder as will justify the people throughout the United States in giving you the distinction that has heretofore been given by you to the Democracy. You now will outdo what you, in your hypocritical assumption of all the cardinal virtues, assert that we have been guilty of.

You pass this bill upon one of two assumptions, either that you are the United States of America or that you are the embodiment of all the patriotism, wisdom, and honesty there is in this country. You pass it upon the proposition that the Republican party can do no wrong, that Republican politicians can do no evil, or else you are passing it upon the other assumption, that if Republican politicians in the minor offices that are to be created by this bill shall do any wrong they must be protected in the courts by Republican juries. That is the proposition that you gentlemen must face. I yesterday described the character of some deputy marshals that have been appointed heretofore to guard an election in a city in Ohio, and I cite the report of a committee of the Congress of the United States to sustain me in the assertion that among the deputy marshals then appointed there were criminals of the worst kind:

That the deputy marshals appointed by Marshal Wright were largely in excess of the necessities of the situation.

That they were appointed as Republican partisans and political workers, and in most cases prostituted their official positions to partisan ends.

That they were armed with revolvers and other deadly weapons furnished by the national committee of the Republican party.

That many of such deputy marshals so appointed and armed were notorious

criminals and men of known vicious and brutal habits, and many of them were non-residents of the State of Ohio.

That many of such deputy marshals, acting under the orders of Marshal Wright, aided, abetted, and encouraged fraudulent voting, intimidation of voters, and committed gross outrages upon the elective franchise and the rights of honest voters.

And the report of the minority, signed by the gentleman from Maine, I believe, does not say that this was not true, but says that out of fifteen hundred not more than a dozen of them were the criminals that they are charged to have been in the report of the majority.

Mr. MILLIKEN. The gentleman will allow me a moment. "The gentleman from Maine" found it a tremendous task to tell everything about the Democratic party in one report.

Mr. OUTHWAITE. I have before me the report of the gentleman, and he does not pretend to submit any other answer than that I have just stated. Is it to protect such men that you must change the jury laws so as to insure like men, or men who sympathize politically with them, will constitute the juries in the court which might be called upon to try them for violations of the election laws and trampling upon the rights of the people?

[Here the hammer fell.]

Mr. FINLEY. Mr. Speaker, I had not intended to say anything on this subject and I have not taken pains to hunt up the technical evidence of particular facts. There are a great many things which we know in a general way and which we are not required to prove by formal evidence; so with regard to this matter there are a great many things that every intelligent citizen of the United States understands very well, and I am not under the necessity of pointing out particular instances. Every intelligent citizen knows that for a number of years not only political assassinations growing out of elections, but hangings, wholesale slaughters, and frauds of every character and description imaginable, from the murder of political opponents down to the swindling of the ignorant voter, have been going on. And no one has ever accused more than one party of having been guilty of these great offenses in the South.

Every intelligent citizen knows another thing: that, so far as the political jury system now in force is concerned, instead of having worked well *in the* ordinary sense of the term, it has worked well for the Democracy only.

Under the present system, so far as I am informed and so far as the public is informed, no man, however vile and mean or however red-handed a murderer he may have been, has ever been brought to justice. In the majority of cases in the South, when these murders and other outrages are perpetrated a grand jury can not be found under the existing system to indict them, the effect of which is that the law can not be and is not enforced. And I do not blame gentlemen on the other side for seriously insisting on this amendment, because by its adoption you will destroy the power of the courts to enforce the law against the parties who may violate it.

I had a little experience myself in the Federal courts prior to the enactment of 1879 and under the law now proposed to be reinstated. While the clerk of the court selected the jury under the supervision of the court, it did not in my State have the effect to put all Republicans on the jury, nor did it have that effect anywhere else. Under that system all parties proven guilty were convicted and punished. The circuit and district court judges of the United States are, in my judgment, a class of men, be they called Democrats or Republicans, who are above that species of political trickery and corruption that is intimated against them on this floor. They want honest, intelligent, non-partisan jurymen who will enforce the law against all violators of it, Republicans and Democrats, and they do not get such under the present system.

I am not one of those who believe that a man, because he differs with me politically, is a scoundrel and I am not prepared to believe that the jury system of this country, as it was before 1879, especially the Federal jury system, or that the Federal judiciary, is of the character that gentlemen would intimate. Nor will the supervisors who may be appointed under this bill be the class of men that gentlemen on the other side charge will be appointed. I can only imagine that they "measure other people's grain in their own half-bushel" when they charge wholesale rascality upon everybody else; for in point of fact, so far as regards the passage of a Federal law and the passage of laws for the purifying of elections, no effort has ever been made by the Democracy in this House or elsewhere to purify or protect the exercise of the elective franchise. In fact, the Democratic party is, in my judgment, greatly to be excused; for it has never been able to or accused of originating, advocating, and carrying into effect a single great, grand measure protecting the interests of the people of the United States. [Derisive laughter on the Democratic side.] Point me out any such measure, if you can; tell me one. I defy you to point to a single such measure.

I defy gentlemen on the other side to name one great measure that their party has ever originated, looking to the interests of the people of the United States. You may sneer, but you can not escape your own history. You have been fertile in objections to whatever the Republican party proposed to do. Thus we have, from necessity, been compelled to adopt measures which you called radical. But we have originated and enforced measures which have brought about the prosperity of our people and made our country to-day the wonder of the world and the hope of the nations.

Mr. HEMPHILL. And you have brought the people to the point that in your estimation they are so corrupt they have to be watched like criminals.

Mr. FINLEY. That I understand to be the opinion of the gentleman, and it is only an illustration of the remark I made a few moments since, that he desires to measure our grain in his own half-bushel.

Mr. DAVIDSON. Will the gentleman allow a question?

The SPEAKER. The time of the gentleman has expired.

Mr. CRISP. Mr. Speaker, soon after this Congress assembled the gentleman from Massachusetts [Mr. LODGE] introduced a bill embodying his ideas of what should be contained in a Federal election law. My friend from Illinois [Mr. ROWELL] introduced another bill expressive of his ideas on the same subject, and the two bills were entirely inconsistent the one with the other. Some time since we learned through the public prints that a Republican caucus had been called to pass upon the two bills and decide upon a measure to be brought before the House.

Shortly thereafter it was given out that the notorious John I. Davenport was here conferring with gentlemen on the majority side and giving them the benefit, as the dispatches stated, of his "experience" in framing an election law. Now, I have not time to read, in the moments at my disposal, but I find in the New York Commercial Advertiser an editorial which makes clear the value of Mr. Davenport's "experience." The Commercial Advertiser is published in New York, where Davenport lives. It explicitly charges that on all questions of elections he is so utterly corrupt that wherever he is known to be in consultation with any party, it is understood to be for the purpose of perpetrating fraud.

Mr. MILLIKEN. What is the character of the paper from which the gentleman quotes?

Mr. CRISP. I gave the name of it, the New York Commercial Advertiser.

Mr. MILLIKEN. A Democratic paper. [Laughter and applause on the Republican side.]

Mr. CUMMINGS. No, sir; a Republican paper.

Mr. CRISP. This bill, called the Lodge-Rowell bill, is in fact the Davenport bill. You are robbing that notorious gentleman of the fame or the infamy to which he is entitled as the author of this bill.

Now, gentlemen, you claim that you want fair elections, that you want publicity to insure fair practices, and you assert that this bill is to amend the existing laws so as to insure that. The existing laws enable you to have entire publicity. Why is not that satisfactory? The existing law permits home-rule. The existing law requires that a supervisor of election shall reside in the district where he acts, where he is known, where he knows the voters, where he is responsible to public sentiment and to public opinion. Under the proposed law a supervisor may be apointed to manage and control an election in a county or community where he is a perfect stranger. Publicity would be attained by providing for scrutiny of votes. You do not want publicity so much as you want power.

You authorize the circuit court to appoint State returning boards. Now, in the fifth circuit the judge of the court lives in Louisiana, and yet he is to appoint a board to certify who is elected in the State of Georgia. The judge is practically responsible to no one for the manner in which he discharges his duty. He is not responsible to the people. Impeachment can reach him, but he can be impeached alone through the action of this House. This House is to be organized by persons holding certificates from canvassing boards appointed by him and removable absolutely at his will and pleasure.

Then, again, to illustrate and show that your purpose is to remove this question entirely from the control of the people, you repeal the statute which was enacted for the purpose of securing impartial jurors in the Federal courts; and you do this upon a bill providing pains and penalties for political offenses. Oh, Shame! Shame! where is thy blush?

You say you want impartial and fair trials in the Federal courts. You pass an act creating many new offenses, an act bristling with pains and penalties, and in that act repeal the law which provides for impartial juries to try persons indicted or prosecuted under its provisions.

Gentlemen say the present law has a tendency to mix politics with jury trials. Since 1879 we have operated under the existing law, but significantly enough you seek to change it for the first time when you are considering a bill creating political crimes. The present law has worked well enough for ten years past; it has enabled parties to obtain impartial juries to try questions of contract, questions involving life and liberty, but now when you create political crimes you so fix the law that a Republican clerk, and they are all Republicans, I believe, can provide a jury composed entirely of members of his own political party for the trial of such cases. This letter shows how juries will be obtained if you repeal the present law:

OFFICE J. R. MIZELL, UNITED STATES MARSHAL FOR NORTHERN DISTRICT OF FLORIDA,
Jacksonville, Fla., July 5, 1889.

SIR: You will at once confer with McBulby and make out a list of fifty or sixty names of true and tried Republicans from your county registration list for jurors, United States court, and forward same to Hon. P. Walter, clerk United

States court. And it is necessary to have them at once, as you can see. Please acknowledge this.

I am, yours truly,

JOHN R. MIZELL,
United States Marshal.

C. C. KIRK, Esq., *De Land, Fla.*

[Here the hammer fell.]

Mr. ROWELL was recognized.

Mr. MILLIKEN. I desire to ask the gentlemen on the other side what is the matter with this man John I. Davenport, against whom gentlemen declaim so loudly?

The SPEAKER. The gentleman from Illinois has been recognized.

Mr. CRISP. I have a complete answer here to the gentleman's question, if he wants it.

Mr. MILLIKEN. Well, the Speaker rules us both out.

Mr. CRISP. I will print it, and the gentleman can examine it.

Mr. MILLIKEN. Well, I can not print, but I would like to hear what the gentleman has got to say on that point.

Mr. CRISP. Under leave to print I insert this editorial from the New York Commercial Advertiser of June 18 last, so that the gentleman from Maine [Mr. MILLIKEN] and all others may see "what is the matter" with John I. Davenport:

HOW PURITY IN ELECTIONS IS TO BE SOUGHT.

On Saturday last a most interesting political episode occurred in Washington. According to a dispatch in an esteemed Republican contemporary of this city, John I. Davenport—that life-long advocate of purity in politics—"was with the House caucus committee, giving the members the benefit of his experience in the execution of the election laws to aid them in the preparation of the national election bill."

It would be idle to undertake to instruct anybody in New York as to what Mr. Davenport's "experience" is. It is sufficient to say that wherever or whenever a questionable thing has been projected in regard to the elections of this city there the "experience" of Mr. Davenport has been found valuable. In every conspiracy against the purity of the ballot he has been recognized everywhere as one of the brightest and shrewdest of the leaders. In other words, his reputation is so bad and questionable that it is much to be doubted whether any man in either party, who had any regard whatever for his own reputation for honesty or the least familiarity with Davenport's ideas or methods, would be found associating with him in political combinations.

It has heretofore been assumed, and that without question, that Davenport would not think of doing an honest or creditable thing in politics if the opposite was a possibility. The very idea of calling John I. Davenport in to consult about the enactment of laws looking to purity in elections is very much akin to a suggestion that might have been made in times past to call in Dick Turpin or Jonathan Wild to confer about the condition of the roads on which they were to rob the rich but unsuspecting traveler. It is also very much like asking advice from Ferdinand Ward, or men of his kind, in regard to strengthening the laws for the punishment of embezzlement. Davenport could give just about as good advice concerning the purity in elections as could the late Mr. Tweed, and not quite so valuable as that which could be procured from "Blocks-of-five" Dudley or from his fellow-worker, Mr. QUAY.

Nothing could more emphatically indicate the condition of sentiment in the Republican party than such an announcement as this. Nothing could show more pertinently the fallacy of any and all of the pretensions put forward that the purity of the ballot is the first consideration with the Republicans in the Fifty-first Congress. While it shows the condition of shamelessness which has been reached, it also shows their desperation that such a man should be chosen as the adviser of a caucus committee.

Mr. ROWELL. Mr. Speaker, I shall not discuss the method of drawing this bill, its authorship, or anything of that character, nor shall I engage in any discussion in regard to the character of John I. Davenport or any other supervisor. I simply propose to leave the Commercial Advertiser of New York with the gentleman from Georgia to combat with the testimony of the late S. S. Cox and with the further testimony of Secretary Whitney in regard to the work of that special supervisor.

Mr. CRISP. Will the gentleman allow me to ask him a question?

Mr. ROWELL. I have but five minutes and if I answer many questions it will take up all the time.

Mr. CRISP. I only want to know if Davenport did not in fact draw this bill.

Mr. ROWELL. I want to say a word about the amendment proposed. Every lawyer and every right-thinking man desires that the courts should be assisted by upright and intelligent juries. That the present system is not calculated to secure fair and impartial juries the reading of the language of the law ought to convince every one, because it proposes that there are to be two men of opposite political parties to select the juries. Necessarily every man selected under that system feels that he goes to the jury box as the representative of his political party.

Mr. OUTHWAITE. Does not that follow if one politician selects them as well as if two do?

Mr. ROWELL. I will answer that in a moment. There are always coming before the courts questions which involve partisanship, growing out of the elections and out of a good many other circumstances that get into the courts. The operation of the present law since 1879 has demonstrated, and I think it is the observation of all lawyers practicing in the United States courts, that where these questions have arisen this law has worked badly and produced hung juries, that the juries have divided upon party lines and have failed to secure what ought to be secured in the jury box.

Mr. STOCKDALE. By that you mean conviction.

Mr. ROWELL. Now, this amendment is to strike out——

Mr. OATES. I would like to ask the gentleman what proof he has of the statement he has made with reference to the workings of the jury system.

Mr. ROWELL. In five minutes I would be unable to read the accounts that have come from the various courts or to bring up the hundreds of instances of absolute party division, one party against the other, in cases of that kind. But the history of the courts in the last ten years is literally full of the evidence of the fact which I am speaking about. Now, it is proposed to strike out of the present law that there shall be a commissioner of opposite party politics from the clerk. It simply makes the clerk the special confidential secretary of the court.

Mr. HEMPHILL. Now, right there will the gentleman allow me to ask him a question? Would not it be better to make him of the opposite political party?

Mr. ROWELL. Then you would accomplish just what I would seek to overcome.

Mr. HEMPHILL. That is, you wish to put it all in your own party.

Mr. ROWELL. You will have the clerk—the confidential clerk of the court—advising with the court, always desiring to have a good jury [derisive laughter on the Democratic side], selecting men from all over his district without reference to party affiliations, but with reference to having a successful term of the court with an intelligent and impartial jury. The different States have different laws with reference to the securing of juries, and so it will be impossible to pass one law which should conform to the laws of the various States and so secure the juries in all the States in the same way that the States secure the juries. The various States have provided various forms for drawing juries, which are impossible of execution so far as the United States courts are concerned. So far as I am personally concerned I only desire to get partisanship out of the jury, to make the court and its jury impartial, and to make the jury intelligent and well qualified for the discharge of its duties.

Mr. YODER. And Republican.

Mr. LODGE. I would like to know how much time there is remaining?

The SPEAKER. There are five minutes at the disposal of the gentleman from Massachusetts.

Mr. LODGE. I yield to the gentleman from Illinois [Mr. MASON].

[Mr. MASON withholds his remarks for revision. See Appendix.]

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. BUCKALEW].

Mr. HEMPHILL. Before we go to that, Mr. Speaker, I would like to say that there have been some requests upon this side for further general debate, without offering any amendments upon this bill, and if it be entirely satisfactory to gentlemen on the other side I would ask unanimous consent that the House take a recess after this vote shall have been taken until 8 o'clock and that the evening session be devoted to general debate. Let it be that we take a recess at 5 o'clock.

Mr. MILLIKEN. And that the debate shall go on in the evening session under the five-minute rule?

Mr. HEMPHILL. No, general debate. I suppose I had better make a motion that after we shall have finished the vote the House take a recess until 8 o'clock this evening.

Mr. LODGE. I hope if there is any desire on the other side of the House for any gentleman to take part in general debate there will be no objection to the proposition of the gentleman from South Carolina, it being understood that there will be no amendments offered or voted upon.

Mr. SPRINGER. Let it be half past 5.

Mr. HEMPHILL. I will make the request after the vote is taken.

The SPEAKER. The question, then, is on agreeing to the amendment proposed by the gentleman from Pennsylvania.

Mr. BUCKALEW. On that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 134, not voting 54; as follows:

YEAS—140.

Abbott,	Carlton,	Enloe,	Lanham,
Alderson,	Caruth,	Fithian,	Lee,
Allen, Miss.	Catchings,	Flower,	Lehlbach,
Anderson, Miss.	Chipman,	Forman,	Lester, Ga.
Andrew,	Clancy,	Forney,	Lester, Va.
Bankhead,	Clarke, Ala.	Fowler,	Lewis,
Barnes,	Clements,	Frank,	Lind,
Barwig,	Cobb,	Geissenhainer,	Maish,
Blanchard,	Cooper, Ind.	Gibson,	Mansur,
Bland,	Cothran,	Goodnight,	Martin, Ind.
Blount,	Covert,	Grimes,	Martin, Tex.
Boatner,	Cowles,	Hare,	McAdoo,
Breckinridge, Ark.	Crain,	Harmer,	McCarthy,
Breckinridge, Ky.	Crisp,	Hatch,	McClammy,
Brickner,	Culberson, Tex.	Hayes,	McClellan,
Brookshire,	Cummings,	Haynes,	McCreary,
Brown, J. B.	Dargan,	Heard,	McMillin,
Brunner,	Davidson,	Hemphill,	McRae,
Buchanan, Va.	Dibble,	Henderson, N. C.	Mills,
Buckalew,	Dickerson,	Herbert,	Moore, Tex.
Bullock,	Dockery,	Holman,	Mutchler,
Bunn,	Edmunds,	Hooker,	Norton,
Bynum,	Elliott,	Kilgore,	Oates,
Candler, Ga.	Ellis,	Lane,	O'Ferrall,

O'Neall, Ind.	Richardson,	Stone, Ky.	Washington,
Outhwaite,	Robertson,	Stone, Mo.	Wheeler, Ala.
Owens, Ohio	Rogers,	Stump,	Whiting,
Parrett,	Rowland,	Tarsney,	Whitthorne,
Paynter,	Rusk,	Tillman,	Wike,
Peel,	Sayers,	Tracey,	Wilkinson,
Penington,	Shively,	Tucker,	Willcox,
Perry,	Skinner,	Turner, Ga.	Williams, Ill.
Pierce,	Springer,	Turner, N. Y.	Wilson, Mo.
Price,	Stewart, Tex.	Vaux,	Wilson, W. Va.
Quinn,	Stockdale,	Venable,	Yoder.

NAYS—134.

Allen, Mich.	Dingley,	Laidlaw,	Rowell,
Anderson, Kans.	Dolliver,	Lansing,	Russell,
Atkinson, Pa.	Dorsey,	Lodge,	Sanford,
Atkinson, W. Va.	Dunnell,	Mason,	Sawyer,
Banks,	Evans,	McComas,	Scranton,
Bartine,	Farquhar,	McCord,	Scull,
Bayne,	Featherston,	McCormick,	Smith, Ill.
Beckwith,	Finley,	McDuffie,	Snider,
Belden,	Flick,	McKenna,	Spooner,
Belknap,	Flood,	McKinley,	Stephenson,
Bergen,	Gear,	Miles,	Stockbridge,
Boothman,	Gest,	Milliken,	Struble,
Boutelle,	Gifford,	Moffitt,	Sweney,
Bowden,	Greenhalge,	Moore, N. H.	Taylor, Ill.
Brewer,	Grosvenor,	Morey,	Taylor, J. D.
Brosius,	Grout,	Morrill,	Taylor, Tenn.
Brower,	Hall,	Morrow,	Thomas,
Buchanan, N. J.	Hansbrough,	Mudd,	Thompson,
Burrows,	Haugen,	Niedringhaus,	Townsend, Colo.
Burton,	Henderson, Ill.	Nute,	Townsend, Pa.
Caldwell,	Henderson, Iowa	O'Donnell,	Turner, Kans.
Candler, Mass.	Hermann,	O'Neill, Pa.	Vandever,
Cannon,	Hill,	Osborne,	Van Schaick,
Cheadle,	Hitt,	Payne,	Waddill,
Cheatham,	Hopkins,	Payson,	Wade,
Comstock,	Houk,	Perkins,	Wallace, Mass.
Conger,	Kelley,	Peters,	Wallace, N. Y.
Connell,	Kennedy,	Post,	Williams, Ohio
Cooper, Ohio	Kerr, Iowa	Pugsley,	Wilson, Ky.
Craig,	Ketcham,	Quackenbush,	Wilson, Wash.
Culbertson, Pa.	Kinsey,	Raines,	Wright,
Cutcheon,	Knapp,	Ray,	Yardley.
Dalzell,	Lacey,	Reed, Iowa	
Darlington,	La Follette,	Rife,	

NOT VOTING—54.

Adams,	Cogswell,	Morse,	Spinola,
Arnold,	Coleman,	O'Neil, Mass.	Stahlnecker,
Baker,	De Haven,	Owen, Ind.	Stewart, Ga.
Biggs,	De Lano,	Phelan,	Stewart, Vt.
Bingham,	Dunphy,	Pickler,	Stivers,
Bliss,	Ewart,	Randall,	Taylor, E. B.
Browne, T. M.	Fitch,	Reilly,	Walker, Mass.
Browne, Va.	Funston,	Reyburn,	Walker, Mo.
Butterworth,	Kerr, Pa.	Rockwell,	Watson,
Campbell,	Lawler,	Seney,	Wheeler, Mich.
Carter,	Laws,	Sherman,	Wickham,
Caswell,	Magner,	Simonds,	Wiley.
Clark, Wis.	Montgomery,	Smith, W. Va.	
Clunie,	Morgan,	Smyser,	

So the amendment was agreed to.

On motion of Mr. HEMPHILL, by unanimous consent, the recapitulation of the names of members voting was dispensed with.

Mr. MONTGOMERY. Mr. Speaker, but for the fact that I am paired I would vote "ay."

Mr. CLUNIE. Mr. Speaker, I am paired with the gentleman from Massachusetts [Mr. RANDALL]. If he were present, he would vote "no" and I would vote "ay."

The result of the vote was then announced as above recorded.

Mr. TUCKER. Mr. Speaker, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Add to section 2 of the bill the following: "*Provided*, That the said chief supervisor of elections shall lay before the circuit court when convened, as required in the subsequent section of this act, all such applications so received by him, and thereupon said court shall fix a day for the consideration of the matters set forth in such application or applications, giving at least ten days' notice therefor in two newspapers of the largest circulation published at the place where said court is held, in which notice the court shall request all persons who may desire to be heard as to the necessity for granting such application or applications to be and appear at the time and place fixed in such notice. On the day appointed for such hearing said court shall hear the testimony of such witnesses as may be offered in favor of the granting of such application or applications, and also such testimony as may be offered against the granting thereof, and also the arguments of counsel on either side of the question; and if upon such hearing the court shall be of the opinion that a free and fair registration and election will not be held at the times and the places mentioned in such application or applications, and a true and honest count of the votes cast thereat will not be made and returned under the laws of the State applicable to such election, and that there is necessity for Federal supervision thereof, as provided in this act, then and in that event said court shall grant such application or applications as to the election mentioned therein, and proceed as hereinafter provided. In passing upon such application or applications the judge of the circuit court shall associate with him the judge of the district court of the judicial district in which such election is to be held, and unless both of said judges shall concur in granting such application or applications the same shall be dismissed and no further proceedings shall be taken under this act in reference to the registration or election mentioned therein or in reference to the canvass or return of the votes cast thereat.

Mr. HEMPHILL. Mr. Speaker, I stated a few moments ago that I would renew the proposition for an evening session. Carrying out that statement, I desire now to ask unanimous consent that the House take a recess at 5 o'clock and reconvene at 8 o'clock p. m., the evening session to be for general debate upon the pending bill, it being understood that no amendments shall be offered and no vote taken.

Mr. McKINLEY. And that the speeches shall be limited to ten minutes each.

Mr. HEMPHILL. Yes.

There was no objection, and it was so ordered.

Mr. TUCKER. Mr. Speaker, I should be glad to have an understanding with the gentleman from Massachusetts [Mr. LODGE] as to the time to be allowed for the debate on the amendment which I have just offered.

Mr. LODGE. Mr. Speaker, that is a pretty long and complicated amendment, and I should like to see it in print before I should feel competent to discuss it. I do not feel ready to agree to any limit of time until the amendment is before the House in a more comprehensible form than it is now. If the gentleman from Virginia desires to explain his amendment at this time of course I have no objection.

Mr. SPRINGER. Will the gentleman from Massachusetts agree to take a vote on this amendment at half past 11 o'clock to-morrow?

Mr. LODGE. I do not care to agree to any time being fixed until we have an opportunity to read the amendment in print. It seems to me to alter the entire machinery of the bill.

Mr. SPRINGER. Mr. Speaker, as this bill now stands, section 2 provides that one hundred citizens and voters in a city of 20,000 inhabitants, or in a Congressional district, where it is desired to put the machinery of this bill into operation may petition for that purpose; and in any part of a district, to wit, a county or a parish, fifty persons may petition in the same way. If such petition is filed with the chief supervisor he has no discretion in the matter, but is obliged to grant the application and set the machinery of this legislation in operation. The bill provides no means of revising the names upon such a petition as to whether they are those of citizens or voters, but when the petition is presented to the chief supervisor his discretion is gone and this legislation must be put into operation within the district.

Now, it is well known to every one here that in any district of the United States, in any town or village, you can obtain in fifteen or twenty minutes fifty or one hundred names to set this machinery in motion. As the gentleman from New York [Mr. CUMMINGS] suggests to me, there will be enough persons looking for offices under the bill at $5 a day to have the machinery set in motion for their benefit, not for the purpose of securing a fair election, but for the purpose of getting their hands into the Treasury of the United States.

This amendment simply provides that before any such application shall be granted the petition shall be submitted to the United States court that appoints the chief supervisor, and the court, upon ten days' notice, shall fix a day when all persons who so desire may be heard as to the propriety and necessity of setting the machinery of this law in operation within that district; and if the court, after hearing the parties who may appear, is of opinion that a fair and honest election can not be had otherwise, the application will be granted and the machinery of this law set in motion.

Mr. McCOMAS. If the proceeding contemplated in the amendment is to be had upon ten days' notice, and after that testimony and argument are to be heard, might not the determination of the court be extended beyond the time for the registration or the election?

Mr. HOPKINS. That is what the gentlemen want to reach.

Mr. SPRINGER. No; the court can regulate that matter as it regulates the hearing of evidence and argument in other cases. I assume that in such a case as this the court will do what is ordinarily done in other cases; limit the time for the taking of testimony and the hearing of the arguments of counsel. The inquiry of the gentleman from Maryland assumes that the court will enter into a conspiracy with persons outside for the purpose of instituting proceedings which will run this matter beyond the time for the election. I have no such apprehension.

Mr. McCOMAS. May not such a thing happen, although the court acts in perfectly good faith?

