

Also, petition of F. H. Adams and 22 others, citizens of Ida County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Meadow Alliance, No. 1126, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of G. H. Sherman and others, citizens of Dickinson County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolution of Washington Alliance, No. 1225, Iowa, for same measure—to the Committee on Agriculture.

By Mr. TRACEY: Petition of citizens of Albany, N. Y., asking passage of an amendment to the tariff law whereby rebate will be given on tobacco—to the Committee on Ways and Means.

By Mr. WHEELER, of Michigan: Petition of C. H. Hubbell and 50 others, citizens of the Tenth Congressional district of Michigan, in favor of House bill 892 to promote the efficiency of the Life-Saving Service—to the Committee on Commerce.

Also petition of Joseph Van Buskirk and 15 others, citizens of same Congressional district, for same measure—to the Committee on Commerce.

By Mr. WILLIAMS, of Illinois: Additional evidence in claim of John J. Vincent for property taken for use of the Government—to the Committee on War Claims.

## SENATE.

MONDAY, December 22, 1890.

The Senate met at 10 o'clock a. m.

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

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

### HOUSE BILLS REFERRED.

The following bills, received on Saturday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 12042) to authorize the construction of a tunnel under the waters of New York Bay between the town of Middletown, in the county of Richmond, and the town of New Utrecht, in the county of Kings, in the State of New York, and to establish the same as a post road;

A bill (H. R. 4809) for cancellation of contract with United States engineer for delivery of stone for the improvement of the mouth of the Columbia River in Oregon and Washington; and

A bill (H. R. 12536) to facilitate the collection of commercial statistics required by sections 2 of the river and harbor appropriation acts of 1866 and 1867.

The bill (H. R. 6586) amending the act of July 20, A. D. 1882, dividing the State of Iowa into two judicial districts was read twice by its title, and referred to the Committee on the Judiciary.

### CALL OF THE SENATE.

The VICE PRESIDENT. Petitions and memorials are in order.

Mr. HARRIS. Mr. President, I do not think we ought to proceed with business with only a dozen Senators on the floor. Let the roll be called.

The Secretary called the roll; and the following Senators answered to their names:

Berry,	Daniel,	Manderson,	Sawyer,
Blair,	Davis,	Morgan,	Sherman,
Call,	Edmunds,	Morrill,	Spooner,
Carlisle,	Faulkner,	Pasco,	Stewart,
Casey,	Gorman,	Payne,	Stockbridge,
Chandler,	Harris,	Platt,	Vance,
Cockrell,	Hoar,	Reagan,	Walthall,
Cullom,	Kenna,	Sanders,	Wolcott.

The VICE PRESIDENT. Thirty-two Senators have responded to their names. No quorum is present.

Mr. MORGAN. That is about twice as many as we have been having at this hour of the day for a week.

After a little delay, Mr. COKE and Mr. PADDOCK entered the Chamber and answered to their names.

Mr. HOAR (at 10 o'clock and 20 minutes a. m.). I move that the Sergeant-at-Arms be directed to notify absent Senators to appear.

The VICE PRESIDENT. The Senator from Massachusetts moves that the Sergeant-at-Arms be directed to request the presence of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant-at-Arms will execute the order of the Senate.

Mr. BARBOUR, Mr. BATE, Mr. DIXON, Mr. DOLPH, Mr. EVARTS, Mr. HIGGINS, Mr. McMILLAN, Mr. MITCHELL, Mr. VEST, and Mr. WARREN having entered the Chamber and answered to their names,

The VICE PRESIDENT (at 10 o'clock and 30 minutes a. m.). Forty-four Senators have responded to their names. A quorum is present.

Mr. SHERMAN. I move that further proceedings under the call be dispensed with.

The VICE PRESIDENT. The Senator from Ohio moves that further proceedings by the Sergeant-at-Arms be discontinued.

The motion was agreed to.

### PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a petition of the National Board of Trade, praying for the extension of time for the withdrawal of goods in bond; which was referred to the Committee on Finance.

Mr. CASEY presented a petition of Farmers' Alliance No. 70, of Barnes County, North Dakota, praying for the passage of the Conger lard bill and the Butterworth option bill; which was ordered to lie on the table.

Mr. CULLOM presented a memorial of citizens of Quincy, Ill., remonstrating against the enactment into law of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. VANCE presented a memorial of the Chamber of Commerce of Raleigh, N. C., remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. PADDOCK presented resolutions adopted by the Virginia State Grange, Patrons of Husbandry, at its eighteenth annual session, praying for the passage of the Conger lard bill, the same being also urged by the Grange from thirty-six States of the Union; which were ordered to lie on the table.

He also presented a petition of Pleasant Valley Alliance, No. 357, of Holt County, Nebraska, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. STOCKBRIDGE presented the petition of Farmers' Alliance No. 36, of Muskegon County, Michigan, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. HOAR. I present a resolution in the nature of a petition of the National Board of Trade, adopted at a meeting in the city of New Orleans, from the 8th to the 10th of December, 1890, recommending the immediate passage of the Torrey bankruptcy bill. I move that the resolution lie on the table.

The motion was agreed to.

Mr. DANIEL presented resolutions adopted by the State Grange, Patrons of Husbandry, of Virginia, praying for the passage of the Conger pure lard bill; which were ordered to lie on the table.

Mr. COCKRELL. At the special instance and request of the Wage-Workers' Political Alliance of the District of Columbia, I present a petition praying Congress to lay aside the "monstrous Davenport elections bill" long enough to call the yeas and nays on certain bills of the Senate. I ask that the petition be received, and move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. PASCO presented a resolution of the Chamber of Commerce of Pensacola, Fla., in the nature of a petition, praying that the time may be extended beyond February 1, 1891, for the removal of imported goods from bonded warehouses; which was ordered to lie on the table.

He also presented a resolution of the Chamber of Commerce of Pensacola, Fla., condemning the features of House bill 11563, known as the Conger lard bill, and opposing its passage, but favoring the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. MITCHELL. I present a communication addressed to the Senate and House of Representatives by John E. Doherty, president, and Henry P. Murphy, recording secretary, respectfully representing that—

On the 10th day of October last occurred the centenary of the birth of Father Theobald Mathew, the apostle of temperance. A public meeting, under the auspices of the Father Mathew Society of this city, was held at Carroll Hall on the evening of that day, at which a large number of Catholic clergymen were present. Rev. Father Witter, pastor of St. Patrick's Church, presided. Right Rev. Bishop John J. Keane, rector of the Catholic University of America, was the orator of the occasion. Addresses were also delivered by Rev. Father McGee, Rev. Father Hannan, and Milton E. Smith, editor of the Church News, the representative Catholic paper of Washington. The inclosed resolutions were unanimously adopted:

"Resolved, That this meeting of temperance people, who are residents of the city of Washington, D. C., desiring to advance as much as may be in their power, the progress of the cause of temperance and good morals, express their approval of the high-license bill for said District now pending before the Congress of the United States and approved by the honorable commissioners of said District. It is our belief that the enactment of such a law will largely diminish the number of saloons that are now permitted to carry on a business that we believe is injurious to the best interests of this city, will increase the peace and good order of society, minimize the burdens of taxation, and materially aid us in our efforts to curtail the sin and consequent evils of intemperance."

"Resolved, That we earnestly commend to the members of the Catholic Church in this city the cause of total abstinence as advocated and practiced by the Father Mathew Total Abstinence Society, of the city of Washington. It has brought peace, happiness, and prosperity to many desolate homes, and it is worthy of the constant encouragement and support of all Christian people, who contemplate with sorrow the existence of the sin of intemperance."

I move that the resolutions lie on the table.

The motion was agreed to.

Mr. BUTLER presented a petition of citizens of Aiken, S. C., praying for the passage of a rebate amendment to the tariff and tax bill approved October 1, 1890; which was ordered to lie on the table.

Mr. WILSON, of Iowa, presented resolutions of Farmers' Alliance No. 1584, of Columbus City, Iowa, in favor of the passage of the Conger

lard bill and the anti-option bill; which were ordered to lie on the table.

He also presented resolutions of Cherry Mound Farmers' Alliance of Ion, Allamakee County, Iowa; resolutions of the Farmers' Alliance of East Nodaway, Adair County, Iowa; resolutions of the Pike's Peak Farmers' Alliance; the petition of 20 citizens of Floyd County, Iowa; the petition of 31 citizens of Cerro Gordo County, Iowa; the petition of 17 citizens of Linton Township, Allamakee County, Iowa; the petition of 17 citizens of Pleasant Valley, Scott County, Iowa, and the petition of 23 citizens of Sioux Township, Plymouth County, Iowa, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

Mr. PLUMB presented a petition of the Montgomery County (Kansas) Farmers' Alliance, praying for the passage of House bill 5353, defining options and futures; which was referred to the Committee on Finance.

He also presented the petition of William Hawkins, of Washington, D. C., praying for compensation on account of lands taken from him by the authorities of the District; which was referred to the Committee on the District of Columbia.

#### REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the petition of Mrs. Lucy Wood, of Barre, Vt., aged one hundred and five years, praying for a pension, submitted a report thereon, accompanied by a bill (S. 4706) granting a pension to Lucy Wood; which was read twice by its title.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3552) granting a pension to Mrs. Jane Hinsdale, reported it without amendment, and submitted a report thereon.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 11736) to regulate the granting of leases at Hot Springs, Ark., and for other purposes, reported it with amendments.

#### RECORD AND PENSION OFFICE, WAR DEPARTMENT.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 4620) to establish the record and pension office of the War Department, and for other purposes, to report it back favorably without amendment, and I submit a report thereon.

Mr. President, this is an important measure in the interest of the transaction of the public business, and I ask that the bill may be read—it is a very short one—and then a letter from the Secretary of War which is with the accompanying report; and then I think there will be no objection to the present consideration of the bill. It will take only a moment.

The VICE PRESIDENT. Is there objection to reading the bill and letter?

Mr. HOAR. Let the reading be for information only.

The VICE PRESIDENT. The bill and letter will be read.

The Secretary read as follows:

*Be it enacted, etc.*, That the record and pension division as now organized in the office of the Secretary of War shall hereafter be known and is hereby established as the record and pension office of the War Department, and the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, to appoint the officer now in charge of said record and pension division to be a colonel in the army and chief of said office, who shall, under the Secretary of War, have charge of the service and hospital records of the volunteer armies and the pension and other business of the War Department connected therewith; and all laws and parts of laws inconsistent with the provisions of this act are hereby suspended for the purposes of this act.

WAR DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, December 17, 1890.

SIR: I have the honor to return herewith Senate bill 4620, to establish the record and pension office of the War Department, and for other purposes, and to comply with your request for an expression of my views thereon.

The present organization of the record and pension division is based, I think, on correct principles. It brings together, under one direction, all the business received from a common source and relating to common matters. It permits harmony and consistency of action and avoids duplication of work. Its practical success has been marked and constant. But, having been constituted by executive order, its permanence without Congressional action must depend upon the executive authority for the time being. This step proposed by the bill, which contemplates the permanent establishment of the record and pension office upon its present basis, is, it seems to me wise, and meets with my hearty approval.

With respect to its head or chief it may be remarked that a little more than one-half of the clerks of the Department are in that division. It is charged with the care and preservation of records of inestimable value to the Government and to the people. These consist of over 400,000 rolls and 140,000 bound volumes. The importance of the work must continue for many years. Its oversight and direction require marked executive ability and untiring zeal. No less position could well be accorded to its chief than that contemplated by the bill. It is certainly due to his great responsibilities and burdens and to the dignity of his office.

I transmit herewith copies of my orders by which the division was created, and a memorandum giving extracts from the reports of my immediate predecessor and of myself, and from the report of the Select Committee of the Senate appointed to investigate the business methods of the Executive Departments. They show the condition into which this work had fallen and the results which have attended the change which was made.

Respectfully submitted,

REDFIELD PROCTOR.

Hon. JOSEPH R. HAWLEY,  
Chairman Committee on Military Affairs, United States Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

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

Mr. SHERMAN. I have no objection to the consideration of the bill, but in my judgment it would not be constitutional for us to say that the President shall appoint such and such a person.

Mr. COCKRELL. The bill does not say so.

Mr. SHERMAN. It says that he may do it.

Mr. COCKRELL. He may in his discretion, the bill says.

Mr. SHERMAN. But it ought to be left open for the President to appoint anybody he chooses. No doubt the President will appoint the gentleman who has organized this bureau.

Mr. COCKRELL. We have passed fifty such bills in the exact language.

Mr. SHERMAN. I doubt very much the propriety of it.

Mr. COCKRELL. I know we have done so.

Mr. SHERMAN. Then there is another objection, it seems to me, that I wish gentlemen to consider. This is purely a civil office. It is true it deals with military records, but it is purely a civil office. It seems to me that, instead of being a colonel in the Army in order to give pay for rations and transportation, horses and forage, and so on, he had better be made a civil officer with a reasonable salary, such as the Committee on Military Affairs may designate. The gentleman who is to be assigned to this duty is not an officer of the Army now, I believe.

Mr. COCKRELL. Oh, yes, he is. As a matter of course, he is.

Mr. MANDERSON. He is a captain in the Medical Department.

Mr. SHERMAN. He is a captain in the Medical Department, I understand, but I think it better, as this is a civil office, to give him a liberal salary as such. No doubt he is a gentleman who has accomplished a great work and saved a great deal of money, and is very deserving; but it seems to me it would be more proper in our system of government to have the heads of bureaus filled by civil officers.

Mr. COCKRELL. Would the Senator have the Adjutant-General's Office filled by a civilian?

Mr. SHERMAN. No; because that is purely a military office.

Mr. COCKRELL. This is work of the Adjutant-General's Office and has been from time immemorial. It could not be kept up there, and was put under this very man in order that he might bring it up and dispose of it; and he has done so, and is to-day saving the Government \$500,000 every year, and will for all time to come.

Mr. SHERMAN. I have no doubt of the value of his services, but it is not in the nature of military duty. It is true it is work done with the army rolls, but it is purely a civil duty. I make this objection, but I do not want to interpose any obstacle to the passage of the bill. However, it seems to me it would be better to appoint the head of the bureau as a civilian, as it is in the nature of a civil department, and give him \$4,500 a year.

Mr. COCKRELL. Then he would go in and out with the change of every administration, and you would have interminable confusion, just what has existed for the last twenty-five years. We want it under one head, that will keep it in one channel and will keep the business up as it is done to-day. If the Pension Office sends 2,000 letters there to-day before 12 o'clock, the answers go out to-night, a thing that is unheard of under any administration in civil government.

Mr. SHERMAN. Suppose the gentleman were unfortunately to die?

Mr. COCKRELL. Then we should have to trust to getting somebody else. His system would be retained, and it would be carried out if continued in the same channel.

Mr. SHERMAN. The bill as framed does not authorize the appointment of his successor.

Mr. COCKRELL. Certainly not.

Mr. SHERMAN. It expires at his death.

Mr. COCKRELL. I hope by the time he dies the whole business he has in charge will be in such a condition that eight or ten clerks can attend to it.

Mr. SHERMAN. It is a very novel provision, to make an officer of the Army an officer for life without any successor, merely because this gentleman has been a faithful and good servant to the people in methodizing the examination of the records. It would seem to me that it would be a great deal better to make this a bureau with a reasonable salary for the head. However, if the Committee on Military Affairs are satisfied with the bill, I do not interpose my objection.

Mr. MANDERSON. I think it is due the Senate that the exact status of this matter should be understood in one regard. Dr. Ainsworth is, as has been suggested, a captain in the Medical Corps of the Army.

Mr. COCKRELL. He is third in rank and will soon be a major.

Mr. MANDERSON. He will very soon reach his majority. He is a most efficient officer and has done a work of very great value to the Government. If this bill resulted in placing him in the Medical Corps as a colonel, I certainly would oppose it; but as I understand it it retains him in the Army apart from any of the great departments and outside of the line of the Army, with the rank of colonel. So it could not occur in his case that he would step to a colonel's position in the



Medical Department. I think that ought to be understood before the bill is finally considered.

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

#### BILLS INTRODUCED.

Mr. COCKRELL. At the specific request of the Wage-Workers' Political Alliance of the District of Columbia I introduce a bill and ask that it may be read the first and second time and referred to the Committee on Finance. I do not know anything about the bill.

The bill (S. 4707) to prohibit Senators and Representatives who are stockholders in any national bank from serving on the Committees of Finance or Agriculture, and for other purposes was read twice by its title, and referred to the Committee on Finance.

Mr. SHERMAN introduced a bill (S. 4708) granting an increase of pension to Daniel Beers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM (by request) introduced a bill (S. 4709) to incorporate the Pan-American Transportation Company; which was read twice by its title.

Mr. CULLOM. I have not had time to read the bill, so that I am not responsible for it. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. WILSON, of Iowa, introduced a bill (S. 4710) declaring null and void certain laws of the Territory of New Mexico, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 4711) to provide for the erection of a Government building at Joliet, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PLUMB introduced a bill (S. 4712) granting an honorable discharge to George F. Gibbs; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4713) for the relief of Ezekiel Blankenship; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4714) granting a pension to Edward L. Sharpe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. EVARTS introduced a joint resolution (S. R. 137) providing for the correction of a clerical error in the act entitled "An act to reduce the revenues and equalize the duties on imports, and for other purposes," approved October 1, 1890; which was read twice by its title, and referred to the Committee on Finance.

#### SIoux RESERVATION.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3271) entitled "An act to enable the Secretary of the Interior to carry out, in part, the provisions of 'An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes, approved March 2, 1889, and making appropriations for the same, and for other purposes,'" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 5, 6, and 7, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: Insert after the word "beef," in the second line of said House amendment, the following words, namely: "and such other articles as may be necessary;" and the House agree to the same.

H. L. DAWES,  
CHAS. F. MANDERSON,  
*Managers on the part of the Senate.*  
B. W. PERKINS,  
S. W. PEEL,  
M. M. BOOTHMAN,  
*Managers on the part of the House.*

The report was concurred in.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. 12498) to supply a deficiency in the appropriation for public printing and binding for the first half of the fiscal year 1891, and for other purposes, numbered 1, 2, 4, 5, 6, 7, and 8, and had concurred in the amendment of the Senate numbered 3, with an amendment in which it requested the concurrence of the Senate.

#### THE ELECTIONS BILL.

The VICE PRESIDENT. If there be no "concurrent or other resolutions" to be offered, the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Chief Clerk read the resolution submitted by Mr. MORGAN December 20, 1890, as follows:

Whereas in the substitute reported to the Senate for House bill No. 11045, on the 7th of August, 1890, in section 31 of said substitute, it is provided that sections 643, 645, 2017 to 2024, both inclusive, and sections 1982 to 1987, both inclusive, and sections 2027 and 5511 to 5517, both inclusive, and sections 5521 to 5523, both inclusive, of the Revised Statutes of the United States are each and every of

them hereby made a part of this act, and their provisions are made to refer and apply to this act with like force and effect as if this act were specifically mentioned or referred to therein, save as such sections are in terms changed or modified by the provisions of this act; and, without the incorporation of such changes and modifications of said sections of the existing law into the substitute so reported, it is uncertain what changes are intended to be made therein: Therefore,

Resolved by the Senate, That the Committee on Privileges and Elections are hereby directed to so amend section 31 of the proposed amendment as to show what are the changes and modifications in said sections of the existing law which were intended to be made by the bill so reported by said committee. And, to avoid the necessity of again committing said bill and proposed amendment to said committee, that they are instructed to make a supplemental report, without delay, showing such changes and modifications in said existing statutes, which they recommend and provide for in the amendment reported to the Senate.

Mr. MORGAN. Mr. President, I have introduced the resolution, not for the purpose of delaying action upon this bill, but in order to facilitate and advance the action of the Senate upon it.

I take it to be the right of the Senate as to every bill presented to this body that there should be enough contained within its four corners, enough contained within its text, to enable anybody to understand it who has to consider it.

I would not have taken the pains to introduce this resolution and would not be at the trouble of advocating it here and trying to explain it if I did not feel that the Senate and the committee both needed the resolution or needed something to be done in order to get this bill in such shape as that legislation could take place upon it.