Mr. SPRINGER. The chief supervisor can institute this proceeding before the court at any time he sees fit, and the application can be determined upon in time to set the machinery of the law in operation before the election. I assume that the judges of the United States courts, with two or three exceptions, will be Republicans. I assume that when the hearing is had the court will hear those in favor of the petition for so many hours and those opposed for so many hours, and will then decide the case. I assume that the proceeding will be conducted in good faith, as the law intends it should be.

Mr. FRANK. Does the gentleman believe that this power can be vested under the Constitution in a United States court? Is there no doubt about it in his mind?

Mr. SPRINGER. Well, I am glad the gentleman has asked that question. I might, replying in Yankee fashion, ask him whether he believes this power can be vested in fifty irresponsible citizens?

Mr. FRANK. That is quite a different question.

[Here the hammer fell.]

Mr. TUCKER. I yield the gentleman from Illinois three minutes more.

Mr. SPRINGER. The gentleman from Missouri [Mr. FRANK] suggests that this is a dangerous or perhaps a doubtful power.

Mr. FRANK. I simply inquired whether the gentleman, after listening to the argument of the gentleman from Texas [Mr. CULBERSON],

thought it clear that such a power could be vested in the judiciary of the United States under the Constitution.

Mr. SPRINGER. Under this bill the judge appoints the chief supervisor——

Mr. FRANK. There is express constitutional authority for that.

Mr. SPRINGER. The judge appoints the chief supervisor; and the bill provides that fifty citizens may come before this officer with their petition, which he is to grant. Now if you can confer this power on the chief supervisor you certainly can confer it on a judge of the United States.

Mr. FRANK. The gentleman is mistaken. The judge does not appoint the chief supervisor; it is the court, and under the Constitution——

Mr. SPRINGER. That is a mere play upon words.

Mr. HOPKINS. No; it has been held that there is a difference between the judge and the court.

Mr. SPRINGER. Oh, that is technical; for all practical purposes the judge is the court and the court is the judge.

Mr. FRANK. The court is an open tribunal——

Mr. SPRINGER. Oh, I understand all that. This is merely a play upon words. I am not here for any such purpose. I want to reach the substance of things; and I submit that the machinery of this legislation ought not to be put in force in any Congressional district of the United States on the petition of fifty or one hundred irresponsible persons.

It ought not to be put in operation unless there is reasonable ground for the belief that a fair election can not be had without it under the laws of the State. I have heard scarcely a gentleman on the other side of the House speak on this question who has not intimated or expressly stated that such a provision was not needed in his district. I believe that every gentleman on that side, if called on now to answer to the question, would get up and say that in his district there would be a fair, honest, and free election under the laws of the State and that there is no need for such a provision as this. And yet, Mr. Speaker, in every district throughout this country this election machinery may be put in force, an unlimited number of deputy marshals, three, four, or five thousand supervisors in your districts, appointed, and the public purse called upon to pay all of the demands of a political party for the purpose of controlling the elections and maintaining its own power.

There is no limit to the expense or to the number of persons who may be employed, and the whole of this vast machinery can be put in operation by the parties interested in getting the offices. What are the provisions in that respect as to compensation? The deputy marshals may be employed for eight days and get $5 a day; that is, $40 for each one employed, and the number is not limited. They can be employed *ad libitum*, and all that vast machinery, with its attendant expense, is set in motion by the petition of twelve, fifty, or a hundred irresponsible citizens. If gentlemen want the law enforced where it is needed, then adopt this amendment and keep it from being enforced where it is not needed, merely to satisfy the greed for office of a few men in order to get paid out of the Treasury of the United States.

[Here the hammer fell.]

Mr. TUCKER. If no gentleman on the other side desires to be heard at this time I will yield ten minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. Mr. Speaker, the purpose of this amendment is to deprive the bill as far as possible of its partisan character and leave the question to a court to be decided upon evidence to be adduced on both sides whether or not it is necessary to put into operation the partisan machinery provided for.

No gentleman can deny that the bill is partisan in every line, and especially in these provisions relating to the appointment of supervisors, who are to be judges of election, and of deputy marshals. If it shall become a law and is put into operation everywhere, nearly every chief supervisor will be a Republican.

Each of these chief supervisors has the appointment or the naming in the first instance of every supervisor who is to act as a judge at the polls, be he Democrat or Republican. A court has no power to appoint any supervisor whatever except he shall have been recommended by the chief supervisor. This chief supervisor will of course have appointed in the first place two partisan Republicans to one Democrat, and when he comes to appoint the one Democrat he will select one who is subservient; and in nine cases out of ten, and experience has demonstrated the fact, he will select one who will vote the Republican ticket.

There was, as I said here yesterday, some years ago a contest in this House between my friend from Alabama [General WHEELER] and Mr. Lowe. Mr. WHEELER was the candidate of the Democracy and Mr. Lowe was supported by the Republicans. Lowe contested WHEELER'S election. In that contest every single supervisor who had been appointed to represent the Democrats swore that he had voted for Mr. Lowe. What is the result of having Republicans select Democratic or so-called Democratic election officers? So it will be, Mr. Speaker, every time; and so it will be with the appointment of deputy marshals. Every marshal in the United States to-day is a Republican, I believe, and these Republican marshals will have the appointment of deputy marshals, Democratic or Republican, and we may reasonably infer that they will be all of the one party.

Mr. OATES. No; the chief supervisor can name one-third of them.

Mr. ROWELL. Let me ask the gentleman what authority there is in this bill for the appointment of deputy marshals other than is provided by the existing law.

Mr. HERBERT. I can not answer that now. The chief supervisor can name one-third of the deputy marshals, it is true, but it comes to the same thing. This chief supervisor, as I have already said, will be a Republican, the marshal will be a Republican, and between that Republican chief supervisor and that Republican marshal they are to decide upon every Democrat and every Republican that is to be chosen as a deputy marshal, and the number is without limit.

I am glad my friend from Illinois has called my attention by his question to the statement he made the other day, which shows that he did not then, if he does now, understand the provisions of this bill. He stated then that there was a limit to the number of deputy marshals.

Mr. ROWELL. I stated that there was no provision in this bill that created any other deputy marshals than were provided under the existing law.

Mr. HERBERT. Well, I will show you that there is. Under section 20 of the bill I find this provision:

> The number of special deputy marshals who may, under any provision of law, be appointed for election purposes, shall be determined from time to time at conferences between the marshal and the chief supervisor of elections, etc.

Mr. ROWELL. That is it, "under any provision of law." And the only provision of law for deputy marshals at elections is in cities of 20,000 inhabitants and upwards.

Mr. HERBERT. Other provisions of law may determine the manner and purpose, but the words I have quoted give the marshal and chief supervisor the power expressly to determine the number. I have not time to discuss it now, but it is perfectly clear that the number of deputy marshals "shall be determined at conferences between" these Republican officers, and that that number is without limit.

Mr. MCADOO. Will my friend from Alabama allow a suggestion?

Mr. HERBERT. Certainly.

Mr. MCADOO. Allowing one hundred and thirty precincts to each district, and that is a sufficiently low number, if this law is applied all over the United States, with three supervisors and three marshals at each, the officials that will be appointed under this law, you have as a total a grand army of 257,400 men, or five times the number of enlisted men in the Army and Navy of the United States combined. [Applause on the Democratic side.]

Mr. HERBERT. Yes; and not only that, but this bill provides that this appropriation to pay that vast number of supervisors and deputy marshals shall be permanent and indefinite.

Mr. BRECKINRIDGE, of Kentucky. And special.

Mr. HERBERT. And that, whenever the chief supervisor shall make a requisition upon the Attorney-General, the Attorney-General shall make demand of the Secretary of the Treasury and have placed to the credit of the chief supervisor whatever amount may be determined upon as necessary to conduct the canvass in that district. It may be one hundred, it may be two hundred, it may be five hundred thousand dollars. There is no limitation whatever.

Mr. BRECKINRIDGE, of Kentucky. And if the estimate is not large enough the chief supervisor can make a new estimate.

Mr. HERBERT. The chief supervisor can make a new estimate and the Treasury is absolutely at his command. The doors are thrown wide open. Whatever amount of money is considered necessary to carry a district the chief supervisor may draw upon the Treasury for. Now, who was it that drew such a bill as this? There is so much craft in its construction that it has become a material question who did draw this bill. It has been charged that John Davenport drew it, and I give the gentleman from Illinois [Mr. ROWELL] time, in my time, to answer the question whether John Davenport's hand is not somewhere in this bill.

Mr. TRACEY. Why, he is outside now, watching the bill.

Mr. OUTHWAITE. He is here as a whipper-in.

Mr. HERBERT. There is no answer to my question. There was no answer when my friend from Georgia [Mr. CRISP] made the same charge.

Mr. ROWELL. I did not hear your question.

Mr. HERBERT. My question is whether Mr. John Davenport, of New York, had not a part in the drawing of this bill.

Mr. ROWELL. That is not a proper question to be asked on the floor of the House of Representatives. [Derisive laughter on the Democratic side.]

Mr. MILLIKEN. Suppose he did draw it, what does that amount to?

Mr. HERBERT. The gentleman from Illinois [Mr. ROWELL] seems to think that he is not called upon to criminate himself.

Mr. ROWELL. No, sir; I did not say any such thing. The gentleman from Illinois never was called upon to plead whether he was a criminal or not.

Mr. HERBERT. No man is compelled to criminate himself, and so I will not press my question any further.

Mr. MILLIKEN. Will my friend allow me a question? Does not the bill speak for itself, no matter who drew it?

Mr. HERBERT. Nobody but a professional election official drew this bill with all these provisions in it. Here is one that has escaped the attention of the House up to this time, in this same section, section 20:

And it is further made the duty of the special deputy marshals, and each of them is hereby required, if directed by the chief supervisor of elections, to take charge of such returns of the canvass of the votes found in any box which under existing law the chief supervisor may require to be made to him by the supervisors of election as rapidly as the canvass of each box is completed and the returns thereof are made out and signed by the supervisors, and to at once, in such manner and at such place as the chief supervisor shall direct, safely deliver to him all such returns so intrusted to their care and custody.

Think of that!

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. TUCKER. I yield to the gentleman the remaining three minutes.

Mr. HERBERT. The deputy is to take charge of the returns as soon as they are made out and convey them to the chief supervisor just as rapidly as the canvass of each box is completed. That expression in the law shows that it was gotten up by a professional who knew more about managing elections than he did about legal phraseology. The deputy is to take charge of those returns and as rapidly as possible return them to the chief supervisor. What for? What can be the purpose of hurrying these returns as fast as possible to this particular officer? If Mr. Davenport happened to be the supervisor, as he would be in the city of New York, for that is his business, then, as Mr. Davenport got in the returns, he would fully understand the situation. You are paying to keep him posted. He would always be able to know just how many votes his candidate needed at the boxes that had not been heard from.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that he had approved and signed acts and a joint resolution of the following titles:

An act (H. R. 1474) for the relief of George W. Madden;

An act (H. R. 7217) to amend "An act for the erection of an appraisers' warehouse in the city of New York, and for other purposes;"

An act (H. R. 1110) granting a pension to William J. Bryan;

An act (H. R. 1405) granting a pension to Betsy E. Cole;

An act (H. R. 1783) granting a pension to Mrs. Alice A. Cunningham;

An act (H. R. 3458) granting a pension to Ann Ruffner;

An act (H. R. 344) to grant the right of way to the Pittsburgh, Columbus and Fort Smith Railway Company through the Indian Territory, and for other purposes;

An act (H. R. 7160) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1891, and for other purposes;

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

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

An act (H. R. 578) in relation to oaths in pension and other cases; and

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate further insisted on 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, asked a further conference with the House thereon, and had appointed Mr. DAWES, Mr. PLUMB, and Mr. COCKRELL conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. 1546) granting an increase of pension to Mrs. Sallie H. Michler, widow of the late Bvt. Brig. Gen. Nathaniel Michler, United States Army; and the bill (S. 2076) granting an increase of pension to John E. Walton.

The message further announced that the Senate disagreed to the amendments of the House to the bill (S. 1741) granting an increase of pension to James H. Showalter, asked a conference with the House on the bill and amendments, and had appointed Mr. PADDOCK, Mr. MOODY, and Mr. FAULKNER conferees on the part of the Senate.

BEHRING SEA CONTROVERSY.

Mr. HITT. Mr. Speaker, I ask the consent of the House for the present consideration of a resolution calling for information from the State Department, which the Committee on Foreign Affairs have been desirous for some time to get, and which I am to-day advised that we can have.

The SPEAKER *pro tempore*. The gentleman from Illinois asks by unanimous consent to offer the following resolution, which the Clerk will read.

The Clerk read as follows:

Resolved, That the President be requested, if in his judgment not incompatible with the public interest, to furnish the House with the correspondence between the Government of the United States and the Government of Great Britain, touching the subjects in dispute in the Behring Sea, since March 4, 1889.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. MCCREARY. Mr. Speaker, I object.

TITLE TO LANDS, SAULT STE. MARIE, MICH.

The SPEAKER *pro tempore*. The Senate has passed a resolution requesting the return of a certain bill. If there is no objection, the Clerk will read the resolution.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *July* 1, 1890.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the 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.

The SPEAKER *pro tempore*. In the absence of objection, the bill will be returned, as requested by the Senate.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SIMONDS, for ten days, on account of sickness.

To Mr. STIVERS, until Monday next, on account of important business.

To Mr. BAKER, for the remainder of the week, on account of important business.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, the House stands in recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House was called to order by Mr. PETERS as Speaker *pro tempore*.

FEDERAL ELECTION BILL.

[Mr. DOCKERY addressed the House. See Appendix.]

Mr. KILGORE. Mr. Speaker, it is the most natural thing in the world that the Democracy should oppose this measure. It has ever been the cardinal doctrine of the Democratic party that the perpetuation of the Government in the spirit and form in which it was given to us by its great founders depends upon the preservation of the States in their full strength and integrity.

It is a cherished and time-honored belief of that party that the liberties of the people are so completely in the care and custody of the States that any effort by the Federal Government to make encroachments upon the authority of the States or intermeddle with the individual affairs of the citizen at once excites the gravest apprehension and alarm.

Our people believe that the boundary which separates State and Federal authority is and forever ought to be so plainly marked that there never could arise between them any serious conflict in the execution of the high powers which belong to the two governments. We do not believe that any harm can ever come to the Federal Government from any encroachments by the States upon the rights, powers, and duties of that Government, and we do believe that the greatest dangers which menace the liberties of the people are found in the tendency on the part of the United States Government to make aggressions upon the powers and authority, the rights and duties of the States.

The party which now dominates every branch of the Federal Government and many of the State governments is engaged in a desperate effort to change the form of the Government, and they zealously and unremittingly push every scheme, even to the very verge of popular indignation and revolt, which tends in any manner to strengthen Federal power and weaken that of the States.

Tariff laws, subsidies, charities, and every character of class legislation in the interest of the few at the expense of the many are but so many agencies now at work in behalf of centralization.

But there are no methods more dangerous in these "piping times of peace" to the liberties of the people and none more potent than the insidious effort by this bill to intermingle the powers, duties, and authority of Federal and State officials in the execution of a partisan enactment devised by a partisan majority in Congress for partisan purposes.

Then, Mr. Speaker, is it any wonder that the Democracy should oppose the passage of such a bill as that now under discussion? Its scope and purpose is to take out of the hands of the people, where it has rested for one hundred years, the entire machinery of Federal elections and place it in the control of Federal partisan officials, to the end that the elections may be conducted in the interest and for the use and benefit of the Republican party. This must be the judgment of any unbiased man who will seriously consider the entire situation.

The friends of this measure say they want honest elections, they want a free ballot and a fair count; that they believe the humblest as

well as the highest citizen in the land should have the right to cast his vote as he pleases, coupled with the right to have that vote counted as he cast it.

Day in and day out since this discussion began this has been the burden of your song. You direct this talk to the Democratic side of the House, you shake your fists at us and look fierce as though you thought all the rascality and fraud and corruption in elections were concentrated in a few districts represented by gentlemen from the South on this side of the Chamber.

We know you do not believe these things. We know you indulge in this abuse and misrepresentation for the purpose of stirring up sectional strife and subserving party ends. You impugn our motives in opposing this bill and continually proclaim to the country that if our elections were fairly and honestly conducted we would not fear the light and would not oppose an honest effort to secure an election law under which absolute purity of the ballot-box would be attained.

When we assure the [illegible]ates of this bill that we are as much interested in preserving the purity of the ballot as any people; that the people are abundantly capable of holding and conducting elections for members of Congress as they have done for a hundred years under regulations prescribed by the States without Federal supervision or interference we are met with the lofty, self-satisfied declaration that our opposition to this iniquitous measure proves conclusively our opposition to all honest elections and all free government.

We insist that the people are capable of managing their own affairs; that they have shown the highest capacity for self-government in building up and preserving and administering the State governments which are freighted with the liberty of the citizen, together with all the delicate rights, privileges, and immunities which belong to the individual separately and as an integral part of the political organism of the States.

We contend that the people have from the beginning of the Government down to this moment discharged with incomparable excellence and fidelity in war and in peace the duties which belong to them as members of the great Commonwealths composing this Union. And yet this bill proceeds upon the theory that they have become so thoroughly and universally debauched that they can not be trusted to hold and conduct an election for members of Congress, and that the Federal Government must provide an innumerable host, so to speak, of partisan Federal officials, responsible to no one except as partisans to the party in power, at an expense of some twelve million dollars, to "guard, scrutinize, and supervise" them in the performance of a duty to which they have been accustomed for a century.

It is reasonable to suppose that fraud does more or less enter into the management of elections. It is impossible to eliminate fraud from all human transactions. Still, the advocates of the bill contend that if we will only give them this law they will everlastingly drive from the face of the earth every vestige of fraud and corruption. They set up a standard, or profess to do so at least, utterly beyond the reach of mortals. Men are not angels.

Mr. ROWELL. We will make them angels.

Mr. KILGORE. When you do you will no longer need any human code for their government.

Why, Mr. Speaker, when we remember that the elections are held in more than fifty thousand precincts in the Union by more than two hundred thousand officials, that nearly twelve million men deposit their votes with these officials, who keep a complete record of the transaction, numbering and counting each ballot; when we remember that this is all done in one day, in the midst of a fierce partisan contest between parties nearly evenly matched in numbers, each striving and contending in this unexampled and stupendous struggle to secure the advantage over the other, it is a matter of profound astonishment that there is so little fraud and wrong perpetrated and that there are so few outrages attending this wonderful battle of the ballot.

No other human transaction involving so many people of conflicting views, employing such vast machinery, and performing such an unmeasured amount of labor has ever had so little dishonesty and unfairness to mar its beauty and excellence.

It is insisted, Mr. Speaker, that this measure is intended to be strictly non-partisan, that it is national in its scope and purpose, having in view one single object, free and fair elections, at which every citizen can be afforded the unhindered right to cast his ballot at the dictate of his own judgment, subject to no control but that of his own sovereign will.

These are lofty and patriotic views of the question, and it may be that the advocates of the bill entertain none other; that their motives in urging the enactment of this measure into a law may be as pure and as patriotic as their professions. But when I consider the facility with which the Republican party overlooks the simple rule of *meum et tuum*, when I reflect on the readiness with which it will on very meager testimony deport a Democratic member of this House and import a Republican free of duty, the duty of being elected by the people; when I stop to think of the exceeding handiness of that party in robbing the nation of the Presidency or a State of its Senators, I confess that I am skeptical as to the patriotic purposes of that party in urging the passage of this extraordinary measure.

But, Mr. Speaker, as to the purity of the intentions of the advocates of this bill, assuming that they are absolutely unsullied, still it will be utterly impossible to administer the law on any theory other than that it is partisan and sectional in its character, and every man called on to execute the law will so interpret the statute and will regulate his conduct in strict accordance with that construction.

We ought to be able to form some conclusion as to the purpose and meaning of the majority in urging the passage of this bill by the circumstances attending its preparation, the manner of the agitation which preceded its report by the committee, and the arguments and opinions of its champions as heard in this Hall, and by the face of the measure itself.

The question of a Federal election law has been the subject of almost constant discussion by leading Republicans during the last twelve or eighteen months in papers, magazines, and public addresses. The necessity for such a law has been urged in season and out of season. The Speaker of this House, now at the front as the leader—distinguished leader—of his party, is credited with saying, in a public address recently delivered, that "we must have our own elections, our own counting, and our own certification." He is certainly not yet prepared to say, as did Louis XIV, "I am the state," and he was certainly not prepared yet to say, "The Republican party is the Government."

Hence we must conclude that the declaration with which he is credited applied to that party and simply indicated its purpose and its duty in that regard. And all this contention and agitation grows out of the idea and is founded on the theory that there are fraudulent elections in the South. The proof relied on to establish this theory is that the South refuses to send a whole drove of Republicans to Congress.

Then the contested-election cases in this Congress have been a most fruitful source from which the opposition have drawn large supplies of capital used in manufacturing sentiment for an election law. The various members of the Committee on Elections on the majority side of the House have made speeches in favor of this bill, and in doing so have argued some contested-election cases, and from that standpoint and their view of the particular case they conclude that there is an imperative necessity upon Congress to provide an election law in harmony with their theory of these cases.

It may be that corrupt and perjured witnesses supply the testimony in such cases. It may be that the evidence was taken *ex parte* and not in accordance with any rule or regulation provided for such purposes, but in violation of all such rules and regulations. It may be that the case made by the Republican contestant was completely overthrown by competent and proper evidence taken under the regulations provided in such cases, still a partisan majority proceed on the assumption that the case is made out beyond all shadow of a doubt, and it is made the foundation for the enactment of an outrageous election law.

They seem to overlook the fact that each House of Congress is the sole judge of the election returns, and qualifications of its own members, and that under this provision of the Constitution Congress has been able to apply the remedy wherever any wrong has been perpetrated; and, indeed, there is a very strong suspicion that during the present session the House and Senate, too, have applied the remedy where there was no wrong, and in a partisan spirit and for partisan purposes, on insufficient proof, have turned out Democrats and seated Republicans.

If Congress can on a contest inquire into the election, returns, and qualification of its own members, why pass this bill? If a fair and free election in the South is what you want and all you want, there is no necessity for this far-reaching and dangerous measure. This House has full power to correct any evil that may exist, and it is not slow to make the correction.

The history of the election contests in this Congress demonstrate that the charge of fraud against the people of the South is without foundation. There were seventeen contests from the South, which includes one hundred and twenty-two Congressional districts in all. Two from West Virginia were not affected by the usual charge of the suppression of the negro vote. There are hence fifteen contests based on that charge. In six of those cases the House has turned out the Democrat and seated the Republican contestant, thus correcting the wrong, if any was committed.

In three of these cases, one from Alabama, one from Virginia, and one from Mississippi, the committee found for the Democratic contestee, after full and thorough investigation of all the charges of fraud and suppression of votes. There were five contests brought by Republicans from Mississippi; all, it is generally understood, were inspired by the Republican national committee. The Republican Committee on Elections found for the Democratic contestee in one case, two have been abandoned by the Republican contestants, and it is firmly believed that the Republican contestants in the other two cases have no merit whatever to back them. If wrongs and outrages are perpetrated it is in the power of this House to correct such wrong and punish the fraud in a contention for a seat improperly held here.

But suppose for a moment that all the charges of fraud in elections made against the people of the South were true, and suppose it was not in the power of the House to apply the correction, then I assert

that the enactment of this measure and its administration according to its spirit and purpose would in the long run, and not a very long run at that, be productive of infinitely more and greater evils than can possibly flow from the abuses which you say exist. Public sentiment, not partisan legislation and party abuse, must correct the wrong, if any there be.

But the fact that Congress has full authority now to deal with abuses said by the Republican party to exist so flagrantly in many districts in the South does not seem to satisfy that party. It goes further in this bill. It insists that the partisan officials who hold their positions from partisan judges shall be clothed with the power to organize the whole system of naturalization into a compact but complicated political machine and run it in the interest of the dominant party; that they shall have the authority to interfere with the right of suffrage as regulated and conferred by the States, and to intermeddle with and in a measure annul the regulations which have been provided by the State governments for the conducting of elections from the very beginning of the existence of the States.

The bill goes further than that, and provides in section 32 for the unlimited increase of commissioners, so as to afford a convenient and speedy means for arrest and examination of persons charged with violating this law, for the appointment of a suitable and unlimited number of persons or deputy marshals to arrest such violators of the law, and for the payment to such special deputies the sum of $5 for every person they may so arrest and take before a commissioner in addition to the usual fees allowed by law. It goes further than that and provides in the same section that the President may empower the officers charged with the administration of the law to employ such part of the land or naval forces of the United States or the militia as may be needed to aid in the enforcement and due execution of the law and to prevent the violation of its many provisions.

In short, under this bill soldiers may be quartered in every town and village in the country and deputy marshals may swarm at every polling place in the Union.

Then, Mr. Speaker, we find by the provisions of this bill that it is utterly inoperative in the greater portion of the Union, a dead-letter on the statute-book. It remains with no single drop of the blood of life in it, without a single spark of vitality.

Now, if a hundred persons under certain circumstances, or fifty under certain other circumstances, should take it into their heads to set up this law—put it in force in a particular Congressional district—or if they should be instructed to do so by the national committee, Republican or Democratic, they can do it by filing a petition asking that it may be done. The petitioners may be the "scum of creation," worthless, vile, ignorant, and wholly irresponsible, and may all reside in one ward or precinct; yet they have full power and authority to put the entire Federal election machinery provided by this bill in motion in any Congressional district in the Union. It may be said that the law will not be applied to any district unless it becomes necessary.

How on the face of the earth are these petitioners or any one else to know in advance that at an approaching election outrages and frauds are going to be perpetrated and therefore it is necessary to put the law in force? These petitioners under the law need have no other qualification except that they are qualified voters and claim to be citizens of the United States; yet on the mere suspicion which they may entertain that there is not going to be a fair election they may compel the application of this law to any district, and on the mere suspicion by the President of the United States, or by some one he may employ, that some of the provisions of the law will be violated or that the due execution of the law will not be enforced at some ensuing election, may multiply indefinitely United States commissioners and deputy marshals, and may fill the land with soldiers.

Still they say this is a national non-partisan measure intended only to secure free, fair, and honest elections. Still, you refused to adopt an amendment to-day making the law applicable to the entire country and take it out of the control of a few ignorant and depraved people in one community. It is the very sublimity of folly to contend that this bill, if it become a law, will not be administered in the interest of the party which dominates the country.

It might be possible for this House to legislate the salt out of the sea or the spots off the sun, but certainly no reasonable man would insist that the administration of this law can be removed from the domain of partisan politics. You by the terms of the law have not only made it possible for it to be run in behalf of the party in power, you have made it convenient to do so. You do more than that by this bill; you have so framed it, in all its parts, that the officials who administer it will feel that it is their duty to use their positions in construing and enforcing it in such a manner as to perpetuate in power the party which gives them place.

It will not do to say that it can be kept out of politics because its administration is largely under the direction of the courts. You do not in the least improve the condition by uniting this political machinery with the judiciary. You will not elevate nor purify the methods of politics by this unnatural union. But you will succeed in debauching the courts by dragging them into partisan politics and giving them control of partisan elections. Instead of remaining tribunals for the administering of the law and meting out justice for all alike, they will become the tools and agents of party managers, with no higher ambition and no nobler mission than to serve the party in its efforts to retain power.

In Texas in 1873 we had some experience with the judiciary in politics, and that experience was not of a nature to enhance our respect for partisan courts, which find it convenient or even possible to yield subserviently to the interest and influence of a political party. The constitution of Texas, adopted in 1869 by the reconstruction crowd, "provided that all elections should be held at the county seats of the several counties until otherwise provided by law, and the polls should be kept open four days."