If the bill is in such a shape here that it can not be amended, as you can not find out the particular in which you would desire to amend it, either by striking out or by inserting something, then it is not in proper form for legislation, and it does not comply with the rules of the Senate. It is the duty of every committee reporting a bill to have upon the face of the paper a sufficient and fair indication of what legislation the committee recommends, and not to require the Senate to resolve itself into a judicial body for the purpose of ascertaining what may or may not be the intention and purpose of the committee in the legislation that is presented for our consideration.

I have heard it stated here several times—and the more I look at this bill the better I am prepared to believe it—that in the form in which it is presented to the Senate it is not the handiwork of a lawyer, but that it is the production of a mind intent upon certain points which have less to do with the public and general welfare than with the individual fortunes of some private citizen. The more I read the bill, the more I am impressed with the fact that that must have been the case.

I shall not speak in any spirit of censure or accusation or of fault-finding at all when I address a suggestion to the chairman of the committee, which is this: That, able lawyer as he is, able Senator as he is, educated in the highest possible degree, and with faculties and abilities equal to any Senator on this floor, he is not able to get up here and take the text of this bill and, confining himself to that, tell us what is in it.

There are references in this bill to various outside statutes, modifications and changes wrought in statutes that exist upon the statute book, without their being pointed out at all. The statutes are merely enumerated, and the extent or character of the modifications and changes is not designated or mentioned in the bill.

Now, inasmuch as this proposed Senate amendment does change and modify existing statutes, is it not right, is it not my right as a Senator, to know the extent of the recommendation of the committee as to such changes and modifications? Am I to be required to follow the bent or guide of my own judgment, feeble as it may be, to ascertain what the committee meant when it said that a section of a statute was introduced into this bill with such changes and modifications as the whole of this great bill works upon it, without naming the particular part of this bill which is to work the change or the modification or the particular part of the statute changed and modified which was in the mind of the committee when they made the recommendation.

This is not any trifling matter, for there is not a Senator who desires to amend this bill on this side of the Chamber or on the other, in respect of these matters which are recommended in reference to the sections which are enumerated therein and not recited—there is not one of us who can make an amendment to this bill in any intelligent form. It is a sheer physical and literary impossibility.

The VICE PRESIDENT. The hour of 11 o'clock having arrived it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 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. The resolution of the Senator from Alabama will go over subject to call.

Mr. HIGGINS. Mr. President—

Mr. MORGAN. I merely wish to say, if the Senator from Delaware will indulge me a moment, inasmuch as this is a matter of very great importance to the Senate, that I shall take the floor as soon as I can get it in the main debate upon the bill itself, with a view of calling the attention of the Senate to the fact that it can not proceed with the bill in the shape it is now in.

PUBLIC BUILDING AT TAUNTON, MASS.

Mr. SPOONER. If the Senator from Delaware [Mr. HIGGINS] will

yield to me at this time, I desire to call up for consideration some conference reports.

Mr. HOAR. I desire to give notice that at half past 5 o'clock this afternoon I shall move a recess of the Senate until 8 o'clock this evening, and ask the Senate to remain in session until this bill is finished.

Mr. SPOONER. I presented on Saturday, from conference committees, several reports on the disagreeing votes of the two Houses on sundry public-building bills and asked that they lie upon the table until this morning. I ask that they may be now taken up.

The VICE PRESIDENT. The first conference report will be read, if there be no objection.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1545) to provide for the purchase of a site and the erection of a public building thereon at Taunton, in the State of Massachusetts, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 12, to the end of the bill, and insert:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses; Provided, however, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Massachusetts shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

JOHN C. SPOONER,

G. G. VEST,

Managers on the part of the Senate.

S. L. MILLIKEN,

P. S. POST,

Managers on the part of the House.

Mr. HOAR. I should like to inquire of the Senator from Wisconsin if these conference reports are all identical with the exception of the place and the building.

Mr. SPOONER. In reply to the inquiry of the Senator from Massachusetts I would say that the main amendment of the House to each of these bills was to reduce the amount, and the Senate concurred in that amendment.

Mr. HOAR. All right.

Mr. SPOONER. The House of Representatives neglected to further amend the bills so as to conform to the amendment which had been made as to amount. Each one of these conference reports is identical, and they make no change in the bills whatever, except to adapt the phraseology to the fact that the appropriation is omitted from the bills.

Mr. HARRIS. Does the Senate recede from its disagreement to the House amendments?

Mr. SPOONER. With an amendment.

Mr. HARRIS. With an amendment conforming the plan of the bill to the amendment previously made?

Mr. SPOONER. That is all.

The VICE PRESIDENT. The question is on agreeing to the report of the conference committee.

Mr. GORMAN. I should like to inquire of the Senator from Wisconsin in charge of these bills, whether in all these cases the appropriation has been stricken out, so that no appropriation is made for these public buildings.

Mr. SPOONER. We passed each of the bills with an appropriation in it, but the House amended the bills by striking out the appropriations, but neglected to make further amendments to adapt the language in the bill to the amendment which they had made. The Senate conferees have concurred in the House amendment in each case striking out the appropriation, so that as the bills now stand none of them contains an appropriation. The only object of the conference was to reform in some respects the phraseology of the bills so as to make the language harmonious and consistent. The reports are all alike.

Mr. GORMAN. I should like to ask the Senator in charge of these

bills if he has the information, or his committee, how much has been authorized to be expended for the various new public buildings during the last session and this session where no appropriations have been made, but leaving the amount to be provided for hereafter, which of course will swell the regular appropriations. What is the aggregate amount?

Mr. SPOONER. I am not able to inform the Senator.

Mr. GORMAN. I do trust the Committee on Public Buildings and Grounds who have the general charge of these bills will, before any other bill of this character is passed, give us some idea of the amount that is involved in the legislation of this Congress as to public buildings.

I think it is changing the universal rule to pass these bills in such a shape that it is impossible to ascertain what will be hereafter the requirements of the Government in the way of making provision in appropriations.

Mr. HARRIS. Perhaps the Senator from Wisconsin could give an approximate idea as to the probable amount.

Mr. SPOONER. I can not do that. I am not chairman of the committee, and I have made no investigation into the amount of the appropriations.

The Senate in almost every instance at the last session and at this have passed these bills with an appropriation in them. The House was unwilling to agree to any bill which contained an appropriation for a public building, and the Senate has uniformly receded, with perhaps two or three exceptions, from its position, and has agreed to the House policy of omitting the appropriations. Of course it leaves nothing indefinite ultimately, because the amount which is to be appropriated in the end for the construction of each building is fixed by law.

This is true, that in most instances there is a pressing necessity only for an appropriation sufficient to purchase the site. In some cases that is small and in other cases it is larger; and the Appropriation Committee is expected—it did so last session—to ascertain as nearly as may be how much is immediately required as to each building and to appropriate only so much as may be necessary for the coming year. The Committee on Public Buildings and Grounds can easily make and furnish a statement of the aggregate amount of the appropriations if it is desired, but I have had no office to perform in that regard, not being chairman of that committee.

Mr. GORMAN. Of course I do not want to antagonize these measures; I have no doubt that every building which has been provided for is necessary for the purposes of the Government; but I desire to call attention to the fact that at this Congress—and it is not the fault of the Senate, for we have been coerced into it, but in my judgment it ought to have been resisted—we have entered into the matter of the construction of public buildings by a mode of legislation which I think is most unfortunate. I believe the old rule was the proper one, that every bill providing for a public building should carry with it its appropriation, and then Congress and the people know precisely what we were doing.

Mr. SPOONER. Will the Senator allow me a moment?

Mr. GORMAN. Certainly.

Mr. SPOONER. Upon reflection, it seems to me the Senator will concede that that criticism is not well founded, because in each case the limit of appropriation is fixed by the act, so that anyone who reads the act may know what ultimately is to be required in order to carry out the provisions of the law.

Mr. GORMAN. I was about to make the statement that it is true in these cases that the limit of the appropriation is provided for in the bill, which it is said is not to be exceeded hereafter. But we impose the obligation upon future Congresses of course to make the appropriations. So, while we may involve the Government in the expenditure of millions of dollars, it does not appear upon the face of the Treasury statement that such has been the case, but it is left to future Congresses.

Take the very case now in hand, because there can not be any question about the object of it. Here are both Houses of Congress and the executive branch in the hands of one party. You have changed the system of legislation so as to make it appear at the end of the fiscal year that your Administration has been more economical than in fact it has been, and the obligation will rest hereafter upon the Representatives of the people—and there is no escape from it, to appropriate the money that you have authorized to be expended in a previous Congress.

It is only one step in what is going on in other matters, appropriations for indefinite amounts for claims to be adjusted, attention to which has been called by the Senator from Missouri [Mr. COCKRELL] and others at the last session of Congress, and which goes on. Then the other step follows which is now before this body, going back to that vicious system which created extravagance and corruption, of indefinite appropriations from the Treasury.

My objection is to the entire system we are entering upon. I know, sir, it is impossible to stop this matter now. I understand that every part of our common country is anxious for these public buildings, but I do think the line upon which we are entering is most unfortunate for the people of the country and I enter my protest against it.



Mr. SPOONER. I only wish to say in reply to the Senator that it is true that the Senate during the entire last session adhered to the old policy upon that subject and appropriated the full amount in each bill, but the House of Representatives was absolutely unwilling to agree to it, and there is some reason to be given in support of its policy of appropriating only so much money for each building as is necessary to be appropriated and to be used for the time being or during the year. The precise amount appropriated during each year appears and the purpose for which it is appropriated, and there is no indefiniteness whatever of appropriation under the policy adopted by the House of Representatives, because each bill fixes plainly the limit of appropriation for the public work. We are obliged either to adopt this policy or to let all of these bills go.

Mr. COCKRELL. Mr. President, I supposed when the Committee on Public Buildings and Grounds adopted the system of appropriating the full amount for the construction of public buildings it was in the interest of economy and for the purpose of facilitating the construction of the buildings and lessening the time. I presumed also that that was founded upon the fact that for many years previously Congress had been passing bills fixing a limit to the cost of the building, as was done in Chicago and as was done in St. Louis and many other places, and then appropriating a small amount to begin the work and then making appropriations from year to year; to start out on the building with the limit of a million, and in the end it would cost five millions, or with a limit of \$500,000 and it would cost \$2,000,000. A considerable portion of this was consumed in the constant wear into the sum of the expenditures for supervisors and employes, whose service was continued during the entire year, whether work on the building was going on or not.

I supposed that that was a real, practical reform, and that Congress had determined that they would give a specific sum for the construction of a public building at a specific place, and would require it to be done just as quickly as the work could be done, the money being ready so that contracts for the entire work could all be made, the material assembled, and the building put up decently and in order.

Mr. President, the Senate passed all of these bills with that understanding—at least that has been my understanding and that has been the theory upon which I have been proceeding—and these bills go somewhere else where they have to be considered, whether in deliberation or not I do not know, but they have to be considered, and in that consideration there is a determination to strike out all of the appropriations and simply leave a limit and make a small appropriation, and thus return to the old vicious system under which public buildings were in the course of construction from three to five years, and at a cost of from one to three times the amount of the first limit, Congress being compelled, after the work was commenced and a great part of the sum had been expended, to appropriate for the increased cost or abandon the building.

I think there are two notable instances of this kind of work in the Chicago customhouse and in the one at St. Louis. I do not remember how much the Chicago building cost, but I think it was something over \$5,000,000.

Mr. VEST. Over \$7,000,000.

Mr. GORMAN. And it is about to fall down now.

Mr. COCKRELL. It cost over \$7,000,000 and is about to fall down now! They have to be mending it and tying it together.

Mr. CULLOM. I do not think it is going to fall down, but it is not half large enough.

Mr. COCKRELL. The building in St. Louis cost between four and five million dollars, I think.

Mr. VEST. Over \$5,000,000.

Mr. COCKRELL. Over \$5,000,000, and they were at work on it for a long period of time, extending through year after year and year after year. I should be sorry to see the Senate abandon a wise and judicious and economical policy for an unwise and extravagant one.

Mr. SPOONER. The Senator has been a member of this body a long while and an efficient and a careful member, too, and is familiar with the system which has been followed from year to year. I only know that since I have been a member of the Senate I have been a member of the Committee on Public Buildings and Grounds, and we were until this Congress in the habit, as I say, of appropriating in each bill (unless it were a very large building and very large appropriations were necessary) the entire amount required for the construction of the building. The House of Representatives changed the policy. Your committee resisted. We had conference after conference and the House refused absolutely to yield, and in every case they struck out the appropriation, and in every case in conference they insisted upon their amendment, so that we were obliged to recede from our position on the subject in the Senate or to agree finally to the destruction of the bill in almost every case. There has been great unanimity on both sides of the Chamber in both Houses in the desire that these bills should be facilitated and hastened. I have not discovered any Democratic Senator or any Democratic member who had a public building bill who was not only quite willing but quite anxious under the circumstances that the change of policy should be approved by the Senate in order that the public-building bills might be passed.

As I said, the only change made by these reports is a change of phraseology.

Mr. GORMAN. Will the Senator from Wisconsin permit me to ask him a question?

Mr. SPOONER. Yes, sir; of course.

Mr. GORMAN. Do these bills provide that the Secretary of the Treasury is authorized to contract for the whole of the work as to each of the buildings, that he is authorized to make a contract for the completion of the buildings?

Mr. SPOONER. I do not remember the precise phraseology of the bills in that respect.

Mr. CULLOM. The bills generally provide that the buildings shall not exceed in cost a certain sum of money.

Mr. VEST. There is no provision in these bills about any contract.

Mr. GORMAN. That brings up a very important question. The Senator from Illinois [Mr. CULLOM] knows perfectly well that in all matters of contracts (in which the Committee on Commerce, of which he is a member, has had a great deal of experience) you can save the Government at least one-fifth of the cost of a work if you are authorized to contract for the whole of it. It is so in the matter of dredging rivers. I call attention to that because such a provision was made in the appropriation for the harbor of Baltimore, and I think more than 45 per cent. of the cost of that work was saved because the engineers had the right to make a contract for the whole work. So, in regard to public buildings, where you make the appropriation in the act itself and it is made available, the Secretary of the Treasury can enter into a contract for the entire completion of the building. Beyond question, buildings contracted for in this way can be erected for 20 or 25 per cent. less than they can be under the system we are now entering upon of doling out the appropriations year after year.

Mr. VEST. Will my friend from Maryland permit me to make a remark?

Mr. GORMAN. Certainly.

Mr. VEST. I heartily agree with everything he says, and I have endeavored with all my feeble powers to enforce that conviction on the Senate, but I wish to call his attention, if it has not been already called, to a matter of record. I introduced into the Senate and attempted to secure the passage of a bill providing for just exactly what he is advocating here this morning—that is, the contract system, the idea adopted by every gentleman when he builds a house whether for occupation by himself or others. He goes to an architect, he gets his estimates and makes his contracts and holds the contractor responsible under bonds. But the Government of the United States takes just exactly the opposite plan. No contract is made. The building is constructed by days' work, as they call it; it is constructed by piecemeal; and the result is that its construction is elongated from year to year until what a private individual would do in six months is done by the Government in eighteen months or two years or five years.

When I introduced that bill and attempted to have it passed, I met with no assistance in the Senate. Those who were not opposed to it were lukewarm. It was referred to the Supervising Architect of the Treasury, and he answered in a communication to the Committee on Public Buildings and Grounds, giving almost innumerable objections that it would never do in the world, that it would take away the supervising control of the Treasury Department, that he must be permitted to make a contract with the plasterer, and with the bricklayer, and with the stone mason, and with the carpenter, all separately. In other words—and I want to speak plainly—he was unwilling to do away with the system under which thousands and millions of dollars have been thrown away by the Government of the United States and have gone to enrich certain individuals in this city.

Scandals have grown out of this system. When I became a member of the Committee on Public Buildings and Grounds, twelve years ago, I found the committee room lumbered up with the debris of an investigation which had been commenced as to the affairs of the Supervising Architect, who was accused of being in partnership with certain mechanics in this city; but the investigation ended, as such investigations generally do, in smoke and wind. He resigned and went out of office. I do not undertake to say how much he made. There were all sorts of statements made about it. The old system went on. I have been informed by contractors, and one from the city of Baltimore, who referred me to the Senator from Maryland [Mr. GORMAN] as to his character and standing, that he applied here for the contract for a public building and was informed that it was not a matter open to competition.

There have been rings around the Treasury Department who have got control of this work, and buildings have been put up in remote Western cities and the contracts given to parties right here, and, as I have had occasion to say over and over again without the slightest reflection upon anybody, we ignore every correct business principle in transacting the affairs of the Government of the United States and we seem to be here for the purpose of getting rid of money and making every expenditure as extravagant as possible.

I want to say to my friend that when he advocates the contract system he must first get rid of all the ideas which have controlled the Supervising Architect and the Treasury Department for at least twenty-



five years, if not longer, in regard to this matter. It is an Augean stable, and the man is a very bold one who believes he can do anything to cleanse even a portion of it. I have despaired of it myself, I am sorry to say. Life is too short, and I do not expect ever to see any amelioration of present conditions.

As my colleague [Mr. COCKRELL] says, the cases of the public buildings at Chicago and St. Louis are a standing scandal on the way in which we conduct business. The Senator from Illinois [Mr. CULLOM] says that the building at Chicago ought to be enlarged. Why, sir, it has been condemned as a nuisance. I have seen again and again the statement, and I heard it from gentlemen when I was there with my beef committee last year, that it was an unsafe building, the foundation imperfect, and people are afraid to stay in portions of it. That has been stated again and again in the newspapers of Chicago, and I have never heard any contradiction of it.

We started out in the city of St. Louis to erect a public building to cost about \$2,000,000, and we spent in the neighborhood of \$6,000,000. We started out in Kansas City with an appropriation of \$250,000, and spent \$450,000, and got a little coop there which is entirely too small for the business of the Government.

We have time and again in our committee put a limit on the expenditure for buildings, but what does it amount to? A new member of Congress comes in and he wants to be re-elected, and he comes to Congress and says "It is absolutely necessary that this limit should be extended," and we extend it. I have known but one case where we did not do it.

Mr. HALE. I wish to ask the Senator a question right there. I ask whether this evil which he is so well depicting arises in the office of the Supervising Architect or does it not arise in Congress? Is not the trouble he mentions at Kansas City that insufficient appropriations were made in the first place for a building for so large a place? The Architect can do nothing when Congress sends him a bill with a limit, although he knows it is not half enough for the needs of a great and growing city, and he has to make his plans and has got to go piecemeal.

I want to express my dissent here, with some knowledge of the workings of the Supervising Architect's Office in years past, to any imputation that is made upon that office as to its general management in the great domain of integrity. I do not believe that that office has been conducted in a corrupt fashion in the years past. I may disagree with the Senator from Missouri in that respect, but things have not all gone in a particular way; but, generally speaking, my observation has been that the gentlemen who have been in charge of that office have been high-minded, honest, earnest, and industrious public servants, and in the case that he refers to, of the investigation and the resignation, if he refers to Supervising Architect Hill, I am glad to say that from my observation of his course in the Department I believe him to have been an honorable gentleman and an honest public servant.

I do not think that office has been a nest of corruption; I do not think it has been surrounded by rings of corrupt men who have controlled the operations of the office either during the Democratic Administration or the Republican Administration. The gentleman who was placed at the head of that department by President Cleveland was a man who always impressed me as trying to do his best, and he and the others who have gone on in this piecemeal way have done so because we did not give them appropriations enough. We have tried in the Committee on Appropriations, as the Senator from Maryland [Mr. GORMAN] knows, to get through appropriations, particularly for the smaller buildings, for enough to completely erect the building and put it in the hands of an architect, as a private enterprise would be done; but we were not always able to get it done—I will not say for what reason—we could not get agreements elsewhere; and so the office has been all the time under the burden and disability of this piecemeal legislation on the part of Congress, and the fault is at our door rather than the door of the Supervising Architect.

Mr. VEST. I have made no attack on any Supervising Architect. I spoke of what was a matter of record and history as to the scandals connected with that office both under Republican and Democratic Administrations. I made no intimation that the present Supervising Architect is a corrupt man. I think he is a perfectly honest one and a good officer. That is not the issue.

Mr. SPOONER. You are condemning the system.

Mr. VEST. I am talking about the system.