The elections were held in accordance with this provision till 1873, when the Legislature passed an election law, which was approved by Governor Davis, which declared that each justice precinct should constitute an election precinct, and that these might be subdivided into other election precincts, and that all elections should be held for one day only. In the fall of 1873 an election was held for State, district, and county officers under this law. Governor Davis was the Republican candidate and Senator Coke the nominee of the Democratic party. It was not disputed that Richard Coke was chosen governor at the election by a large majority, and the returns were so made. Soon after the result was made known one Rodreguez was arrested for illegal voting, at the instance of the defeated Republican candidate for sheriff of Harris County. A writ of habeas corpus was sued out, and the defendant was carried before the supreme court for hearing. The district attorney who represented the State insisted that the proceeding was fictitious and a fraud upon the court and moved that it be dismissed, which the court overruled. The attorney for Rodreguez claimed he ought to be discharged on the ground that the law under which the election at which he voted was held was unconstitutional and void. The supreme court of the State, composed of three Republican judges appointed by a Republican governor, held the law to be in conflict with the constitution, that the election was null and void, and discharged the relator.

The opinion of the court was based on a semicolon which punctuated this clause in the constitution of the State, to wit, "All elections for State, county, and district officers shall be held at the county seats of the several counties until otherwise provided by law; and the polls shall be opened for four days." Now, the court held that the Legislature had the authority to name places at which elections should be held other than the county seats, but that the latter clause of the section was separated from the first clause by a semicolon; that it was a complete and distinct sentence in itself; that it required that the polls be kept open four days, and the law being in conflict with that part of the section it was void, and therefore no valid election had been held.

The court which rendered this opinion has ever since been known as the "semicolon court" in the judicial history of Texas. Under this decision, rendered on a fictitious case by willing judicial tools, Governor Davis and other Republican officers beaten at the election undertook to hold on to their places, and Governor Davis actually appealed to the authorities at Washington to sustain him in his effort to usurp the place of governor of the State. But when the time came for the inauguration Governor Coke was sworn into office, and he proceeded to punctuate the official chapter of that entire dirty crowd. They were kicked out of places which they had dishonored, and which they had attempted to use to bring confusion and ruin to the people whom they had oppressed and plundered for four years. We hope you will excuse us if we suggest that we are distrustful of the judiciary in politics. We have had our experience. We have seen it tried. It will not work.

Now, Mr. Speaker, the people of the South, with deep concern and grave apprehension, watch the progress of this measure. They feel that in the near future, if this bill becomes a law, the horrors of reconstruction will be again precipitated upon our unfortunate section. They know that the party which would enact such a law would relentlessly and without scruple administer its drastic and harsh provisions in the most cold-blooded and cruel manner. To satisfy any one who may entertain any doubt as to the partisan purpose of the advocates of the bill, we have only to suggest that every effort is made to place the execution of the law in the hands of the supple tools of the party in power.

That party has provided in this bill for any number of United States commissioners, deputy marshals, and soldiers, to be paid by the people, who can be used, and no one doubts will be employed, not to prevent a violation of the provisions of the law, not to see to its enforcement in the interest of free and fair elections, but to harass, annoy, and intimidate the people, and to control the elections, that the domination of the Republican party may be made perpetual.

No stronger evidence of the partisan purpose of this bill need be produced than is shown by the persistency with which the majority has sought to change the method of selecting juries in the United States court. After the war and up to 1879 many and foul were the abuses which had disgraced the jury system and the jury trials in the Federal courts in the South. In fact these abuses had been so flagrant that it was well understood that juries were organized in the trial of

offenses of a political nature so as to secure the conviction of Democrats, however innocent, and the acquittal of Republicans, however guilty.

The law of 1879 changing the manner of selecting juries was enacted to correct the abuses which had crept into the courts. It provided that the jury should be drawn by the clerk of the court, and by a commissioner appointed by the court to be of opposite politics from the clerk. This system has prevailed since that time, and it has been absolutely fair and non-partisan, and has, so far as I have ever heard, given perfect satisfaction to all classes of people who desire that cases in the Federal courts should be tried by a fair and impartial jury. No valid objection can be urged to the law as it now stands, and there is no objection to it except from those who want to pack the courts and juries for the vilest of partisan purposes.

There has been no clamor against the present system which prevails in many of the States. There has been no demand for the repeal of the law; yet the majority of this House who were defeated yesterday in the effort to repeal the present law and place the selection of juries in the hands of partisan clerks of the Federal courts presented and adopted to-day an amendment requiring the circuit judges to convene their courts within thirty days after the passage of this act, and appoint three commissioners to make up the jury lists and draw the juries.

There is nothing in the law to prevent the judge from appointing all of them from the same political party. And nearly all the judges being Republican there can be no doubt in advance as to the politics of at least a majority of the commissioners, if not all of them.

All these things you profess to do in the name of patriotism, in the name of free government, in the interest of honest elections, and that all the people may be assured of a free ballot and a fair count. I ought to say the whole scheme is infamous. I will say it. I will stop right here and say it is infamous. I do not say the commissioners will be partisan or dishonest, but they ought not to be subjected to the temptation nor given the opportunity.

The people of the South feel, indeed they know, that the enactment of this measure will be signalized all over our section by confusion and feuds and bloodshed growing out of trouble between the races. Whatever may be the purpose of the majority in regard to this measure in that respect they must be satisfied from the demonstration in the galleries and about this Capitol that the negro looks upon it as intended by its framers to place him in control of the affairs of the South and her people, and to keep him there, and he expects the Army and Navy to be invoked to secure that result, if need be. He expects to be able to commit any crime he pleases and that he will find immunity from punishment at the hands of partisan courts and partisan juries.

The low and unscrupulous demagogues will seek to control their votes for the Republican party by parading before them this law, passed by a Republican Administration in their interest and to place them in power in the South. Such will be the argument, and it will not require much argument to convince them that such is really the meaning and purpose of the law. The negro is docile, amiable, and harmless if left to himself and subjected to no vicious influence. The course of that race in the South during the war was calculated to win the gratitude of the Southern people. His incredible fidelity to the helpless women and children of the South during that dreadful period has been the subject of just praise and commendation. He was almost his own master, but he was at the same time faithful, industrious, and, in the main, trustworthy.

Race conflicts were unknown in those times. They seldom committed the higher crimes known to the law, and the best and kindest of feeling prevailed between the two races. The explanation can be given in one short line, "They were let alone." Now, the demagogue, the adventurer, the plunderer, the thief are abroad in the land, and one who is denied recognition and employment among decent, respectable people can easily find his way to the confidence of the negro, and the more unscrupulous and depraved he is the greater his success in imposing on the ignorant and unsuspecting people of that race. His influence is evil, and only evil, but he frequently, for a time, exercises absolute control over his victims, whom he uses for the purpose of promoting his political and pecuniary interest.

This bill adds untold complications to the solution of the greatest problem that was ever cast upon any people, and just as they are on the very edge of its solution, at the beginning of an era of harmonious relations between the two races, founded on education and mutual interest, the Republican party, unwilling to see a peaceful settlement of the question, proposes by the most pernicious legislation to encourage the negro to precipitate trouble and conflicts with their white neighbors. There is but one way to solve the race question—a question now effectually employed to justify this extreme and aggressive legislation—and it can be expressed in three short words, "Let us alone."

Mr. KELLEY. Mr. Speaker, I have been very much gratified that the scope of this discussion has been so wide as it has been. I am glad that at least six days have been set apart for the discussion of one of the most momentous and portentous questions that have faced the American people for the last quarter of a century. I would have been glad if, instead of six days being devoted to the discussion of this question, there could have been six weeks. I believe that we would have been benefited by a discussion of that length, and if a proper and peaceable settlement of this question could be brought about by six months' discussion it would be time well spent.

In my judgment this question, having been discussed for the last twenty years, is as far from a definite and satisfactory settlement as it was when we began it.

Now, Mr. Speaker, I was very much gratified at the opening of this discussion to learn that our friend from South Carolina [Mr. HEMPHILL] made a frank statement of his position upon this question, a statement that I think covers the whole ground, when he said, after an hour's discussion, in winding up his remarks, that the white people of South Carolina were going to govern the State or leave it, and thereupon took a solemn oath that they (meaning the white people) would not leave it.

Mr. Speaker, my heart, in common with other sympathetic hearts on this side of the House, went out to that large and intelligent class of people who live in South Carolina, upon the statement of this question as made by the gentleman, in feeling for the situation that they would have, and soon have, to meet, for if in the course of human events it should come to pass, as in my judgment it will soon come to pass, that the gentleman will have to choose between the alternative of seeing the Republicans of South Carolina, even though colored Republicans, govern in large part that State, or leave the State, and if he should choose to adhere to his decision not to leave, I shall in that event offer him a little consolation, and that is, that if his worst forebodings should come to pass, that the colored Republicans should govern that State, he would still have the proud satisfaction of knowing, upon reflection, that the blood that coursed through the veins of the Calhouns, the Rhetts, the Haynes, and the Hammonds, and the Hamptons, and the Hemphills, perhaps, is still coursing through the veins of the ruling classes in South Carolina.

So, Mr. Speaker, it may be said of all the Southern or extreme Southern States. In my judgment if the worst of his forebodings should come true, and many of those Republicans, colored though they may be, govern those States, and represent them upon this floor, it will be in my judgment a long time before the first families of those States cease to be represented in the government of those States, especially so far as the paternal side of those families is concerned.

Mr. Speaker, the gentleman stated further that they were born in that country, and their fathers were born there; that their bones lie buried there.

Mr. TURNER, of New York. Their fathers' bones. [Laughter.]

Mr. KELLEY. Their fathers' bones lie buried there. Mr. Speaker, speaking for those colored Republicans in South Carolina, I wish to remind the gentleman that they were also born there, their fathers were born there, and the bones of their fathers lie buried there also; and judging from the many shades of many of the people that I have seen among South Carolina Republicans, and judging from the many shades that you may now behold of these colored men and women whom you and I meet in traveling, I can say that not only the bones of their fathers lie buried there, and not only were they born there, but in very many cases the fathers of the white Democrats were also the fathers of the colored Republicans.

Mr. Speaker, I have often been instructed and amused in hearing discussions from a Southern standpoint not only in public, but in a private way, having many times listened to and heard an eloquent discourse of many Southern gentlemen dwelling upon the importance of keeping the Caucasian race pure by legislating in a way that would prevent the intermarriage of the races, and at the same time carefully concealing or trying to conceal from me the fact that they themselves were the fathers of many illegitimate mulatto children, and perhaps at the same time keeping numerous negro concubines. From this standpoint, Mr. Speaker, we are instructed that the white people of South Carolina must govern that State or leave it, and with that portentous statement they would leave you to suppose what they would do under the circumstances.

Now, Mr. Speaker, I wish to remind the gentleman from South Carolina and other gentlemen that these people that he refers to, the Republicans, and colored Republicans though they may be, are not cowards. They inherit some of the spirit of their brethren. They inherit the same spirit of bravery that their white brothers and half-brothers inherit; and I wish to inform the gentleman further that more than 200,000 of these people have already borne arms in support of the honor and the glory of our flag, and for the purpose of securing their own freedom, and they know how to use arms.

Mr. Speaker, with all the prejudice that existed against their being employed as soldiers in the Union armies during the late war, a prejudice that came near exciting mutiny at times on the part of white Union troops, a prejudice that pervaded the regulars and the volunteers, and the civilian as well, a prejudice entertained and inflamed by the Democracy everywhere, a prejudice that caused the Confederacy to raise against them the black flag and no quarter, a prejudice and hatred that absolutely insured the butchery of every colored soldier that surrendered to the Confederate armies—in spite of all these things the 200,000 colored soldiers of the Union Army fought their way to recognition and renown.

In every one of the many battles in which they were engaged

they always did their part well, and whether at Baton Rouge, Petersburgh, Poison Springs, or Fort Fisher, judging from the list of killed and wounded, the colored soldiers did their full share of the fighting and dying, and this to save from defeat, destruction, and disgrace the flag and country their white fathers and half-brothers were fighting to destroy. Mr. Speaker, in searching the records of the War Department, I find among the regiments that are placed at the top of the column as having lost the most men in killed in any one action the First Kansas colored; only two regiments above it, one the Fifth New York, the other the Fifteenth New Jersey.

In view of these figures and these facts, I hope the gentleman from South Carolina will pause and consider, and before he attempts to execute his implied threat to nullify the Declaration of Independence, as well as the Constitution and laws of the United States, I beg of him to reflect that South Carolina is to-day a political volcano, the crater of which is liable any day or night to belch forth the lurid flames of fratricidal war. In that event Hamburgh, Ellenton, Barnwell, Jesup, De Kalb, Vicksburg, Hazlehurst, Danville, and scores of other places where butcheries, massacres, and other outrages and indignities have been perpetrated on Republicans, white and black, in South Carolina, Mississippi, and other Southern States will be remembered and avenged.

If the political party that perpetrated these crimes against life, liberty, civilization, and humanity, and the party that encouraged and indorsed these crimes can escape the penalty now, by implicitly obeying all the laws of the United States in the future, it will be remarkably lucky. A further attempt to nullify these laws, or to nullify this bill if it becomes a law, as indicated by gentlemen on the other side of this House, will surely bring on a conflict in this country that will not cease until every drop of blood shed in these murderous outrages that have been for twenty-five years perpetrated on Republicans in places all over the South shall have been repaid by another shed by the sword; and in that event we can only say, in the language of a very ancient philosopher, whose words, in the midst of the agony of the great conflict for liberty and union, were reuttered by Abraham Lincoln in his second inaugural address, when he said:

The judgments of the Lord are pure and righteous altogether.

Mr. Speaker, should such a conflict come the penalties would not be confined to the political party that perpetrated and encouraged these crimes, but the party that has had the power and has failed to protect the citizens of the nation against these assassins and murderers would also suffer; in fact, we would be made to realize that nations, no more than individuals, can escape the penalties of wrong acts, and there are wrongs of omission as well as of commission. It has been said that "Liberty is a plant of slow growth." While this is true in the main, there are exceptions to its truth. The exceptions come when conflict comes, as was the case in the war of the Revolution and in the late war for freedom and union, in the latter of which, at a fearful cost of life and blood and treasure, liberty made greater strides in advance in four years than she had made before in a century.

Should the existing conflict between republican government and Southern oligarchy culminate in a conflict of arms, blood would flow and flow and flow freely, but better rivers of it should flow and liberty survive than that the conditions that have existed in many places in the South for a quarter of a century should remain. More Republican blood has been shed in that time by Democratic assassins in the South than was shed by both armies at the battle of Gettysburgh. Chambers's Encyclopedia, an unpartisan, unprejudiced, unbiased, standard work, a work that is relied on as truth, after the most careful research, places the number of Republicans murdered in the South from the close of the war up to 1875 by the ku klux and other Democratic armed organizations at eight thousand. Does any intelligent man doubt that since that time this number has been doubled? I notice that in the later editions of this cyclopedia this chapter of shame and horrors and bloodshed has been left out. Whatever the reason for eradicating this darkest spot in American history out of this book may have been (and you can imagine the reason as well as myself), the fact can not be blotted out, and even after the remedy is applied and liberty's triumph is complete and reigns supreme everywhere under the flag, we may say, "Out, damned spot!" as often as we may, that spot will remain forever the deepest, blackest disgrace of this age.

Will we heed this Macedonian cry for help from the South, that for twenty years has come and gone unheeded, or will we heed it, and make and enact some law that will stop this tyranny, this oppression, this assassination?

Mr. Speaker, I read from the address issued by the State executive committee of the Union Republican party of South Carolina, issued to the world in 1880, the closing words of an address that covers forty-five pages of detailed murderous violence and intimidations practiced on Republicans by Democrats all over the State. The almost despairing closing words are these:

The Republicans of South Carolina, through scenes of violence, bloodshed, and intimidation, have voted on the side of nationality against sectionalism, in favor of human rights against intolerance and oppression. Their rights have been ruthlessly trampled under foot whilst they are powerless to protect themselves from injury. They can only wait with patience to see whether the Government of the United States is alike powerless to redress these wrongs and to render impossible in the future similar attempts to destroy its peace by wholesale and systematic pollution of the ballot-box.

Mr. Speaker, these are the methods by which the 50,000 Republican majority of South Carolina in 1880 was made to show a large Democratic majority for Hancock. In view of these things and these facts is it in order now to pass a Federal election law? And as the gentleman from South Carolina has seen fit to introduce Ex-Governor Chamberlin as a witness as to the status of South Carolina, I desire also to offer an extract from a letter written July 22, 1876, while he was governor of South Carolina, to General Grant, who was then President of the United States. Said he:

But the Hamburgh massacre has produced another effect. It has, as a matter of fact, caused a firm belief on the part of most Republicans here that this affair at Hamburgh is only the beginning of a series of similar race and party collisions in our State, the deliberate aim of which is believed by them to be the political subjugation and control of the State. They see, therefore, in this event, what foreshadows a campaign conducted on the Mississippi plan.

In the light of subsequent events, who can say his fears were not well founded, and in the light of the same events who can say there is no need of a Federal election law? But as General Grant has been represented, falsely I think, by the other side as expressing his belief that all was lovely and that peace and harmony prevailed in the Southern States, I desire to read from his letter of July 26, 1876, to Governor Chamberlin, in reply to the letter above quoted. Said he:

The scene at Hamburgh, as cruel, blood-thirsty, wanton, unprovoked, and as uncalled for as it was, is only a repetition of the course that has been pursued in other Southern States within the last few years, notably in Mississippi and Louisiana. Mississippi is governed to day by officials chosen by fraud and violence, such as would scarcely be accredited to savages, much less to a civilized, christian people. How long these things are to continue, or what is to be the final remedy, the Great Ruler of the Universe only knows. But—

Said he—

I have an abiding faith that the remedy will come, and come speedily, and earnestly hope that it will come peacefully.

Mr. Speaker, were General Grant here to-day to hear the declaration of the gentleman from South Carolina and to hear that declaration applauded by every Democrat on this floor, I fear his hopes for a peaceful settlement would speedily vanish. Sixteen years have passed since that letter by Grant was written; the words therein penned referring to the government of Mississippi by fraud and violence would be true if written to-day. There has not been a day since they were penned that it had not been true if written of South Carolina and of some other Southern States.

I fear this bill, should it become a law, will not be a remedy, but it may be a step, even though it be a blunder, that will finally bring the crisis that will surely bring the remedy, but if the applauded declaration and oath of the gentleman from South Carolina are to be adhered to, the remedy will not come peaceably. If that declaration is to be adhered to, this bill, should it become a law, would only have the same effect to advance liberty that the fugitive-slave law had in advancing slavery.

One year after General Grant penned the above-quoted words Judge Chisholm and his son and daughter, and Gilmer, and McLellan, and many other Republicans in Mississippi went down in death by a Democratic mob, because they were in favor of free speech and a free ballot. Seven years after it was penned brave, glorious Print Mathews and many other Republicans in Mississippi went down by Democratic shotguns in the hands of other Democrats for the same cause. Less than a year ago the Republican State ticket in Mississippi was withdrawn from the field, in order, as proclaimed by the Republican committee of the State, to prevent bloodshed and to save the lives of Republicans from being taken by Democratic assassins who control the government of that State.

Does some one ask, why do not these Republicans in Mississippi appeal to the State government for protection? In answer, I quote again the words penned by General Grant, when he said:

Mississippi is governed to-day by officials chosen through fraud and violence, such as would scarcely be accredited to savages.

Why does not the lamb appeal to the lion for protection?

In the light of these facts I ask again: Do the people in those States need any protection at elections? Do they not need a Federal election law, especially in view of the portentous vow and oath registered here by the gentleman from South Carolina?

Now, Mr. Speaker, it seems to me that a suggestion of this kind coming from a gentleman living in a State where a very large majory of the people are of the class that he wishes to keep down and that he wishes to domineer over—I say that it is not in good taste, to say the least, for him to discuss the propriety of keeping down by force that class of people.

Mr. HEMPHILL. Does the gentleman say that I used the word "force" in my remarks?

Mr. KELLEY. I do not. I inferred from his remarks that force would be used, and it is the only construction that can be placed on his words and his oath, that was so loudly applauded by your side of the House.

Mr. HEMPHILL. I can not be responsible for your inferences.

Mr. KELLEY. Very well; I will take your statement for your intention; but it just amounts to that much in the minds of many people.

Now, Mr. Speaker, when you consider the words of the gentleman from South Carolina and the words of the gentlemen upon the other side of this House in all their portentous magnitude and meaning, I have been led to think that history sometimes repeats itself, as the old saying goes; and my thoughts have gone back to a quarter or a third of a century ago, to the time when this question was discussed in another form, and I have thought that at this time the question was nearer a climax than it was two years before it culminated a quarter of a century ago, or more than a quarter of a century ago, in a conflict of arms.

I remember when this question was discussed in Kansas more than a third of a century ago, and I remember that the same means were used in Kansas to repress the Republican vote, or the "Free Soil" vote, that have been used in the Southern States for the last twenty-five years; and I remember the time when by that force and that violence the Democratic party actually thought that they had conquered in Kansas; but soon after that time it was discovered that a mistake had been made, and notwithstanding the Federal power of this Government, as represented by the President of the United States, was against that feeling of the Republicans in Kansas, it was soon developed that the Republicans were not defeated and that the spirit of liberty that inspired all their acts and lent spirit to all their movements was not dead. Soon it was discovered, and the whole country was startled by the fact that one John Brown, from Kansas, towards the headwaters of the Potomac had fired a shot that was heard throughout the United States, and soon that shot was followed by other shots heard throughout the world; and whoever heard that discussion will say that the question warranted the discussion, as it had been based on honesty and integrity and for equal rights, or we would not have resorted to such a scene as we passed through a quarter of a century ago to accomplish what was accomplished.

But, Mr. Speaker, the battles of liberty have not all been fought, nor all been won, but they are ever going on. Our Republican brethren in the South have been waging a battle for liberty for a quarter of a century against fearful odds, and have universally lost, thousands of them have gone down in death, the flower of the land, the bravest of the brave, but the battle is not ended; it will go on and liberty will win, even in Mississippi, and in the glorious years to come, when equal rights for all shall prevail there, as elsewhere, then the lovers of liberty shall gather around the marble monuments that shall tower toward the skies from her capital city, and on which will appear the names of Mississippi's long, long list of martyrs to liberty, and among the highest and brightest of which shall be the Chisholms, and Mathews, McLellan and Gilmer; and below the long list of names shall be written in letters shaded with black, "All victims of Democratic hatred of liberty and equal rights."

Mr. TURNER, of New York. Mr. Speaker, I am glad that this new John Brown, of Kansas [Mr. KELLEY], rising in his place, calls the attention of this House to the fact that this oppressed and downtrodden colored race of the South (if we are to believe the gentleman and his honorable colleagues on that side of the body) are men of courage, who have shown their courage on many battle-fields. I honor them for their courage, and I say to the gentleman, that if these men are the heroes that he portrays them and that the history of their country shows them to have been, there is very little sense in his talking about 5,000 white men dominating and murdering 20,000 colored men in some sections of the South. [Applause on the Democratic side.]

If this race was meant to rule, if this race partakes of those qualities of independence and manhood which every dominant race under the sun has always had, it will defend itself, as it has shown well how it could defend itself, without the assistance of any John Brown from Kansas.

Mr. Speaker, in the South is a condition of things the like of which the sun never has shone on. A great race of people, freed from bondage, are pursuing peacefully their varied walks in life and working out their own salvation; and now a political party that loves the negro only because it wants the negro vote, a political party with a record blackened all over with its attempts against the purity of the suffrages of the citizens of this country, the party of the monopolist, the party that has never pursued any other policy than that which it thought would win the most votes—that party now comes forward and, with all the cant of the sniveling Pharisee, pleads for "political purity" and for the rights of the "downtrodden negro."

You say, gentlemen, that there are more than a million negro voters and that the negro voter is always a Republican. In the last national election the negro voter held the balance of power in Ohio, in Indiana, in Illinois. He voted with you, he gave you his suffrage, and what have you given him in this universal distribution of spoils? Ah, you want to keep his vote by high-sounding professions of love, by cant and hypocrisy, but, as he becomes educated, he sees through the hypocrisy of these pretensions and divides upon political lines. I claim for the negro, and every man who knows anything about him must concede the claim, that he has sufficient intelligence to think for himself, and it would surely be a wonderful thing if, among a million of negroes, they should all happen to think that the Republican party had created them. [Laughter.]

But this bill is to be enacted into law in the interest of political purity! In all these days of discussion that this House has listened to on this bill no gentleman has attempted to show that its various provisions were just or necessary; but whenever the advocates of the bill have been hard pressed some gentleman has been put forward to make a partisan speech, as the gentleman from Illinois [Mr. MASON] did today, as the gentleman from Michigan [Mr. BURROWS] did yesterday, taking care that they had the last word in the debate so that nobody could answer them. The party whip was cracked. Even the gentleman from Missouri [Mr. FRANK], who so loudly proclaimed his independence yesterday, knelt to-day under the lash of the party taskmaster. And all this was done, I suppose, in the interest of political purity, this marshaling the party hosts to put this caucus measure through, this one party measure of the session, as a New York party organ calls it to-day.

Mr. KERR, of Iowa. Will the gentleman yield for a question?

Mr. TURNER, of New York. No, I can not yield. For once I must decline the request of my genial friend from Iowa. This, I say, is the one party measure of the session, and these gentlemen on the other side profess to want the discussion divested of all partisan feeling; yet, in support of every provision of this bill, they have assailed the South and put forward the "down-trodden negro." And of course they have done this in all fairness!

This bill, written in large part by Davenport, as a member of the committee has said it was, is put forward in this manner as the great party measure of this session, and this evening the literary gentleman from Massachusetts [Mr. LODGE], with his long line of Tory ancestors behind him, declined to say even how much time he required for the discussion of an amendment, and proposed to adjourn, in order, I presume, that he might go and consult the real author about the discussion of an amendment to a section of the bill which I suppose he did not know anything about himself. [Laughter on the Democratic side.] And all this is in the interest of non-partisanship and of purity in politics! Why, then, have two inspectors of your own party and only one of the other party, two canvassers of your own party and only one of the other?

We have been told over and over again in the discussion that this bill is but an extension of the beneficent law of 1871, which made pure elections possible in the city of New York. Ah, but, gentlemen, if you knew anything about this bill—and I acquit most of you of any such knowledge—[laughter] if you knew anything about the law of 1871—and I would not impute such knowledge to many of you—[laughter] if you knew anything about it, you would know that the law of 1871 provided for as many Democratic supervisors as Republican supervisors, as many Democratic marshals as Republican marshals.

The State law of New York divides its election officers in the same way. There has never been any question in regard to the purity of elections in New York. Why? Because the election officers are absolutely non-partisan.

Much has been said about the purity of elections in New York under the present system. Why, sir, in the "off years," as they are called, when there are no Congressional candidates to be chosen, the elections are just as pure as the Congressional elections; and no one has ever made any pretense to the contrary.

I say to you, gentlemen, that this question can not be discussed in that fashion. There are none so foolish as to be deceived by the pretenses set up on the other side. Even the negro, who you undertake to say is so ignorant, who you say is cheated and deceived in the South, even the negro, ignorant as you represent him to be, much worse than I believe him to be, can not be deceived by any of this sniveling cant and Pharisaical hypocrisy about the "purity of elections." Why does it require two pure Republican election officers for one Democrat? If this measure is put forward in common honesty, why did you try to change the jury system, an outrage so flagrant that even your own cringing party deserted its leadership——

Mr. ROWELL. Whom do you mean when you speak of people "cringing?"

Mr. TURNER, of New York. Any of you gentlemen who support this bill; it is not a personal allusion. I will relieve my friend from the application of that word "cringing." I believe he is one of the gentlemen who snap the whip.

Mr. ROWELL. I am glad that the other side of the House——

Mr. TURNER, of New York. Take your own time to tell us how "glad" you are. Wait until you hear the verdict of the people before you tell us how "glad" you are.

Mr. ROWELL. You are all prophets over there!

Mr. TURNER, of New York. No; the prophets are on that side; and some of you must be "sons of prophets." When the gentleman read his long catalogue of Southern "outrages," when he lugged into this discussion things which had no bearing upon the bill, he must have been filled with the spirit of prophecy. There was also an animal in Scripture that was a prophet. [Laughter.]

Gentlemen, there can be no pretense which will conceal the real purpose of this measure. This is a grab for party power. I am somewhat of a politician myself, and I never saw a shrewder, a more adroit political move. Reprehensible as I believe this bill to be, threatening, as I believe it does, the very perpetuity of our institutions as they have always existed, I can not but admire as a politician this shrewd

political move, this Chinese system of warfare that keeps up a great deal of howl and hullabaloo about things pertinent in no way to this measure, while making the attack in an adroit and underhand manner. But, in the name of decency and fairness, throw off the disguise. You have your party all in line, you have your votes back of you. Walk up like men and say, "We have the power and we are going to use it." Do not try to be political purists any longer. [Applause on the Democratic side.]

Mr. SWENEY. Mr. Speaker, the Representative from New York [Mr. TURNER] has just referred to the fact that if the colored people of this country were possessed of sufficient courage they would not need for their protection a law of this kind.

Mr. Speaker, we may admit that the colored people are not possessed of the courage that the white people have. Their courage has been bred out of them by centuries of servitude; but it is being bred into them by freedom; and unless they be treated as men possessing courage, the time when they do become possessed of it equally with the white people will be a sad time for that section of the country in which they constitute the majority of the population.

The gentleman refers to the members on this side of the House and all who would favor a law of this character as "cringing." I want to say to him and other gentlemen on that side that the time has very nearly arrived when we shall cease to "cringe," and when gentlemen on the other side will not have political rights equal to four or five of us and of our people. It is a "cringing" disposition which induces men to submit to that. And I tell you, my friends, that we are humiliated that it is so. It can not continue. Free men can not submit to it, and brave men will not. [Applause on the floor and in the galleries.]

The SPEAKER *pro tempore*. Persons in the galleries are there by the courtesy of the House, and all demonstrations of applause must be suppressed.

Mr. SWENEY. No man who has faced men on this floor and their comrades of other days, who have been characterized here to-night as "cringing," would repeat that word in their presence or in the presence of the history of their country.

Mr. Speaker, I believe it to be proper to call attention to an address which was published in the newspapers of this city on the 28th instant, signed by thirty of the Democratic Representatives on this floor from the Northern States. Unfortunately there has never been a time in the history of our country in recent years, in peace or war, when there were not thirty or more Democratic Representatives holding seats here who were willing that the rights and liberties of the people of the country might be subverted in the interest of their party.

As a specimen of 1890 argument, that no power exists in the nation to maintain self-government or constitutional representation here; that fraud, suppression of ballot, and usurpation are constitutional; that there is no power to prevent it, I invite the attention of the House to that address. They do not deny that ballot-boxes have been stolen and false returns made, practically disfranchising the people; they do not deny that for maintaining political opinions thousands of men have been murdered since the war. They deny nothing of this kind. They say that the measure is unconstitutional; that it is revolutionary. This side of the House are accustomed to taking the decisions of the Supreme Court of the United States as final and conclusive upon questions of constitutional law.

In the parts of the country to which this law will least apply, and in which there is least necessity for it, the Constitution of the United States is studied in the common schools. It is reverenced and obeyed. We, of that portion of the country, have never had experience with any other national constitution than that, have never denied the binding force of the decision of the highest court nor our obligation to the Constitution; never have appealed from them to the tented camp and the battle-field. We have never had experience with any other flag than that which hangs above your head to-night, Mr. Speaker; and that flag was never followed in a "cringing" manner either, by the people whom we represent. [Applause.]

There are two questions involved in this measure which present themselves for consideration. One is: Is it expedient? The other is: Is it right?

It is right, Mr. Speaker, that every man entitled to a vote in this country should have an opportunity of casting that vote, and it is a right, not only of his, but it is a right of our own and the country that the vote so cast shall be counted and accurately returned. It is always expedient to do right. The evidence which is before the Committee on Elections and that has been presented to the House in the election cases which have been tried, the current history of our country, demonstrates the fact beyond the possibility of dispute that there is necessity for correcting the evils of the suppression of the ballot and falsifying of returns. It is said that it ought to be applied equally throughout the whole country. Mr. Speaker, criminal laws of the land are not applied equally to every class of people in the country. They are enacted for the benefit of all classes, but are applied only to the offenders against the law. This bill comes, too, "to call, not the righteous, but sinners to repentence." It is only partisan in this, that it seeks to purify the elections of the country and is supported only by Republicans. It is in these respects, and only in these, partisan.

It is not intended to apply where, as in the State of Iowa, such a thing as the stealing of a ballot-box was never known. It is not intended to apply it there, where such a crime as falsifying the election returns never occurred; and I ask if you can contradict that?

Mr. WHEELER, of Alabama. I contradict it for Alabama?

Mr. SWENEY. I say in the State of Iowa.

Mr. WHEELER, of Alabama. Oh; I do not know anything about Iowa. [Laughter.]

Mr. SWENEY. Well, I do. The distinguished gentleman from Alabama misunderstood me. I say that such a thing as refusing to receive a constitutional ballot and having that ballot faithfully counted as cast was never known in that State. Is there one of you that will deny it? Is it necessary, then, to be applied in the State of Iowa, as it it is, in the light of the current history of the country, necessary in the State of Mississippi? I tell you the people of the State of Iowa have rights in this matter in common with the rights of the people of this country. They have a right to send their Representatives upon this floor in the same proportion to their ballots that the people of the State of Mississippi, or Georgia, or of Alabama have. The State of Alabama has no right to send a Representative to this Chamber with twelve or fifteen thousand votes back of him while the State of Iowa requires thirty-six thousand for every one upon this floor. It is a fraud upon their rights; and it is not, Mr. Speaker, a question with the black man and the white man of the South alone, nor of the rights of the black man; it is a question of self-government and involves the rights of the white man of the North as well. [Applause on the Republican side.]

The issue here involved is the perpetuation of self-government among men, government under Magna Charta, Declaration of Independence, and Constitution. Our Declaration of Independence was not the product of Thomas Jefferson alone, nor of his generation. It is the "garnered wisdom of a thousand years." No phase of the constitutional questions involved in this bill remains unadjudicated. That our reverence for and knowledge of the Constitution under which we are acting is less than yours is refuted by every page of our country's history; it is refuted by every act, every inspiration, every hope of the party and people whom we represent. The purpose of this side, of the Republicans representing the liberty-loving people of the country, is that under the Constitution, and according to the Supreme Court's interpretation thereof, every elector, North and South, rich or poor, powerful or weak, shall be protected in his right to cast the ballot of his choice at Federal elections, and that his, our, and the nation's rights to have that ballot counted shall be enforced. That is all there is of it. Is that unreasonable, unpatriotic, unconstitutional, or revolutionary?

Here is what the Supreme Court of the United States declared in the case of *Ex parte* Yarborough (110 United States Reports, 667), Justice Miller speaking for the court:

> If the Government of the United States has within its constitutional domain no authority to provide against these evils, if the very source of power may be poisoned by corruption or controlled by violence and outrage, without legal restraint, then, indeed, is the country in danger, and its best powers, its highest purposes, the hopes which it inspires, the love which enshrines it, are at the mercy of the combinations of those who respect no right but brute force on the one hand, and unprincipled corruptionists on the other.

And in the same case the Supreme Court say (pages 657–662):

> If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.
>
> If it has not this power it is left helpless before the two great natural and historical enemies of all republics, open violence and insidious corruption.
>
> Congress has been slow to exercise the powers expressly conferred upon it in relation to elections by the fourth section of the first article of the Constitution.
>
> This section declares that—
>
> "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 was not until 1842 that Congress took any action under the power here conferred, when, conceiving that the system of electing all the members of the House of Representatives from a State by general ticket, as it was called, that is, every elector voting for as many names as the State was entitled to represent in that House, worked injustice to other States which did not adopt that system, and gave an undue preponderance of power to the political party which had a majority of votes in the State, however small, enacted that each member should be elected by a separate district composed of contiguous territory. (5 Stats., 491.)
>
> And to remedy more than one evil arising from the election of members of Congress occurring at different times in the different States, Congress, by the act of February 2, 1872, thirty years later, required all the elections for such members to be held on the Tuesday after the first Monday in November in 1876, and on the same day of every second year thereafter.
>
> Will it be denied that it is in the power of that body to provide laws for the proper conduct of those elections? To provide, if necessary, the officer who shall conduct them and make return of the result? And especially to provide, in an election held under its own authority, for security of life and limb to the voter while in the exercise of this function? Can it be doubted that Congress can by law protect the act of voting, the place where it is done, and the man who votes from personal violence or intimidation and the election itself from corruption and fraud?
>
> These questions answer themselves; and it is only because the Congress of the United States, through long habit and long years of forbearance, has, in deference and respect to the States, refrained from the exercise of these powers, that they are now doubted.

This language of the court was not used to conform to this bill, but this bill was drawn in conformity with that language.

It is with reference to that language of the court, and to that and

kindred decisions in its application to this exercise of power, that the protesting thirty declare to be a "doubtful construction of the Constitution," and the constitutional exercise of this power is absolutely denied in the third paragraph of their pronunciamiento. This bill subjects no locality or people to its provisions, except on application by a large number of voters for protection of their rights in a specific locality. It applies impartially to all parts of the country, and Republicans ask no exemption from its provisions. I do not believe that any candidate for the Presidency, past or future, of the Republican party, would sanction or permit its abuse. I do not believe that any candidate of the Democratic party for that office, past or future—save only such as would buy a seat by bribery with his hoarded gold—would abuse the power.

It will, they say, take money to execute it. Unless, indeed, electors are without its intervention allowed to exercise their rights, it will take money. It has cost money and the richer blood of patriots to secure these rights. It is the poltroon only who values the rights of his countrymen, the foundations of his Government, less than the money which their maintenance costs. It does provide for certificates which shall prevent the seating of members here on returns made by men taking their oath of office with mental reservations justifying fraud and usurpations. These gentlemen, and all of us, recently saw on this floor that ballot-box from the First district of Arkansas, twenty-one of which were provided by the sheriff for the several polling places in one county; boxes which were such instruments of brazen fraud as to make any man with conscience or honor indignant. That box came, too, from a county where, before election, many honest, quiet citizens were taken by armed men in the night and banished under pain of death; a county where several men were murdered because they were Republicans and would not give up their right of ballot. The beneficiary (personally a pleasant, genial gentleman) of those frauds and violences, whereby the will of the people was overthrown, took part in your councils, declared the acts of the Speaker tyrannical and revolutionary; and you, signers of this protest, voted to retain him among your number, and to exclude from the seat to which he was elected the present sitting member.

In the Richmond case of Waddill *vs.* Wise, the undisputed record shows that hundreds of Republican voters stood in line with ballots in hand from sunrise until the sun set at night and the polls closed, and were refused their constitutional right to vote. By reason of such monstrous fraud there was seated in this House a member of your party. Those Republicans, standing thus, ballot in hand, denied their right, took the ballots, crumpled and soiled as they were, cast them in the box produced here, and, thanks to the God of justice and the Republican party, their votes were counted, soiled though they were by sweat of dusky hands, and from your side was wrested the fruits of that political larceny. My Democratic friends of the South, pause and think of this. There is nothing which a man so desires as the thing which is his of right, but of which he is wrongfully deprived. Possession of that thing becomes the aim of life, the consummation of his ambition. For its attainment he will live and toil and learn, and for it, if need be, will finally die. Some day that dusky line, with ballots in hand, will march up to the polls in Richmond and all over this land, their ballots will be taken, placed in the boxes, and counted. When that consummation becomes, as it is becoming, more dear to them than life, it will be done. Do you know when that time will come in any one locality? These Northern protestants can not tell you. I do not know that they would if they could, because your course tends to give the administration of the country to their party. You know that it is coming, though, and if the storm is compelled to gather much greater force before it breaks, for the man who stands before it it would have been better had he not been born. We, in this measure, seek to save you from yourselves and our common country from your reckless conduct.

The votes in one contest in this Congress from Alabama shows a condition which, were it not a cancer on the body-politic, would be grotesquely ludicrous. Actually, the situation was so well known and acknowledged by all that the two parties entered into an agreement. On the one hand the Republicans were to support a Democratic candidate; on the other hand the representative Democrats gave the pledge of a fair counting of the vote for the Republican candidate for Congress. It gives me pleasure to say that many of them adhered to their contracts for a fair count. Others refused to serve as judges of election, because to make true returns against their party would bring them into disrepute among their party associates. Others refused because they claimed that the contract for a fair count did not apply to their locality and at that election.

In one Arkansas district it is acknowledged that the ballot-boxes containing large majorities for John W. Clayton were captured, carried off, and destroyed by armed bandits. When he contested for a seat upon this floor, to which he claimed he was elected, the asssassin shot him as he sat at night with his family at his fireside. The question of who is entitled to that seat is yet to be determined, and I do not prejudge it.

In the Third Mississippi district, as shown by the votes taken, there is a white population of 25,000, and 104,000 colored. If anywhere in his country the provision in our Constitution that blacks and whites shall have equal political rights is to be observed, then why should not a colored man be elected to this House from that district? Will you gentlemen on the other side answer that? Have not the colored people of that, the Yazoo district of Mississippi, outnumbering the whites more than four to one, a right to elect one of their number to this House?

Gentlemen, Northern Democratic protestants living north of the Potomac and Ohio Rivers, these facts are but a few among the thousands making up the conditions which gave you for years a majority on this floor, which gave you for four years an occupant of the Presidential chair. The country knows it. You know the truth of these statements. In your address to the people of the country you do not deny, nor do you even attempt to present an excuse for them. Since the war in this country, tens of thousands of men have died on account of their political beliefs, and because they insisted on the exercise of their political rights. These men have been from the homes of refinement and in the cabins of the lowly. They met the assassin's bullet in the fields and on the lonely path-ways through the forests; they have fallen at and around the polling places. You know it; you can not deny it. In your presence, and in the presence of us all, your eloquent leader in this debate swore before the God above us that the present should continue.

Viewing the disadvantage in political power in which the people of Iowa stand, compared with the people of Mississippi and Georgia, for instance, I am glad to know that no Iowa member of Congress's name appears on the bill for continued robbery of my people of their political heritage. Using round numbers only, in Mississippi 15,500 votes have a Representative on this floor; in Georgia it requires but 12,200; in Iowa it requires 35,800. In Alabama one man has political power here equal to two and a half men in Iowa. In Georgia one man has like power equal to more than three men in Iowa. This disproportion is much greater comparing some other localities North and South.

We of the North say that you are and ought to be our political equals. We can not concede that you are or ought to be our political superiors. We realize, my friends of the South, the gravity of the social and political problems which are with you to solve. We desire to help you to their solution, in the kindest and most fraternal manner. We have been patient, even to humiliation, while you have absorbed unduly the political powers of the country, without solving the problem before you, except by the destruction of government by the people. We can not consent that this disparity shall longer continue, even though our thirty Northern Democratic friends do appeal to the country to maintain that sectional inequality. These thirty appeal to the country to permit, by non-action, the continuance of the suppression of the ballot, of fraudulent counting, of false returns in any or all parts of the country; to permit the continuance of the disfranchisement of men to whom the Constitution of their country gives the right of ballot. They appeal to their fellow-countrymen to insist that the people of the States and districts from which they come shall be, as they now are, deprived of equal political rights in the affairs of their nation.

I have never before heard of the birthright of one's self and one's kindred and people being offered for so small a mess of pottage. Are they blind? Can it be that they see not? They call on our people to assemble in mass-meeting to protest against this bill to restore their political rights and to restore self-government to the people. Yes; let them assemble in mass-meeting. Let them resolve, if they will, that one man from other States in political power in this country and on this floor shall equal from two to five of themselves; that, regardless of Constitution, of justice, of oaths of office, of humanity's common instincts and honor, men shall, for political opinion's sake, be shot like dogs, driven from their homes, deprived of the right to vote, have their votes stolen or uncounted; that by such means the Presidency and this House shall, as it has been, be held by the Democratic party. Let them do this in answer to your calls if they will. Ah! sirs, the brave, patient people of the North will do nothing of the kind; but the time will come when those who counsel it, who advise them to surrender self-government, equality, and honor will wander, like a leper, in the political wilderness, crying at the approach of a man, Unclean! Unclean!

Men of the South, we are ready and anxious to help you. We have tendered you funds from the national Treasury with which to educate to better citizenship your ignorant black and white. You reject it. Do not refuse the boon of government by the people. Your heritage and ours is one. Your magnificent courage is not doubted. It is known and we proudly acknowledge it. You should recognize ours, and not trespass on our rights as free men and your equals. Remember that it is not the blacks alone whom you deprive of rights in this Government, but all of us. Do not be misguided. The courage and determination which have fixed on that flag each stripe firm as the bands of Orion, and on its azure field each glittering star, immovable as the Sisters of Pleiades, will regain and guard political rights. Self-government and the people's rights are of God, and "there is no conqueror but God."

Mr. HOOKER. Mr. Speaker, it has not been my good fortune to hear all of the speeches which have been delivered on this subject, and it is possible, in what I may say on the bill now before us, that I may travel over the ground which has been already occupied, far more ably

than I can hope to do, by gentlemen who have preceded me. But I shall not imitate the example which has been set in this discussion by following in the line of crimination and recrimination with reference to particular incidents which have occurred in this or in that State.

This bill, Mr. Speaker, presented for the consideration of the Congress of the United States, is a novel measure. For the first time in the history of the Government since the adoption of the Constitution under which we live such a bill is now presented for the action of Congress. It raises at the very threshold of the discussion a grave question as to the constitutional power of the Congress of the United States to pass a Federal election law, in view of the fact that election laws have been declared adopted and carried into execution in every one of the States of the Union. From the time when the Constitution was adopted down to this moment, it has never been found necessary that the Congress should pass an election law; and, in order to ascertain what the power of the Congress of the United States is in regard to the subject, you must go to the Constitution itself and ascertain whether that power exists. If there be doubt about it, then clearly there should be no attempt on the part of the Federal Government to enact such a law.

When the proposition was made to-day to make this law universal in its application and apply it to every State in the Union, it was voted down; and why? It is conceded that frauds in elections may have been perpetrated in many of the States North as well as in the States South; and, therefore, if there is a necessity for a Federal election law, surely there is reason why it should be made universal in its application to all of the States.

This question, Mr. Speaker, was discussed, not in this Hall, but in the old Hall of the House of Representatives, more than fifty years ago, in the Twenty-fifth Congress of the United States; this question was discussed by a man who had his birthplace in the North and who in early life became a citizen of the State of Mississippi, who was elevated from the humble position in which he began his life in Mississippi, that of a school-teacher; who was advanced to the highest position in the esteem and honor and respect of the State of which he became an adopted citizen. He was a lawyer of eminent ability, an orator unsurpassed in his eloquence, a man who retains to-day, in the memory of the people among whom he passed his life, the affection and regard of all who knew him and all who have read his history. He was elected from the State of Mississippi to represent a Congressional district on the floor of the old Hall of the House of Representatives, before this magnificent structure was reared. In that Twenty-fifth Congress, more than fifty years ago, he made an argument upon the constitutional power of the Federal Government to pass an election law, which, in my judgment, has never been answered down to the present time. That man was Sargeant S. Prentiss. In discussing this question he quoted from the Constitution of the United States, in the speech which he delivered in his own contested-election case, where this question arose of the power of the Federal Government under the grant of power in the Constitution in that clause which provides that the States "shall" prescribe, using the imperative language, laws indicating the time, place, and manner of holding elections, but the Congress of the United States may alter or change such laws with reference to everything except the place of election of United States Senators; and I will send to the Clerk's desk to be read the marked pages from the speech of Mr. Prentiss, which will be found on pages 291 and 292 of the life of Mr. Prentiss, in which this speech is given.

The Clerk read as follows:

The framers of the Constitution, in prescribing the general modes through which the right of representation should be exercised, very wisely concluded that the regulation of the most important of all political rights should be placed in the hands of the Legislatures of the States, respectively, as the safest depositories of so important a trust. Accordingly they provided by the fourth section of the first article that "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 place of choosing Senators." * * *

Indeed, so vitally important was it considered to the independence of the States that the legislation should be entirely untrammeled in prescribing the time, place, and manner of holding elections, that it was with great difficulty that the States were persuaded to acquiesce in the controlling power given to Congress to make or alter by law the State regulations. If you will look, sir, into the debates in the different conventions upon the adoption of the Federal Constitution, you will find that no provision was more debated or received with greater jealousy. All the States took the ground that the most important of their political powers consisted in the control, through their Legislatures, over the time, places, and manner of election; and the ultimate supervisory power was reluctantly placed with Congress, upon the express ground that it was necessary for the preservation of the Government; that, without this provision, the State might neglect to make any regulations on the subject or might fix the times of election at such periods as to prevent a representation, and thereby cause a dissolution of the Government. It was admitted in all the debates that this power of providing for a deficiency or failure of action on the part of the State Legislatures did not and could not with propriety reside anywhere else than in Congress. Still the States were so jealous on this subject that most of them accompanied their ratification of the Constitution with a solemn protest against the exercise by Congress of this power, except in cases of failure or neglect on the part of the State Legislature, and also with standing instructions to their delegates in all future time to obtain, as early as practicable, an amendment of the Constitution limiting the action of Congress on this matter to such cases of neglect and failure only. The ratifications of South Carolina, North Carolina, Virginia, Pennsylvania, New York, Rhode Island, and Massachusetts, if not others, contain such protests and instructions.

Mr. Speaker, it will be observed, in reading the address, Prentiss cites that clause of the Constitution under which the power is claimed now for passing such a law. He refers to the fact that in the various conventions of the States which assembled for the purpose of determining whether they would adopt this Constitution they adopted it with a protest. He says that the primary power is granted to the Legislatures of the States.

[Here the hammer fell.]

Mr. CHEADLE. I ask unanimous consent that the gentleman be permitted to proceed for ten minutes longer.

Mr. MUDD. I shall make no objection if the same courtesy is to be extended to our side.

The SPEAKER *pro tempore*. The Chair would like to state that he has a very long list here, and that it would be impossible to finish up the list if there is an extension of time. Of course it is in the discretion of the House to do as it pleases.

Mr. HOOKER. I do not like to trespass upon the time of the House, but I would like to finish what I have to say.

Mr. MUDD. I shall object unless it is understood that the same extension will be given to this side of the House.

Mr. DOCKERY. We are not lacking in courtesy, and there will be no trouble about that.

Mr. HEMPHILL. So far as I am individually concerned I have no objection. As the Chair has stated, the time has been divided up and it is with the gentlemen who are to follow. I have divided the time as best I could. It rests with those who are to speak later. If the time is consumed, can not assume the responsibility.

Mr. WHEELER, of Alabama. I am last on the list and I do not object.

Mr. WADDILL. I move that the time of the gentleman be extended for ten minutes, that he be allowed to proceed with the understanding that the same courtesy will be extended to the other side.

Mr. JOSEPH D. TAYLOR. I make the point of order that this has always been done by unanimous consent, and must be done in a special way.

The SPEAKER *pro tempore*. Unanimous consent is asked that the gentleman's time be extended ten minutes. Is there objection?

Mr. JOSEPH D. TAYLOR. I object.

Mr. HOOKER. Very well; I give notice that I will claim the floor in the morning to continue what I have to say. I should have preferred to finish what I had to say to-night, but of course I yield if objection is made on the other side.

[Mr. MUDD addressed the House. See Appendix.]

Mr. CARLTON. Mr. Speaker, the difficulty members have in being heard on this, the gravest proposition which has ever been presented for the consideration of the American Congress impresses me with this conclusion, that the enormity of the measure under consideration is only exceeded by the determined purpose of its partisan promoters to rush it through this, the popular branch of Congress, without due discussion and deliberation. Just to think of a measure so revolutionary in its character as to wrest from the States of this Union a constitutional right which they have enjoyed and exercised for more than a hundred years, being hurried through this House in the short period of four or five days, and that, too, under a rule which gives all possible advantage to the partisan promoters of the iniquity.

This is contrary to all true statesmanship. It is at variance with all safe, fair, honest, and legitimate legislation. It is a procedure which will not be justified or excused by the American people. It is simply monstrous. In the contemplation of these facts, methinks I already hear a distant sound, as the mighty rushing of the waters. Hark! 'tis the voice of an outraged and indignant people coming up from every portion of the American Union, crying aloud, "Down with the Centralists!" "Out with the monarchical desecrators and defamers of the temple of American liberty!" "Away with the usurpers of the rights of freemen!" And as the voice of the people gathers into one mighty sound, methinks I hear above the clamor one united exclamation, "Oh, for a Lodge in some vast wilderness."

Mr. Speaker, it is claimed by the supporters of this bill that Congress has conferred upon it the power to enact it into law under paragraph 1, section 4, Article I, of the Constitution, which reads as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be perscribed 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 is further claimed that the United States Supreme Court has rendered a decision sustaining this construction or this power on the part of Congress. I am not aware of the Supreme Court having rendered any decision upon this particular clause of the Constitution, but if it had it would have been obliged to hold that Congress "may at any time by law make or alter such regulations" consistent with the reserved power herein granted. It could not have done otherwise, as that is the plain letter of the law. But the same court would have been equally obliged to hold that the primary, absolute, and mandatory power was in the States, for the plain letter of the Constitution also says that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof."

The authority here given to the States is certainly absolute and mandatory, while the power given to Congress must, in the very nature of things, be a reserved or alternative provision, so as to enable Congress to preserve the Government in case the States, or any of them, should refuse or neglect to provide for the election of members of Congress. It can not be maintained that absolute power is here given to both the States and Congress to regulate these elections. This would be to establish conflicting powers between the States and the National Legislature and would render nugatory this clause or provision of the Constitution.

Such a view or construction would be inconsistent with sound and effective law and do violence to the framers of our organic law, who were the ablest statesmen and constitutional lawyers of this or any other country. The record and the history as to the adoption of this clause of the Constitution undoubtedly sustain the position that the power given to Congress to pass a law giving Federal control to State elections was a reserved or alternative provision, only to be exercised when the States themselves failed or refused to provide for these elections. The propriety of even giving to Congress this power respecting elections in the States was most seriously questioned in the convention which framed the Constitution.

Mr. Madison, in discussing this clause in the convention, said:

The necessities of the General Government suppose that the Legislatures will sometimes fail or refuse to consult the common interest at the expense of local convenience or prejudice.

He again says:

This clause was meant to give the National Legislature power, not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether.

Judge Story, in his Commentaries on the Constitution, says:

The regulation of elections is submitted in the first instance to the local governments (the States) which in ordinary cases, and when no improper views prevail, may both conveniently and satisfactorily be by them exercised. But under extraordinary circumstances the power is reserved to the National Government, so that it may not be abused and thus hazard the safety and permanence of the nation.

Referring further to the debates in the constitutional convention adopting this clause, as well as the debates in the original thirteen States ratifying the Constitution, it must be clear to any impartial mind that it was only adopted and ratified as a precautionary measure, a reserved power given to Congress, to be exercised only upon failure of the States or any of them to provide for the election of United States Senators and Representatives.