Mr. HALE. The Senator did speak about the corrupt rings that had the control here in Washington. I do not think that the Senator himself—and he has given a great deal of attention to this subject and is a most careful legislator—wants to do me injustice. I do not think on reflection he would be willing to have it go with the authority that any utterance of his obtains in the Senate and in the country that this office has been surrounded by corrupt rings which have controlled it.

Mr. VEST. I was not in the Senate at the time that the investigation to which I referred was carried on, but I will state in entire frankness that my impression was that there were rings at that time, and I believe it now, and I think I can prove it to the satisfaction of any jury.

Mr. CULLOM. I am inclined to think the investigation referred to was as to the construction of a public building over which the Supervising Architect of the Treasury had no control perhaps.

Mr. VEST. I understand not. I was not in the Senate, and I was not a member of the committee when the investigation began. I found the investigation about in its last stages when I became a member of that committee in 1879, and I know what the impression then was, and it has been corroborated since, as to myself, by the statements of individual contractors, one of whom the Senator from Maryland knows very well, from his city, a young, enterprising gentleman who told me that he applied for a contract there and was told it was not a matter open to competition at all. Whether he stated the truth or not I do not know, but I have reason to believe him to be a truthful man, and I have heard other statements of the same sort.

That was some time ago. I have heard nothing about it under the present Administration, and, as I say, I take great pleasure in saying now that the present incumbent, although my political opponent, is an honest man, I have no doubt about it, not the slightest. All I said was intended, not to apply to persons, but to this system. It is an outrageous system. We throw away millions of dollars under it.

I make another statement which the Senator from Maine will not controvert, and that is that whenever we have undertaken to change this system the Supervising Architect's Office has always opposed the effort.

Mr. HALE. That is not my experience, Mr. President, in the Committee on Appropriations, where, at last, these bills go for the money without which the breath of life could not be breathed into their operations. I think the Senator from Maryland [Mr. GORMAN] will bear me out in the statement that of late years particularly, but at all times, as I remember, the Supervising Architect has been entirely willing to adopt any policy that Congress would recommend and would father; and indeed I am very clear that the present Architect has taken that ground, and I know that his predecessor, in a long conference that we had, agreed fully that the thing to do would be, wherever we could get complete appropriations made, to make them and make contracts for the whole work.

Mr. VEST. That is a different proposition. Of course they are in favor of full appropriations.

Mr. HALE. Full appropriations.

Mr. VEST. I am talking about contracts.

Mr. HALE. He went further, as I was about stating when interrupted by the Senator, for full appropriations, so that contracts could be made for the completion of the buildings. I know his predecessor took that ground and was earnest in staying up the hands of the Senate on this controversy, and I know that the present Supervising Architect is a man whose conduct has impressed everybody favorably, and I know he is in favor of that policy.

The trouble is—and I think the Senator must see it as well as I—that the fault is here in Congress. That bureau, a most important one, the head of which does not receive a third or a quarter of the pay that a man competent to hold the place could earn in his profession outside, is, I believe, ready to embrace any comprehensive plan for the construction of these public buildings that Congress will define and enact into law. The trouble, I think, is here.

Mr. VEST. I agree with the Senator from Maine about the justice of that new matter he has brought in, that the Supervising Architect is not paid enough. I think that is the great evil as to the bureau today. We expect a first-class architect for a fifth-rate salary, and we can not get it.

Mr. HALE. The wonder is that we get such good men.

Mr. VEST. Now, I come back to the statement, and that is the salient point, as to whether the Supervising Architect's Office has opposed the making of contracts, and I say it has. I did not anticipate any debate on this subject, but I can send to the room of the Committee on Public Buildings and Grounds and find an official communication from that bureau as to the bill that I introduced here establishing the contract system, giving reasons why that bill should not pass, and one of the reasons was that the discretion ought to be left alone with the Supervising Architect to make contracts as to any portion of the work, and not that the contract should be made as an entirety.

Mr. HALE. Quite likely that may be.

Mr. VEST. In other words, it was against the contract system, and I go back to my proposition, that no gentleman, no business man constructing a building either for business or for a residence would adopt any other plan than to have his architect draw the plan with the specifications, then solicit bids from responsible contractors, and let the whole work to be done. That is the cheap way, and it is the proper way, but is not the way that the Government has adopted, and it is not the way that the Supervising Architect is willing to favor. I do not think the present incumbent would favor it. I know that the incumbent under the Cleveland Administration opposed it directly and with every means he could, and the records will show it.

Mr. CULLOM. Mr. President, I agree pretty fully with the Senator from Maryland [Mr. GORMAN] and also the Senator from Missouri [Mr. VEST] that there is economy in ascertaining and so conducting the construction of a public building as that before it is attempted it



shall be known exactly what it is going to cost. There is no better way of ascertaining that than by the contract system, in my opinion.

I have had nothing to do with public buildings such as are now under consideration; but as to public works, pertaining to harbors and the construction of public improvements of that kind, there is no question that the system which the Senator from Maryland has suggested is the correct one, and by its adoption and by its being followed we shall save tens of thousands and hundreds of thousands of dollars every year.

I do not care, however, to take up the time of the Senate in discussing that feature of the question. I simply rose to say that, so far as the public building at Chicago is concerned, there is no doubt about the fact that it was a badly constructed building, and that perhaps the misfortune in the case in the first instance was in failing to get a good foundation for the structure; but the fact exists now that, whether the building was good or bad, it will become absolutely necessary for the Government either to enlarge the building very greatly or to construct a new one in order to accommodate the public in connection with post-office matters.

I do not know whether there is any proposition before the Committee on Appropriations for that purpose or not, but there certainly will be one. I have understood, without seeing the Supervising Architect, that he has been there and has decided that the building which is there now is probably a safe one. There is no question that many doubt its being safe. Many criticisms have been made upon it and many people have felt that it was unsafe to be in it; but recently, I understand, the Supervising Architect has been there and has decided that the building, so far as its standing up is concerned, is safe enough. But, whatever may be the fact, there is no question that the Government will be called upon to make a large appropriation either for a new building or for the enlargement of the present one.

Mr. GORMAN. Mr. President, I am impressed with all that the Senator from Missouri [Mr. Vest] has said. In regard to the proposition submitted by him authorizing contracts for these public buildings to be made for the different classes of work, that of course is a different proposition and one which I am not called upon to consider now; but I do think the whole discussion brings us back to the main question which is pending here, and that is the reversal of the policy which we had inaugurated of fixing the amount for the expenditures on a public building and then authorizing a contract for the entire work to be made which would save the Government 20 or 25 per cent.

I wish to call the attention of my friend from Missouri and other gentlemen upon the Committee on Public Buildings and Grounds to two cases which have occurred during the last Congress, or within the last four years at all events. The Committee on the Library, in connection with the Committee on Public Buildings and Grounds, sought to make a provision for a great library building just east of the Capitol here, and when that proposition finally came before the Committee on Appropriations we succeeded in placing in it a provision authorizing a contract for that entire work, the building to be constructed under a gentleman who is the Chief of Engineers; and I know that I speak within limits when I say that that single provision saved the Government at least a million or a million and a half of dollars, nearly 25 per cent. upon the cost of the building.

At the very last session of Congress we passed a bill here making provision for a post-office building for this city down on the south side of the Avenue and securing the site. Provision was made for the entire cost of the site, and then a provision was put in the bill, with the sanction of the Supervising Architect of the Treasury and at his earnest solicitation, authorizing him to contract for the entire building, for everything from the foundation to the dome, with the assurance, and I believe it will be realized, that he will save from 20 to 25 per cent. upon the cost of the building as contrasted with the system which is now being brought to our attention daily, of doling out appropriations from year to year.

It was under that system that this complaint that my friend from Missouri brings attention has grown up. Twenty-five or fifty thousand dollars for a building was appropriated one year and no more, and no authority was given under the law to go beyond that. There can not be any question that there were a lot of favorites around the Treasury Department and around the Architect's Office. That practice grew up naturally; I do not say corruptly, but it was the natural outgrowth of the system. They were here, and they excluded all contractors and enterprising men except those who happened to be upon the ground. Contractors who resided in Washington, and who were near here in Maryland and within the circle, obtained two-thirds of all the contracts that were given out.

That is a system we are going back to under the provisions of the bill now pending before the Senate. That is the whole point of my remarks, and I call attention to it, that we are taking a step backward instead of forward. I thought at the last session we had gone ahead in the two instances named, the post-office building in this city and the Library building, together with other public works; but here it is departed from for the purpose of preventing the exact amount of the appropriation from being shown upon the returns of the Treasury De-

partment, and there can not be any other purpose in this system that we have inaugurated of taking the people's money and yet not having it felt at the end of a year, to show or attempt to show, as is being done at this very session in the reports of the Treasury Department, a better condition of the Federal Treasury than in fact there is, piling up these huge amounts that a House of Representatives, no matter what its politics may be hereafter, will be compelled to make appropriations to meet, because the law has provided for the buildings and made it impossible to have economy hereafter. Here the obligation for the appropriation is made, and the people's Representatives who come in fresh at the next Congress will be compelled to make large and liberal appropriations. It is an attempt to escape responsibility on the part of the men who get the appropriations now.

It is true, as the Senator from Wisconsin says, that both sides of this Chamber are most anxious for public buildings. That is true of all of us. There is a mania for them all over the country, but we ought to have courage enough to make the necessary appropriations when we provide for public buildings.

Mr. HALE. The Senator has referred to the policy which the Committee on Appropriations pursued in reference to the Congressional Library building and the city post-office building, where we carried through the proposition for making a contract for the building; but the Senator, I think, will remember that that did not require the Architect or the Chief Engineer in charge to make one contract for the whole work. We did not go to that extent. The proposition which is involved in the position championed by the Senator from Missouri, from what he has said, I think also covers the proposition of one contract for everything. That, as the Senator from Maryland says, is another question. We have not gone into that; and it is a grave question in my mind whether it is advisable. Many large structures that are built by contract by individuals and corporations are put out in different contracts, and that is being done in the cases referred to. I do not understand that the Architect has objected in any case to the authority to make entire contracts for the work, but we have never obliged him to make one contract for the entire work.

Mr. GORMAN. I understand it precisely as the Senator from Maine does; but I ask him whether he does not agree with me that in the case of the Library and of the post-office building—I instance only those two cases—the mere fact that we had made provision authorizing the Chief of Engineers to make a contract for the entire work saved the Government from 20 to 25 per cent.

Mr. HALE. I think that the Senator in regard to the Congressional Library building has understated the saving to the Government. Instead of being what he has stated, I think as compared with the work going on as it has in other buildings without this authority, that more than \$2,000,000 will be found to have been saved to the Treasury when the structure is completed and presented to Congress and ready to be occupied. I agree fully with the Senator. I would only go further.

Mr. GORMAN. Mr. President, that is all there is of the question, so far as I am concerned. I do trust that hereafter the Committee on Public Buildings and Grounds if they can not get the consent of the co-ordinate branch to make an appropriation, as I believe it ought to be made in every case, will at all events have a provision authorizing the contracts for these buildings, which will save from 20 to 25 per cent. in each case, inserted in these bills. I do not know whether it is feasible now.

Mr. SPOONER. To what provisions does the Senator refer?

Mr. GORMAN. A provision authorizing a contract for the construction of a public building within the limit for the total cost of the building in each case.

Mr. SPOONER. I think if the appropriation were contained in the bill, the Secretary of the Treasury, under the phraseology adopted in all these bills, would be authorized to enter into that kind of a contract. It seems to me to be a matter of administration.

Now, this bill and all these bills authorize the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site and to cause to be erected thereon a public building for certain indicated purposes, after the plans and specifications and estimate of the entire cost shall have been made. I see no reason in the world why if the bill contained an appropriation the Secretary would not be authorized to enter into an entire contract for the construction of the building. It is left really in his discretion as to whether he will contract for the construction of the entire building or whether he will build it under contract with different men for different portions, some men to supply material and others to do work.

Mr. McPHERSON. If the Senator from Maryland will allow me, I wish to ask the Senator from Wisconsin to please inform us on one point. I understand this conference report covers quite a multitude of bills.

Mr. SPOONER. There are several conference reports under consideration, but the one immediately before the Senate covers only one building.

Mr. McPHERSON. I understand at the same time that there are quite a number of bills which will come in under the same rule nat-

urally. Can the Senator inform me what amount of appropriation this bill would carry or what would be necessary in order to complete the building?

Mr. SPOONER. I have answered that.

Mr. MCPHERSON. Is there any limit in the bills specially as to the amounts which shall be spent?

Mr. SPOONER. In each bill there is a limit of cost.

Mr. VEST. I will state to the Senator from New Jersey, without having made any computation myself, that the estimate, as I recollect it, of the cost of the public buildings that we have passed bills for, and those upon which the Senate and the House have agreed, would be in the neighborhood of \$3,000,000 at this session of Congress and the last.

Mr. MCPHERSON. In which there has been no specific appropriation made in the bills?

Mr. VEST. Of course there is a specific appropriation in every public-building bill that we pass.

Mr. MCPHERSON. But no money appropriated.

Mr. VEST. We ought to be entirely frank about this matter, and if the Senator from New Jersey will permit me I will state that I agree entirely with the Senator from Maryland, I have always agreed with him, as to the propriety of putting the amount of the appropriation in each bill. But the Senate might as well face this proposition without any sort of indirectness about it. If we insist upon putting the appropriation in the bill you can not pass another public-building bill at all.

Mr. MCPHERSON. Why?

Mr. VEST. Because the House of Representatives will not agree to it. I have been on these conference committees from the beginning, and they have always informed us that they would not agree to any bill that had an appropriation in it. The first objection they always make to our bills is that we put an appropriation in, and they will not consider anything else until we strike that out.

Mr. SPOONER. The Senator will agree that we have tried on the part of the Senate repeatedly to enforce that policy.

Mr. VEST. Of course; we have tried it for eight years.

Mr. GORMAN. I should like to ask the Senator from Missouri what earthly reason is assigned for taking such a position by anybody.

Mr. VEST. The simple reason assigned is that it is not a matter that should be put in any but a general appropriation bill, and we have never been able to obtain any other reason. I have my idea as to what the reason is, and the Senator from Maryland stated it this morning very forcibly. I believe the direct way is the proper business way and the fair way; that we ought to know what every building will cost, and we ought to appropriate for it at the time; but the House of Representatives will not agree to that course. The result is that the Senate committee is pressed here by brother Senators to pass their bills and put them through the conference committee. You can not put them through the conference committee with appropriations in them.

Now, if the Senate want to see all these bills defeated because of this action on the part of the other House let them instruct the conferees, and that is the end of the bills for public buildings at this session.

I want to say another word about the Public Library building. The Committee on Public Buildings and Grounds had nothing to do with it. That whole matter was under the control of the Committee on the Library. We never touched it in any way, directly or indirectly, but I want to say with entire frankness that I think the saving in that committee was made by putting General Casey in charge of the building. He has saved more money to this Government, as shown in the construction of the State, War, and Navy Department building, than any other man who ever had conduct of any such business. The very minute he took charge the prodigality of expenditure ceased.

No, it was not the system; it was the man. He does everything exactly as if it were his private business. I can show cases of items of expenditure—I mean new public buildings—where, in the single matter of frescoing, he saved to the Government over a hundred thousand dollars, and he did it by making a contract as if it were his own building that was to be erected, without knowing one man from another. If we had that sort of officers all over it would not make much difference what kind of law we had.

Mr. BLAIR. Mr. President, I hope Senators will bear in mind that we have a hard day's work before us. The Senator from Massachusetts [Mr. HOAR] has given notice that we are to sit until we pass the elections bill, and it does seem to me that some way ought to be contrived, by previous question or otherwise, to terminate the present debate.

The VICE PRESIDENT. The question is on concurring in the conference report. Shall the question be taken on concurring in the reports separately or as a whole?

Mr. SPOONER. I do not know whether there is objection to acting upon them all together.

Mr. COCKRELL. How many of them are there?

Mr. SPOONER. Five or six.

Mr. COCKRELL. Let them be called separately. It is not a good way of passing things to take them in bulk.

Mr. SPOONER. I think myself that it is not a good way.

Mr. COCKRELL. Let them be announced separately.

Mr. SPOONER. I ask that the pending conference report now before the Senate be acted upon and that the others lie upon the table.

The VICE PRESIDENT. The question is on concurring in the conference report.

The report was concurred in.

#### PUBLIC-BUILDING BILLS.

Mr. SPOONER. At the suggestion of several Senators on the other side of the Chamber, as the conference reports are identical, I ask unanimous consent that they each may be read by title and acted upon.

The VICE PRESIDENT laid before the Senate the conference reports referred to, the titles of which were read, and the reports concurred in, as follows:

A bill (S. 875) to provide for the erection of a public building in the city of Norfolk, Va.;

A bill (S. 902) for the erection of a public building at Sioux City, Iowa;

A bill (S. 1230) for the erection of a public building in the city of Pawtucket, R. I.;

A bill (S. 1590) to provide for the construction of a public building in the city of Stockton, Cal.; and

A bill (S. 2816) for the erection of a public building at Newburgh, N. Y.

#### PRINTING AND OTHER DEFICIENCIES.

Mr. HALE. I ask the Chair to lay before the Senate the amendment of the House of Representatives to the printing deficiency appropriation bill.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the amendments of the Senate to the bill (H. R. 12498) to supply a deficiency in the appropriation for public printing and binding for the first half of the fiscal year 1891, and for other purposes.

Mr. HALE. I move that the Senate nonconcur in the amendment of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice President was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 20th instant, approved and signed an act (S. 2884) to prevent the spread of scarlet fever and diphtheria in the District of Columbia.

The message also announced that the President had this day approved and signed an act (S. 3122) to amend section 4426 of the Revised Statutes of the United States, "Regulation of steam vessels."

#### JOHN I. DAVENPORT'S ACCOUNTS AND CLAIMS.

The VICE PRESIDENT laid before the Senate the following communication from the Secretary of the Treasury; which was read, and, with the accompanying papers, ordered to lie on the table and be printed:

TREASURY DEPARTMENT, December 20, 1890.

SIR: I am in receipt of Senate resolution of the 16th instant: "Resolved, That the Secretary of the Treasury is directed to inform the Senate, without delay, of the dates at which the claims of John I. Davenport, as chief supervisor of elections for the southern district of New York for the years 1884, 1885, 1886, and 1888, were presented for allowance, and when the same were respectively paid."

"2. That he further inform the Senate what payments have been made out of the Treasury of the United States to said John I. Davenport for fees or services of any kind rendered by him as a commissioner of the circuit court of the United States for the southern district of New York from the year 1872 to 1889, both inclusive, and the nature of the services for which such payments were made. And also what sums were claimed by said Davenport, as commissioner, and were disallowed within said period."

In reply thereto, I have the honor to inclose a communication from the First Comptroller, dated the 18th instant, with accompanying statements containing the desired information.

Respectfully yours,

W. WINDOM, Secretary.

The PRESIDENT of the Senate.

The VICE PRESIDENT laid before the Senate the following communication from the Secretary of the Treasury; which was read, and, with the accompanying papers, ordered to lie on the table and be printed:

TREASURY DEPARTMENT, December 20, 1890.

SIR: I am in receipt of Senate resolution of the 9th instant: "Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the Senate a certified copy of the accounts of John I. Davenport, chief supervisor of elections for the southern district of New York, for the elections held in 1884, 1885, and 1888, together with all the reports, correspondence, and papers filed therewith, and the date when each account was presented at the Treasury for payment, the date when each account was paid, and the amount paid thereon."

In reply thereto I have the honor to transmit herewith duly certified copies of the accounts of Mr. Davenport, containing the information desired.

Respectfully yours,

W. WINDOM, Secretary.

The PRESIDENT of the Senate.

#### EXTRA COMPENSATION OF CERTAIN EMPLOYÉES.

The VICE PRESIDENT laid before the Senate a communication from the Auditor of the Treasury for the Post-Office Department, rec-



ommending the passage of the bill to allow compensation for extra services rendered by employes of that office from July 1, 1887, to September 30, 1888; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

DE BLOIS & CO.

Mr. HOAR. I ask an order that the House of Representatives be requested to return to the Senate the bill (S. 4476) directing the issue of a duplicate of a lost check drawn by A. W. Beard, collector of customs at the port of Boston, Mass., in favor of De Blois & Co. I understand that in the bill the date of the check is erroneously recited, and there should be a correction of one word.

The VICE PRESIDENT. That order will be made, if there be no objection. The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2783) for the relief of the Mission Indians in the State of California.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7938) authorizing sale of title of United States in lot 3, in square south of square 990;

A bill (H. R. 9955) dedicating part of lots 14 and 15, in square 812, as a public alley; and

A bill (H. R. 10500) authorizing the commissioners to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington.

SIoux RESERVATION.

Mr. DAWES. I ask that the vote by which the conference report on the bill (S. 3271) to enable the Secretary of the Interior to carry out, in part, the provisions of "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, and making appropriations for the same, and for other purposes was adopted may be reconsidered. I will state the reason. The conference concurred in an amendment introduced into the bill by the House of Representatives, which, when the enrolling clerk came to enroll the bill, was found in the original bill, and therefore it is necessary to retrace the steps and strike it out.

Mr. EDMUNDS. Where are the papers?

Mr. DAWES. The papers are here.

The VICE PRESIDENT. The papers are with the Secretary. The vote will be regarded as reconsidered, if there be no objection.

Mr. HARRIS. A further conference should be asked to correct the mistake.

Mr. DAWES. Yes; I move to insist upon the nonconcurrence on the part of the Senate in the amendment of the House and ask for a further conference.

The VICE PRESIDENT. The Senator from Massachusetts moves that the Senate nonconcur in the amendment and ask for a further conference.

The motion was agreed to.

By unanimous consent, the Vice President was authorized to appoint the conferees on the part of the Senate; and Mr. DAWES, Mr. MANDERSON, and Mr. JONES of Arkansas were appointed conferees on the part of the Senate.

UNITED STATES ELECTIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 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.

Mr. HIGGINS. Mr. President, the able and comprehensive speech of the Senator from Wisconsin [Mr. SPOONER] on Saturday last upon this bill has greatly relieved other Senators who may follow upon this side of the Chamber on this question in respect to defending the merits of the pending bill.

I doubt if in the history of the country any measure has been so misrepresented, both upon the hustings and in the press, leading us to suspect that it may be greatly misunderstood as well as misrepresented. It is said to be a force bill, an unfair bill, a partisan bill, a bill invidious to the South, a bill to promote fraud, a bill not asked for by anyone, a bill that overthrows the rights of the States, invades our home rule and the institutions by which the rights of the locality to govern have been established and maintained in our country since its settlement.

I think, Mr. President, that each and all of these objections to the bill are groundless and unfounded; that it is a fair and just bill, intended not to promote, but to prevent, fraud, confined to the narrowest limits in its scope, capable of injuring no one, but only contributing to that duty which can never rest too heavily upon those in charge of the Federal Government, to see, so far as the Constitution of our Government will permit, that those who are elected to its lower House

shall be chosen by the free expression, the honest will lawfully expressed, of the people of all the States of the United States.

In the first place, Mr. President, it is but an enlargement, and a slight enlargement, of existing law, of statutes that have been upon our statute book within the last twenty years.

The fifteenth amendment to the Constitution was promulgated by proclamation on the 31st of March, 1870. Upon the 31st of May of that year the first statute was passed in the enforcement of that amendment, providing penalties for the denial of the right to vote to any citizens of the United States because of race, color, or previous condition of servitude. In the next session, on the 28th of February, was passed and approved the supplemental act in which was created for the first time the machinery for the appointment by the circuit court of the United States of supervisors over elections of Congressmen and for the appointment by marshals of the United States of deputy marshals to guard the elections in all cities of 20,000 population and upwards where they should be asked for.

The present measure goes but slightly beyond that. It does not in any degree or in any way take the control of the elections in the States. That whole subject is left by the Constitution, left by the laws now on the statute book, left by this bill where it has always belonged, to the States. All of the declamation and defamation that has been heaped upon this measure as interfering with the elections of the States is groundless and resting upon nothing but bald misrepresentation. The bill is confined entirely and exclusively to the guarding and scrutinizing of elections for the lower House of Congress; but even there it does not appoint a single officer, properly speaking, to hold the election.

The elections of Congressmen under the bill are left to the officers of the States. They are still the inspectors of the election, to receive the votes, to determine whether a man has or has not the right to vote, to accept or reject the vote. Those functions are not taken by the Federal officials under this measure. All that they can do is to challenge, to watch, to scrutinize, and to guard; not to say that any person has or has not the right to vote, for that power is given to no official under this measure, but only to see that due objection is made to any person whose right to vote is properly the subject of challenge.

All that, Mr. President, exists in the law as we have it now. This measure merely re-enacts that in order to make a complete and symmetrical law that can be easily understood by whoever has to administer it, and to avoid the necessity of having to compare this bill if it should become a law with the other measures already upon the statute book.

The potential point, the important one under this bill, which justifies the introduction of the measure and its passage, is that in certain cases it gives to these supervisors the power to count, to make the return, and the clerks of the courts of the United States to give the certificates of election to the members of Congress. That is all.

All that is in addition to what I presume nobody objects to, but every one on both sides of the Chamber will approve of, and that is imposing severe penalties for any act of bribery, of violence, or unfairness either by persons offering to vote or by the election officers who are to receive or reject the votes.

Therefore, the point and the scope of this measure, as something that is in addition to the law now upon the statute book, is merely to confer upon the officials to be appointed by the circuit court of the United States, in certain limited instances, the right and the duty to count and return and certify to the election.

That function is not made universal. It is only where a hundred citizens ask for it in any Congressional district. Now, why is that? It has been objected to this measure (and objected with that sort of seriousness which tells on this side of the Chamber with not only a Republican Senator, but with that one who promoted almost more than any other the original acts to which this is an amendment) that the bill is so limited; not that it has force, but that it does not have force; not that it is a force bill, but because it is not a force bill.

As I was saying, it can only apply when it is invoked by a hundred citizens, and that out of respect to that very principle which Senators upon the other side of the Chamber have laid so much stress upon, to pay respect to the habits of the people who have been accustomed to the direction of their own elections by their own officials. It is confined to cases where it is asked for, because it will not be asked for where there is no apprehension of fraud. I venture to say that under this bill, if it becomes a law, throughout the United States there will be no supervisors asked for from any Congressional district to whom shall be committed the duty and the task of counting and returning the votes unless there be upon the part of one or the other party in that district serious and well-grounded apprehension that fraud is to be anticipated in the manner and the matter of counting the votes.

It is therefore against this measure, so narrow, so limited, so just in its objects, so fair in its methods, that the full force of the antagonism and the malevolence of the Democratic party, as represented by its press, on the hustings, and upon the other side of this Chamber, has been leveled.

One other matter in which the functions of the present officials are expanded is that of the appointment of marshals. They are allowed



hereafter in the country as well as in cities of 20,000 inhabitants, or they are allowed in all cities and towns of less than 20,000 inhabitants. But I submit to the fairness of the Senate and confidently to the judgment of the American people that that is not a clause which can be abused, for at most it amounts to the appointment of a Federal police power at the polls to see that the supervisors are properly supported in the conduct of their functions.

Moreover, it seems to be left out of consideration in the charge brought against the bill of partisanship, that the Republican party claim no monopoly of the power to appoint United States marshals. There has been no Presidential election since 1876 that has not been any party's game until it was decided. Every one of them has been close. There has been one Democratic President of the United States during that period, and we certainly will not have any lack of superabundant confidence upon the other side of the Chamber that they are going to have the next one, and not only the next, but the next, and so on *ad infinitum*, so long as Democratic goodness shall reign. They therefore, in the fullness of their bounteous hopes, need apprehend nothing from marshals. They will be appointed under their auspices.

That brings me back to what is the controlling feature of this measure, and I submit respectfully to the fairness of everybody that puts it beyond apprehension, beyond fear of suspicion, that the machinery to be created by it will ever be abused, certainly that it never will be abused in comparison to the abuse which is possible under merely State supervision, and which in the experience that we have had we may all say is inevitable.

Why do I say so? It is because this whole machinery is the subject of judicial creation. It springs from the purest source that is known in our polity. Whatever may be the doubt about the fairness of a governor, of a legislator, of a board of county commissioners, of the people in their popular action, we all have justly accorded to the judiciary of this country, and especially to the Federal judiciary, the element of fairness, and to their arbitrament every part of this country has left its dearest concerns, its largest interests, with the confidence that they would always be dealt with in the lofty spirit which has characterized that judiciary since the foundation of the Government.

It is against election institutions having this fountain and this origin, stamped with this paternity and this character, that all these charges have been made. We have placed against them, inviting comparison, the institutions of the State. Nay, it is put upon us as an unexampled outrage that it has taken from the States, that it has not left with them, that there should be this Federal usurpation and control—of doubtful constitutionality, not meant by the founders of the Government, and that it ought not to be done.

Let us see, Mr. President, whether that contention can be justified, whether there is not in the existing institutions of the States as well as in the method of their administration all that justifies the exercise by the Federal Government of the constitutional power conferred upon it in this regard, and not only justified, but made imperative by every principle of duty to the people and by that first of all principles in the life of individuals as in the life of institutions, that of self-preservation. It has been contended very stoutly and almost universally on the other side of the Chamber that this bill is an overthrow of local self-government, of home rule, of the right of the people of a locality to rule. It has been asserted by almost every Senator who has opposed the bill; it has been reiterated here in all forms and shapes. The Senator from Arkansas who last spoke on the bill [Mr. JONES] said that it was a measure to deprive the people of the management of their own concerns. The Senator from Tennessee [Mr. BATE] said it was a violation of home rule; and my colleague [Mr. GRAY], in the very able presentation of his views of this case, went so far as to say:

Should that state of things obtain in a free country? Under the system that has obtained in all the States, in my own State and doubtless in the State of the Senator from Massachusetts, the polls are in the hands indifferently of one party and another. Local self-government and trust in the people have been carried to the extreme in the administration of the State election laws. Each little election precinct elects its own officers to conduct its own elections. They are placed in office as the result of a popular vote, and, whether they be Republicans, or Democrats, or Prohibitionists, or of any other party, it is the people of that particular precinct who have said that they shall preside at the ballot box and receive their votes.

Further on he quoted a passage marked by the exquisite rhetoric of John Richard Green, descriptive of the ancient village moot, the Saxon origin of English liberty and English law, the greatest inheritance that the race on this side of the Atlantic or wherever it may spread itself throughout this wide world ever has possessed, the one people who established a system of law other than the Roman; and I believe it, because not only of the stubbornness and tenacity of the character of the English people, but because they have held on to those local institutions which they brought with them from the forests of old at home.

All that, my colleague said, is overthrown by this bill. Is it so, Mr. President? Do such institutions exist? I have taken the pains to examine the statutes of the various Southern States upon this subject. It is true in respect to the State of Delaware, and also true, so far as I know, though it may otherwise exist in some of the Northern States, that there the people at each election district or precinct or poll choose their own election officers. There has been a recent modification of that in the city of Wilmington; but even in that city the will of the

people at each district has been so far respected that the county commissioners who appoint the election officers are required in appointing them to give the majority to that party which had the majority in the district at the last election.

Mr. HOAR. Is that the present Delaware law?

Mr. HIGGINS. It is the Delaware law at present. But except in the city of Wilmington each election district chooses its own inspectors. I do not know how it is in the Northern States; I have not examined them; but it is true of no other Southern State, unless it may be the State of West Virginia, as to which I have not had the opportunity of examining.

Mr. HAWLEY. That is true of Connecticut and, I think, of every New England State. The little republic of the town governs the whole matter.

Mr. HIGGINS. On the contrary, this local self-government which we have had put before us as a thing that is not to be put aside by this bill in all these Southern States provides a system of county commissioners who appoint the election officers for each election district or precinct. That is true in every Southern State. But are the people of the county allowed to choose those county commissioners, that thereby the will of the majority in the county can control in the choice of the officers at their election precincts? In the States of Maryland, South Carolina, Florida, and Louisiana the governors appoint the county commissioners and the people of the locality, or even of the county, have nothing to do with it except so far as they choose the governor.

Mr. WILSON, of Maryland. If the Senator from Delaware will allow me to make a correction there, I will state that in Maryland the county commissioners are elected by the people.

Mr. HIGGINS. That was the law; the county commissioners were so elected; but there was a law enacted, being chapter 538, an act to repeal and re-enact with amendments the Code of Public General Laws, title "Elections in Maryland," as follows:

The governor shall biennially appoint, by and with the advice and consent of the senate, if in session, and, if not in session, by the governor alone, in each and every county of the State, three persons residents in and voters of their respective counties, two of whom shall always be selected from the two leading political parties of the State, one from each of said parties, who shall be men of approved integrity and capacity, and none of whom shall hold office or employment under the Government of the United States or of the State of Maryland, and they must not be candidates for office at the next ensuing election or at any election within the term for which they or any of them were appointed, who shall be styled the board of supervisors of election of the respective counties. Each of said supervisors shall receive an annual salary of \$25, to be paid by the county commissioners of the respective counties, and shall hold office for two years from the date of his appointment, and shall exercise the powers and perform the duties hereinafter set forth. In case of a vacancy occurring in either of said boards when the Legislature is not in session such vacancy shall be filled by the governor. It shall be the duty of each of the said boards, not later than the second Monday of October in each year, to appoint three persons for each election district or election precinct of their county, residents in and voters of such election district or election precinct, who, or a majority of whom, shall be judges of election for such election district or election precinct from the time of their appointment and until a new appointment shall have been made.

That law does not apply, I will state, to the counties of Carroll, Baltimore, Garrett, Talbot, Kent, Caroline, Dorchester, Montgomery, and Harford, and possibly not to the county of my friend, the Senator from Maryland, who just interrupted me. But that law was not enacted centuries ago. It has come in to amend, as far as I have indicated and further still in other regards, what has been the immemorial right of the counties of Maryland to have their own county commissioners elected by the people or to appoint their own election officers. It takes it from them, and whatever may be their majority, if they belong to the minority party, this act empowers the governor to appoint county "superintendents of election" and takes it away from the county commissioners, who are elected, and thus from any control by the people.

I do not think my friend from Maryland will say that it has to be done in that State in order to save our Anglo-Saxon institutions. I do not think there has been any such complaint made of the Republican party of Maryland, or can be made of it, that has been made by an outraged and indignant people against gross mismanagement of the city of Baltimore and of the affairs of that State. Nothing has ever made me feel more the fact that Mason and Dixon's line and the slave institutions in one part of the country and not in the other have made us two people than once when I was going from Wilmington to Washington. I bought the New York papers, and there was nothing going on there; everything was as quiet as a summer sea. But when I reached Baltimore and read their papers they were red hot with Democratic indignation, led by three men than whom none stand higher in the bar of America, S. Teackle Wallis, if I may except our own honored colleague from New York [Mr. EVARTS], the most accomplished literary man at the American bar, whose fidelity to the South or to pure government will not be denied by those who consider it a badge of honor to have graduated from Fort Lafayette; Colonel Marshall, the inspector general on the staff of Lee, and bringing to this generation the great name and the great character which fixed the imperishable foundation of American jurisprudence, and that younger man, John K. Cowan, who electrified the country by an utterance that ought to live while its civilization endures, that when he wants to reform he begins "to reform with a club."

Those were the Democrats who endeavored to overthrow this rule,



and I respectfully submit against whom this statute is leveled, who never asked for it and who indignantly repudiate it to-day. Nay, more, you can go into the bowels of that late act of Maryland, and you will find that it appoints police with the authority to go in and inspect the count and to supervise it.

Mr. HOAR. It takes possession of the entire election.

Mr. HIGGINS. Yes, it takes possession of the election. I do not think my colleague had kept pace with the institutions of our neighboring State when he ventured on this utterance. He said:

If any State in this Union had attempted by its legislative enactment to provide a law analogous to this, which would put every polling precinct throughout its borders in the hands of men of one political faith and surround the ballot box by an armed force of the same political faith and return the results of the counting to a partisan board of canvass of the same political faith, the Legislature that passed such a law and the administration that advocated it would not survive one moment the hot breath of public indignation that would go up from every ballot box throughout the State at the first opportunity at the next election.

Yet, Mr. President, that act doing that very thing was enacted in the State of Maryland on the 8th day of April, in this year of grace 1890. So much for Maryland.

In Virginia the appointment of the county commissioners is made by the Legislature and not by the people of the county. In North Carolina the county commissioners are appointed by the justices of the peace, who are appointed by the governor.

Mr. President, it is not unknown to the people of the United States, it will not be denied by Senators on the other side, that the State of Virginia has a large potential influence and worthy membership of white Republicans. Indeed, you can follow very largely the old slave line, and where you come to the Piedmont or mountain country, where the negroes were but few, there you will find that the Republican party fairly divides with the Democrats in membership in white voters in that part of the State. The same is true of North Carolina. Why, in those States and in Maryland, should not the people of the counties be allowed to choose their county commissioners who in turn shall choose their election officers in each precinct?

Now, let us see what answer there is to this question. Let us see if we can explain how that matter is managed. We have a very full flood of light thrown on it by events which have come into the records of this Congress. Let us see how these local institutions of self-government are managed and carried out for fairness in Virginia.

I will read from the report in the House of Representatives of the present Congress in the case of Waddill vs. Wise, an election held in a State whose people, so far as I know, have never had recourse to force. I know of no records of murder or assassination that have stained with indelible blackness their reputation. Public opinion there has never claimed that the Republican party had to be overthrown that their civilization might be maintained; certainly never since the Readjuster movement brought that large body of Confederate Democrats into the heart of the Republican party, led by one of the most fearless soldiers of the Confederacy.

Right here I want to say a word on that subject. No man has been more abused or more violently attacked than General Mahone. I do not approve of his political methods. I do not believe the Republican party ever will stand the methods of a man breaking from the Democratic party who attempts to apply their machinery to the Republican party.

But all the attack that was made upon General Mahone and the Readjuster movement as a repudiation of the public faith of Virginia, a blot upon its honor and its escutcheon, is no longer repeated when, getting into control themselves, the Democratic party of Virginia made haste to confirm that settlement, and is now dickering with its bondholders upon the basis of what was established then. But since that time the Republican party of Virginia has been largely a Confederate party. You could put almost all the Unionists in an ox cart who were in that State at the end of the war. It is these men who have come forward, against social ostracism and every invidious distinction and influence that could be brought against them, to maintain the principles for which the Republican party stands.

Now, what was the matter here? I do not read from the report of the majority; I read from the views of the minority, submitted by Mr. CRISP, one of the members of the Committee on Elections in the House of Representatives. He says:

The contestant in his notice of contest charged intimidation upon the part of the partisans of the contestee at the polls and by the Democratic employers of the colored voters. He also charged that many illegal votes had been cast for the contestee.

But the real ground on which the election was contested was that "557 voters were deprived of an opportunity to vote for the contestant and that in this way the contestant was defeated and the contestee elected." This is the way the case is cited by Mr. CRISP:

The majority of the Committee on Elections insist, however, that there was a conspiracy upon the part of the Democratic managers and the Democratic judges of election to carry the election for Mr. Wise by the suppression of legal colored Republican votes, and that in furtherance of this conspiracy Democratic challengers were present at the first, third, and fourth precincts of Jackson ward in the city of Richmond, where the colored voters largely predominate, and by unnecessary and unreasonable challenges of the colored voters, connived at by the Democratic judges of election, consumed so much time that 255 colored voters at the first precinct, 168 at the third precinct, and 134 at the fourth pre-

cinct, making in all 557 voters, were deprived of an opportunity to vote for the contestant, and that in this way the contestant was defeated and the contestee elected.

Of this number 457 were examined as witnesses, and they testify that they were legal voters, that they were present at the polls with their ballots in hand for the contestant, endeavoring to vote, but failed, as they allege, by reason of the great consumption of time by the Democratic challengers in challenging the colored voters, and by the Democratic judges in receiving them, and the majority of the committee insist that these 457 votes that were not cast or tendered should be counted for the contestant, thereby overcoming the returned majority of the contestee of 261 votes and electing the contestant.

It appears from this report that in this Jackson ward the number of votes cast at the first, third, and fourth precincts at various elections was as follows:

Precinct.	1884 (Presidential).	1886 (liquor li- cense.)	1886 (municipal).	1889 (house of delegates).	1888 (Presidential).
First.....	254	282	270	638	431
Third.....	782	681	639	754	575
Fourth.....	820	742	730	768	718
Total.....	1,856	1,705	1,639	2,160	1,724

In the five elections the average vote in the three precincts was 1,816, or only 92 votes more than in 1888.