Is there any such condition of affairs existing at this time in any one of the States of this Union as could possibly justify or call forth the exercise of this reserved or alternative power on the part of Congress? The fact that the elections throughout the country, and especially in the South, do not result satisfactorily to the Republican party, or the mere assertion, without facts to sustain it, that frauds exist in the elections in the Southern States, will not be accepted by the American people as sufficient cause for Congress exercising a power so revolutionary in its character, so subversive of their rights as American freemen, and which will prove the overthrow of the very foundation of our free republican institutions.

From the foregoing and from the plain letter of the law itself, the promoters and supporters of this measure must in some manner reconcile these apparent, distinct, and different powers given by the Constitution to the States and to the National Legislature before they can successfully claim the power of Congress to enact it into law.

I would respectfully invite the attention of the friends of this bill to other constitutional provisions touching upon this question, and which are subsequent to that under which they claim the power and authority to pass this law. The ninth amendment to the Constitution says:

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

The tenth amendment to the Constitution says:

The 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.

Should it be held that these amendments refer and relate to the distinct powers enumerated in the Constitution, then certainly they more forcibly relate to the clause under consideration.

It is now a generally accepted postulate of constitutional construction that the Union must be regarded as a government of limited powers, while the States are governments of general or full powers except as the national Constitution or that of the particular State imposes restrictions. In other words, the State governments are the repositories of all sovereignty, authority, and sway which are appropriate to republican government and which are not prohibited by the national or withheld by the State constitution. Then he who would impeach, repeal, or seek to overthrow the laws of the States must first show that they transcend the limits which by one or the other instrument have been granted as authority to such States.

The statement of the honorable gentleman from North Carolina [Mr. EWART] (and he ought to know, for he comes fresh from the Republican camp) is that this bill is only a party measure, for opposing which he is aware that he will have to pay the penalty. Then, since the announcement of this truth, coming straight and fresh from the Republican ranks, heralded by one who has the patriotism and manhood to serve the true interest of his country and his people rather than obey the despotic dictation of King Caucus, no other reason can be assigned for this measure, which wrests from the States of this Union a right given them by the Constitution, than that it is a want and a necessity of the party in power.

Let me admonish the friends and supporters of this measure that the Nestor of the Republican party, that grand man whose untimely taking off was a calamity to the whole country, announced in undying terms that "this was a Government of the people, for the people, and by the people." There are no divine or hereditary rights in free republican America. All the powers of government, all the authority which government or society can rightfully exercise towards the people or individuals are originally vested in the people themselves. The will of the people is the source of power to create and administer government by written constitutions. Such legislation as you now propose proceeds upon the idea, the violent presumption, that the people of the States are incapable of self-government.

The sovereignty of the States, local self-government, is the very foundation upon which is builded our system of free republican constitutional self-government. This bill is simply monarchical in its tendency. It proceeds upon the further idea that the machinery provided is perfect; that the officials to be furnished are infallible; that the king can do no wrong; that order is to be preserved, society protected, and government perpetuated by a power outside of, and superior to, the people themselves.

Let such ideas be tolerated and advanced, let such legislation as this be enacted, then will the American Congress have laid the foundation for the overthrow of all constitutional government and the destruction of all civil liberty in this country. Despite the attempted argument to the contrary, this bill is sectional in its character and is so intended to be applied. No better or higher proof is needed of this being the undoubted purpose of the promoters of the measure than the unfaltering earnestness with which they fought the amendment of the gentleman from New Jersey [Mr. LEHLBACH], which was to make the law uniform and universal in its application to every Congressional district in every State of the Union.

Gentlemen on the other side of this House have asked stoutly, Why should this bill be objected to if the elections in the South are fair and honest? How can it then hurt or inconvenience any one? Granting this to be true, then why should the Republican friends and framers of the bill object to the amendment which makes it applicable and of force in their own districts? "What is sauce for the goose is sauce for the gander;" but you do not intend that it shall so be. You intend that it shall only be sauce for the Southern States, that your damnable political passions and prejudices may be fed and sweetened, and that sectional strife and discord may be kept alive for the aggrandizement of your party.

I would prefer to attack this most iniquitous and pernicious measure from other than a sectional standpoint, for it is as subversive of the rights of the people of Maine and Massachusetts as it is of the rights of the people of Georgia and South Carolina, but you have forced the argument from another and purely sectional standpoint. Let me advise you, gentlemen, that if you have intended this as a sectional measure, only to be applied to the South, then it will, as has other like sectional legislation, fail of its purpose and fall beneath the weight of its own infamy, burying the Republican party beneath the ruin.

If, perchance, the Republican party has intended by this bill to mexicanize or africanize the South, then I would say to the members of that party that the honorable gentleman from North Carolina [Mr. EWART] has truthfully forewarned them when he says "that the passage of such a law will sow the foul seed of factional discord among the people, be a fruitful cause of unutterable woe to the unfortunate class it is designed to benefit." Viewed from a political standpoint it will solidify the Democracy of the South and make negro rule or supremacy in the South as impossible as the 25,000 negroes in Indiana, who, as a balance of power, carried that State for Harrison, or the 20,000 negroes on Long Island who voted for Harrison, are unlikely to receive any special favors at the hands of the Republicans or become the rulers and leaders of that party.

It may be pertinent to inquire just here why such continued and never-ceasing declarations of sympathy for the poor negroes of the South, which sympathy finds its expression more in the abuse and slander of the Southern white man than in deeds of kindness to the negro, while the existence of thousands upon thousands of poor, ignorant, unemployed, half-starved, and half-clothed negroes throughout the North seem to be utterly ignored and forgotten by these would-be hypocritical Republican philanthropists? Mr. Speaker, it was not my purpose to take a sectional view of this measure, only so far as to refute some of the charges of slander which have been made against the State and people which I in part have the honor to represent on this floor.

The gentleman from Massachusetts [Mr. LODGE], the author of this bill, opened his argument the other day with a broad denial of anything of a sectional character or so intended in his bill. He sought to sustain this position by alluding, not to the election irregularities and frauds in his own State, but with a rather severe criticism of such out-

rages in the State of New York, notwithstanding one Davenport, of that State, is said to have draughted the so-called Lodge election bill. The champion of the Federal election law had not gone far, however, in his argument when he fully disclosed the fact that this was a mere pretext, an intended blind, which produced more of amusement than conviction, as he hastened to unburden his troubled soul and give forth with much fervor and feeling the true object and foundation of his bill.

The gentleman occupied his full hour in a recapitulation and reiteration of his oft-repeated attacks upon the South, making Georgia and South Carolina the special objects of his more partisan than patriotic lecture. His sympathy and affection for the poor negro of the South grew so intense that really we were alarmed for fear that he would at once "deport" all the negroes from the South to his own bosom and his own State in order that their rights might be protected by making his re-election to Congress the more certain. What a potent argument for his so-called non-sectional bill, when he urged its passage because Democratic Georgia would not surrender her ten seats in Congress to the Republican party.

The gentleman further argued that there was a "race problem" in the South, which he seemed to think could only be settled by the passage of his election bill. I would like to know of the gentleman what an election bill has to do with a "race problem." Was the "race problem" in Massachusetts settled by an election law or a bill of sale? I will inform the gentleman for his enlightenment as to affairs in a section of the country which he has never visited and knows nothing about, that there is no "race problem" in Georgia or the South. There is, down there, a political problem, which the gentleman does not understand, which seems to worry him and his party very much, and which his partisan, sectional bill will never settle, at least to his satisfaction or according to his calculations.

The negroes in Georgia are far better off and better protected in all of their rights than they would be in Massachusetts, and they know it. If not, they would in all human probability emigrate to the Bay State and put themselves under the special protection and guardianship of Mr. LODGE and his Federal election law. There is nothing to prevent such a move on the part of the negroes and nothing to guide or control them in such a choice save their own free will and good judgment.

Let me further inform the would-be friend of the negro of the South that he can not further or longer fool the poor Southern negroes, and that they are not going to emigrate to his State and throw themselves into his loving and sympathetic embrace. He has been fooled so often by the Republican party that he has at last gotten his eyes opened and his mind enlightened, and has no further confidence in that party and its promises to the negro, which are only made to be broken. He knows who his true friends are, and with them he is going to remain. The gentleman is in error when he says, "A movement is on foot in the South to deport the negroes." Let him not be alarmed for fear they might come to his State. The South is the natural home of the negro, and there he is going to stay. We do not intend that he shall go away, or at least we do not want him to go away. When Massachusetts and Connecticut and New York and other Northern States sold their slaves to the South because they could not longer use them, as slaves, to advantage in the North, they said the South was the natural home for the negro. We took them; we have lived peaceably and prosperously with them for a hundred years and more, and we expect, if let alone, to continue to live peaceably, happily, and prosperously with them.

Is it not a little off, or unexpected, in the gentleman from Massachusetts, coming as he does from a State which helped to introduce the slave trade into America, which settled its "race problem" by selling her slaves to the South, and who comes from an ancestry who probably grew opulent from "negro trading," to be moralizing on the "race problem," and attempting to lecture the South as to its treatment of the negroes? "Oh, Shame! where is thy blush?"

Why, Mr. Speaker, I am told that amongst the French spoliation claims that are now being prosecuted before the Court of Claims and in this House are some claims for former citizens of Massachusetts in behalf of their posterity and legal heirs, which former citizens or ancestors had traded their negroes for rum or sold their negroes and bought rum, and while engaged in trading their rum on the coast of Africa for other and more negroes their slave-trading vessels were seized or spoliated.

I will venture to say just here, and under the peculiar history and surroundings, that I think it would be in quite as good taste and the bounds of propriety for me to say to the "race problem" moralist, the would-be lecturer of the South, who hails all the way from Massachusetts, that if he and his party will just hands off and let us and the poor negroes of the South alone, all troubles and problems of the South will be settled much more satisfactorily and much more to the advantage of the negroes than he and his party can possibly do through Federal election laws or any other Republican legislation, and we promise not to trade any of the poor negroes off for rum.

The gentleman from Massachusetts, as well as other gentlemen on the Republican side of this House, seems not to understand why the Georgia members of Congress should have been elected by so small votes. Indeed, it seems a matter of great distress and anxiety to them. This is easily explained, and should not be a matter of surprise or distress to any intelligent Republican who has kept abreast with the political history of the country. In Georgia we have but the one party, the Democratic party. Our contests over elections are in the primaries, when Democrats turn out *en masse*. The nomination in these primaries amounts to an election; so that when the regular election comes off, there being no opposition, the party as a whole does not deem it necessary to turn out and vote.

In the Presidential elections (reference to which these gentlemen studiously and most carefully avoid), there is always a full vote showing a Democratic majority in the State of more than 60,000 votes. Have these gentlemen forgotten the fact that Georgia and Texas are the banner Democratic States of the Union, having interchanged the banner given to the State casting the largest Democratic majority? When has the seat of a single member of Congress from Georgia been contested in this House? Where is the scandal that has attached to a single State official in Georgia since the Democracy came into power?

But, say our Republican friends, what about the negroes? The census shows a large negro vote or voting population in Georgia and the South. That is true, but gentleman you make a mistake in assuming that the negroes all vote the Republican ticket or are all Republicans, and your bill is simply to count them for your party whether they vote your ticket or not or whether they vote at all. Your bill should be entitled, "A bill to coerce the negroes of the South into the Republican party and to count them for the Republican ticket whether they vote or not." That is all there is in it, and no one knows it better than your party.

I am willing to admit that under a system of political teaching and drilling inaugurated in the South by the Republican party just after the war the negroes were made to believe that this party was the author of their freedom and was their best and truest friend, and having been fooled into this belief they naturally went into the Republican ranks. Has this party kept faith with the negroes of the South, so as to reasonably expect them to continue in the Republican fold?

There is no race of beings on earth more sensitive to false promises and false hopes than the negro race. Remembering, then, the history of the Freedmen's Bureau, how under Republican establishment, control, and influence this bureau, for the deposit and safe-keeping of the hard earnings of the poor negroes, induced and received these deposits only to be squandered by their so-called and unfaithful Republican friends—it is safe to say that had it not been for the Democrats, who at last are the negroes' best and truest friends, as they are fast finding out, this loss would have been complete, final, and forever. How the negroes remember with bitterness this history, as they do the false promise of "40 acres and a mule."

Georgia from the close of the war until 1872 was under the control of the Republican party. Under the laws of that State large revenues were set apart as an educational fund, of which the negroes received a large percentage. The party in power stole this fund absolutely, and it was among the first acts of the Democratic party when coming back into power in 1873 to restore and fully reinstate this fund for the education of both blacks and whites. Many other unfulfilled promises of the Republican party are remembered by the negroes of the South, and now, being fully satisfied that they have been used by that party only for party aggrandizement, they are fast dropping from the Republican ranks.

These facts are well known to you Republican gentlemen, and you are simply alarmed at the result. You expected when the negroes were free and given the right of suffrage that they would swell your party ranks and give you greater and more certain political power. In this you have been disappointed, and to-day, if you could, you would disfranchise every negro in the country, especially as it would reduce the representation in Congress from the South, which representation you so much fear, and forever antagonize. Being disappointed in these fond hopes and anticipations, incident to the freedom of the negroes, you now bring forward this partisan measure to count the negroes of the South for your party, whether they vote or not.

Let me tell you how we treat the negroes down in Georgia.

When the General Government donated the "land-scrip fund" to the different States of the Union, no special provision was made in that act for the negroes receiving their pro rata share of the fund. The State Legislature of Georgia took the matter in hand, passed a resolution readjusting this fund as far as related to Georgia, and gave the negroes of the State some $5,000 more of this fund than their pro rata share, making the sum of $8,000 per annum out of an annuity from the whole fund of about $17,000. Subsequently this provision was ingrafted into our State constitution of 1877, and stands there to-day as a monument of proof of the better friendship and protection to the negroes at the hands of the Democrats than at the hands of the ever-sympathizing, pretentious, and never-performing Republicans.

Then why should the negroes of the South, and especially the negroes in Georgia, be Republicans? There is to-day but a fragmentary element of the Republican party in Georgia, a sort of corporal's guard, just enough to receive and enjoy the limited patronage bestowed when that party is in power. While it is true, perhaps, that the negroes, as

a class, do not affiliate directly with the Democratic party, yet they have almost, if not quite, ceased to act with the Republican party, save a few howling leaders who do the bidding of their party by way of keeping up sectional strife and discord.

Gentlemen of the Republican party, why not let us alone? Are we not doing well in the South? Do the negroes of the South come up here clamoring for Federal election laws and protection at your hands? Where in this broad land, where civilization has planted its foot and where the negroes constitute a portion of the American population, is this race doing so well as in the South? Why endanger the prosperity of the South and the well-to-do condition of the negro? We certainly have had hard enough a time in rallying and recuperating from the ravages and devastations of the war. Let me now tell our Republican friends, and indeed the whole country, what we are doing and what we have done in the South; and for this purpose I propose to insert here, as a part of my remarks, the following statistical facts compiled by the Norfolk and Western Railroad Company:

Everywhere and in all lines the South is at work. Its people are imbued with a spirit of energy and enterprise never surpassed; its vast resources are being opened up and their development is adding to the prosperity of every part of this section, and its manifold attractions and advantages are bringing a steady stream of wealth and of men of enterprise to this fair land. What the South has accomplished in the way of new industrial enterprises may be seen from the following summary of the number organized during four years from January 1, 1886, to December 31, 1889.

Iron-furnace companies	126
Machine shops and foundries	441
Agricultural-implement factories	63
Flour mills	535
Cotton mills	267
Furniture factories	220
Gas-works	101
Water-works	331
Carriage and wagon factories	178
Electric-light companies	475
Mining and quarrying enterprises	1,801
Lumber mills, including saw and planing mills, sash and door factories, stave factories, etc.	3,036
Ice factories	293
Canning factories	425
Stove foundries	25
Brick works	565
Miscellaneous iron and steel works, rolling mills, pipe works, etc.	184
Cotton compresses	114
Cotton-seed-oil mills	148
Miscellaneous enterprises not included in the foregoing	4,415
Total	13,744

It may be well to sum up only a few leading points in the South's growth during the last few years, as given in the preceding pages, and thus convey some general idea of what has been done in that brief period.

In four years nearly fourteen thousand new manufacturing and mining enterprises have been organized in the South and thousands of old plants greatly enlarged. The list of new enterprises extends over almost the whole range of human industry, embracing pig-iron furnaces, foundries, machine-shops, steel-works, cotton and woolen mills, cotton-seed-oil mills, cotton compresses, fruit-canning factories, carriage and wagon factories, agricultural-implement factories, flour-mills, grist-mills, saw-mills, planing-mills, sash, door, and blind factories, shuttle factories, handle and spoke factories, barrel factories, shingle-mills, furniture factories, tobacco factories, brick-yards, ice factories, fertilizer factories, stove foundries, wire-fence factories, lime-works, soap factories, tanneries, glass-works, gas-works, distilleries, potteries, electric-light works, marble and slate quarrying companies, and companies to mine coal, iron ore, gold, silver, mica, natural gas, oils, etc.

The number of national banks has increased from 220, with a capital of $45,408,985, in 1879, to 472, with a capital of $76,454,510, in 1889, a more rapid percentage of gain than is shown by the rest of the country.

The railroad mileage of the South has been increased by the addition of nearly 20,000 miles since 1880. Since that year over $800,000,000 have been spent in the building of new roads and improving old ones. The assessed value of property has increased over $1,300,000,000. This does not show the full increase in the value of property, since there is a very large amount of manufacturing property created since 1880, which does not appear in the tax assessments, being exempt by law from taxation. The increase in the true value of property was over $3,000,000,000. In 1880, the South made 397,301 tons of pig-iron; in 1888, 1,132,858, and in 1889 the output was 1,566,702 tons.

In 1880, 6,048,571 tons of coal were mined in the South, and in 1889 the output was over 19,400,000 tons. Cotton mills have increased from 161, with 14,323 looms and 567,854 spindles in 1880, to 355 mills, with 45,001 looms and 2,035,268 spindles, while many new mills are under construction and many old ones are being enlarged. In 1880 there were 40 cotton-seed-oil mills in the South, having a capital of $3,500,000; now there are 213, with over $20,000,000 invested.

The value of the South's agricultural products for 1889 was about $850,000,000, against $571,000,000 in 1879. The value of the South's live stock on January 1, 1889, was $569,000,000, while in 1880 it was $391,400,000. The production of grain rose from 431,074,630 bushels in 1880, to 652,291,000 bushels in 1889, an increase of over 220,000,000 bushels.

In every line of industry the same tremendous strides of progress are being made.

Presenting these comparisons in tabular form we have the following:

	1880.	1889.
Assessed value of property	$2,913,436,093	$4,220,166,490
Railroad mileage	20,612	40,521
Cost of railroads	$679,000,000	$1,500,000,000
Yield of cotton, bales	5,755,359	*7,250,000
Yield of grain, bushels	431,074,630	652,291,000
Number of farm animals	28,754,243	45,592,536
Value of live-stock	$391,412,254	$569,161,550
Value of chief agricultural products	$571,092,454	$850,000,000
Coal mined, tons	6,049,471	19,497,418
Pig-iron produced, tons	397,301	1,566,702
Phosphate rock mined, tons	190,000	507,708
Number of cotton mills	161	355
Number of spindles	667,854	2,035,268
Number of looms	14,323	45,000
Number of cotton-seed-oil mills	40	213
Capital invested in cotton-seed-oil mills	$3,504,000	$20,000,000
Number of national banks	220	472
Capital of national banks	$45,597,730	$76,454,510

*Estimated.

I would add to the foregoing exhibit of Southern prosperity and well-being the additional fact that the negroes of the South are now fast learning industrial and economic habits and are accumulating property. In my State alone they pay taxes upon more than a half million dollars of real and personal property. Then, with such a showing for the South, there certainly can not be anything radically wrong with our people, white or black.

Such prosperity does not indicate "race troubles" or "election fraud" or the necessity of a Federal election law. Suffice it to say that prosperity has fully established itself in the South, and that we expect to go on and on to greater prosperity and increased and ever-increasing power as a section of this great American Union, despite any and all Republican, sectional, and partisan Federal election laws.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I had not intended to take any part in the discussion of this bill until I listened to the views which have been presented on both sides since yesterday morning. I had not heard or read the speeches which were made before that, having been absent a few days attending the Congressional convention of the new district in which I have been thrown by the Democratic Legislature of my State.

Before starting to Ohio I attempted to arrange a pair which would protect me in my absence, but I found it impossible. One Democrat said, "I will pair with you on any other bill, but I can not on this." Another said, "TAYLOR, I would like to accommodate you, but I declare it would ruin me to pair on this bill." Another said, "If I were to pair on this bill I would never get another nomination or election in God's world." Another said, "Nothing will ever satisfy my people but my vote against this bill; no explanation that I could ever make would satisfy them." Another said, "I know that a pair will be worth just as much as my vote, but my district would never understand it; besides the leaders of our party have advised us not to pair on this bill." Another said, "I am now paired on all questions except this bill, and it would never do for me to pair on this election bill." Another said, "You will have to excuse me, Mr. TAYLOR, I would not pair with God Almighty on this bill; it would never do in the world." Hence, I had to go away without arranging a pair, although I had never had any difficulty in doing so before. Of course I could have arranged a transferable pair, but I did not care to do this.

While the matter of pairing is usually unimportant, these replies seemed to me unusually significant. The fate and fortune, the life and future of the Democratic party seemed to hang on the result of this bill. Never before had I witnessed such anxiety in regard to any measure. Although I had expected to remain absent a few days longer, the determination of the Democrats to defeat this bill was so manifest that I decided to return, and did return before a vote on an amendment even could be taken.

Mr. Speaker, I would like to know the cause of the bitter opposition to this bill. Why is it that the Democratic party seems so overwhelmed with wrath and indignation at the very thought of fair and free elections? They charge us with endangering the liberties of the people, with imperiling the life of the Republic, when we only ask that the will of the people shall be freely and fairly expressed. In the olden days we heard this same opposition to the presence of a handful of soldiers in the vicinity of voting precincts, but it has never been shown that an illegal vote was cast or that a legal voter was deprived of his just rights by the interposition of a soldier of the United States. And should this bill become a law, as I trust it will, no such complaint will be made in the future by fair and honest men.

What is the objection to this bill? Thus far I have only caught two fundamental objections. One is that the bill now under consideration gives to the court certain powers of appointment, and will, as they say, taint the garments of the judiciary. The other objection is that the bill is not of universal application in all districts and in all States, because its provisions are only made available on the application of fifty or a hundred citizens who apply for the appointment of election supervisors. They say that every State and every district and every precinct should be required to use this election machinery or none.

Let us examine these two objections. In the State of Pennsylvania they have had for seventeen years an election law which contains both of these provisions and a law which is open to both of these objections. In that State any five men of any precinct can petition the court of common pleas for the appointment of overseers of the election, and they are appointed when this request is made and they are not appointed when this request is not made. Have you ever heard it charged that the making of these appointments has degraded the judiciary of Pennsylvania? Or have you ever heard that this method was odious in that State to Democrats or Republicans, because it is only applied to those precincts which demand it?

This method of holding elections in the State of Pennsylvania is not embraced in the statutes of that State alone. In 1873 it was incorporated into their new constitution. And I wish to call your attention to the fact that Mr. BUCKALEW, now one of the ablest Democratic members of this House, was a member of that constitutional convention, and was chairman of the subcommittee that prepared and reported this measure.

The fact that the great Commonwealth of Pennsylvania has an election law which embraces both of these so-called objectionable features and has had these provisions in the statutes and in the constitution of that State for seventeen years without objection ought to put at rest these objections without any reference to other States where similar laws prevail.

Mr. Speaker, I wish to inquire what the object of this bill is. They tell us on the other side that one object is to keep the Republican party in power and that the other is to arouse race prejudice. All I can say as to the first object is that if it will keep the Republican party in power it will do a good thing. The Republican party saved the life of this Republic and made this country what it is to-day. Only yesterday a speaker on this side of the House turned to the Democratic side, when the seats were full, and asked what one good or great thing the Democratic party had ever done for this country, and he paused for a reply, but no reply came. If the Democratic party has ever done any one great or good thing for the country history has failed to record it.

If some Democrat had stood in his place and looked into the eyes of the Republican side and inquired what the Republican party had ever done, how quick and fast would have come thrilling responses. I shall not stop to point out the glories or triumphs of the Republican party or the dark pages of Democratic disaster, but I will deny that the object of this bill is partisan success.

The object of this bill is simply justice; justice to all races and to all colors, to all localities and to all conditions, no more, no less. When the clash of arms ceased, when the smoke of battle was brushed away by the welcome zephyrs of peace and order, the great captain of the Union armies said, "Let us have peace."

The armies of the North and the armies of the South repeated these thrilling words, and the whole world shouted, "Let us have peace." And when the terms of peace came to be considered it was agreed that armed rebellion should not be punished according to law; that the forfeiture of the lives and property of the men who were engaged in rebellion should not be exacted, that their treason should be condoned, that their citizenship should be restored, that their disabilities should be removed, that they should be entitled to the right of suffrage and to the privilege of holding official positions.

All this was agreed to after the final victory had been won, and all this was granted to the people of the South by a magnanimous Government on the condition—mark this—on the condition that the constitutional amendments which made the colored man a free man and a voter and a citizen should be acquiesced in and sustained by the people of the South. They accepted this proposition and took an oath to abide by and obey these amendments. This guaranty of citizenship and equal rights to the colored man of the South was the purchase price which the South agreed to pay for their lives and their property and their citizenship. They hold on to the benefit which they derive from this settlement and refuse to grant the conditions to which they then subscribed.

How can Southern Democrats who are engaged in depriving the colored man of his right to vote occupy seats on the floor of this House when they have broken the conditions on which this right and privilege were granted? You insist on counting the colored people when the census is taken and you insist on not counting them when the votes are taken. For fourteen years you held control of this House and locked the wheels of legislation because you obtained your majority by stealing the colored vote of the South. This is history, the pages of which ought to bring the blush of shame to the cheek of every honest Democrat.

Do you deny this? Let me call your attention to the vote which elected members of the last Congress. I will take States which have the same number of Members of Congress. I will compare the seven districts of Kansas with the seven districts of South Carolina, the seven districts of New Jersey with the seven districts of Mississippi, and I will compare the ten districts of Tennessee with the ten districts of Georgia. This is the entire vote cast in these districts for members of Congress:

Fiftieth Congress, vote of 1886.

State and district.	Vote.	State and district.	Vote.
SOUTH CAROLINA.		KANSAS.	
First	3,317	First	31,287
Second	5,235	Second	34,792
Third	4,409	Third	36,716
Fourth	4,470	Fourth	38,084
Fifth	4,701	Fifth	35,996
Sixth	4,469	Sixth	33,025
Seventh	12,476	Seventh	61,465

Fiftieth Congress vote of 1886—Continued.

State and district.	Vote.	State and district.	Vote.
MISSISSIPPI.		NEW JERSEY.	
First	3,167	First	35,433
Second	12,618	Second	35,389
Third	6,950	Third	33,479
Fourth	3,086	Fourth	26,021
Fifth	4,316	Fifth	29,538
Sixth	10,117	Sixth	37,971
Seventh	4,914	Seventh	31,551
GEORGIA.		TENNESSEE.	
First	2,078	First	27,346
Second	2,411	Second	23,616
Third	1,704	Third	27,883
Fourth	3,239	Fourth	20,233
Fifth	2,999	Fifth	19,996
Sixth	1,722	Sixth	24,137
Seventh	6,680	Seventh	20,642
Eighth	2,377	Eighth	24,421
Ninth	2,366	Ninth	24,206
Tenth	1,944	Tenth	19,962

Could figures show a more monstrous condition of affairs than this suppression of the Southern vote? The contrast between the three States of Kansas, New Jersey, and Tennessee, where elections are fair, with the three States of South Carolina, Mississippi, and Georgia, where they are unfair, speaks for itself.

It took nine times as many votes to elect MORRILL, of the First Kansas district, as it took to elect DIBBLE, of the First South Carolina district. It took six and one-half times as many votes to elect MCADOO, the Democratic member of the Seventh New Jersey district, as it took to elect HOOKER, the Democratic member of the Seventh Mississippi. It took sixteen times as many votes to elect Neal, the Democratic member of the Third Tennessee district, as it took to elect CRISP, the Democratic member of the Third Georgia, and so to the end.

I know that the vote for the present Congress is somewhat larger, and I know, too, how it came to be larger. The same powers that controlled one election controlled the other, and when the demand for more votes was made they were furnished, but the indignation of the loyal people of this country can not be allayed in this way. Nothing short of a free ballot and a fair count will ever satisfy the American people.

But they tell us that this bill is intended to create race prejudice. In this they are mistaken. Fair elections and fair treatment will allay prejudice and bring the North and South more closely together than they have ever been in the past.

There is no need of any antagonism between the North and South, and if the South will secure equal and exact justice to all men of all colors there will be none and the South will be the great gainer. If this is not done, sooner or later the same causes which brought on the war of the rebellion will bring on another conflict, the end of which will not be so peaceable as the last. The Anglo-Saxon sense of justice which put a million men in the field in defense of a down-trodden race will not permit this injustice to continue very much longer. The iniquitous methods of degrading the colored race in the South must come to an end. An enslavement of 8,000,000 of human beings by indirection, by fraud and perjury, by violence and intimidation, is no better than the slavery we had before the war and will not be allowed to exist very much longer. The colored race rebels, the great North rebels, one-half the Southern States rebel, and one-half the people where these frauds exist rebel against this flagrant and unblushing wrong.

There is a sense of justice in the South which no aristocratic domination can long suppress. In the last Presidential campaign I spoke in Williamsburgh, Va. The chairman of the meeting was Dr. Wise, a son of Henry A. Wise, who was governor of Virginia when John Brown was hung. Dr. Wise was such an enthusiastic Republican and so bitter toward the Democrats that I had to inquire why this was. He told me. His view was that the South had fought for their rights and got whipped, that the Government had been magnanimous in its terms of peace, and that it is now the duty of the South to stand by the constitutional amendments and give to every colored man his right to vote and his right to have that vote fairly counted. He is an educated gentleman and understands the South as well as any member of this House, and he had no fears of negro domination. He is an earnest advocate of free and fair elections, as was his brother, Hon. John S. Wise, who was recently a member of this House and who pleaded earnestly and eloquently for a free ballot and a fair count.

Everywhere in Virginia where I have been, and in West Virginia, and in Maryland, and in some of the other Southern States, I met thousands of men who had been in the Confederate army who were willing to concede this right. The only Southern State where the clouds of the rebellion seemed to hang thick and low was South Carolina. In other Southern States I felt at home and received a cordial greeting from all parties and all colors, but in South Carolina I felt as if I were in some foreign country, under an unfriendly flag. I know how cordial and how friendly the Southern people are generally and how world-wide their fame for hospitality is, but my friend from Chicago [Mr. MASON]

and I had gone there to speak for Republicanism, which was to many of the people of Charleston an unpardonable sin, and they seemed to regard us as the enemies of their homes and firesides.

During our stay of two or three days no white man spoke to us but a newspaper correspondent, who carefully noted our arrival, our stay, and our departure. In a quarter of a century no one had dared to make a Republican speech where treason had first cast its dark shadow on American soil, and of course they regarded our being there on this mission as an invasion of their rights.

I do not refer to this, Mr. Speaker, by way of complaint; I only allude to it to show the bitter feeling that exists in that city and in that State. The South Carolina people believe that the sacredness of their homes and firesides, the protection of their wives and children, demand the suppression of the colored vote. They believe this to be a duty which they owe to their families and their country. They regard the Republican party as the foe of Southern liberty and the firebrand of incendiarism. They are sincere and honest in these convictions, and we should take this into account when we provide a remedy. It is the teaching of the school, the church, and the press, and nothing short of heroic treatment will ever remove this great shadow which unfortunately falls across the pathway of the people of South Carolina.

An election law is needed in South Carolina for the good of South Carolina. The people of that State are under a delusion. They need to be protected against themselves. If let alone they will be the cause of their own ruin. After leaving Charleston, while in that State and since, I have had interviews with prominent business men who reside in Charleston and do business there, who deplore the unfair and unjust election methods of that city and State as much as we do. They do not hesitate to say that election officers are chosen in South Carolina for the express purpose of defrauding the colored people out of their votes; that everybody knows this; that certain officers are selected to do this, and would not be selected if it were not known that they would secure this end.

But they said also that this perjury and fraud which has been made respectable when used to cheat the colored people is spreading and will ultimately demoralize their whole people. "I have children," said one of these gentlemen, "and how can I expect them to be honest when they see the most respectable men in Charleston assisting in and consenting to these dreadful frauds?" "It may do for the present," said he, "but it will certainly bring a curse upon us in the future."

These gentlemen expressed their regret that they could not call upon us at the hotel and show us the courtesy which they said members of Congress were entitled to, but they said they did not dare to do so, and could not do so without being subjected to bitter ostracism and severe censure. These men were Democrats and had been in the Confederate army, and yet they did not dare to call upon or meet at the hotel men who were going to make Republican speeches in Charleston.

Mr. Speaker, a law like this is needed. It is needed in the South and in the North. It is needed in my own State as much, though not so generally, as it is in South Carolina. It is needed in Cincinnati and in Columbus, where there have been perpetrated as base frauds and as shameless forgeries as ever disgraced any city or any State. It is needed wherever the people believe that a fair election can not be held without the assistance which this law will furnish.

Turn to the statutes of North Carolina if you have any doubt of the necessity of a law like this. At the last session of the Legislature of this State an election law was passed which seems fair on its face, and yet the Legislature put a provision in the law that the judges of the election may obey this law or not, just as they see proper. And finally, as a climax, the law provides that after the elections are all over and the returns are all in the board of county canvassers can judicially determine who were elected. If the law is ignored and if the judges of the election fail to get rid of the colored vote, the board of county canvassers can judicially determine the result of the election, and we all know what judicial minds these county canvassers have.

Our friends on the other side are very much afraid of the inteference of the United States judges who have been appointed by the President and confirmed by the Senate, and yet they are willing that judicial powers shall be exercised by a board of county canvassers. United States judges hold their positions for life or during good behavior and are as far removed from politics as men can be. Some of them are Democrats and some are Republicans, and yet the other side of this House prefer to trust a county canvassing board rather than to trust them.

It has been said that the Republican members of this House will have great difficulty in explaining this bill to their constituents. Mr. Speaker, I think they will have greater difficulty in explaining why this bill or some other such bill does not pass, in case no such law is enacted this session. This is not a matter of color or race, it is a question of politics. The Democrats lionize a colored man who votes the Democratic ticket. If he votes the Republican ticket it is otherwise.

Democrats say that the colored men are voting the Democratic ticket in the South now. Then why oppose this bill? Mr. Speaker, they are not voting the Democratic ticket in the South. They are not voting the Democratic ticket in the South any more than they are in the North. In the South, in the presence of several thousand, I put this question more than once and they cried out "No!" in thunder tones. It is because they are not voting the Democratic ticket that they are disfranchised, and it is because they are not voting the Democratic ticket that this bill is opposed.

The colored people of the South are entitled, on the basis of the present representation in Congress, to about forty Representatives. The Democratic party has controlled the election of at least thirty-five of these Representatives for many years and has had the benefit of the entire electoral vote in Presidential elections. The effect of this is that a Democratic minority elected one President and controlled legislation for fourteen years. The question now is whether this shall continue. How long will a patient, patriotic people submit to control of this kind? In a republic the will of the majority should control, and every law-abiding citizen yields assent to this, but when that majority is obtained by violence or fraud the will of the real majority is subverted and republicanism is overthrown.

The ballot is the heart of the Republic; stab it and the Republic will die. The election machinery is the life blood of the nation, and if it is poisoned our national existence must come to an end. The President, who holds in his grasp the pilot-wheel of this great Government, and the Congress, which forges the statutory chains which bind 65,000,000 of freemen, must be chosen fairly and justly, or the Republic will go down amid the fires of anarchy and the bloodshed of communism. The greatest question that has attracted the attention of the American people in a hundred years is the one involved in this bill and the greatest danger that threatens the American Republic at this hour is the evil it is intended to remedy.

Let this bill pass and become a law, and no harm will come to any class or to any locality. It will open up the South to Northern capital and Northern labor. It will dispel Southern ignorance and Southern prejudice. It will elevate the South more in ten years than her present progress will accomplish in a hundred.

Let us look back for a moment. Has the South always been the best judge of its own interests? We all know how freely the blood of the sunny South was spilled in defense of slavery. To-day they rejoice over its destruction, and would not restore the institution of slavery if they could. The South now resist free and fair elections and in their sober moments declare that the colored vote shall not be counted where it will interfere with white supremacy. As they were mistaken in regard to slavery, so they are mistaken in regard to unfair elections. When this last relic of barbarism shall be thrust aside and all men are made free and equal, they will hail the anniversary of its inauguration and thank God for the party and the country that achieved so grand a result.

Mr. WILSON, of Missouri. Mr. Speaker, I would not fairly represent the patriotic people of my district and State upon this floor were I to sit quietly here and fail to give vigorous expression to the deep indignation felt by them at this bold, bad, and infamous attempt to rob them and their State of the right they have always enjoyed to manage their own election affairs.

I denounce this measure as the most vicious and the most dangerous to our institutions of any that have been introduced here for a decade. Under the specious pretext of providing for a "free ballot and a fair count," with ruthless hand it attempts to take from the States that which they have enjoyed under the Constitution since its adoption, and transfer it to the Federal Government in the exercise of a power conferred in that instrument, which it seeks to utilize by the most doubtful construction.

The bill covers over seventy pages and is complex and most difficult to comprehend. So far, however, as we can gather its meaning from the mass of verbiage which conceals it, it relates to the election of members of Congress only, but in its practical operation it affects all State and local officers who are chosen at the same time members of Congress are chosen.

Though the power of choosing Presidential electors belongs exclusively to the States, yet, as they are all chosen now under the laws of all the States on the same day as members of Congress, this bill, if it becomes a law, will necessarily place the power in the hands of the Government to dominate indirectly and control the selection of the Presidential electors. The consequent confusion and mixing of the State and Federal powers will inevitably lead to endless strife, contention, turmoil, and perhaps bloodshed at the polls, and result in disputed returns for members of Congress.

There is not a State in the Union demanding this law. No good reason has been or can be given for its enactment. We are now enjoying perfect peace between the North and South. The pretext that it is necessary to protect the purity of the ballot boxes, presumably from Democratic contamination, in view of the past history of the Republican party and the methods employed by it for thirty years in carrying elections, is not only a hollow sham, but a miserable mockery of the truth, as has been repeatedly shown and exposed on this floor and by the press of the country.

Since its appearance upon the political stage the Republican party has shown itself to be not only extremely sectional, but proscriptive in the last degree. It is not now, nor was it ever, nor will it ever be a national party. Holding to the principles of high taxation, to the doctrines of eternal hate to the South and their belief

in a strong government, and favoring as they have from the hour of its birth (and which finds a strong and striking illustration in this bill) consolidation of all possible power in the Federal Government at the expense of the States, it is no wonder it finds itself more than a million of white votes in the minority in this country. I denounce this bill as revolutionary in all its tendencies and designed for no other purpose on earth than to perpetuate power in the hands of that party.

At the opening of the Fifty-first Congress it found itself, unexpectedly, in the full possession of all the departments of the Government, including that citadel of popular rights, the House of Representatives. Recognizing the uncertainty of its hold upon that body, ay, knowing to an absolute certainty that it would not be permitted to remain, it made haste to lay the foundation for its intrenchment within these walls.

The first step taken was the election to the Speakership of a man whose whole life had been passed in surroundings unfavorable to the largest liberty of the citizen, and whose extreme partisanship and sectional animosity to the Southern people, added to his vaulting ambition, great ability, and extensive legislative experience, gave assurance that all the great powers of the Chair would be employed without scruple to enact laws that would in effect repeat if necessary the horrors of reconstruction in the Southern States and disfranchise in their practical operation the Democratic States, well knowing at the time that the Democratic party was composed mainly of the white people of the United States.

The next step taken was to overturn the usages of Congress maintained since it first met under the Constitution, as to its parliamentary rules of proceeding, and in the most insidious way, under the pretext of securing more rapid dispatch of business, and against the violent and indignant efforts and protest of all those from this side of the House, rudely and insolently broke down all the constitutional barriers thrown about the parliamentary proceedings of this body for the protection of minorities and to insure the country against hasty and ill understood legislation, and by a Draconian code made it possible for the Speaker and two others selected for their subserviency to his will, known as the majority of the Committee on Rules, to absolutely control the legislation of the country.

The result so far has sorrowfully proven that these conspirators had builded even better than they knew. The Speaker has proven himself equal to every demand made upon him. The incarnation of the bigotry and intolerance of his own sectional party, he defies all the traditions that for more than a century have hedged around the lofty chair he occupies. Oblivious of the fact that the gavel was placed in his hands as a symbol of the authority to be wielded in promoting the transaction of the public business with impartiality as Speaker, not as politician, as patriot, not as partisan, he defies all precedent, and, shamelessly disregarding the rights of the minority upon the floor, like the Tsars of Muscovy, governs his own trembling subjects by imperial ukase and enforces obedience on their side of the House with political knout and lash.

Having secured the Speaker's chair, the next important step to be taken was to secure a "good working majority," and to this end the majority of the Committee on Elections was evidently warned to proceed at once to increase the Republican majority, and however repugnant this ukase may have been to some of them, yet well they knew the political knout awaited any disobedience. By prior orders, evidently promulgated from the headquarters of the Republican party, eighteen victims had been selected from the ranks of the Democrats elected to the Fifty-first Congress, all of whom, or a sufficient number to answer the purpose, were to be sacrificed to appease the insatiate greed of the Molochs of that sectional party which affects to despise and spits upon the Constitution of our fathers and in this Hall impiously mocks at their traditions.

Not finding it really necessary to do so, and becoming alarmed at the roar of indignant protest coming up from the people and the unbought press of the country, with a show of virtue and a mock display of magnanimity, a few are permitted to remain.

The fact, however, remains, that if this infamous measure obtains in this House it will in all probability be due to the presence here of those persons who have by the triumvirs been appointed to represent the vacancies thus created.

And now, sir, as the action of the majority of that committee and their reports of outrages at the various polls in the South have evidently been relied upon, judging from the tenor of this debate, to manufacture reasons to present to the people in extenuation of the deep damnation of their unconstitutional action, should this bill pass—as one of the minority of that committee, taking an active and anxious interest in all its proceedings, I declare before this House and the country there can not be found, I believe upon this continent, a jury of intelligent, disinterested, impartial, unbiased men, who, upon a full hearing of all the testimony in any or all of the cases presented to that committee, would find, as the majority of that committee has found, in the vacated seats.

I repeat, there is no good reason for disturbing the existing law upon this subject; the people do not ask it; they do not want it.

Do you believe that the people of this country are ready to assume a burden of more than ten millions of additional taxation, in excess of the incredible amounts with which they are menaced by the McKinley bill? Do you believe they want an enormous army of perhaps a quarter of a million of janizaries of the Republican party billeted upon them to hector them on election day and thwart their will when expressed at the polls, in the name of Southern outrages, which they know, as we all know, are false?

Are the owners of the millions of capital which has in a steady stream been pouring into the New South ever since the downfall of the carpet-bagger and the scalawag prepared to behold and not rebuke this second attempt to paint hell upon the Southern sky, to the end that the triumvirs may still reign here, autocratic and overbearing as those of ancient Rome, their exemplars and their prototypes?

I do not believe it. I am certain it is not true in the great West. There are none but imaginary lines separating State lines out there, in spirit as well as in fact. Missouri, Kansas, Iowa, and Nebraska are in all material things the same. We can take care of our own elections in Missouri, for a part of which I am commissioned to speak. We are not rich enough in the "Platte Purchase" to help pay, if we can help it, ten or may be twenty millions of dollars every two years, in addition to what we already pay and will have to pay under your McKinley bill, if you pass it in the Senate, in addition to our State, county, school, and municipal taxes. This bill makes us pay double for election expenses.

While the people will be taxed the enormous amount spoken of to carry on these elections under Federal control, to keep up the immense army of fresh office-holders, as supervisors, United States deputy marshals, and the like, no abatement is made in the State expense for the same purpose; both sets of officers will have to be paid.

I denounce again this infamous measure in the name of the people of my district, without respect to party. I denounce it because the Constitution of the United States provides that "the House of Representatives shall be composed of members chosen every second year by the people of the several States," and this measure practically places the election in the hands of a returning board of partisan canvassers.

I denounce the extravagance of the measure again and again. I say to you, Mr. Speaker, that the people of the Platte purchase in Missouri, which I am so proud here to represent, though they inhabit the fairest, richest country the sun looks down upon in its course, yet, in common with the other agricultural districts in the West, it bears a heavy burden of taxation now, more than it ought to carry, and we can not, will not if we can help it, permit the Federal Government, the State government, or any other government found in our complex system of government to confiscate any more of our property by taxation unnecessarily.

Why, sir, it is estimated that to carry out the provisions of this bill it will require from one and a half to two and a half millions of dollars for chief supervisors alone; that it will cost from six to eight millions of dollars for supervisors, and from five all the way to ten millions of dollars for deputy marshals; and all of that for what? In order that the Republican party may continue to harass the poor people of the United States with their baleful financial legislation and load them down with taxes until you have all the people of the States, your friends with your enemies alike, at the verge of bankruptcy.

Why, sir, these millions you propose to add to the already intolerable burdens of our taxation are nothing more than a political assessment in the interest of your party, to be handed over to the myriad "blocks of five" to be established hereafter all over the country under the sanction of law, to run the elections of the country. The much-talked-of surplus is rapidly vanishing. The people will soon have no money in the Treasury at all for the ordinary expenses of the Government. Hardly a day passes that you do not find some new object or invent some new scheme to squander the people's money.

An old Roman maxim declares that the "gods first make mad those whom they wish to destroy." Another tells us the

* * Mills of God grind slowly, yet they grind exceeding small.

No reflecting person can calmly and in the light of the financial affairs of this country read over this bill without coming to the conclusion that its promoters and supporters are either drunk or mad with the power they unfortunately possess, or that they desire deliberately to revolutionize and mexicanize our Government.

We ask for free coinage of silver, and you give us a Federal election force bill. We ask for a reduction of taxation, and you give us a McKinley bill. We ask that the people of the States may be restored to their ancient rights under the Constitution and be permitted, unmolested by Federal power, to work out the problem of their own destiny, and you threaten with another election bill, called the McComas bill, which is designed to take from the State Legislatures the power to redistrict their own territory into Congressional districts, and hand it over to be consolidated with the other usurped Federal powers with more taxation barking at its heels.

The Fifty-first Congress will in future time be known and remembered as the one of "infamous memory;" for certainly no assemblage in the guise of a deliberative body has ever convened in this or the mother country better entitled to the appellation. It has made haste to work for its purposes every doubtful power in the Constitution. It has tried every bolt and rivet in its armor. No usage has

been too ancient and no construction too well settled to withstand their fierce attack in the interest of mere sectional party advantage. It has acted in this House as if they knew their tenure was weak and their time short. With indecent haste it has sought with feverish anxiety to perform that which its leaders knew they would perhaps never have an opportunity again to do.

To those who, like myself, have been taught to avouch the great deeds and venerate the sacred names of the fathers, these murderous attacks upon the result of all their toils and sufferings are especially painful.

One of my ancestors fell at Camden in the Southern department under Greene and commingled his blood on that ill-fated field with that of Baron De Kalb. Another was in the Continental line when Cornwallis delivered up his sword at Yorktown; and thus in war and in peace, in the field and in the council, on the land and on the sea, my people have always been true to the principles of civil and religious liberty, and their veneration for every provision of the Constitution has been sincere and deep, and I, their descendant, can not witness these baleful proceedings without feeling and giving expression to my horror and indignation.

Before the sun goes down to-morrow we will know whether this parricidal act is to be performed; if it is, Mr. Speaker, when the storm of passion has swept past, I know many, many a Representative will live to regret the part he has performed here; if it is to be so, and you pass this force bill, then shall it stand, like the barren fig tree that Christ cursed on his way to Jerusalem, blackened and blasted and withered, at once a monument of the basest ingratitude of faithless sons for the work of their noble fathers, and as a mark to point out the place where fell forever the Republican party. [Continued applause on the Democratic side.]

Mr. ABBOTT. Mr. Speaker, it is with some reluctance that I rise to address the House on the pending measure after so many distinguished gentlemen on both sides of this Chamber have discussed its provisions much more elaborately than the time allotted will permit me to do; and I would not now say anything if I did not feel impelled by a sense of duty to thus publicly enter my protest against its passage.

While I do not charge the framers of the bill with dissimulation or with having purposely employed their art and skill in draughting it so as to conceal its real intent and purpose or to cover from view the extent and scope to which its sweeping provisions may be carried, yet it can not be denied, as it is evident to every one who has carefully read the bill, that it is extremely complex in its provisions and its meaning in many respects is obscure and uncertain, and it is therefore calculated to deceive and mislead those who have failed to give it that thoughtful consideration which its importance demands.

But a careful study of its provisions clearly discloses the fact that the election machinery provided for in the bill is intended to be employed only in the South and in a few Northern cities where it can be made to subserve the interests of the Republican party. And right here it may be well to remark that I see no adequate remedy for the people whose voice at elections may be suppressed by the fraud and villainy of those who may be intrusted with the construction and execution of this bill, if it should become a law.

Mr. Speaker, this measure is one of such paramount importance, one that will so seriously affect the peace, prosperity, and happiness of the people of a large section of this Union; one that is fraught with so many evils and dangers to that section of our country which every Southerner loves and cherishes with ardent devotion; one that is so apt to open afresh the wounds that are almost healed; one that is so well calculated to revive the memories of the past and to arouse anew the animosities which we had hoped were buried by the war forever; a measure so likely to beget and engender hatred and strife between the races that are now living peacefully and happily together, that I ask gentlemen on the other side to pause and consider the wrong they will do if they vote for this bill, not only to the people of the South, but the wrong they will do to republican institutions and to local government in the States.

But, Mr. Speaker, why appeal to gentlemen who are bound down by caucus pledges to support a measure, not because it is right, but because it is a party measure and necessary to continue their party in power? In reply to numerous charges from this side of the House, several gentlemen on that side have disclaimed that the bill is intended to be sectional or partisan in its application, but assert that it is meant to apply to all sections alike, and that its only object is to secure fair elections and an honest count.

But, Mr. Speaker, the insincerity of these gentlemen came to the surface two days ago when the gentleman from New Jersey [Mr. LEHLBACH], who is as stanch a Republican as can be found on that side of the House, but who is opposed to this bill, offered an amendment requiring the enforcement of the provisions of this bill, if it should become a law, in every Congressional district in the United States.

This proposition brought terror and dismay into Republican ranks, and the same gentlemen who had been so loud in their praises of the fairness and justness and non-partisan character of the measure, fought the amendment with might and main, and with the aid of the Speaker's parliamentary law succeeded in delaying a vote on the amendment until their forces could be rallied on the next day to defeat it.

The real purpose and design of the Republican party in urging the passage of this measure is too apparent to deceive anybody. Every one knows that the bill was deliberately framed for the purpose of controlling the elections in the South and in the doubtful districts of the North, and this fact is so clear and unmistakable that the country can not long remain in ignorance of the designs which the Republican party has upon the rights of the States and the liberties of the people.

Mr. Speaker, the advocates of this bill have mainly relied upon partisan newspaper accounts and the evidence (much of which is hearsay) in contested-election cases to justify this legislation. They never refer to wrongs committed elsewhere than in the South. Their speeches forcibly remind me of the old fable of the fox whose depredations upon the beasts of the forest and fowls of the air had become so outrageous that he was finally called to an account. When arraigned before the king of the forest many witnesses appeared and testified against him. Some detailed at length the wrongs and injuries they had suffered at his hands; others, in mournful and pathetic tones, related their anguish of mind resulting from the loss of kindred and friends who had fallen a prey to his ravenous appetite. The fox neither confessed his crimes nor entered the plea of not guilty, but contented himself with a relation of the crimes and misdemeanors which had been committed by the witnesses who had testified against him.

So it is with the Republican party. That party has been charged with robbing the people of their choice of a President in 1876 by fraud. It has been charged with corrupting hundreds and perhaps thousands of voters in "blocks of five" by the use of money at the polls in 1888; it has been charged with every character of violation of the election laws; yet that party neither confesses nor pleads not guilty, but contents itself with counter charges of fraud, ballot-box-stuffing, and intimidation of voters on our part.

This might be well enough and perhaps justifiable if the party was sincere and would agree that the provisions of this bill should be made to apply to all sections alike. But not so with the leaders of the Republican party. They are not willing to do unto themselves as they would do unto us, and therefore they bring in a bill which condemns our sins and justifies their iniquities.

Mr. Speaker, the Good Book tells us there was a sect of the Jews called the Pharisees who were wont to pray standing in the synagogues and on the street corners, and who thanked God they were not like other men. We are told by the same high authority that our Savior in addressing them called them vipers and hypocrites, and told them that they would neither enter the kingdom of heaven themselves nor permit others to enter therein; that they had put on the robes of righteousness, and like whited sepulchers appeared beautiful without, while within they were filled with corruption, hypocrisy, and iniquity.

So, Mr. Speaker, we have politicians to-day who, clothed in the garments of peace and justice, proclaim from the rostrum and in the Halls of Congress their own purity and righteousness and outwardly appear honest and patriotic, yet within there lurks the demon of iniquity and hypocrisy, which, unchained, would destroy local self-government in the States, engender strife and contention between classes and races, and rob the people of their substance as well as of their liberty.

Mr. Speaker, I do not desire to be unfair or unjust to any one or to the Republican party, but when I see a deliberate purpose and a fixed design on the part of gentlemen on the other side to enact a law for my section of the country which they are not willing to have applied to their own districts, I am compelled to say their action is unfair, unpatriotic, and wanting in that generosity and magnanimity that should characterize the action of the majority towards the minority. Uriah Heep was "umble" and pretended to be just and generous, yet his heart was filled with hatred and malignity.

I trust our Republican friends are not actuated by any such feelings; but the unanimity with which they give their support to this bill convinces me that there is something more at the bottom of this legislation than the mere desire, or pretended desire, to protect the negro in his political rights. There has been but one gentleman on that side [Mr. TAYLOR, of Illinois] who has admitted that he wanted this law put in force in his own district, and I doubt if he would have admitted this much if he did not live in the Democratic city of Chicago.

I repeat, therefore, Mr. Speaker, that the real purpose and design of this legislation is to control the elections in the South and in a few doubtful districts in the North, and to justify this Federal interference with State elections it is pretended that the negro is denied the privileges granted him by the amendments to the Constitution. Mr. Speaker, that there is no occasion for such interference is shown by the fact that peace and tranquillity prevail all over this land, as well in the South as in the North.