In each precinct the average was as follows:

"First precinct 375, or 56 less than in 1888.  
"Third precinct 686, or 111 more than in 1888.  
"Fourth precinct 755, or 31 more than in 1888."

Mr. REAGAN. What time was that?

Mr. HIGGINS. The table shows the votes cast in 1884, 1886, 1889, and 1888, in that order. The number in the first precinct in 1888 at the election, was 431, in the third precinct 575, in the fourth precinct 718; and yet with that small number of votes it was claimed that at the first precinct 255 failed to vote, 168 at the third, and 134 at the fourth. I commend to Senators on the other side the decision arrived at by the minority of the committee.

While it is true that neither the contestee nor his partisans can justly be held responsible for the failure of any of the voters to exercise their right of suffrage yet we believe that some were deprived of the opportunity to vote and that the number might have been sufficient to change the result, and so believing in the interest of fair play and complete justice we are not inclined to hold the contestant responsible for the inefficiency of the Republican judge or the conduct of the Republican Federal supervisors, but are of the opinion that the ends of justice will be subserved by remitting the election to the people of the district, who can, unembarrassed by the constitutional convention question, freely declare their choice, and we therefore submit the following resolution—

Submitting a resolution that the seat be declared vacant. In making their minority report they submit three propositions:

First. That the judges of election were guilty of no wrongdoing; that all they did was strictly in the line of their official duty.

Second. That the Democratic challengers were not guilty of fraudulently, unlawfully, or unnecessarily hindering or obstructing the voters in casting their ballots.

Third. That, while there was some unnecessary delay and some votes were probably lost to the contestant, it was the result—

Now, mark you; this is the point—

It was the result of the tardiness of the Republican judge at the first precinct in finding the names of voters on the registration book, and the conduct of the Republican Federal supervisors at the first and third precincts.

In other words, it was admitted by Mr. CRISP in respect to the four hundred and fifty-seven witnesses who swore that they were there with their ballots and could not get in at these three polling places that this was the fact, but he claims the delay was caused, not by the Democratic judges or challengers, but by the inefficiency of the Republican judge and the conduct of United States supervisors, who in another part of the report they say were violent and insulting.

So, in the city of Richmond two years ago, in the capital of the late Confederacy, where there is no necessity to count out members of the House or otherwise to deprive the people of a fair right to vote at elections for Congressmen, there appears by the action of the Democratic minority of the Committee on Elections in the House the admission that enough voters were deterred or prevented from casting their votes to justify them in recommending that that seat be declared vacant, and that this was done by challenges, delays, unnecessary, intended and successfully intended that the people should not vote.

I have alluded to this case, Mr. President, not as a case that comes up to the measure of Southern outrages, but as casting light upon the method of the exercise of the power of the appointment of election judges in the Southern States; and here, driven to the wall, the Democratic spokesman of the Committee on Elections in the House has to put the ground of keeping out these voters upon the inefficiency of the Republican judge.

Well, Mr. President, who appointed the Republican judge? That is the point. Here you have the power of appointment in a board that is created by the Legislature. They are required under that to have representation of both political parties. They give two members to the Democrats and one to the Republicans, and here this case thus judicially tried by the House stands on this judgment rendered by a Democratic spokesman that the only ground upon which they can excuse the keeping out of these votes by outrageous and fraudulent de-

lays was that it was not an outrageous fraud on the part of the Democratic judges, but acknowledged and admitted incapacity on the part of a Republican judge of their own appointment. That tells the whole story as to the working of this law and method of appointment throughout the entire Southern States.

Mr. REAGAN. If the Senator will allow me, I will state to him that it would not apply to the whole of the Southern States. In the State of Texas there are two judges and two clerks appointed to hold the election at each election precinct, and they are to be of different parties.

Mr. HIGGINS. I ask the Senator whether by the law of Texas there are four judges?

Mr. REAGAN. There are two only, but the judges are to be of different parties, and two clerks to be of different parties.

Mr. HIGGINS. It is not a board of three judges, then?

Mr. REAGAN. There is a presiding officer appointed by the county court.

Mr. HIGGINS. Ah!

Mr. REAGAN. And this officer is required to appoint two judges and two clerks, the judges to be of different parties and the clerks to be of different parties.

Mr. HIGGINS. Then is not that presiding officer always of the politics of the dominant party? I ask the Senator.

Mr. REAGAN. The county court appoints him, and that is probably correct. These clerks and judges are required to take an oath for the fair, just, and impartial discharge of their duties.

Mr. HIGGINS. I know that such are the general provisions of law in all of those States. The law upon its face implies fairness. I do not think that it is as fair as our Delaware system of letting the people in each locality select their officers and as we are told by the Senator from Connecticut that obtains throughout the North.

Mr. HAWLEY. I did not speak for the whole North.

Mr. HIGGINS. What I am calling the attention of the Senate to is how that matter is working in the South. It thus appears from the statement of the Senator from Texas that in that State the board stands two to one. There is an election inspector who is appointed by the county judge and he acts as a judge of election and then selects two judges, one of either political party, so that the board when it comes to work stands two to one, as I understand.

Mr. REAGAN. I do not understand the matter as the Senator does. The supervisor of elections has a general oversight of what is done, but I can read the oath that is administered to the clerks and that to the judges. The clerks are charged with a particular duty and they are sworn to perform that duty. The judges are charged with a particular duty and they are sworn to perform that duty. I do not understand the law of Texas to be that the supervisor of elections can control either judges or clerks.

Mr. HIGGINS. Does not the supervisor sit when the question of the reception or rejection of a vote is determined?

Mr. REAGAN. He may. I do not know as to that.

Mr. HIGGINS. What is done in a case where one judge thinks one way and the other the other with regard to the reception or rejection of a vote? Who decides it?

Mr. REAGAN. Possibly the supervisor does.

Mr. HIGGINS. It therefore comes back to the point that for all questions where there is a contest or challenge over a vote there is a board of three officers. I do not see well how any election could otherwise be worked. I am not here to deny that every election officer throughout the South takes an oath to discharge his duty according to the law. That lends no credit to the manner of its exercise. That takes away nothing from the quality or degree of that condemnation which is visited upon it when its workings are understood.

But here you have in this case of Waddill vs. Wise the evidence in that particular case in Jackson ward where judges were appointed who delayed Republicans at the polls, where there was but relatively a small vote cast, until nearly 500, it is admitted, were kept out, and the contest decided in favor of the Democrat, and that done, according to their own excuse, by the appointment of an ignorant colored man as the Republican judge.

I leave out of view the other amusing circumstance, that the supervisors appointed by the Federal courts were obstacles in the way of receiving these votes.

Now, Mr. President, come, if you please, to the State of South Carolina. There was an election case in the present House, the case of Miller vs. Elliott. On the 27th of September, 1888, a letter was addressed to the governor of South Carolina by certain gentlemen who were Republicans, asking him to have the appointment of some Republicans on the election board in that State. I will venture to read the letter and the governor's reply, though I am sorry they are as long as they are:

COLUMBIA, S. C., September 27, 1888.

SIR: At a meeting of the executive committee of the Republican party of South Carolina, held in the city of Columbia on the above date, this committee was appointed to wait on you in person and present for your consideration and action the following preamble and resolutions:

"Whereas a general election will be held on the 6th of next November, at which time candidates for electors and Congress will be voted for by the people; and

"Whereas the whole election machinery, commissioners of election, managers, clerks, etc. (with the exception of Georgetown County), being entirely in the hands of the dominant party of South Carolina, has been productive of the suppression of a free vote and honest count; and

"Whereas, by virtue of a vastly preponderant number, we think it would be but an act of simple justice and in the interest of a fair, full, and honest election that representation be granted to the Republican party: Therefore,

"Be it resolved, That it is the sense of this committee that his excellency John P. Richardson, governor of South Carolina, be waited on and requested to appoint at least one Republican commissioner of election in each county, and through them one Republican manager at each of the voting precincts for electors and Congressmen throughout the State.

"And whereas, in the Seventh Congressional district of South Carolina (known as the black district), which was set apart by Democratic legislators for the Republicans, but which has been invaded by the Democrats and an almost solemnly implied pledge broken, and the free will of the electors stifled by the partisan actions of boards of election officers composed entirely of Democrats:

"Therefore, we respectfully and earnestly appeal to your excellency, in the interest of fair play and an honest election, and in the name of 150,000 Republican voters, representing over 700,000 people, to accord us representation in the management of the approaching elections.

"Resolved, That we ask this as American citizens and representatives of one of the great parties of the Republic, believing that we are entitled to it as an act of simple justice."

E. M. BRAYTON,  
STEPHEN A. SWAILS,  
THOMAS E. MILLER,  
THOS. A. SEXTON,  
G. E. HERIOTT.

His Excellency JOHN P. RICHARDSON,  
Governor of South Carolina.

Mr. MILLER, the contestant in this case, was seated by the House. The governor's reply, addressed to these gentlemen, is as follows:

STATE OF SOUTH CAROLINA, EXECUTIVE CHAMBER,  
Columbia, September 29, 1888.

GENTLEMEN: I have carefully considered the preamble and resolutions which, in behalf, as you claim, of the Republican party of South Carolina, you yesterday presented for my consideration and action, as well as the remark made by Mr. Thomas E. Miller, a member of your committee, in advocacy of the same.

In announcing to you the conclusion at which I have arrived it would answer no good purpose that I can perceive to expose—what must be so evident to those thoroughly acquainted with the condition of parties in the State—the fallacious statements of the one and the unsound reasonings of the other. It will be sufficient simply to say that in my judgment a departure from the wisely established methods and principles upon which these appointments are made would endanger the continuance of the perfectly free, fair, and peaceful elections—the professed object of your desire—that are the proud boast and the highest achievement of Democratic rule in this State.

A simple request to be represented as a minority in each district received that reply.

It may with great truth be said that honest elections are the true test of pure government and constitute the only faithful expression of the popular will, which it is their sole mission to elicit.

A most noble sentiment.

No machinery, however perfect, can accomplish a result so essential to representative government without the instrumentality of agents both intelligent enough to thoroughly understand the law and to carry out its provisions and of that high probity of character that will command the confidence of the elector and be a sure guaranty against the evil and corrupt practices once so dominant in this State. These disgraceful scenes and unscrupulous manipulations of elections, so confessedly prevalent during the days of Republican rule, are now happily things of the past and can never return.

The whole election system of South Carolina, it seems, has come to be a sort of heaven, a realization of the millennium—

under the benignant sway of Democratic principles, to curse and blight with their horrors the peaceful, prosperous course of all the people of South Carolina. To the eternal honor of our State and the Democratic party it can now be said that our elections are the freest and fairest in the world, and that not a single citizen of hers, no matter what his rank, color, or condition, can, under her just and equal laws, impartially administered as they are, be by any perversion or intimidation barred at the polls from the free and full exercise of his suffrage. There is not only perfect freedom in voting, but the amplest protection afforded the voter.

I do not know that he says anything there about the character of the count.

I shall, therefore, with a deep sense of the responsibility resting upon me to preserve to the best of my ability the purity of the ballot so happily restored in this State, appoint to the important position of commissioners of election in the several counties men of such known intelligence, high character, and unquestioned patriotism as will give all the people of South Carolina the confident assurance of having in the coming elections the fullest, freest, and fairest expression of their will.

To these boards will be intrusted the designation of precinct managers, a duty that I am sure they will not only discharge faithfully, but the responsibilities of which they will justly appreciate. I have thus frankly and succinctly stated the main considerations that will guide my action in the appointment of these election boards, but I can not refrain from bringing to your attention, in this connection, the fact that your committee can scarcely be said to represent an organized party, as the comatose condition of the remnant of the Republicans in this State for many years past would surely justify the nonrecognition of alleged rights and consequences so urgently demanded and strongly asserted by you. I will only add that the whole people of South Carolina—every voter within her borders—can safely rest in the absolute assurance of having at the coming election the fullest opportunity of expressing their will through the constitutional and American method of a perfect free ballot and fair count.

Respectfully,

J. P. RICHARDSON, Governor.

E. M. BRAYTON, THOMAS E. MILLER,  
STEPHEN A. SWAILS, THOMAS A. SEXTON, G. E. HERIOTT,  
Committee on the part of the Executive  
Committee of the Republican Party.

The date of that letter is the 29th of September, 1888, but by the Charleston News and Courier of July 31, 1888, the governor gave himself away in an utterance that is there printed, wherein he says:

We have now the rule of a minority of 400,000 over a majority of 600,000. No army at Austerlitz or Waterloo or Gettysburg could ever be wielded like that



mass of 600,000 people. The only thing which stands to-day between us and their rule is a flimsy statute—the eight-box law—which depends for its effectiveness upon the unity of the white people.

Against that statement of Governor Richardson is to be put his letter to this Republican committee, where and when asking for bread they got from him a stone, with the result that in this district, as truthfully said by the letter of the Republican committee that I have read, almost dedicated to the vast majority composed of colored people living there, at that election Miller was counted out, but he was given his seat by the majority in the present House.

Here you have thus, Mr. President, the solemn admission of the governor of South Carolina, in this public utterance, that nothing but a flimsy statute, the eight-box law, depending for its effectiveness upon the unity of the white people, stood between them and the control of the colored people. I do not think that is correct, and upon that branch of this subject I will take occasion to say something before I am done; but, believing it or not, it is the admission of the appointing power, the chosen official of South Carolina, that that was how this business was managed there.

Why, Mr. President, suppose that such an exercise of this Federal statute was made and justified by a circuit court judge; suppose that such an administration of this statute were made under the authority of a judge of the circuit court of the United States, how long would it be before he would be impeached? How long would it be before he would be driven with derision and scorn from that bench which he polluted? How long could he main tain himself in the face of an indignant and outraged people whose sanctuary of justice he had desecrated? And yet it is said that this bill is a partisan measure and is overthrowing measures of the utmost value to the people.

I beg the attention of the Senate for a little while to another case which illustrates this matter, that of McDuffie vs. Turpin, decided in the last House, from the State of Alabama. I read from the report of Mr. ROWELL, from the majority of the Committee on Elections.

The Fourth district of Alabama is composed of the counties of Dallas, Hale, Lowndes, Perry, and Wilcox. At the election held November 6, 1888, Louis W. Turpin was the Democratic candidate for Representative in the Fifty-first Congress and John V. McDuffie was the Republican candidate.

The result of the election as certified to the Secretary of State was as follows:

Counties.	Turpin.	McDuffie.
Dallas.....	5,705	1,706
Hale.....	3,170	1,220
Lowndes.....	2,131	1,442
Perry.....	2,961	650
Wilcox.....	4,811	607
Total.....	18,778	5,625
Turpin.....	18,778	
McDuffie.....		5,625

Majority for Turpin..... 13,153

Under this return the contestee received the certificate of election and McDuffie contests. Notice of contest was served and answer filed, as provided for by statute, covering all matters considered in this report.

With such a returned majority for contestee, it is apparent either that this contest is a huge farce or that this whole district is honeycombed with fraud.

Before the consideration of the evidence in this case the majority of the committee go on to set forth the history of the elections and contests in this district at several preceding elections; I will not detain the Senate with that.

The law of Alabama is as follows:

The judge of probate, sheriff, clerk of the circuit court, or any two of them, must, at least thirty days before the holding of any election in their county, appoint three inspectors for each place of voting, two of which shall be members of opposing political parties, if practicable, and one returning officer for each precinct to act at the place of holding elections in each precinct.

The committee go on to say what I do not understand is denied:

In Lowndes County the precinct inspectors were appointed on the 25th day of September. A few days afterwards the contestee visited the county, and on the 6th day of October an entire change was made in the list of inspectors appointed to represent the Republicans. The first list was satisfactory and made up in the greater part of intelligent men. The second list was made without any authority in the law, and its composition shows that the change was made for a dishonest purpose. Judge Coffey—

Who was the probate judge or county judge—

Judge Coffey (Record, page 745) says that the reason for this change was that the sheriff and several other gentlemen told him that the Republican inspectors, being schoolteachers, did not wish to serve and mix up in politics. Hence the change. Let us see whether that was the true reason.

And at the first precinct which he speaks of in this county—Lowndes County:

Church Hill.—First appointee attended for the purpose of serving and was not permitted.

Gordonsville.—Same.

Farmersville.—Offered and was refused. Served at Republican box.

Hopewell.—Superseded inspector was present and served as supervisor.

Sandy Ridge.—Superseded inspector tried to serve, and was refused. Did serve as supervisor at the Republican box.

Brooks.—Inspector superseded, but actually served, and the return is not questioned.

And so on, showing that they served or tried to serve notwithstanding that they were schoolteachers. Now, I shall not take up the time

of the Senate by reading the details of the appointments and changes of the judges or inspectors of election in all these districts, but they are summarized in the report as follows:

Hale County (seven precincts).—In four, all inspectors were Democrats. In two, Republicans could not read or write, and, in the other, Republican inspector looked on as a Democrat.

Wilcox County (fourteen precincts).—In eight, all inspectors were Democrats. In four, Republican inspectors could not read or write. In one, Republican inspector prevented from acting and Democrat substituted; and, in one, a Republican who was distrusted.

Dallas County (twenty-two precincts).—All Democrats in six. Republicans who could not read or write in ten.

It thus appears that either in that election there was no Republican appointed or of the number that were allowed—but I can not say at this moment whether it included the entire number or not of Republicans representing the minority that were appointed—they could not read or write, and the committee add:

It is worthy of remark that in almost every precinct in the fourth district there were reliable and intelligent Republicans, competent to discharge the duties of election inspectors and to protect the voters to the extent of securing an honest count and a correct return.

And on the strength of the practices carried out through election boards thus created the majority of the House overturned the election with the huge majority of 13,153 and seated McDUFFIE. I will not go into the merits of that case. I do not propose to try election cases here. I am only taking out from these records the evidence, which is not contended against or denied or subject to denial, as to how these election officers are appointed.

Mr. MORGAN. As to elections in Alabama the Senator will allow me to say that I deny the truth of that report *in toto*. I deny it on my personal statement and responsibility, and I can prove the denial. More than that, if he will allow me, this same man McDUFFIE ran for Congress the last race. Two negroes opposed him and Mr. Turpin, the same gentleman, and he was utterly snowed under. The negroes never had any confidence in him, never would trust him, and never would vote for him.

Mr. HIGGINS. In the North we have had similar experiences. We have instances without number of men getting upon the ticket whose nomination proved unfortunate both for themselves and their party, and whose nominations were followed by overwhelming popular defeat. We have districts of all kinds at State and Federal elections, elections of Congressmen, where there are more candidates than one from the same party, but, thank God, we make it no occasion there to appoint election officers all of one side, or ignorant ones upon the other side, or in any way to make it any sort of justification for practices that are questionable.

I think, Mr. President, that in the report of the Democratic minority of this committee will not be found any proof to dispute the facts I have just read, that at certain precincts no Republicans were appointed and at other precincts capable, intelligent Republicans were excluded on the ground that they were schoolteachers and did not want to serve, and they tried afterwards to serve and could not, but in some cases did, and men too ignorant to prevent fraud were put in their place. This is the nearest we can get to a judicial arbitration of this disputed question. There is no State court where this thing can be contested. Hitherto the function has belonged to Congress to determine upon the returns of these elections, and of course it belongs to the lower House of Congress in the last recourse to determine that now.

This bill is the first attempt in any way to decide it by a judicial determination beforehand. It is made possible hereafter under this bill for all such questions to be tried in the Federal courts. It is possible now for them to be tried by any action taken against a Federal chief supervisor or other supervisors before the court for improper actions. He can be indicted if he has violated the criminal provisions of the law, or if he is the chief supervisor a motion can be made for his removal and the whole matter inquired into. But the only inquiry in the nature of a judicial determination that is to be had now about the elections for Congressmen as at present conducted is through contests in the lower House.

In Tennessee, Mr. President, there has been a contest in the Memphis district, where great frauds were charged, and the matter did not come to a final determination, I believe, but I am assured by Republican members of the other House of Congress that throughout the South in the districts, counties, States where the power of appointment of election officers is in the hands of Democratic county boards, however created, it is the uniform custom—

Mr. HARRIS. Mr. President, will the Senator allow me to ask what deduction he proposes to draw from the fact that there is a contest in the Tenth district of Tennessee?