Perfect good-will and kindly feelings exist between the races everywhere, so far, at least, as the House has any information on the subject; and such relations would continue to exist forever were it not for a few mean and despicable characters who either reside in the South or are sent there on the eve of an election, and who organize the negroes into secret societies, where, unmolested, they preach the gospel of envy

and hate toward their white neighbors and plan schemes for producing strifes and open rupture between them.

Such detestable characters, Mr. Speaker, have been, in my judgment, instrumental in producing nine-tenths of the riots and conflicts that have arisen between the races in the Southern country, and should be held responsible for the bloodshed that has followed. The relations of the whites and blacks are so well understood by both races that there ought not to be, and there would not be, any clash or conflict between them if they could be let alone.

I am aware that there are a few alarmists and sensational wiseacres, not to say cranks, both North and South, who have tried to impress upon the country the belief that there exists a great problem to be solved—a negro problem—but I say to this House and to the country there is no such problem, or, if there is, it is not difficult of solution, and it is this:

Let Congress pursue the policy of non-intervention in the affairs of the States; keep within constitutional limitations; cease encroaching on the rights of the States and the people thereof; stop trying to force social equality by legislation; let the whites and the blacks alone, and as sure as God reigns supreme the intelligent and conservative elements of both races, between whom the most friendly and cordial business relations now exist, will solve whatever problem some suppose may exist.

But, Mr. Speaker, if this election bill should become a law, and the Congressional districts of the South are to be filled with Republican supervisors, which may be done on the petition of one hundred voters, and these supervisors go and canvass among the people and furnish and obtain information, etc., as they are required to do in cities of 20,000 inhabitants or more, for a period of five weeks preceding the election, making a house-to-house canvass, to use the language of this bill, then, sir, I can imagine there might arise such a complicated condition of affairs as to constitute a problem that would not be of easy solution.

This bill requires that there shall be three Federal supervisors for each voting-precinct, only two of whom shall belong to the same political party, but these two constitute a quorum, and as they will be Republicans the whole machinery created by the bill is placed in the hands of that party. These supervisors are not amenable to the laws of the States for frauds or violations of the State election laws, and to assure these officials immunity from punishment for crime committed against the State or United States laws, the bill changes the method of drawing juries, and has placed the same in the hands of three Republican jury commissioners, who may, if they choose, secure a friendly jury for any supervisor who may have outraged justice and decency by ballot-box-stuffing, making false returns, or any other crime he may have committed.

Mr. Speaker, there is another section of this bill which shows its meanness and its partisan character; that is, the supervisors are not required to be citizens and voters of the precinct where they are appointed to supervise an election, nor are they even required to be citizens of the county where they are appointed to serve, a citizenship in the district being sufficient.

Thus men who are in no wise identified with the people, men who are not amenable to the laws of the State, men who may be without honor or honesty, men whose hands may be stained with the blood of our fellow-citizens, men who may have at their command any number of deputy United States marshals, and may even command the service of the military and naval forces of the Government, are appointed over us to hold our elections! And if they see proper they can put the returns of the election in their pocket and make no returns of the result, or if they prefer, take the ballot-box to another county to count the votes, as they did in my own county some years ago, and still be shielded from prosecution and punishment by a corrupt set of jury commissioners.

And why is all this? Is it done to insult or humiliate our people? Are our people less honorable or honest than the people of Maine or Massachusetts? I deny it, and assert that in the settled portions of the great State which I in part represent life and property are as secure and as well protected as in any part of these United States, and the people, without regard to race or previous condition, are in as full and complete enjoyment of civil, religious, and political freedom as any people in the world.

But some one may say that this bill when enacted into a law is not intended to apply to such a district as the one I have the honor to represent. In reply I will say that there is not a Congressional district in the United States where the Republicans are in the minority that one hundred men can not be found who will petition for the enforcement of this law, if for no other reason than to secure the compensation paid to the supervisors, marshals, etc., which is $5 per day.

The minority of the committee, after careful examination, have estimated that if the provisions of this bill should be made applicable to all of the Congressional districts throughout the United States it would cost the Government for each election $10,000,000. There are three hundred and thirty Congressional districts, and if the sum aforesaid was equally distributed among them each would receive over $30,000.

To suppose that the Southern Republican politicians would let such an opportunity to replenish their exchequer pass without availing themselves of the "boodle" is as unreasonable as to suppose the brook trout would not nab a minnow.

Mr. Speaker, the fourth section of Article I of the Constitution, which 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—

interpreted in the light of the debates of the fathers of the Constitution and of the Legislatures of the States that ratified it, means that the States shall primarily control the elections for Senators and Representatives by such laws as their Legislatures shall prescribe; but in case the States fail or refuse to send up their Representatives the Congress may make laws regulating the election of members or may alter State laws, etc., and this power is given in order to perpetuate the Government and prevent its destruction by the failure and refusal of the States to act. That this has been the settled construction of this clause of the Constitution is evidenced by the fact that for a hundred years the Congress has not sought to interfere with the States' control of the elections, except temporarily under the reconstruction acts providing for the readmission of the seceding States.

It is not pretended now that any of the States have failed to perform their duty to the General Government or have refused to provide just and fair election laws for the election of Senators and Representatives, and certainly it has not been shown that there exists anywhere such a condition of things as will warrant Federal interference in State elections.

Even in the contested-election cases, if I do not err in my recollection, it has not been claimed that any violence was used or that voters were intimidated, except in the Cate case; and the alleged violence in that case occurred many months before the election came off. So, therefore, there can not be the slighest excuse for this legislation at this time, except it be to control the elections, regardless of the means employed, for party purposes.

I have substantially admitted that under certain circumstances Federal intervention in State affairs, in so far as to prescribe rules and regulations for the election of Senators and Representatives, would be justifiable, though I do not admit that there exists at this time any reason for such interference. But were I to admit all I would nevertheless hold that this bill confers powers and imposes duties upon supervisors unauthorized by the Constitution.

Congress has no power to prescribe the qualifications of electors. The power is reserved to the States, the only exception being that the States can not make any distinction on account of race, color, or previous condition of servitude; yet this bill undertakes to authorize the supervisors to receive the ballots of persons rejected by the State election officers, and to refuse to receive the votes of persons admitted to be qualified by the State officers. In this respect, as well as in many others, the bill is clearly unconstitutional.

It is intended to dominate and in some particulars to annul State election laws where State and Federal elections are held at the same time. In certain cases the supervisors are required to forward to the chief supervisor certain ballots that have been voted, which, if permitted by the State officers, will subject them to heavy penalties. Thus a conflict of State and Federal authority is produced, in which case the sovereign power of the State must yield to the usurped power of the Federal Government.

Mr. Speaker, it is impossible to foresee all the evils that will flow from the passage of this bill. It will produce gloomy and dark forebodings in the minds of our best people, who desire above all else peace and good government where they live. It will not only humiliate the people, but will provoke anger to send strangers who may be irresponsible and corrupt to preside over their elections. It may imbitter men of different political faiths who are now friends. It may stir up strifes and conflicts, engender hatred and malice, not only between the races, but between political parties, which may bring upon the country untold misery and suffering.

Mr. Speaker, the South is fast recovering from the effects of the war. She is on the high road to prosperity. Men of education, refinement, and wealth from all parts of the country—from the North, the East, and the West—of all political parties—Democrats, Republicans, Greenbackers, Prohibitionists, and non-partisans—are coming among us and employing their brain, muscle, and money in great enterprises and in developing the resources of the country.

They have come to stay; their personal and social relations with our people are close and cordial; their sons and daughters are marrying and being given in marriage to our sons and daughters. Why, then, Mr. Speaker, throw this apple of discord into our midst to disturb the happy situation?

There is no occasion or necessity for it. This bill will solve no problem, but will make problems to be solved by strife and bloodshed. No man, whether he comes from the North or the South, the East or the West, who is imbued with the principles of free republican institutions and who desires to see perpetuated the cardinal principles of the Constitution, which divides the powers of the Government into three co-ordinate branches—the executive, legislative, and judicial—can conscientiously support this bill, for the reason that it subordinates the legislative branch of the Government, or the election of the members thereof, to the supervision and control of the judiciary or its appointees.

The Constitution makes each House of Congress the judge of the election and qualifications of its members, but this bill provides for the seating of members on the certificates of supervisors and a board of canvassers appointed by circuit judges of the Federal courts. Thus the Constitution is violated by subordinating one branch of government to the power and influence of another, when the Constitution makes each independent of the other.

Mr. Jefferson, in a letter to Nathaniel Macon, written in 1821, said:

Our Government is now taking so steady a course as to show by what road it will pass to destruction, to wit, by consolidation first, and then corruption, its necessary consequence. The engine of consolidation will be the Federal judiciary; the two other branches, the corrupting and corrupted instruments.

Mr. Speaker, we are about to see this prophecy fulfilled. I sincerely trust this House will not become the corrupting and corrupted instrument to hasten the Government on to ruin and destruction by clothing the Federal judiciary with the power to control the election of the other two branches of the Government.

[Mr. FEATHERSTON addressed the House. See Appendix.]

The SPEAKER *pro tempore* (Mr. ALLEN, of Michigan). The gentleman from Maryland [Mr. STUMP] is now entitled to the floor for five minutes.

Mr. MCRAE. If the gentleman will allow me to occupy the floor for a few minutes by unanimous consent before he begins, I shall be obliged to him.

The SPEAKER *pro tempore*. Under the rules it can not be done. But the gentleman from Maryland has the right to yield such part of his time as he chooses.

Mr. MCRAE. The objection, as I understand, comes from the other side.

Mr. FEATHERSTON rose and addressed the Chair.

The SPEAKER *pro tempore*. The gentleman from Maryland [Mr. STUMP] has the floor.

Mr. MCRAE. What was the remark of the gentleman from Arkansas [Mr. FEATHERSTON]?

The SPEAKER *pro tempore*. The gentleman from Maryland [Mr. STUMP] is entitled to the floor.

Mr. MCRAE. I beg the Chair to let me hear the remark of the gentleman.

The SPEAKER *pro tempore*. Both gentlemen are out of order, and must cease conversation.

[Mr. STUMP addressed the House. See Appendix.]

[Mr. YODER addressed the House. See Appendix.]

Mr. MOREY. Mr. Speaker, it is assumed by the Democratic side of this House that this bill is aimed at the Southern Congressional districts, and all arguments and objections to the bill are made on that line. It is argued that this is a sectional bill; that it does not operate alike in all the Congressional districts of the whole country. This claim is based on a provision of the bill which brings the law into operation in any district where it is petitioned for by a certain number of electors in that district. This is not an unusual thing in legislation. We have local-option laws in many of the States, as well as other laws that are brought into active operation in the different subdivisions of the States upon petition; and such a provision is found in the election laws of one State at least—the State of Pennsylvania.

I take it, therefore, that this is a law of general application and this objection to it can not be maintained. If I were to have my own choice of legislation on this subject I would prefer a general Federal election law, divorcing Federal from State elections, rather than the provisions of the bill under consideration. Either course is alike warranted by the Constitution.

I do not understand the constitutionality of this bill to be seriously questioned by the other side. It has been considered by the framers of this bill that the evils which are sought to be remedied can be as well reached by perfecting the present supervisors law, which has been in force in this country for nearly twenty years, and which like the law proposed in this bill is only put into active operation in the district upon petition.

It is thought that in this way the law can be used in districts where there is such fraud upon the ballot and such suppression of the vote as to nullify the will of the majority in those districts without incurring the expense of additional election machinery in the districts of the country where the expression of the will of the people is fairly and honestly ascertained and returned. At once the cry is raised that this is a sectional bill; that it is an assault by the North upon the South; that it is calculated and intended to precipitate a war of races. The entire Democratic representation from the North, as of old, is willingly harnessed to the Southern chariot, and that, with quickened pace, to the crack of the Southern whip. Why this cry of pain from the South?

Why this sudden fear of a war of races? Has any white voter in the South been deprived of his vote by the colored men? Certainly not. Why should the white men of the South constantly decry against a war of races? Has the white man of the South suffered in any such conflict? Is it not always the colored man who gets hurt?

The distinguished manager of this debate on the Democratic side, the gentleman from South Carolina [Mr. HEMPHILL], in his opening for that side set the pace for his colleagues, North and South, and they have followed his lead without a break.

No man on that side, no Northern Democratic Representative, in all this discussion has dared to speak of any political right of the colored men that white men are bound to respect. They have followed their impetuous leader, this Hotspur from South Carolina, in his declaration that political power can not be shared on equal terms by the two races, that the white race must be supreme, and they wildly applauded when he called on high heaven to witness his unalterable devotion to this cause.

I quote his words from the RECORD:

But as to our own State, we know that the honest and intelligent people must either rule it or we must leave it; and for myself, gentlemen, in this presence and before the people of the United States and before that God who sits upon the circle of the heavens, in all reverence, but in all earnestness, I swear we will not leave it. [Applause on the Democratic side.] It is the home of our fathers. There their bones lie buried through many generations. They bought it with their blood when Concord and Lexington were the battle fields of this country. [Applause on the Democratic side.] They have handed it down to us unimpaired; and, gentlemen, are we not our fathers' sons? Shall the blood first turn back in our veins, and shall we transmit to coming generetions a great and noble State which has been overridden and downtrodden by a race whom God never intended should rule over us? [Applause on the Democratic side.]

Who are "we?" Who are the "honest and intelligent people?" Who are they who must rule or leave the State, and who swear they will not leave it? It is for the white race that the gentleman speaks. His statesmanship is not broad enough to embrace all races of men who owe allegiance to our flag, and to whom our nation owes protection and defense.

His colleague [Mr. TILLMAN] said in this debate that nearly every decent white man in South Carolina is a Democrat.

In the Forty-seventh Congress, page 6223, volume 56, the same gentleman said:

But, gentlemen, you Republicans have still a fourth cause to strengthen your party zeal and to blind you to the merits of a contested election. That is the new propagandism you have been engaged in for the last twenty years of the doctrine of "universal fatherhood of God and the universal brotherhood of man." In espousing that doctrine you have attempted to subvert the laws of God, and you have failed and will continue to fail.

* * * The average agricultural negro at the South is not only a constitutional coward, and therefore prone to let his fears exaggerate even the slightest excitement or disturbance into a riot, but he is a moral bankrupt also, especially as to such small virtues as truth, honesty, and chastity.

Sir, it is on such assumptions as these that the doctrine of a white man's government is proclaimed on the floor of this House.

If these allegations were true, they would afford no reason for a nullification of the Constitution and a denial of the highest constitutional rights.

The preservation of the rights of the strong and powerful can be permanently maintained only by a jealous protection of the rights of the ignorant and weak. There can be no safety for the Republic and republican institutions when the rights of the people can be disregarded and trampled upon under a plea of race inferiority.

We have been fighting too long the battle for equal rights for all men to abandon the contest now and yield to the demand to be let alone of those who have set at naught the dearest right of the people, "the right preservative of all other rights," and who have defied and now defy the National Government in its efforts to make good to its humblest citizens in all the States the principles guarantied to them by the great charter of American liberty.

The gentleman from South Carolina [Mr. HEMPHILL], speaking of his State, says:

It is the home of our fathers. There their bones lie buried through many generations. They bought it with their blood when Concord and Lexington were the battle-fields of this country.

And he proposes to hand it down to future generations not "overridden and downtrodden by a race whom God never intended should rule over us."

Can not the colored man, using the gentleman's language, say: "It is the home of our fathers. Their bones lie buried there through many generations. Through years of unrequited toil they wrought out the material development of the State, and created her wealth while the gentleman and his fathers enjoyed the fruits of their unpaid labor. They bought it with their blood, 200,000 of them, at Fort Pillow and a hundred other fields, when Vicksburg, Charleston, Savannah, and Gettysburgh were the battle-fields of the Republic and the Union.

"We were faithful to your wives and your children and your property during that great war for national life. Your success meant the continuance of our race in ignorance, degradation, and slavery. Your defeat meant freedom, education, civil and political equality, and an equal chance in the race of life for our people. While you fought to rivet our chains, we discharged with scrupulous fidelity the trusts that you committed to our care at your plantations and your homes.

"You did not think then that we were bankrupt as to truth, honesty, and chastity, and you can not truthfully say so now.

"You pretend to fear a race war. You trusted to our care those who were dearest to you, while you fought to perpetuate the bondage of our race, and no incendiary act can be charged to our people during that great war. We sent two hundred thousand of our race to contend against you in that great struggle. They did not resort to the

knife and the torch, but met you on the open battle-fields of the Union."

A distinguished Democrat of Ohio has said "war legislation." This war brought freedom to the slave; it brought him citizenship of this great Republic; it brought him equality before the law; it brought him the elective franchise. It brought more than these things to the colored man.

With his freedom, and the new responsibilities of citizenship, there came to the colored man desire for education, for property, and for ownership of lands, in order that he might take and honorably maintain his position of a freeman among his fellows.

Let us judge the colored man not by what he was when he emerged from the shadow and degradation of bondage, but rather let us judge him by what he has done with his freedom. There is and there can be but one account to be rendered of these people.

There is a concurrence of testimony, much of it to be found in the arguments of the opponents of this bill, that these people have rapidly progressed in education; that they are industrious; that they are securing homes and acquiring that self-reliance which is befitting the citizens of the Republic. They are the labor supply of the South. That section has never prospered and developed as it has since its labor was free.

The colored Representatives on this floor have been educated and able men and have discharged their duties with credit to themselves and to their States. Representatives of this race are to be found occupying honorable places in all the walks of life. They are eager recipients of the benefits of the common schools. They have established and are successfully maintaining institutions for higher education.

At Oberlin and Wilberforce, in Ohio, they are yearly graduating young men and young women and sending them forth to instruct and lead their people into the higher walks of life. The University of Wilberforce, in my own district, has a curriculum ranging through the following departments: Classical, theological, normal, academic, preparatory, and music. It has enrolled more than three thousand students from all parts of the United States, from Canada, the West Indies, and India. It has sent into the world nearly one hundred graduates. Its graduates and undergraduates are laboring among their people in all parts of the Union, and especially in the Southern States, bringing to them light and knowledge, denied to them through many generations.

We have made them citizens and voters, and imposed on them all the duties and responsibilities of these high estates. We owe to them an equal chance with their white brothers to discharge their duties and to meet their responsibilities. We deny that the doctrine of "the universal fatherhood of God and the universal brotherhood of man" is a new propagandism.

We deny that in espousing that doctrine we have failed and that we will continue to fail.

It is true we have been fighting that battle for more than twenty years, and we shall continue in that fight until "the right of citizens of the United States shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude," and until every voter in this broad Union, in every State and precinct, is permitted to cast one ballot without let or hinderance and to have that ballot honestly counted as he cast it. Is this done in the South? Let the following facts answer.

Under the census of 1880 the Congressional apportionment was made on the basis of 151,911 population, or 30,000 voters to each Congressional district. The increase of population has largely increased the vote in all districts the country over.

Now, I append here a table of the elections in twenty-five districts in the Fiftieth Congress.

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		2,996
Do	Sixth	Blount	1,722		1,729
Do	Eighth	Carlton	2,322	55	2,372
Do	Ninth	Candler	2,355	11	2,367
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
Mississippi	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

In these twenty-five districts there were cast only 94,841 Democratic votes, 407 scattering, and not one Republican vote was cast, or at least not one Republican vote was counted. The total vote cast was 95,245. If they had cast their full vote, as we do in Ohio, that vote would have been not less than 750,000 instead of 95,000.

In the election of 1888 for members of the Fifty-first Congress it took 40,000 voters in Ohio to elect one Congressman. In South Carolina in the same year it took only 11,000 voters to elect one Congressman. The total vote in South Carolina in 1888 for seven Congressmen was 76,375 votes. In Ohio in the same year the total vote for twenty-one Congressmen was 837,646 votes.

In the present Congress the gentleman from Georgia [Mr. TURNER] received the suspiciously even number of 11,000 votes and had no opposition. He was elected to the Forty-ninth Congress, receiving 7,828 votes, no opposition; and to the Fiftieth Congress, receiving 2,411 votes, no opposition. Three times elected to the Congress of the United States and no man dared contest with him for the distinguished honor.

We do not understand this thing in Ohio. There are always with us an abundance, and even a plethora of gentlemen on both sides, not only able, but willing, and I may say anxious, to represent their districts in this great legislative body.

The inquiry will naturally arise why this condition exists.

In the election for the Fiftieth Congress there were twenty-five districts in the South where the Democratic candidates had no opposition.

In the election for the Fifty-first Congress five Democratic members from Georgia and South Carolina were elected without opposition. The total Republican vote counted in seven districts in that State was 10,031 votes.

The gentleman from South Carolina [Mr. HEMPHILL] who has led the opposition to this bill comes here with 9,559 votes, no opposition, 27 votes scattering; total, 9,586 votes. The people of the Seventh Ohio Congressional district in choosing their Representative in this body cast 34,268 votes. This Representative from South Carolina exercises four times as much power on this floor as any member from Ohio, when we consider the number of votes by which he is sent here.

The secret of the opposition to this bill is to be found in these facts: In the days of slavery three-fifths of the slaves were counted in the basis of Congressional representation. Now all the colored people are counted for representation and are not counted at the polls. In this way the South, when many districts are Republican, is made solidly Democratic. The following table telis the story more forcibly than any words I can use:

Fiftieth Congress, vote of 1886.

SOUTH CAROLINA.		KANSAS.	
First district	3,317	First district	31,287
Second district	5,235	Second district	34,722
Third district	4,409	Third district	36,716
Fourth district	4,470	Fourth district	38,084
Fifth district	4,701	Fifth district	35,996
Sixth district	4,469	Sixth district	33,025
Seventh district	12,476	Seventh district	61,465
MISSISSIPPI.		**NEW JERSEY.**	
First district	3,167	First district	35,433
Second district	12,618	Second district	35,380
Third district	6,950	Third district	33,479
Fourth district	3,086	Fourth district	26,021
Fifth district	4,316	Fifth district	29,538
Sixth district	10,117	Sixth district	37,971
Seventh district	4,914	Seventh district	31,551
GEORGIA.		**TENNESSEE.**	
First district	2,078	First district	27,346
Second district	2,411	Second district	23,616
Third district	1,704	Third district	27,883
Fourth district	3,239	Fourth district	20,223
Fifth district	2,999	Fifth district	19,996
Sixth district	1,722	Sixth district	24,137
Seventh district	6,680	Seventh district	20,642
Eighth district	2,377	Eighth district	24,421
Ninth district	2,366	Ninth district	24,206
Tenth district	1,944	Tenth district	19,962

These figures tell their own story of votes suppressed by the thousands and hundreds of thousands.

Our friends from the South say the colored people there do not wish to vote; that they are tired of voting. We have little doubt they are tired of voting. They are tired of encountering perils greater than of war or pestilence in order to enjoy the privilege of freemen. That they do not wish to vote we do not believe. The colored man holds his franchise to vote in as high regard as any class of American citizens. To him it is the visible sign of his perfect emancipation from the bonds of slavery, which bound not only his body, but set limitations on his mental and moral growth.

Let us have free, fair, and honest elections, an untrammeled expression of the popular will. The people of the country demand this. Our party has declared for a free ballot and a fair count. Give us this, and all honest men will be satisfied. Every patriot desires to freely cast one vote and to have that vote counted as he cast it. He not only

desires this for himself, but he desires it and will fight for it for every other voter in the land, however humble he may be.

Sir, the States of this Union may do as they please in respect to their own citizens, controlled only by the inhibition of the Constitution of the United States in its war amendments. They are responsible to themselves, to their people, and their God; but, sir, in this matter of Federal elections, when we come to elect members of this great national body, then the whole country is interested. Of what avail is it that in Ohio we go out and have an equal contest; that we fight our battles for supremacy in the various districts; that every man, black and white, rich and poor, is permitted to cast his vote, register his will, and that there the majority rules? Of what avail is it that we should carry on those equal contests when in other sections of our country that verdict is set aside by the suppression of the voice and votes of thousands of the citizens of those States? It is a matter in which we are all concerned. We have a right to know that in every Congressional district in this broad land there is a fair, free, and honest expression of the will of the voters in the selection of members of this House.

There have been instances in Northern districts, and there may be such instances in the future, where by fraud, violence, and corruption the will of the people has been thwarted. This law is applicable alike to such districts and can be invoked there as well as in the South.

It can be said of the North that in no district there is the doctrine of white supremacy proclaimed. Nowhere there is the vote of any race suppressed on account of race. If frauds are committed there these frauds are upon men, and not upon races of men.

There is one notable exception to this general condition which stands out in barbaric brutality, the imprisonment of the one hundred and fifty-two colored voters in the dungeon at Hammond street station in Cincinnati in 1884 by the Democratic party. The gentlemen from Ohio [Mr. OUTHWAITE and Mr. YODER] were unfortunate in bringing this hideous crime, which stands without a parallel in any Northern State, to public notice. Better had they asked the waves of oblivion to forever blot it from memory and from sight.

The gentlemen complain of the use of deputy marshals and supervisors in Cincinnati; and well they may, for their use prevented the success of a Democratic conspiracy to control the Congressional elections in her two districts by fraud and violence that year. Their repeaters and ballot-box stuffers were there from Chicago, Baltimore, Kentucky, and other places. They were there to show the people of Cincinnati how to carry on an election.

Nearly one thousand deputies were appointed by the Democratic sheriff to see that order was maintained while these worthies did their work. Among them were such names as "Link" Slattery, "Red" Ferrall, and "Cuckaloo" Murphy. They were met by the power of the United States Government, and the result was that the election was free and fair as any that was ever held, except the frauds committed in the name of the Democratic party.

Hon. John F. Follett, who was then a member of Congress from a Cincinnati district, but who was defeated for re-election at this election, afterwards presented a preamble and resolution in this House impeaching Lot Wright, United States marshal, of high crimes and misdemeanors at that election. A committee was appointed to investigate such charges and report to the House. The committee took six hundred pages of testimony, and they failed to show that a single illegal Republican vote had been cast at that election and they failed to show that a single legal Democratic voter had been prevented from voting at that election.

The Democratic majority of this committee of investigation, failing to find any fact on which they could convict Marshal Wright of the charges against him, contented themselves with a few general resolutions such as would be expected of a Democratic county convention and gracefully slid down out of view in the following words:

> In view of the impracticable nature of impeachment proceedings, and especially at this late day of this Congress, your committee will not recommend the adoption of articles of impeachment in this case.
>
> The committee ask leave to be discharged from the further consideration of the subject.

But, Mr. Speaker, there were facts developed on the other side by this investigation, and these facts are the reason why that Democratic committee refused to recommend the adoption of articles of impeachment against Marshal Wright, for whom they had no love and upon whom they were burning with desire to wreak their vengeance for having uncovered, exposed, and defeated their conspiracy to carry the Cincinnati district.

But the power of the United States was not sufficient to prevent the commission of crime at that election. Colored voters were almost universally challenged. In many instances they were struck, pulled away from the polls, and driven therefrom with violence, when their right to vote was undoubted. One was struck on the head with a wagon-spoke; one, a bank messenger, was challenged, knocked down, and escaped, glad to get away with his life.

The testimony shows that at midnight the homes of peaceable colored citizens, many of whom had lived there for years, were invaded, and that they, one hundred and fifty-two in number, were marched by the police officers, under the direction of one Mullen, to the station-house where they were shut up and kept from midnight preceding the election until after 6 o'clock the day of the election, and for the sole purpose of depriving them of their right to vote. No charge was preferred against them, and they were turned out as soon as the polls closed.