Mr. HIGGINS. Merely this, Mr. President, that it was contended on the part of the Republican candidate that there were frauds upon the part of election officers. I merely draw the inference that that was charged.

Mr. HARRIS. Then will the Senator allow me to inform him as an additional fact, as he seems to be basing his argument upon mere charges, that this same man who is contesting the election in the Tenth district for the Fifty-first Congress was a candidate for election to the Fifty-second, and if any human being has ever suspected the want of



fairness in the recent election in that district I have never heard of it, and that man—I can not give the precise vote that he received, but I do not think it exceeded a thousand votes in the district? So he can take that fact in connection with the one he has referred to to draw his deductions from.

Mr. HIGGINS. Mr. President, when I come to the condition of things in my own State, I will call the attention of the Senator from Tennessee, as well as others in this body, to the fact that in a community which holds its political rights in as precious regard as any in this country there have been two elections for governor in that State where the Republicans put up no candidate because they were so disfranchised that their votes could have no effect upon the result. Peace has reigned at Warsaw. Fraud has done its perfect work. You have no need to go to violence, and it will not do to point to a prostrate and palsied people as the evidence of what they would do if they had free and fair elections.

In the States of Kentucky, Tennessee, Alabama, Georgia, Arkansas, and Texas the boards of county commissioners, who appoint the officers of elections, are all chosen by the people in their respective counties, and that is the largest phase of popular control that is to be found in the South. It would exhaust my strength and the time of the Senate and the propriety of debate to undertake to go through anything like a complete history or analysis of all of the facts in the South or in those various States. I have to content myself with less. I have read these examples because they were pertinent.

But I was going to add, when I was interrupted by the Senator from Tennessee, that I am informed—but I give it for nothing more than it is worth—by the respective Representatives from the Southern States now in the other House of Congress that throughout the South, whether it be in States where the governors appoint boards or in States where they are the result of election by the people, where the counties are thus in the control in either case of the Democratic party, it is the uniform practice either to give the Republicans no representation or, where it is given, that the Republican representative, instead of being chosen for his fitness or his capacity, is chosen for his unfitness and his incapacity to discharge his duties. I am perfectly aware that that is a very broad and sweeping charge.

Gentlemen know how far it is just or unjust; but I have thus brought what judicially decided cases I could to show what has been the practice there and to say that for myself I can not avoid the conviction or the conclusion that that is the result or the cause rather of the peace that does reign in Warsaw, that the whole of these elections are brought into the control of one party, that there is no fairness of the ballot as exercised under State institutions, and it is because of the existence of that state of things that the Republican party of the United States say "we do not propose to interfere with your State institutions, we do not propose to invade the election of your own officers; that belongs to you under the compact of the Constitution; but when you come to elect Congressmen, when you come to rule not merely yourselves, but us, when you bring men into the Halls of Congress who are to make laws for all this people, spend or not spend its money, then it becomes under this state of facts not only our constitutional prerogative, but our highest duty to see that some guard and some scrutiny is put upon such conduct of elections."

Mr. BUTLER. Does not my friend think that if this bill becomes a law precisely the same results will take place under the Republican party if the entire election machinery be put into their hands? What is the difference?

Mr. HIGGINS. Will the Senator please repeat that remark?

Mr. BUTLER. Adverting to the fact that the election machinery in the South or other parts of the country was entirely in the hands of the Democratic party and therefore the other party did not have a fair chance, I ask him if in his opinion the effect of the passage of this bill would not be to put the machinery in the hands of the Republican party with precisely the same results as to the Democrats.

Mr. HIGGINS. I thank the Senator for that inquiry. It points my argument. It puts with pith and point what I conceive to be the supreme merit of this bill, which strips it from all just accusation upon the part of any one and commends it to the men who not only love their country, but who belonged to that great body of people in these United States whose existence makes our nation what it is if worth anything upon the face of the earth, those who want simple, honest, fair elections, and honest, fair conduct in everything.

The Republican party, Mr. President, is held up for that measure of conduct and of duty everywhere and all the time. If we do not hold up to that standard, I tell you our condemnation is swift and sure.

Now, in this case, Mr. President, I answer the Senator from South Carolina, you have the guaranty of the character of the Federal judges that the officers appointed by them will be fair to both parties. I venture to say that no chief supervisor could hold the place longer than time enough for him to be heard, where he permitted the appointment of a minority on whichever side it was put of men who were shown systematically to be unfit for the discharge of their duties.

Mr. BUTLER. The only reply, if the Senator will permit me, that I can make to that is that he is not very familiar with some of the judges in my part of the country.

Mr. HIGGINS. Then, Mr. President, if they act that way, they can

be impeached before this body, and there is a remedy there, and it would be applied. I regret that it is so if it be true. I can not speak in respect to the character of the judges in that country. We know nothing of that kind with us, and I am very slow to believe any such accusation.

Mr. CARLISLE. Will the Senator allow me?

Mr. HIGGINS. Certainly.

Mr. CARLISLE. The Senator seems to complain against the election laws of some of the Southern States because he says that under their operation all the officers who conduct the elections either belong to one political party or a majority of them belong to one political party, and he mentions among others the State of Kentucky. Without going into that subject, however, I desire to say to the Senator that under the laws of Kentucky the officers who conduct the elections are equally divided between the two political parties. What I desired to call the attention of the Senator to was this, that while he makes this complaint against the laws or the operations of the laws of some of the Southern States he proposes in this bill he is advocating to so change the laws of the United States that two of the three supervisors who attend at and assist in conducting the election shall belong to one party and only one to the other. The law, as it now stands, divides the supervisors equally between the two parties. If "free and fair elections and an honest count" are what the Senator wants, why not let the present law stand as it is and not change it so as to give two to one party and one to the other?

Mr. HIGGINS. I will put to the Senator the same question I did to the Senator from Texas. In Kentucky, where the judges are divided in opinion as to the rejection or reception of a vote, how is it decided?

Mr. CARLISLE. Under the law of Kentucky, the county court of each county appoints the officers of election at each precinct, and the law requires them to be divided equally between the two political parties; one of the judges shall be for instance a Democrat and the other a Republican; and if the sheriff of the county (who appoints the deputy to attend the election and preserve the peace) is a Democrat he will appoint a Democratic deputy sheriff for that purpose, and the law provides that the clerk of election shall be a Republican, and when the judges are divided equally as to the qualification of a voter the sheriff, according to my present recollection, gives the casting vote. It may happen, therefore, that in some counties the sheriff is a Republican while in others he will be a Democrat, for we have many Republican counties in the State of Kentucky; but I want the Senator to answer, if he will, my question, which was that if free and fair elections and an honest count be all that is wanted and an equal division of the officers of election is more likely to secure that result than an unequal division, why is it that he proposes to disturb the equal division provided for by the present law and establish an unequal one under this bill?

Mr. HIGGINS. I find from the statement by the Senator from Kentucky, just as I did in the case of the State of Texas, that the law there provides for virtually three election officers. The deputy sheriff appointed by the sheriff of the county becomes for all practical purposes the third member of the board of election officers for the polls, because if there are only two no question can be decided. There must be a third in order that there may be two on one side and one on the other if there is a division, and that is the case therefore in Kentucky. Consequently this bill does nothing more than adhere to that law which is inherent in the matter. You can do no otherwise. You can not have a function discharged of that kind where there may be a difference of opinion unless one side has the majority.

Mr. CARLISLE. Then the Senator does not make any complaint against the laws of the Southern States where this result sometimes occurs. As I understood, he was criticising the laws of the Southern States for the very reason that under them it might happen that all the election officers, or the majority of them, might belong to one political party.

Mr. HIGGINS. I will restate my position; the Senator may not have heard me when I began. I said that I thought the institution in Delaware and in Connecticut, where the people at each poll elect their own officers, was superior to where they were appointed by boards, as a rule, but I merely called attention to the fact that in the South they were appointed. It was not the fact that there were two of one party and one of another which constitutes the wrong.

I only cited that as answering the complaint against this bill that it made boards appointed by a central authority with a majority on one side and a minority on the other in the officers of the election. What I went on to complain of in the South was that in one-half of the Southern States the power to appoint the boards of county commissioners, who choose the election officers, was taken from the people of the county and put in the governor or the Legislature, while in all, as I have been told, whatever way they were appointed it has been exercised as a fact unfairly.

Mr. REAGAN. If the Senator will allow me there—

Mr. HIGGINS. The Senator will allow me one moment further in regard to Kentucky. Kentucky approximates like Delaware in many respects to being a Northern State. I have made less inquiry and examination into it than into any other. We have fewer complaints of unfairness there. It may be, and I accept the Senator's statement,



if it be so, that it has been fairly and honestly conducted throughout that State, and I made no specific complaint against it, though I have been informed by a member of the House from that State that it might be said of it, as of the others, that the power to appoint the minority Republican judge had been unfairly exercised by the Democrats—

Mr. REAGAN. Will the Senator allow me now?

Mr. HIGGINS. Yes, sir.

Mr. REAGAN. In the State of Texas the county judge and the commissioners that constitute the county court are elected by popular elections. The county courts of the several counties appoint the supervisors of election for the several precincts. I take it, if it is a Democratic county, the supervisor is likely to be a Democrat, and if it is a Republican county he is likely to be a Republican. We have a number of Republican counties in our State. The supervisor appoints two judges of different political parties and two clerks of different political parties, and if there happens to be a failure of the supervisor of elections to be present the voters present select a supervisor and judges and clerks by the vote of the people present; so that is very different from the law which the Senator is supporting which fixes that there must be a majority under the control of the supervisor of elections of whatever party he belongs to. It depends on the accidents of the popular majority under the laws of Texas, but no popular majority can control the appointment of the supervisors under this proposed law.

Mr. HIGGINS. That is, Mr. President, it matters not how large may be the Republican majority at any particular poll in Texas, it is overcome if the majority in the whole county is the other way. I am glad to know that there are some Republican counties in Texas. Out of the nine hundred counties in that imperial domain we ought to have a few. [Laughter.] But the great majority of the people of that State, it appears from the votes returned, are the other way, and I have not heard any complaints made as to the administration of State laws in any Republican county of that State. It is only in Democratic counties where the election officials feel constrained for reasons that commend themselves to their conscience and their sense of right to act in the way that is charged—unfairly.

Mr. REAGAN. As that remark following the discussion about Texas might be assumed to apply to that State, I venture the assertion and challenge the inquiry that there never has been a complaint of fraud in a Democratic county in the State of Texas. The few disturbances that occurred in former years were uniformly in Republican counties, and I never heard of one in a Democratic county.

Mr. HOAR. They do not attack their own election officers.

Mr. HIGGINS. I confess that I am not informed as to the character of these contests in Republican counties. I should be very glad to know their history. I have an idea it would prove very instructive, if not entertaining reading. I thank heaven that I live in a part of the country where no violence exists and where in the main the act of election itself has been free and fair.

Mr. President, the contention on the part of the opponents of this bill is that we are overthrowing local institutions which are altogether fair. My colleague put it, in answer to a question or a remark of the Senator from New York [Mr. EVARTS], that he would wipe the existing Federal statutes from the book and he would leave all correction of abuses to the people of the States, and that they after awhile would work out a just system which would be infinitely greater security for the purity and freedom of elections and against fraud and fraudulent practices thereat. That was the answer and that was the remedy. In the States in the control of the Democratic party their dominant majorities are the high priests at the altar of freedom and fairness at elections and in the whole management of this fundamental right in a republic of the people to control their will.

I know of nothing of more dignity, no right more precious, no attribute that is conferred upon man of something extraneous to himself higher in its character than the right to exercise the suffrage and to vote in this American Republic of ours, and everything which goes to undermine that right, to impugn or to attack it, deserves the condemnation of all good citizens.

The proposition I am considering now is that that sacred right is best intrusted to the States, that they are the only ones who will be its true guardians, and that this bill is born of a malevolent purpose against that right, intended to overthrow it and to trample it under foot.

That brings me, Mr. President, to the consideration of the right to vote in my own State. At the late election in that State there was more of unfairness than I ever knew before. For the first time, unless it might have been, possibly, in some way during the war, which I have no recollection of, at the polls of one of the counties there was a concerted scheme by which the polls were surrounded by a whole body of sturdy, stalwart Democrats from the hour that the polls opened, and in many of them it remained there until the close. There was one, however, where the Republicans had a majority and a good one, and some Republican, remarking to a Democrat so decrepit from rheumatism and old age that he could not take part, "How very wrong this pushing and hauling and obstructing the polls was," received the reply from this man that he had the pocketbooks and the watches of a number of the men who were in the crowd—it is interesting to know that

they were of the standing to have pocketbooks and watches—whereupon notice was served upon them from the Republican side that if they chose to stop that business and allow each party to have control of the polls on its side of the window in a fair and neutral way it would be all right, but otherwise the Republicans would wipe up the ground with them, and thereupon the obstruction ceased and the election went on peaceably.

But, Mr. President, there has been in the State of Delaware for the last sixteen years a most remarkable condition of things, in many respects without parallel or precedent. In that State, which I have the honor in part to represent, there has always been the prepayment of tax required as a qualification to vote by all citizens over twenty-one years of age. In 1872, being just after the election of 1870, when the colored men first voted under the fifteenth amendment, the Democrats having the control of the institution known as the "levy court," the same as the county commissioners in the various States, who levy the taxes and who appoint the collectors and to whom the collectors of taxes make returns of their collections and of delinquents—the levy court passed under the control of the Democratic party at that time, and all of the collectors appointed by them in the county in which I reside were Democrats.

It was true then, as it probably is throughout the country, that there is nothing certain but death and taxes, and that everybody was assessed on his property of course, if he had any, and, if not, a poll tax was assessed upon him, and the only way in which men's names could pass from the assessment list was by the collector returning that they were dead or had left the State, in which case having passed out of the jurisdiction into some other State or some other world they could no longer be taxed, but otherwise their names remained upon the collector's duplicate, whether he was able to collect the tax from them or not. These lists were made up every four years. The collectors of the county who were appointed in 1871 received their duplicates, which for the first time qualified colored voters, and made the return to the levy court in respect to the colored men that they were dead or had left the State. This was not universal, but it was done by a number of them, and as United States district attorney it fell to my duty at that time to indict or to cause to be indicted by the grand jury several of the collectors and also the levy-court commissioners for the time being.

But one of these cases was tried, and it was tried before Mr. Justice Strong, of the Supreme Court of the United States, and by Judge Bradford, the then United States district judge, and it resulted in a conviction. The collector had returned all the black men as either dead or left the State, while as to the whites the return was that they could not be found or some other return that kept them upon the list, and he even went so far as to return a man who lived very close to him, almost the next door, as either dead or left the State, and another man who was made conspicuous enough by his occupation of crying fish up and down the streets within the knowledge of everybody. He was indicted under the clause of the act which forbade with penalties the denial to any citizen of the United States because of race or color the equal opportunity to qualify and vote. There was a motion for a new trial made in that case, and the decision of it is to be found printed in the seventeenth volume of the Internal Revenue Record. The conviction in that case was followed by very serious consequences.

The Legislature when it met at the next session passed an act providing that the levy court should allow to collectors all delinquencies returned by them, and that the name of the delinquent should be dropped from the assessment list, and should not be put back for a twelvemonth, in all cases where the collector should make affidavit that he had sat for three days in the month of January for the receipt of taxes during a certain number of hours of each day. The law has remained on the statute book from that time until this. Its consequences are most serious in their result upon the freedom of voting. I have before me a table printed by the Washington Post a few days ago, the correctness of which that paper vouches for, and I see no reason to doubt it as having been got from the secretaries of state of the various States—comparative tables of the vote in 1888 and in 1890.

In the Presidential election of 1888 the Republican vote in the State of Delaware by this table was 12,973; in 1890 it was 17,258. The Democratic vote in 1888 was 16,414; and in 1890, 17,801. The Democratic gain in 1890 over 1888 was 766, being about, or less than, the normal increase by reason of increase of population, but the Republican gain was 4,270.

Mr. HOAR. What State is that?

Mr. HIGGINS. The State of Delaware. Much the largest part of that gain was in the county of New Castle, where I reside, which includes the city of Wilmington, with its busy population of 62,000 people and upwards, and in which in 1888 there was a majority of about 2,400 for the Democratic party, and in the late election of about 400 for the Republican party, a majority made up in some parts by changes of votes, by men who had heretofore voted the Democratic ticket, on account of the local misgovernment that resulted from these institutions, but in large part made up by the restoration of the vote which had been suppressed through the instrumentality of this statute whose terms I have stated—I mean the suppression of the vote in the previous years.

It is a fact, Mr. President, that every man not the owner of property,



if he is a Republican and not protected by the methods of Democratic collectors, who wants to vote in 1892 will have to pay his poll tax on or before the 1st day of March next ensuing, and practically at this time, or two years before the election. Great stress is laid by Senators upon the other side on the results of the late election, and it is a question not so much as to who killed Cock Robin as to how or what killed Cock Robin; was it the McKinley bill that caused the Republican landslide, was it the force bill, or was it both? The people were appealed to, argument was had, but unless the Republicans of Delaware had succeeded, as they had succeeded, by efforts protracted and desperate, in getting their names upon the lists and their taxes paid, then all argument would have been unnecessary in Delaware in 1890, as it was in New Castle County in 1888. Why, Mr. President, this whole business of stump speeches and popular discussions and newspapers is all idle, and there is no need of any such thing for the control of a free republic. All you have to do is to put the power in the hands of a collector to make a certain return and the vote is lost.

It is a very difficult task and almost an impossible one to have men, before they know what the issues are, and before the issues between the two parties are formulated, and before it comes to the time when the elections are to be held, to get them to go forward and pay their taxes. The whole theory of the freedom of elections is that there is an equal freedom to qualify to elect, and that that freedom shall obtain and exist and subsist on up until the time when the act of voting is to be performed; but you are taking advantage of the very quality of human nature which does not project itself into the future two years hence when you compel people to come up one or two years before the election in order that they shall by the payment of taxes qualify themselves to vote.

It was the fact, Mr. President, that the Republicans of Delaware had to pay their taxes before the 1st of March, 1890, in order that they could vote at the last election, and the curriculum of this act and the way it works out, as I said a few moments ago, makes it necessary for them to pay taxes before the 1st of March of the coming year in order that they may vote two years hence. If they do not the collector may return them as delinquents if he wants to do so, and if they are Republicans he wants to do it, but if they are Democrats he does not want to. Consequently all the Republican heads go into the basket and the Democratic heads remain on. You have there an automatic, self-working machine. I will not say that it is one that is worked by these officials.

These assessment lists are made up every four years by the assessors, who are elected at the time the President is elected. Consequently the duplicates of the assessment lists that are thus made pass into the hands of the collectors to be returned in the March following. That is, the assessment lists which were made in 1889 went into the hands of the collectors from about April to June, 1889, and were returnable and returned by them in March, 1890. Therefore, all those taxes had to be paid before that time.

The same state of things happened in 1886. The Republicans failed to pay their taxes. Human nature could not endure everything, and it was found practically impossible under the circumstances to respond to the enormous exaction that was made of time and of money in getting such a large body of people to come forward at that time. The result was the Republicans made no nomination for governor and the Democrats had a walkover as a consequence. The Republicans failed to pay their taxes at that time and the Democrats had a walkover. The names of the people who were thus dropped from the assessment lists remained off for twelve months. They were not put back by the assessors or the levy court in 1887, but finally they were put on so as to go on the duplicates in 1888, or at least they were eligible to be put on, but when thus eligible, because they had been off more than a twelve-month an effort was made to put them on.

I know about it because it was done under my advice and under my instructions, but it was done in vain. The assessors, all of whom were Democrats, in the city of Wilmington did not put their names on the assessment list, and under the most just and fair provision that I know of in that law, one which does not save the whole law from condemnation, but mitigates in some degree its iniquities, the assessors are required to sit for five days in the month of January and people can go before them at that time, have their names put on the list with somebody to identify them as the persons they represent themselves to be, and that they are citizens living in their proper districts. The assessors by every delay that could be practiced, aided by the police, practically prevented any considerable additions to the list at that time, and though the levy court was in session for two months in the city of Wilmington the same condition was kept up. It was impossible to get a hearing, and so in that county it was possible for Mr. Cleveland, as candidate for President of the United States, to get a majority of nearly if not quite 2,400, when at the late election, after the efforts that were put forth, the majority was turned to 400 the other way.