Mullen was indicted, tried, and convicted for the offense before Judge Baxter, of the United States district court. His judicial utterances in pronouncing sentence upon Mullen are here quoted because the history of the election in its true inwardness would be otherwise incomplete:

> The evidence of your guilt was so convincing that your zealous and able counsel voluntarily yielded its irresistible force, and with your acquiescence, manifested in open court, consented to the finding made by the jury. This finding thus obtained is a virtual confession by you that the arrest and imprisonment of the persons named were for the wrongful purpose alleged in the indictment.
>
> Such an unprecedented invasion of the rights of American citizens by any one under any circumstances would be a grave violation of the criminal laws of the United States. But when it is remembered that you were at the time in the exercise of public authority, and acting under the obligations of an official oath requiring impartiality and integrity in the discharge of your duties, your infidelity to your official obligations seems to have been peculiarly flagitious, if not atrocious. You not only outraged the imprisoned parties, but you struck a traitorous blow to a fundamental and vital principle that underlies our republican institutions; and you did your work so noiselessly and expertly as to have eluded the vigilance of three thousand regular and special policemen, deputy sheriffs, and deputy marshals then on duty, and supposed to have been co-operating for the protection of all legal voters in the exercise of their legal rights, as well as the seventy-five thousand other citizens of this great central city, who (if we are to credit the city press) were so thoroughly solicitous on that occasion to preserve the purity of the ballot-box.
>
> The sublime impudence of such a raid upon the constitutional rights of your fellows, in connection with its successful consummation, precludes the idea that the scheme was conceived and executed by you alone. That you had accomplices is manifest. You never would have ventured upon a scheme so full of danger, and from which you could in no event have derived any personal advantage, without assurances of co-operation from others. But your accomplices have thus far escaped detection and punishment.

Before his term of punishment had half expired, Mike Mullen was pardoned by President Cleveland. He was immediately restored to his old position on the Cincinnati police by the Democratic officials, and was promoted to be a lieutenant on that force. He was made a member of the Democratic State central committee. He headed the Hamilton County delegation in the convention which nominated the present Democratic governor of Ohio, and when he is dead he will be a Democratic saint. [Applause on the Republican side.]

Mr. MANSUR. Mr. Speaker, I shall not discuss this bill, but will discuss the motives that have led up to the necessity for it upon the other side of this Chamber. Unquestionably it is the logical result of the situation in which they find themselves, after thirty years of control in this country. Commencing with Lincoln, in 1860, his plurality was 491,249, his minority 948,055 votes. In 1864 Mr. Lincoln's majority was 407,342. In 1868 Grant's majority was 305,458; in 1872 Grant's majority was 727,975; but in 1876 Tilden's majority was 157,020, while his plurality over Hayes was 250,918. From that day to this, through fourteen long years, the Republican party, with the aid of the colored vote that they could command, have never been other than a minority of the people of this nation.

In 1880 Mr. Garfield's plurality was 3,834; his minority 314,253. In 1884 Cleveland's plurality was 26,584; his minority 403,773, but Blaine's minority was 430,357. In 1888 Harrison's minority under Cleveland was 98,544, but his minority of the whole vote was 945,060. For twenty years the Republican party have cracked the party whip with more arrogance over the colored vote, as its political owner, than ever their original owners did in the days when they belonged to them. The Republicans crack the whip, I say, of political ownership, with a political arrogance that denies all toleration of possibility for a negro to become a Democrat or vote with the Democracy.

Yet in spite of all this arrogance and control, giving to the Republican party their actual vote, to-day they are, so far as the white vote is concerned, in a minority of 2,000,000.

Before the Republicans should attempt to pass a bill of this nature, if they are in good faith, they ought to be in a clear majority and there ought to be a demand for it coming from every part of the country. Yet the reverse is the fact; not one petition that I have heard of has been sent to Congress. In searching for Republican motives I give it as a fixed conviction that they are driven to the necessity of attempting such an outrage upon the people of this country as this bill because it holds out the last hope by which they can perpetuate themselves in power. Rejected by a majority of the voters of this country for the last fourteen years, growing more and more, year by year, in the minority, as I have said, you are to-day in a minority of 2,000,000 votes of the white people, after giving you the benefit of all the colored votes that are cast.

The Republican party already sees the handwriting on the wall. They know they have been weighed in the balance and they know that they have been found wanting. When one of the greatest men in the Republican party, one often a candidate for the Presidency, openly proclaims in the high places of the nation that there is nothing this side the throne of God nor above the depths of hell that is not correct in law and in morals if it will operate to perpetuate the Republican party and defeat the Democracy, you can not, if worthy of such a leader—and I believe you are—do otherwise than pass just such a bill as this. What else can be expected of a party that would steal the Presidency

in 1876 and buy it in 1888? By the way, I do not know an honest Republican in my district that has denied for years past that his party stole the Presidency in 1876, and I have had them to own up and confess it by the hundreds.

A party that will do these things will assassinate the Constitution to perpetuate itself in power as quickly as it would steal a Presidency in 1876 and buy it in 1888. The logical sequence of the waning numbers of the Republican party is that it is absolutely necessary that by some means it should resurrect the negro vote and control it to the last man to the desperate end that it as a party may perpetuate itself in power. There has not been a day for fourteen years that, without regard to the Southern States, if it had not been for the negro vote in four Northern States you would have been repudiated and put under the sod as a party.

Instead of being the savior of the negroes, it is an actual fact that they have been the one and only salvation for the Republican party for a dozen years past.

Look at these figures:

By the census in 1880 the colored population of Illinois was 46,368, of Indiana 39,228, of Ohio 79,900, and New York 65,104. Harrison's plurality in Illinois was 22,201, in Indiana 2,234, in New York 14,373, and in Ohio 19,599. Making no allowance for increase of negro population in the past ten years, except in the one State of Illinois, the negro vote, simply on the basis of the population of 1880, will account for the other three States going Republican, and the many thousands of negro voters now in Illinois amply demonstrates the negro saved the Republican party there. To my mind it is almost hopeless that we can defeat in the House this bill. Why? Because I believe the Republicans in this House almost to a man, under the lash of King Caucus, will vote for it in defiance of their better dictates.

I have always been proud of being a lawyer and of the profession; yet when I saw lawyers, lawyers by the dozen, to-day, members of that profession which for more than a thousand years has been the defender of liberty everywhere, seeking to assail and overthrow trial by an impartial jury, that institution upon which our very freedom is anchored and without which it can not survive, an institution whose origin is lost in the traditions of history, the time when it first originated "the memory of man runneth not to the contrary," I felt that liberty had fallen upon evil times indeed.

In addition, I find that besides attempting to strike down the right of impartial trial by jury they go one step further, and, by this cowardly and I believe most infamous bill, attempt to strike down the liberties of the people by depriving this House in the first instance of passing upon the returns and elections of its own members, surrendering that inestimable privilege to a lot of partisan supervisors who are irresponsible to any power but their party, making the votes come here to a partisan Clerk, who dare not do otherwise than obey the behests of his party, and, under heavy pains and penalties, is commanded to put these partisan members on the list of members, thereby striking down the sworn returns of the State. This bill strikes at the very heart of liberty.

You may lose a State by fraud and chicanery; you may have a great wrong done to the whole people in the final result, as was done when Louisiana, Florida, and South Carolina were deprived of their rights and electoral votes in 1876, yet the body of liberty lived; but when the rights of sixty-five millions of people are overturned and they are deprived of the right to be represented in this House by their chosen Representatives, and others substituted by a biased partisan majority, whereby the entire body of laws may be changed, then indeed is liberty assassinated in her very home. [Applause.] For these reasons it seems to my mind absolutely logical, both on the figures of past elections and on its past record, that the other side should introduce such a bill. More than that, it is logical to my mind that they should pass it; for I have ceased to believe when it comes to a question of politics we may expect anything from them except those measures that will tend to perpetuate their party in power. They see the political storm riding in the air and in the heavens as well as we do.

Their great leaders know the necessity to provide for it. "He who is ugly, but whom we know to be great" foreshadowed this bill when at Pittsburgh he declared we "must do our own registration, our own counting, and our own certifying." They know that Iowa, that proud State, which in 1880 was the banner Republican State of the Union and gave 78,000 majority for Garfield for President, has been swept away from her Republican moorings, and that on the count of last November State election a majority of her districts gave Democratic majorities instead of Republican. They know that to-day for the first time in over thirty years a Democrat is governor at Des Moines City, the capital of the State. [Applause.] They know——

Mr. KERR, of Iowa. Will the gentleman permit me to interrupt him?

Mr. MANSUR. No; I can not yield. They know that throughout the West similar influences are at work. They know that the same power that wrecked their party in Iowa is sweeping over Kansas, Nebraska, all the great West. They know as well as we the changes that are going on in the West, and they know that the people of this country are becoming very tired of these attempts at striking down the Constitution for the purpose of perpetuating a partisan party in power, and hence this bill. [Loud applause.]

Mr. SMYSER. Mr. Speaker, before the 1st day of February more than three or four bills looking to the regulation of the election of members of this House were introduced and referred to the Committee on Election of President, Vice-President, and Representatives in Congress. Your committee believed that it was a subject-matter properly referred, that under the Constitution and rules of the House it had the power to consider, perfect, and report to the House for its consideration a measure calculated to correct the abuses as contemplated in the measure now under consideration. They did not believe, in considering the measure that was finally perfected and brought to the House for its consideration, that they were infringing in any way upon the Constitution; but believed that they were doing simply that which they had the right and power under the Constitution to do. But I confess, Mr. Speaker, when this debate fairly opened, after, on last Saturday, for instance, we read the alarm signed by thirty-eight Democrats from districts north of the Potomac and Ohio Rivers, as hour after hour we heard gentlemen upon the other side of this House declaim vehemently, earnestly, and it seemed to me from the very vehemence of their talk that they were sincere in saying we were overriding the Constitution—I confess, Mr. Speaker, that I stood appalled.

I trembled for my country. I thought "it may be that we have made a mistake and that we are undertaking in the measure now under consideration to do something that will override the liberties of the people and utterly subvert the Constitution." But, Mr. Speaker, I recalled an incident that put me at least at ease. While they were talking about the Constitution being subverted I was reminded of something that had occurred many years ago in my own county. Along in 1845 or 1846 there came to my county a young man to practice law. Bright, intelligent, quick, he gave early promise of the eminence he attained at the bar in later years, for when, in February last, he was gathered to his fathers, there was no man who stood above him in Ohio; he was Ohio's greatest lawyer. When he came to our county to practice law we had a great many lawsuits that grew out of trading horses, and we called them horse lawsuits. He was engaged to go before a magistrate to try one of these horse lawsuits.

We had also in the county an old gentleman whose character my friend from Missouri will recognize readily when I say that he was not a lawyer, but was a pettifogger. He was up to all the tricks of the pettifogger. He knew all the devices which would enable him to secure a verdict from a jury before a magistrate. The distinguished lawyer of whom I have spoken, then, as I have said, a young man, prepared his case, and tried it admirably. He presented his authorities carefully, because he believed there were some legal principles governing even a horse trade.

Mr. TARSNEY. He was a horse lawyer.

Mr. SMYSER. Not exactly a horse lawyer, because, if you speak of John McSweeney as a horse lawyer, God knows what will become of Missouri. [Laughter.] As I have said, this pettifogger was up to all the tricks which would enable him to win a verdict from a jury before a magistrate, and when he came to make the argument upon the other side and had reached the proper point, he turned to the justice and said: "May it please your honor and gentlemen of the jury, if that is the law of horse trades, farewell to liberty." [Laughter.]

Mr. Speaker, as I recalled that incident I took consolation from it, because we have gone on and horse trades have flourished, but liberty has not yet bidden us farewell. [Laughter.]

[Mr. TARSNEY addressed the House. See Appendix.]

[Mr. WHEELER, of Alabama, addressed the House. See Appendix.]

Mr. COLEMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 7 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

PRELIMINARY REPORT ON THE COST OF PRODUCTION.

A preliminary report by the Commissioner of Labor on the cost of production of pig-iron, steel ingots, steel rails, coal, coke, iron ore, and limestone in the United States and in Europe—to the Committee on Labor.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. HITT:

Resolved, That the President be requested, if in his judgment not incompatible with the public interests, to furnish the House with the correspondence between the Government of the United States and the Government of Great Britain touching the subjects in dispute in the Behring Sea, since March 4, 1889;

to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. OSBORNE, from the Committee on Military Affairs, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 4300) for the relief of George M. Wheeler. (Report No. 2595.)

A bill (H. R. 8014) for the relief of Richard M. Edwards, of Cleveland, Tenn. (Report No. 2596.)

A bill (H. R. 7641) for the relief of Daniel C. Trewhitt, of Chattanooga, Tenn. (Report No. 2597.)

Mr. YODER, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 9493) granting a pension to Edwin Cotton, late musician Twenty-fourth Regiment Michigan Volunteer Infantry, accompanied by a report (No. 2598)—to the Committee of the Whole House.

He also, from the same committee, reported with amendment the bill of the House (H. R. 6052) granting a pension to Martha A. Bowling, accompanied by a report (No. 2599)—to the Committee of the Whole House.

Mr. STRUBLE, from the Committee on the Territories, reported favorably the bill of the House (H. R. 11178) to authorize the board of supervisors of Maricopa County, Arizona, to issue certain bonds in aid of the construction of a certain railroad, accompanied by a report (No. 2600)—to the House Calendar.

Mr. LANSING, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 2375) to correct the military record of Lieut. Cornelius McLean, accompanied by a report (No. 2601)—to the Committee of the Whole House.

Mr. HARE, from the Committee on Indian Affairs, reported, with amendment, the bill of the House (H. R. 11030) granting the right of way to the Sherman and Northwestern Railway Company through the Indian Territory, and for other purposes, accompanied by a report (No. 2602)—to the House Calendar.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported favorably the bill of the House (H. R. 6790) for the purchase of a historical book of reference from Austin & Co., accompanied by a report (No. 2603)—to the Committee of the Whole House on the state of the Union.

Mr. WILSON, of Missouri, in behalf of the minority of the Committee on Elections, to which was referred the contested-election case of Thomas E. Miller against William Elliott, from the Seventh Congressional district of the State of South Carolina, submitted their views in writing thereon; which were ordered to be printed as Part 2 of Report 2502.

Mr. PERKINS, from the Committee on Indian Affairs, to which was recommitted the bill of the House (H. R. 339) to provide for the sale of certain New York Indian lands in Kansas, reported the same favorably, accompanied by a report heretofore made (No. 26)—to the House Calendar.

Mr. REED, of Iowa, from the Committee on the Judiciary, reported with amendment in the nature of a substitute the bill of the Senate (S. 398) to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases, accompanied by a report (No. 2604)—to the House Calendar.

Mr. ADAMS, in behalf of the minority of the Committee on the Judiciary, submitted his views in writing thereon; which were ordered to be printed as part of said report (No. 2604).

Mr. O'DONNELL, from the Committee on Education, reported favorably the bill of the House (H. R. 634) to aid in the establishment and temporary support of common schools, accompanied by a report (No. 2605)—to the Committee of the Whole House on the state of the Union.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, a bill of the following title was introduced, read twice, and referred as follows:

By Mr. HARE: A bill (H. R. 11224) to confer additional jurisdiction to the United States court in the Indian Territory to hear and determine rights of citizenship in the Indian Territory and petitions for partitions and allotments of lands in severalty, and for other purposes—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

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

By Mr. ANDERSON, of Mississippi: A bill (H. R. 11225) granting a pension to Harrison D. Leverett—to the Committee on Invalid Pensions.

By Mr. BOUTELLE: A bill (H. R. 11226) granting a pension to Stephen A. Seavey—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 11227) directing the transfer of certain amounts from the naval pension fund—to the Committee on Naval Affairs.

By Mr. FITCH: A bill (H. R. 11228) for the relief of Daniel W. Whitney—to the Committee on Claims.

By Mr. HOOKER: A bill (H. R. 11229) for the relief of the estate of George F. Hunt, deceased, of Jefferson County, Mississippi—to the Committee on War Claims.

By Mr. RIFE: A bill (H. R. 11230) for the relief of Mrs. Elizabeth Toop—to the Committee on War Claims.

By Mr. SMITH, of Illinois: A bill (H. R. 11231) for the relief of Edward A. Buder—to the Committee on War Claims.

Also, a bill (H. R. 11232) for the relief of C. C. Caldwell—to the Committee on War Claims.

Also, a bill (H. R. 11233) for the relief of the administrator of the estate of Phebe Leibarger, deceased, widow of Jacob Leibarger, late of Company H, Twenty-seventh Regiment of Illinois Volunteers in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 11234) for the relief of the Spies Lumber Company of Cairo, Ill.—to the Committee on Claims.

By Mr. WILLCOX: A bill (H. R. 11235) for the relief of Charles T. Russell—to the Committee on 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. ABBOTT: Petition of the Builders' Exchange of Dallas, Tex., advising the passage of the Torrey bankrupt bill—to the Committee on the Judiciary.

Also, petition of the underwriters of Dallas, Tex., asking passage of same measure—to the Committee on the Judiciary.

By Mr. ANDERSON, of Mississippi: Petition of 39 citizens of Yazoo City, Miss., praying the passage of House bill 3316, known as the Torrey bankrupt bill—to the Committee on the Judiciary.

By Mr. DARLINGTON: Petition for the passage of House bill 5978—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DORSEY: Petition from farmers of Custer County, Nebraska, asking appropriation for deep harbor at Galveston—to the Committee on Rivers and Harbors.

Also, resolutions from Martinsburgh (Nebr.) Farmers' Alliance, asking for the passage of the Conger and Butterworth bills—to the Committee on Agriculture.

Also, resolutions of Belle Creek (Nebr.) Farmers' Alliance, favoring same bills—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance No. 936, of Nebraska, for same bills—to the Committee on Agriculture.

Also, resolutions of Antelope County (Nebraska) Farmers' Alliance, for same bills—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance of Scotia, Nebr., for same measures—to the Committee on Agriculture.

Also, resolutions of Pleasant Hill (Nebr.) Alliance, for same measures—to the Committee on Agriculture.

Also, resolutions of the Buffalo County (Nebraska) Alliance, for same measures—to the Committee on Agriculture.

Also, resolutions of the Brayton (Nebr.) Farmers' Alliance, for the passage of same measures—to the Committee on Agriculture.

Also, resolutions of the Pierce County (Nebraska) Farmers' Alliance, for the passage of same measures—to the Committee on Agriculture.

By Mr. KELLEY: Petition of 260 citizens of Topeka, Kans., asking for the passage of some law that will enable the States to counteract the effect of the recent decision of the Supreme Court in relation to the importation and sale of intoxicating liquors in original packages from other States—to the Committee on the Judiciary.

By Mr. KERR, of Iowa: Petition of John Flaherty, C. A. Searle, and 13 others, citizens of Richland County, North Dakota, asking Congress for appropriation of money for complete system of levees on Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation—to the Committee on Rivers and Harbors.

Also, petition of C. J. Haines, Will Atchison, and 38 others, citizens of Linn County, Iowa, for same measure—to the Committee on Rivers and Harbors.

By Mr. O'DONNELL: Petition of 25 members of Ovid Alliance, Branch County, Michigan, asking for the passage of the Conger bill and the Butterworth bill—to the Committee on Agriculture.

By Mr. O'NEILL, of Pennsylvania: Memorial of officers of the Fourth Regiment of the National Guard of Pennsylvania, asking for the passage of House bill 8151, known as the Henderson bill—to the Committee on Military Affairs.

By Mr. PAYNTER: Petition of John Darnel, Fortieth Kentucky Infantry, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of Mrs. Elvina Bordwell and 147 others, members of the Kansas Woman's Relief Corps, asking for the enacting of legislation in the interest of the ex-Union soldiers—to the Committee on Invalid Pensions.

Also, petition of A. A. Osgood and 54 others, prominent citizens of

Parsons, Kans., praying for legislation to counteract the effect of the recent original-package Supreme Court decision—to the Committee on the Judiciary.

Also, petition of M. A. Stanley and 150 others, residents of same city, for same relief—to the Committee on the Judiciary.

By Mr. PHELAN: Petition of the trustees of the Methodist Episcopal Church, of Saulsbury, Tenn., for reference of claim to Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. QUACKENBUSH: Petition of citizens of the Eighteenth district of New York in favor of a national Sunday-rest law—to the Committee on Labor.

By Mr. SANFORD: Petition of 23 survivors of rebel prisons, residing in Montgomery County, New York, for the passage of House bill 319, entitled "A bill for pensioning prisoners of war"—to the Committee on Invalid Pensions.

By Mr. STRUBLE: Resolutions of the Jobbers and Manufacturers' Association of Sioux City, Iowa, favoring the establishment by the Government of a navy-yard and shipping docks at the port of New Orleans, La.—to the Committee on Naval Affairs.

Also, petition of Jens P. Pederson and 14 others, citizens of Iowa, favoring the establishment and maintenance of a harbor on the Texas coast—to the Committee on Rivers and Harbors.

By Mr. TURPIN: Petition of Cawthorn & Coleman and others, citizens of Selma, Dallas County, Alabama, protesting against legislation by Congress compelling railroads to transport petroleum barrels free—to the Committee on Railways and Canals.

SENATE.

WEDNESDAY, *July* 2, 1890.

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

The Journal of yesterday's proceedings was read and approved.

LANDS IN ARIZONA AND NEW MEXICO.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

In my annual message I called attention to the urgent need of legislation for the adjustment of the claims under Mexican grants to lands in Arizona and New Mexico.

I now submit a correspondence which has passed between the Department of State and the Mexican Government concerning the rights of certain Mexican citizens to have their claims to lands ceded to the United States by the treaty adjusted and confirmed. I also submit a letter from the Secretary of the Interior, with accompanying papers, showing the number and extent of these claims and their present condition.

The United States owes a duty to Mexico to confirm to her citizens those valid grants that were saved by the treaty, and the long delay which has attended the discharge of this duty has given just cause of complaint.

The entire community where these large claims exist and indeed all of our people are interested in an early and final settlement of them. No greater incubus can rest upon the energies of a people in the development of a new country than that resulting from unsettled land titles.

The necessity for legislation is so evident and so urgent that I venture to express the hope that relief will be given at the present session of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *July* 1, 1890.

The PRESIDENT *pro tempore*. The message, with the accompanying papers, will be laid on the table and printed.

Mr. MANDERSON. It seems to me that the communication should be referred to the Committee on Private Land Claims.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection—either that or the Committee on Foreign Relations.

Mr. MANDERSON. It is a matter certainly of very great importance. I think it is a fact that the Committee on Private Land Claims has at this session of Congress, as it frequently has before, reported a bill designed to reach the difficulties spoken of in this communication. I do not think that the communication should lie on the table, but that it should be referred to that committee, so that it may, if possible, stir it up to renewed activity on this important matter.

The PRESIDENT *pro tempore*. The message, with the accompanying papers, will be referred, if there be no objection, to the Committee on Private Land Claims, and printed.

PETITIONS AND MEMORIALS.

Mr. MORGAN presented a petition of the Central American Transit Company of New Jersey, praying for the adjudication of their claim against the Government of Nicaragua; which was referred to the Select Committee to Inquire into All Claims of Citizens of the United States against the Government of Nicaragua.

Mr. WALTHALL presented the petition of L. Lopez and 400 other citizens of Biloxi, Miss., and vicinity; the petition of T. J. Stewart and 10 other citizens of Mississippi City, Miss.; the petition of P. M. Rhodes and 152 other citizens of Pass Christian, Miss., and vicinity; the petition of P. B. Hand and 33 other citizens of Handsborough, Miss., and vicinity, and the petition of W. T. Firth and 57 other citizens of Ocean Springs, Miss., and vicinity, praying that the custom-house be removed from Shieldsborough, Miss., to Biloxi, Miss.; that a deputy's office be established at Pearlington, and that the present deputy's office at Pascagoula be maintained; which were referred to the Committee on Commerce.

Mr. VEST presented resolutions adopted by the Commercial Exchange of Kansas City, Mo., praying that an appropriation be made by this Congress of $10,000,000 for the improvement of the Mississippi River; which were ordered to lie on the table.

He also presented a petition of 124 citizens of Macon City, Mo., praying for the free coinage of silver; which was ordered to lie on the table.

He also presented the memorial of C. O. Baxter & Co. and other manufacturers, of St. Louis, Mo., remonstrating against the duties on Dutch and bronze metal proposed in the McKinley tariff bill; which was ordered to lie on the table.

Mr. REAGAN presented a petition of citizens of Dallas County, Texas, praying for legislation to limit the hours of work of clerks and employés of first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. I present the proceedings of a mass meeting of the citizens of Pima County, in the Territory of Arizona, demanding "the immediate repeal of that provision of the law in regard to arid lands or that Arizona be excepted from its provisions." They say they ask for no Government aid, but simply that the land laws, the desert and the homestead acts particularly, be retained and thereby all lands will be reclaimed which can be profitably, and all ditches, canals, and reservoirs will be built by private enterprise that would be profitable to the Government to do. "We demand the repeal of this law, and then to be let alone in our struggle with the desert, as we have demonstrated that we can make the desert bloom without Government aid, if not injured by bad legislation."

I ask that the resolutions be received and referred to the Select Committee on Irrigation and Reclamation of Arid Lands.

The PRESIDENT *pro tempore*. The resolutions will be so referred, in the absence of objection.

Mr. PADDOCK. I desire the attention of the Senator from Missouri. The subject to which the Senator refers is now under consideration by the Committee on Appropriations. They are to have a meeting upon that subject, as I understand, this afternoon for the special consideration of this particular matter, and therefore I suggest that the resolutions should go to the Committee on Appropriations, as they have before them and are considering an amendment to the sundry civil bill covering this whole subject.

Mr. COCKRELL. Has that amendment come from the Select Committee on Irrigation and Reclamation of Arid Lands?

Mr. PADDOCK. The amendment to which I referred was reported from the Committee on Public Lands and referred to the Committee on Appropriations. The Director of the Geological Survey was before the Committee on Appropriations this morning, and he is to be again this afternoon, in the consideration of that subject by that committee. Therefore I suggest to the Senator, as the petition he presents is one of like import to one received by myself and is understood by me, that it be referred to the Committee on Appropriations for its consideration this afternoon.

Mr. COCKRELL. I have no objection to the reference of the resolutions to the Committee on Appropriations, as I understand the matter is now pending before that committee.

The PRESIDENT *pro tempore*. The paper will be referred to the Committee on Appropriations, in the absence of objection.

Mr. COCKRELL. I desire also to present a resolution of Local Assembly 448, Knights of Labor, of St. Louis, Mo., adopted at a meeting held on June 14, 1890, reciting that the Committee on the Judiciary in the lower House of Congress have reported favorably on a bill to prohibit alien ownership of land, and in an elaborate report accompanying said bill the committee sets forth the fact that Congress has the power to totally exclude aliens. The committee further report that they had ascertained that certain noblemen of Europe now own 21,000,000 acres of land in the United States, besides millions of acres owned by other aliens. The committee further say that European capitalists have invested millions of money in railroad and land bonds covering 100,000,000 acres of land, the greater part of which, under foreclosure sales, will in a few years become the property of foreign bondholders. The bill prohibits foreign-born persons who have not been naturalized from owning land, and only allows them to have a leasehold, and that for no longer than five years; it also compels alien landowners to sell their lands or become citizens within ten years; and they favor the passage of this bill.

I ask that the resolution be received and referred, I suppose, to the Committee on Education and Labor.

Mr. BLAIR. Certainly.

The PRESIDENT *pro tempore*. The paper will be so referred, in the absence of objection.

Mr. COCKRELL. I am not sure whether this resolution of the Knights of Labor of St. Louis should be referred to the Committee on Education and Labor or to the Committee on Public Lands. I am not certain which committee should take charge of it.

Mr. BLAIR. That is a subject-matter which the labor organizations of the country are seeking to bring to public attention. It has been