Mr. GRAY. I wish to ask my colleague a question.

Mr. HIGGINS. Certainly; I yield.

Mr. GRAY. He says there was no difficulty at the last election and that the Republicans paid their taxes and got on the assessment list and qualified themselves as voters.

Mr. HIGGINS. Yes.

Mr. GRAY. Why did they not do so in 1887 and 1888?

Mr. HIGGINS. The reason why they did not do it in 1887 was because they had been dropped for failing to pay their taxes in March, 1886, at which time they had to pay them or be dropped for a twelve-month. The other rule that comes in is that when the quadrennial general assessment of persons and property is made in the year after the Presidential election the levy court and the assessors, under their advice given to them in the law, and advice given, I think, by my friend and colleague while he was attorney-general, do not regard delinquencies, but everybody is assessed. The consequence was that everybody was on the assessment list, it being the year of the general assessment before March, 1890.

The duplicates of those assessment lists with everybody on went into the hands of the collector in the month of June, 1889, and at last the people had made one step through that feature of the law. They were on the list. On for what purpose? Why, to pay taxes, an exaction to the State, an imposition, a debt on voters whereby they could pay a tax and qualify themselves to exercise the right of freemen. That is how they got on; and then comes the second chapter.

Under my direction again, along in September and October, 1889, the work was begun of having the men go forward to pay their taxes, and then the collectors, if they did not take to the woods, took to the streets. I confine my remark to the two collectors of the city of Wilmington, where there was this great body of voters who could be affected by it, men working in the shops, men working at one humble employment or another in that large town. No Democrat had to go there; every receipt would be furnished him in time for his money, if he chose to pay it; without it if not. But when the people came before the collectors and the collectors discovered and ascertained that here was a settled plan for the payment of taxes by Republicans, they would no longer sit at night for the receipt of taxes, but they adjourned religiously at noon and went to their dinners, and they never came to their office until 9 or later in the morning, and thus all of the hours which workmen could conveniently take for the payment of their taxes and not interfere with the loss of time and work at their occupation was taken away from them.

The collectors left their posts with lines of men standing there with money in hand seeking to pay their taxes, and then did not come back that day. A line of men would be standing there, money in hand, waiting to pay their taxes to the State and to get their receipts, and the collectors would exhaust the time in going over a calculation for some property owner. They went out on the streets to seek taxes from property-owners and left their offices closed. One sang at a funeral and indulged in a long sickness; all sorts of delays were practiced; and steadily against this obstruction was kept the pressure.

At last, in desperation, a principle of law was relied upon that there could be the payment of a tax by an attorney as well as in person by the principal, and thus this obstruction of poor men and laboring men could be escaped by giving their powers of attorney, many of them to one man, so that he could make by one act a tender of his money and demand for it a receipt for all of his principals. That was done. By that we overcame another legal obstacle and laid the ground for a writ of mandamus, and that writ was sued out by one citizen for the benefit of the community and all concerned, and thus this whole matter was brought before the courts and judicially determined.

The decision of the courts was that a payment by a power of attorney was good, but that the collector had the authority vested in him to determine by direct knowledge of his own as to whether the person who paid a tax was the identical person that he represented himself to be. The decision, therefore, was of doubtful effect so far as that was concerned, but the public exposure and the overwhelming force of popular indignation broke the back of the collectors and they received the taxes, and thus it was that at last a people as proud and as worthy as any that ever trod the soil once again under this American Republic had the right of freemen, and they gave their answer in November in no uncertain sound.

I want to know, Mr. President, if the right of the people can find in the institutions of the State or its officers alone the true custodian of the public rights.

These laws remain upon the statute book to-day. I can answer that if a Republican Legislature could ever have got its hand on them they would not have staid there longer than time enough to formulate and pass an act repealing them. But I had the honor to present to the highest court of our State a case in which their constitutionality was tried. The decision was against me. I beg to differ with them, but I submitted with the respect I always do to the court, but it was a matter of no slight regret to me that I found among those who contended before the court for holding that statute constitutional and before the other court for sustaining the acts of these collectors my respected friend and colleague. The responsible leaders of the Democratic party of Delaware looked upon this work of their hands and pronounced it good.

If I could reach that whole chapter of electoral iniquity through the aid of the Federal arm I would rejoice to do so, but it is beyond that remedy. The statute was passed because the collector who had been convicted was convicted for denying a man the right to freely qualify and



vote because of his race or color. They stepped out from the Federal jurisdiction by passing these laws leveled at white and colored alike, and under them free institutions have been groveling in the dirt. I wish I had with me the notable utterance of the President of the United States in his inaugural address upon the inevitable consequences which come upon a people who thus deny the right of suffrage. In the census that was taken this year there stand the phenomenal figures that in the last ten years the county debts of the State of Delaware have grown 1205 per cent.

In my own county, rich and fertile in its soil, possessing within its borders a city that, without extraneous help, but through the advantage of its situation and the business vigor of its citizens, has grown in proportion as great as any other community in the country, in the last decade we have incurred a county debt that rose from either nothing or possibly \$44,000 up to \$569,000 over a year ago, and I do not know what it is now—most of it made up of floating debt, to represent which we have nothing but a courthouse which cost only \$75,000, on which only \$100 has been paid and a palace for paupers called an almshouse that ought never to have been constructed and ought to have been paid for out of the assets of the trustees of the poor. The county taxes and city taxes together rose until at one time the aggregate of them was \$2.35 in the hundred dollars upon a full valuation, and not enough was then raised to pay the expenses.

The city of Wilmington was put under this franchise, and not the payment of the city taxes, but the payment of county taxes was made the qualification of voters, and on and on it went until at last—I think it was in 1885—there was an election for mayor in which fraudulent practices were resorted to and produced even a Democratic reaction similar to that in the city of New York in the reign and régime of Tweed. Gentlemen, Democrats, for whom I entertain the highest respect, went to the Legislature and showed them the picture of the profligacy of the city councils and the way in which municipal matters were managed, and as a result the charter was so amended as to give the power of control over the various streets, water and sewers, and elections to boards appointed by the mayor. But who is going to elect the mayor? Is he going to be elected under this management that we have had? They said No, that can not be; we must have an honest election of a mayor; and so gentlemen went on to New York and got copies of their statute and with proper changes the Legislature enacted a law which secured honest elections in the city of Wilmington.

The city was divided into districts wherein the number of voters did not exceed 300, and city registry of elections was established, requiring voters to be registered two and three weeks before election, giving ample opportunity for scrutinizing the voters, requiring them to give their age, residence, papers, if naturalized, to show their tax receipts if they were assessed and paid a tax, and otherwise determining all the qualifications for voting through registration, as in other States, a thing not otherwise known in its completeness in Delaware.

Mr. President, as a result of that law, even in 1888, with our reduced vote, the Republicans elected their mayor. Now we have the full qualification of our people upon the list, and there can be no question as to what the result will be. For the first time, after that law was enacted, were men kept from voting who had been voting constantly year after year for the want of any proper registry or scrutiny of the votes. Thus property in the city of Wilmington has protected itself through Democratic agencies, and I give them all credit for it; but I ask, why did they stop there? Why let an election law be passed that will secure purity and freedom of elections for a city and be denied in an election for a county or a State?

But the state of facts out of which this whole contention in which we are concerned has grown, that surrounds it like an atmosphere, is the feeling upon the part of the Democratic party since the adoption of the fifteenth amendment that they have a right by any methods that they can control to defeat the popular will, if the popular will without any unfair methods does not register its majority for them.

That brings me to the principal contention on this bill. Senators from the Southern States and Democrats everywhere contend with all the earnestness of their souls that this bill is aimed against the Southern people; that it is unfair as to them; that it is unjust as to them. Let me right there put in my humble protest. The first time that the Republicans of Delaware have ever had a voice to make it on this floor, against the assumption that has been made by the Democrats of the South since the end of the war that the South was the Democratic party, that the Southern people were the Democratic Southern people, and that Republicans were not counted, I may say, like Indians not taxed, that they are no account.

I speak for some Southern Republicans in my own State. I speak for all those who are represented in the other House, who with two exceptions voted for this bill there. I shall have something to say possibly further on as to what it has cost to be a Republican in the South, and why they have a right to speak, and to speak to men from the North as well as to men from the South, when the Federal Government is invoked to exercise its prerogatives in the maintenance of the honesty and purity of elections.

But taking the Democrats upon their own contention, that this is malevolent, why? If it were a law that was intended to act and

would act, as it has been claimed, and I think with entire sincerity, on the other side, as an instrument to promote fraud, then it is malevolent to all sections of this country; it is infamous and ought to be kicked out; there is no doubt about that. But assuming that that is not the case; then it is a bill to promote fairness of elections, because the officers appointed under the direction of the courts will always, if they are of the majority party, be fair and moderate men, and always, if they are of the minority party, be honest and capable men; then you will have election boards so far as these Federal functions of scrutinizing and counting the vote of honesty and fairness, and they will be amenable to the Federal laws afterwards for any violations of law in their conduct, what, then, if it be a bill for fairness, is its unfairness towards the South? Oh, we come right to the quick of this question; the unfairness of it is its fairness. The unfairness of it is that it tends to secure the voice of the people in the South. Oh, that will disturb the relations between the races, break up this quiet and lovely peace and unity that we are having there now, and bring about a great lot of bad things everywhere. The kinds of peace the Democratic institutions have brought about are the only good ones. What are those? We may ask our brethren. Those by which the vote has been suppressed; those by which it has not been counted; those by which in Delaware as well as in Alabama and in Tennessee there has been virtually no election held, a condition brought about which is a palsying of one-half of the people in the exercise of their right of suffrage, in which it is no longer any use to keep up a party, and the whole thing has been driven in confusion off the face of the earth. That is right; that is a Democratic heaven; that is a state of things that ought to be and must be continued; and if anything is done to change or to overthrow it, why, it is going to interfere with the harmony and peace of the people!

I have endeavored to show here this morning, and I shall not repeat the reasons I then gave, why I think this is a moderate bill, a restricted bill, going far within the limit allowed by the article of the Federal Constitution giving Congress jurisdiction over this matter. But, on the other hand, we have the startling statement from the Senator from Nevada that he will not vote for this bill because it has not force in it. Oh, Mr. President, we know what a force bill is. This is a bill in the enforcement of article I, section IV, of the Constitution of the United States. The acts and the amendments already upon the statute book were in part acts to enforce the fifteenth amendment to the United States Constitution; but in 1875 there was a bill that passed the Lower House and failed in the Senate at the short session which gave to the President the power to repeal the writ of habeas corpus, to use the military in a case where by insurrection or conspiracy the right freely to vote was abridged or obstructed. That was a force bill.

This is not; and the Senator from Nevada has pointed out the various measures which are open to a majority of this body to exercise to the fullest extent the Federal functions under the Constitution. You can do it under the power to guaranty a republican form of government or under the right to repeal the writ of habeas corpus, either way. It is not done here. But force has been used in the South. I shall not undertake, Mr. President, to go over that chapter in our country's history. In the centuries which we fondly believe will come, no period of the history of this imperial Republic will bring such a mantle of shame to the cheek of our descendants, not merely for what was done in the South, but the way in which it was condoned both in the South and in the North. They used to deny it. I do not know who has been diligent enough to keep the record of the homicides that have marked this episode. Doubtless you could go the records of the courts for those who were incarcerated in Northern prisons by convictions in courts for the acts that they had performed.

During all of that time it was denied that any such thing happened, and the insignia of the bloody shirt became the stigma that was put upon any man who dared stand up here and speak the truth. It is no longer so now. Time moved on. A Democratic President was elected; State institutions passed into the hands of the Democratic party; there were election commissioners appointed by governors and county boards of Democratic persuasion; and then came the reign of peace that the Senator from Nevada fears will be overthrown if this bill will be passed and inaugurate the reign of homicide, of assassination, of whipping, and of desolation.

Why is this bill invidious to the South unless it be that it will stop unfairness of elections and put them upon what they regard as the obligation to inaugurate the reign of force? Mr. President, the significant thing that will come to the historian of the future is not that these things were done by wicked men, but that they were justified by the clergy, by the lawyers, by the judges, by the Senators, by the press, by the public. Sir, I do not believe that God in His goodness will look with pleasure upon any people who throw down and trample under foot all the canons of Christian conduct and morals.

But what of the North? What of the miserable breed of apostate Republicans, too good to hold on to their belief in the Sermon on the Mount and quick, because they were free traders or had some grudge to serve, or for whatever reason, to turn in their tracks and to do all they could to break down protests against these iniquities? I well remember when that greatest intellect since Daniel Webster, Oliver P. Morton, thundered on this floor on behalf of human liberty and



human rights, and others with him, and papers that were founded on money contributed to aid the negro after the war turned in with all their force to hamstring whatever efforts should be made on behalf of the South, to narcotize the conscience of the nation, to drug it, and put it to sleep. Oh, Mr. President, great moral issues can not be settled that way. This people believe in what is right, what is just, and in the end justice will come, though the heavens fall.

I know and admit freely the difficulties that environ this subject, but as a Southern man brought up in the environment of slavery, familiar with the institution, I beg to enter here my profound conviction that the whole *rationale, morale, and moral foundation* on which Southern statesmen and clergy and moralists have founded themselves is without justification and is wrong. It may all be summed up in one word: "Negro domination is what we fear and can not stand."

Mr. President, I believe as devoutly as I stand here that there never was a day when the Southern white leaders could not have had the hearty support, following, and direction of the black man of the South for the asking or the granting. None of the Senators on the other side will pretend to deny for an instant that to-day, in all matters outside of politics, they have the confidence of the negroes. Few things are more touching and pathetic than the exquisite story told by the Senator from Wisconsin on Saturday, as told him by a Southern slaveholder, of the words spoken by the negro slave to his master when he came back from the war: "Master, here is the mistress, here are the children. That is what I have done for you; what have you done for me?"

There never was a day, there never was an hour, when the Southern gentleman could not have had the loyalty and fealty of his slaves. Have the Democrats choked at the control they have had over the foreign vote of the North? Has there been any difficulty in their controlling it? I have always considered that the one great service the Democratic party has discharged in this nation is to corral and bring into its folds all the people who, from their circumstances, opportunities, education, nativity, and all, are least fitted to discharge the functions of American citizens, and hold them under some sort of conservative control. Why should they not have taken the negroes as well?

Mr. REAGAN. Will the Senator let me answer him?

Mr. HIGGINS. I will, with pleasure, sir.

Mr. REAGAN. Mr. President, at the close of that unfortunate civil war, when society had been overturned and the whole Southern people impoverished, the policy known as the reconstruction policy was inaugurated; freedman's bureaus were established all over the South; military governments were established. The freedman's bureaus and the military governments and the plunderers who followed the army organized the blacks into secret oath-bound loyal leagues, and stimulated by every means they could prejudice between the white and black races, inducing the black people to believe the whites were their enemies. A large part of the Southern whites were disfranchised; and it is strange, in view of such facts, that the Senator assumes that the whites could have controlled the blacks when they were made to believe that the whites were their enemies, when they were bound by oaths to support the Republican party, when they were instructed in everything that made hostility between the white and the black races.

Mr. HIGGINS. Mr. President, I ask the Senator whether there was ever a day or an hour when the Southern whites were not honestly and sincerely opposed to the enfranchisement of the negro or any exercise by him of the functions of citizenship.

Mr. REAGAN. I have no doubt, Mr. President, that the great body of the white people of the South, like that great body of the white people of the North, did not believe the negroes as a body of people were qualified to vote or capable of self-government; but after they were invested with the franchise the general feeling has been to accept and respect that condition, and to do the best we could to bring the negroes up to that standard of intelligence which would enable them to be good citizens, as evidence of which the white people of the South have given millions of dollars to educate the blacks.

Mr. HIGGINS. Ah, Mr. President, that is true so far as education goes, and I thank God there is one thing upon which, however we differ, North and South can agree, and that is that the social condition of the black man shall be brought up by education and every other means into making him as good a citizen as we can. Hence I was so anxious and earnest for the adoption of the educational bill. Hence I differed so radically with some of my friends upon this side of the Chamber. But so far as I know—and I want to speak in this respect with regard to absolute fact and verity—I have never known of any who adhered to the Democratic party at the South, except Salmon P. Chase and Horace Greeley, who really believed that the negroes should have any fair chance to vote. On the contrary, the difference is fundamental on their part. It goes down to ethnology; it goes down to the profound belief of the Southern people that you can not possibly make out of the black man a citizen.

Then, with all respect to my friends on the other side, I submit that it is the fact that they used that, and were quick and ready to use it for all it was worth, because it helped the Democratic party. In 1878 a leading representative Democrat of Delaware, who has since gone to his rest, said to me on the morning after the election: "We will not

let the negroes vote our ticket; we put our tickets in the hands of men we can trust, and who will not let the negroes have them." They avowed themselves as the white man's party. If that was done on the northern border of the slave country, I have no idea that it grew less as it went South. At least, if the Democratic party at this day goes upon the contention that really and truly they all the time wanted to give the negroes equality of rights with themselves and have only killed them and kept them from voting because with that equality of right they would vote the Republican ticket and do bad things, they must maintain all the onus and burden of that contention.

But I want to say in response to the Senator from Texas that I think he is quite wrong in his chronology with regard to the effect of the Freedman's Bureau. That was not established, I understand, until after the Southern States had taken the action that they did after the war, so momentous in its conduct and character, of enacting the black codes in the statutes under those governments which were proposed to be established under the policy of President Johnson. That was the first great step in this drama. What they did, what they contained, need be left to no such desultory argument as I have attempted to submit here to-day as to the character of the election institutions of Southern States.

You can go to one of the greatest judgments that have been pronounced in our highest tribunal by one of the greatest jurists who ever sat upon the bench in this or any other country. Mr. Justice Miller, in the Slaughterhouse case, settled what those laws were, and drew from them the conclusion that the fourteenth amendment was restrictive in its character and leveled against discriminations against blacks and others because of their color, and had not the wider purview and jurisdiction which has been claimed for it since.

Mr. President, the era of reconstruction was a bad one in every way. I think it is much to say that it was a transition period coming out of the condition of slavery which obtained throughout the Southern States. We had to deal with things as the nation found them.

It has been claimed on the other side in this debate—and it is only evidence of what I have contended for in what I have submitted in the few words last past—that the fifteenth amendment is the fountain from which all these troubles flow; that it was a crime. The Senator from Alabama [Mr. PUGH], who has spoken upon this bill, said of it, "that indefensible crime is the fountain from which all our bitter waters flow." He said:

Suffrage was wisely left to the States. Here it rested until greed for power and the hate and distrust of the white people of the South, engendered by the war, impelled the Republican party to resort to negro suffrage to insure their supremacy and secure the solid votes of the negroes by appeals to their gratitude for the blessings of freedom and their distrust of their former owners and the white people of the South because they had kept them in slavery and denied their rights as freemen.

Mr. President, after what was so well said by the Senator from Wisconsin on Saturday as to the reasons for the adoption of the fifteenth amendment there is little left for anything more to be said; but in addition to the reasons which he gave is the deep gratitude which this people owed to those black men of the South, not one of whom, so far as I have heard, was a traitor to his flag, all of whom were Union men. They never could abandon their gratitude and their duty to the men, hundreds of thousands of whom had borne arms in its defense, and other thousands had rendered aid and comfort to those miserable men who were escaping from Southern prisons.

But I have conceived that the policy of the enfranchisement of the black race went upon much wider grounds than that. The rebellion was slavery and slavery was the rebellion. Until the pregnant truths of that antithesis were realized by this people they did not know wherewith they were contending in that awful struggle. But that was its whole history in a sentence, and this people were brought to that struggle by a remorseless fate; they could not escape it. We look back over it now only to realize that it never could end but by war, and that for every drop that was drawn by the lash there was another which God in His justice would draw with the sword.

I pause here to say that none rejoice more at that result to-day than the citizens of a free and prosperous South. There has been no such emancipation of the black man as of the white; there has been no such change of condition for the better as that from the planter to the farmer, from a community which kept out manufactures as it kept out free speech and a free press, and now has changed the course and tide of events until it is no longer westward but southward that the star of empire takes its way.

Mr. President, this people, coming out of that great struggle and conflict, brought about by the subordination of the black man in slavery, intended that they should not lay the seeds of another such struggle in the subordination of the black men in freedmanism. The one solution of these troubles and the only one that was philosophical, far-reaching, permanent, or possible was that which was inaugurated by universal suffrage resting on the principle that the institutions of this country must be homogeneous. We are to-day too much two peoples; we are not enough one. But, thank Heaven, we are tending together every day more and more. Every differentiation is gradually going out; the likeness is becoming more complete. On that rests the peace, rests the security of the present and of the future. By that great act of



settlement this country was made one at whatever cost to any section, be it the South or be it the North.

But I believe there was no cause for great loss or suffering to either. There were men in the South who thought then as I have expressed myself now, and still think about that matter. There were white men who believed in respecting the fifteenth amendment and the principles of reconstruction. There were Southern men who believed in it. Of course the Northern men who went South took with them their belief, and they undertook as best they could to inaugurate a government on that basis. Able men, brilliant men, honest men, brave men, all embarked on that treacherous and stormy sea. I believe it would have been as quiet as a millpond if only the men of the South all through had accepted the settlement inaugurated by the amendments to the Constitution in that good faith in which, Mr. President, they will have to accept it by the inexorable decree of fate, if it takes a hundred or a thousand years for them to do it.

But what did we see? Every Northern man was a carpetbagger and every native Southern Republican was a scalawag. Talk about ostracism, talk about the Irish boycott, what more dreadful or deadly was that power and force that was brought home thus on the man, his wife, and his family? The Senator from North Carolina [Mr. VANCE] the other day said that he would have some poet to tell the story of reconstruction, a Dante to tell of another Inferno. That story in part has been told with a dramatic force that will cause it to rank beside that of Dante and live while the language lives. It is known as A Fool's Errand, by One of the Fools. Say that the problem of impartial, universal manhood suffrage ever had a chance in the South! Say that the policy thereby promoted ever had a fair chance! Say that the Democratic party in the South ever intended that it should have a fair chance! Never.

But, Mr. President, it can not be killed, and it will forever come up and up and up again until it is settled and settled right. You can not take it out of the hearts of liberty-loving American people, and I say here to my brethren on this side from some of the far Western States, whatever you may think for the time being may be the vacillation or the oscillation of public opinion, that man will count without his host who in Kansas or Nebraska, or anywhere in the West, dares turn his back upon that great settlement or upon those Southern Republicans, white and black, for whom I alone am left to speak here to-day as a Southern man.

Mr. President, the attitude, it seems to me, of the Democratic party with regard to this bill, with regard to this whole question growing out of the enfranchisement of the freedmen, is nothing else or less than revolutionary. They plant themselves on the postulate that to grant the suffrage was a crime. They start there in their moral foundation. They are profoundly convinced they are right. They build it on that. It goes back to it.

It will not do for the Senator from Texas to say that it was because the Freedman's Bureau was established. Beginning, therefore, with that foundation, founded as they conceive in morals, they have continued that resistance until the present hour. They even bring it against this moderate, just measure, a measure which is simply a slight enlargement of a measure already enacted. They welcome the renewal of an issue which permits them to recur to race prejudice to strengthen and recoup their lines and bring up again all this old business of State rights, and this claim of local self-government which has been of the character that I have endeavored to indicate.

Mr. President, the rebellion, founded upon slavery, brought about through the doctrine of secession, and ending in war, failed. I venture to prophesy that this revolution will likewise fail. The great tide of time is toward a larger liberty and not against it. We will not turn it back here. Now that France is a republic, that the suffrage has been established in every country in Europe, and that they are represented by constitutional governments, unless it be Russia; that in England, so long slowly broadening out from precedent to precedent, where has at last been taken the step which has made it practically a democracy extending not only over England, but Scotland and Ireland as well—do you suppose that here, after that great and momentous step twenty years ago was taken, it is to be turned back now; that you can suppose and expect that the conscience of the North will ever be quiet; that the white people of the South, those who are coming, the youths, the men who will take the places of influence and of power as those who have been on the scene of action so long shall pass away, are going to turn back now? Will the Farmers' Alliance go that way? I believe there are colored Farmers' Alliances with co-operation in one way or another. I believe that this new revolution will fail.

I submit, in answer to the reasons given by the Senator from Nevada the other day that this bill is not strong enough and that it would result in a renewal of violence and crime against the blacks in the States and localities where they are dense; that I think it will not have that effect even there. That is not its primary effect. If that were a controlling reason the Senator's logic would not let him stop with the rejection of this bill. He ought to have gone further. He of all men is the last on this floor or in this country, he who proposed the fifteenth amendment and had charge of those measures, to say that he will stop now in completing that act of twenty years ago by a moderate meas-

ure. His logic will stop nowhere short of the fact that the fifteenth amendment and all of these laws ought to be repealed because they brought about violence. This bill will bring no more violence than the present law, not a particle. If it does, we can not help it. We can not take the responsibility of refusing to do right because others will do wrong.

The bill, Mr. President, is fair. It will secure simply a fair count where there is any apprehension that the count will not be fair, and it will be applied nowhere else. It will represent fairly at the polls both sides, and you will have no United States judge who has to be appealed to to recognize both sides or, when he is, will reply with any such letter as did the governor of South Carolina.

I have said nothing, Mr. President, as to the operation of the bill in the North. The Senator from Wisconsin has made it unnecessary to add anything to his complete defense of John I. Davenport of New York. I want to call attention to the fact that Mr. Davenport is not the only chief supervisor in the United States, and New York is not the only place in the United States where elections are held. I do not know of any other supervisor who has been attacked here in any such a way. Everything was visited against him. But will anybody tell me of any act of which he was ever accused that did not go to the prevention of fraud, that was not intended to secure the honesty of the ballot?

But against all this railing and against all this accusation is to be put the important fact that all these charges have been adjudicated, heard, and determined upon by an open court, by Judge Woodruff and Judge Blatchford, against whom nothing is to be said, and therefore is put practically at rest.

Mr. President, I believe that this bill commends itself to the consciences and to the support of the American people. I believe it is moderate; I believe it is necessary; I believe it is just. It is a guarding bill; it is a scrutinizing bill; it is a watching bill. My colleague the other day asked, "Who will watch the watchers?" The judge will watch the watchers. He is the man to appeal to if there has been anything wrong. Through all those sections of the South where the negroes are not dense, represented in the other House of Congress by almost thirty Representatives at this time, there comes from the people whom they speak for a unanimous request for its enactment and its adoption. It will do good there. It will do good in the country where colored people are dense. It is a bill, not to promote, but to prevent fraud. It is moderate; it is just, and it is a bill which I hope will be, and I believe ought to be, passed.

Mr. VOORHEES obtained the floor.

Mr. GRAY. I wish to appeal to my friend from Indiana one moment. I know the pressure that is upon him at this late hour, and I only ask him for five minutes in order that I may perform a duty to people who have been very much slandered here. It will only take me five minutes to do it.

Mr. VOORHEES. I regret to do it, as it is growing late, but I yield to the Senator from Delaware with the understanding that I can not yield to any one after him. If his remarks lead to any controversy, that must be adjourned until to-morrow, because I am compelled to leave the city to-night by considerations of the highest importance, and I desire to finish my remarks this evening.

Mr. GRAY. I shall not abuse the courtesy of the Senator from Indiana.

Mr. VOORHEES. I am sure of that.

Mr. GRAY. Fortunately, Mr. President, it is not necessary for me to say anything at this time in regard to the merits of this bill, nor do I rise now to allude to anything by way of argument in its favor made by my colleague. I think the Senate and the people are to be congratulated that it is not usual, at any rate in my experience in the Senate of the United States it has never happened that a Senator took advantage of his possession of the floor to traduce and vilify the people who honored him with a seat here; for I take it that when a Senator has the honor of a seat in this body he represents all of the people of the State, and not a faction of the people of that State. With the ideas that I entertain it is not necessary nor proper that I should bring the affairs of my State into this high forum to be discussed, to be explained, to be attacked, or to be defended.

But inasmuch as the Senator has gained his own consent as a matter of taste to repeat the stale slanders that have been so often refuted in his State in the presence of the Senate, I do not intend that any inference should be taken from my silence among those who are strangers to the State that there is admitted on my part to be a particle of truth or justification in anything the Senator has said by way of traducing good people of his State because they happen to differ from him in political opinion.

I do not intend to go into any more minute discussion with my friend, either now or at another time, as to particular measures. I do not intend to dwell upon the fact that the very reforms in the chief city of our State, which he has had to say were brought about by Democrats, were instituted and achieved over the virulent opposition of the organization of his own party, that they were achieved in spite of the obstruction made by the party to which he belongs. I do not wish to dwell upon that, nor to imitate the Senator in abusing the many re-



spectable men whom I differ from in politics, but who still are entitled to be protected upon this floor from being vilipended and traduced because of political prejudice.

I therefore, Mr. President, shall content myself with simply putting in this emphatic negative to any inference that might be drawn by any one that because this violent attack has been made by my colleague upon the people of the State from whom he differs in politics, there is any admission, expressed or implied, on my part, that there is a particle of truth or foundation for anything he said.

Mr. HIGGINS. Will the Senator allow me a word?

Mr. VOORHEES. I gave notice—

Mr. HIGGINS. Just a word.

Mr. VOORHEES. I gave notice that if the remarks of the senior Senator from Delaware led to any controversy it would have to be adjourned until to-morrow.

Mr. HIGGINS. If the Senator will allow me I will take but a minute.

Mr. VOORHEES. Very well.

Mr. HIGGINS. Mr. President, I wish to say that it is not the first time that it is assumed by those who are responsible for Democratic policy that its policy or the institutions which it creates are to be called those of the people and are to be exempt from criticism and just criticism on that account.

I beg further to say in respect to what my colleague has just stated that I referred to no individual by name nor by inference except those who were connected with the judgment of the court.

Mr. GRAY. Mr. President, I merely meant to say that my colleague has seen fit to charge upon the large body of the white people of his State practices which were, if true, scandalous and outrageous; and I have too much respect for that comparatively small body of white citizens who differ from me in politics in my own State to assume to enter into any competition with him in that sort of railery.

Mr. VOORHEES. Mr. President, an administration of government which devotes itself to the reform of existing abuses and strives in good faith, by precept and by example, to eradicate official corruption will be upheld with patriotic pride by all good people, and its devotion to the purity and to the true glory of the country will be recorded to its imperishable honor on the pages of admiring history.

On the other hand, the mind of man can rest on no other spectacle so odious and repulsive as that of an administration of public affairs which makes extreme pretensions to the most exalted virtue and at the same time indorses and promotes those who practice political vices in its interest and for its benefit, an administration which professes stainless purity, lifts up its voice on all occasions in condemnation of publicans and sinners and in self praise, while its patronage, official favor, and personal association are bestowed, knowingly, on distinguished conspirators against the very foundations of free government.

Sir, the present Administration of this Government has now been in power one year nine months and eighteen days. Its entire existence has been filled with sighs and groans and lamentations over the sins and shortcomings of other people in their alleged frauds on the ballot box. In season and out of season we have heard upright communities and law-abiding States arraigned for their abuse of the elective franchise and all the vast powers of the Government invoked against them.

In his recent annual message the President indulges in many highly seasoned moral reflections, intended to impeach the honesty and the intelligence of the American people, and more especially the people of the South, on the subject of popular elections. With deep solemnity of phrase and with an air of severe and offended virtue, he urges the passage of the bill now before the Senate, in order that the people whom he distrusts and fears may be deprived of the power given them by the fathers of the Republic in the choice of their public servants.

He sees fit also, in the way of a warning threat, to remind them with emphasis "that every law, whether relating to elections or to any other subject, whether enacted by the State or by the Nation, has force behind it." While this statement is true in a general sense, yet the manner and connection in which it is brought into the message shows not only no regret at the prospect of the bayonet at the polls, but a relish and enjoyment in anticipation of such an appalling event.

It is, however, at the very beginning, in the opening three sentences of what he says on the purity of the suffrage in his message, where the President makes his bold challenge for the championship of lofty, austere political virtue. He states an old and familiar truism of free government with the verbal vehemence of a new discovery and pitches the tone of his political morality on the following high and redundant key:

If any intelligent and loyal company of American citizens were required to catalogue the essential human conditions of national life, I do not doubt that with absolute unanimity they would begin with "free and honest elections." And it is gratifying to know that generally there is a growing and nonpartisan demand for better election laws. But against this sign of hope and progress must be set the depressing and undeniable fact that election laws and methods are sometimes cunningly contrived to secure minority control, while violence completes the shortcomings of fraud.

Sir, in view of the thoroughly well-known history of the Republican party as the mighty patron and beneficiary of fraudulent elections for more than a quarter of a century past and in view of the clearly ascertained methods by which the present Administration itself was

placed in power, I am amazed, astounded that such language as this could come from such a source. As an open, avowed burlesque on virtuous pretensions and a grotesque satire on the record made by his own party in its shameless destruction of "free and honest elections," this message would be a success, but it will take no rank as a truthful and candid state paper.

The most popular play of its time in the English language was produced by the genius of Richard Brinsley Sheridan and entitled "The School for Scandal;" and, if Benjamin Harrison should turn playwright and undertake to put upon the stage "A school for hypocrisy," he could never do better than to dramatize that portion of his message which relates to "free and honest elections." In developing the leading idea of such a play it would be necessary for one scene to be devoted to straining at gnats and swallowing camels and another scene should contain the well-known affair between the two brothers, wherein the one who has a beam in his own eye is striving very vigorously to get a mote out of the eye of the other.

Sir, it is not my intention at this time to dwell in detail on past elections wherein the Republican party achieved temporary victories and gained lasting infamy. I pass by a stolen Presidency, and all the perjuries and forgeries implied in the false counts and fraudulent returns by which that huge historic crime was consummated.

The processes by which the elective franchise in three States was debauched and made to record as true the most stupendous falsehood in American history may rest undisturbed, at least for the present; nor will I invade the dark and polluted period of reconstruction, wherein States were dismantled and pulled down, the ballot box was degraded to a mere agent in the work of corruption, the ballot itself prostituted into an article of trade, and the enactment of laws made the sport of venality, bribery, and official robbery.

I shall likewise, on this occasion, let the rank corruptions of the Presidential election of 1888 rest folded away in "blocks of five," still fresh and carefully preserved in the minds of the American people. All these fields of fraudulent and dishonest elections I pass over, and forego the temptation to confront the hypocrisy of the present hour with their evil and infamous memories. My task to-day is with the present and not with past administrations.

I assert that within sixty days after the inauguration of Harrison as President of the United States an extensive, powerful, and corrupt conspiracy was formed to import a certain class of voters from distant parts of the country into Indiana, West Virginia, and Connecticut, in order to secure Republican majorities in those States, and more especially to control their electoral votes in 1892 for the Republican candidate for the Presidency.

I assert, and stand prepared to prove, that this conspiracy was composed of the foremost men in the Republican party; that the chairman and leading officers of the Republican national committee were at its head; that Republican managers of State elections and Republican members of Congress were engaged in the scheme; that at least two Federal officials, then and now enjoying the favor of the Administration in important Government positions, were actively at work in the plot, and that one of them did not hesitate to so inform the President.

On the 4th day of October last there was published in the columns of that great newspaper, the New York World, the most extraordinary correspondence ever engaged in by political freebooters for the overthrow of popular majorities by fraudulent methods. It was a revelation of rascality in the very heart and core of the Republican party.

This widespread and far-reaching scheme had for its object the colonization of from eight to ten thousand negro voters in Indiana, from three to four thousand in West Virginia, and from two to three thousand in Connecticut—all to be done in time for them to become legal voters in the year 1892, which, in the language of this colporteur of political morality for the Republican party, "would place the result in those States beyond doubt in the next Presidential election."

On the 20th of March last the originator of this movement, as it would seem, a man by the name of Daniel McD. Lindsey, of North Carolina, whose existence and plots would be of no consequence but for the indorsement, aid, and encouragement he received in higher ranks of life than his own, wrote a letter to a coconspirator, which I have before me, and in which he outlined what he had been doing in the cause of "free and honest elections" for nearly a year prior to the date of his writing.

I will read portions of this letter, all of it most likely before I am done, in order that the Senate and the country may have a full and correct view of the political methods which were eagerly embraced and approved by those in authority as leaders of the Republican party and by official representatives of the present Administration. This remarkable recital of events is opened by Mr. Lindsey as follows:

WASHINGTON, D. C., March 20, 1890.

J. B. WHITEHEAD, Esq.:

DEAR SIR: Yours of the 15th instant has been received and the contents carefully noted, and I must be permitted to say that it really appears to me you are hard to satisfy about our emigration project.

It is true, as you say, I wrote you as long ago as last June that I expected to commence active operations within thirty days, and I had cause for so writing. And it is also true that I wrote you later that Senator QUAY, chairman of the national Republican committee, had promised me to furnish the funds for us to operate with, and that Hon. J. N. HUSTON, chairman of the Republican State



committee of Indiana, felt great interest in the work and would co-operate with us, and also that other prominent Republicans had become interested in it. I say all this is true; and yet you seem to question what I say about it; and, as you seem to be so incredulous, I will give you a detailed account of just how the matter stands.

On or about the 22d of last May I met Hon. Edward McPherson, of Pennsylvania, here and had an interview with him in regard to our work, and at his suggestion I wrote to Senator QUAY at Beaver, Pa. I said to Senator QUAY that the colored people of North Carolina had become restless under their oppression and persecution and that thousands were leaving the State and going to Mississippi, Arkansas, Louisiana, and Texas; that I had been endeavoring to find homes and employment for them in the Northern and Northwestern States; that this tide of emigration could be easily diverted from the Southwest and turned to the doubtful States of the North and West. I inclosed him copies of letters from many of my North Carolina Republican friends as to my integrity, etc., among them letters from Col. O. H. Dockery, John Nichols, J. M. Brown, Judge Thomas Settle, and others; and told him with necessary financial aid I could take eight to ten thousand to Indiana, three or four thousand to West Virginia, and two or three thousand to Connecticut, of the best laborers and safest voters in the world, in time to become legal voters in 1892, which would place the result in those States beyond doubt in the next Presidential election.

At a later stage in my remarks I will demonstrate that the alleged oppression and persecution of the colored people of North Carolina, assigned in this letter as a reason for their emigration, is a total falsehood and was used by the writer simply as a sort of screen through which to filter his corrupt scheme into the minds of his Northern coadjutors. In scanning this statement of Lindsey, however, nothing is more striking and suggestive than the high rank and commanding influence of the allies he sought in the prosecution of his nefarious work.

The first name he mentions is that of the present Republican Clerk of the Republican House of Representatives, with whom he says he had an interview "in regard to our work," and at whose suggestion he wrote to the chairman of the national Republican committee, the second name mentioned, at Beaver, Pa. Of course we are not surprised that the next name to appear in this list should be that of a very prominent leader of the Republican party in Indiana, chairman of the Republican State committee in the Presidential contest of 1888, now Treasurer of the United States, and possessed of the President's fullest confidence and approbation.

When a rape on the ballot box is in contemplation and the leaders of the Republican party in Indiana catch even a hint of the design, they have never been found to be laggards or loitering in the rear. They get swiftly to the front, and it was so in this instance. Lindsey says that "Hon. J. N. Huston, chairman of the Republican State committee of Indiana, felt great interest in the work and would co-operate with us," and further on he states that he has a letter from Huston to the same effect. I will here read that letter. It is as follows:

WASHINGTON, D. C., May 6, 1889.

DEAR SIR: I am in receipt of your note dated May 5. I regret that Mr. Miller could not have given you the time that would have allowed of a full explanation being made of your project. I feel sure that he, like myself, would have been satisfied that the proposed work would have enabled us to save Indiana. I myself am heartily in favor of it, and at the first opportunity will speak to the President about it, or will, if opportunity would offer, talk to Mr. Miller, though I do not believe he could be made to feel the same interest in it that I do. He has never taken much interest in practical politics. Of course I could not ask you to remain here in the city until I could learn what we could do with regard to Indiana. Do not know, in fact, when I will be able to talk with the President about the matter. If you will send me your address when you leave here, as soon as I have talked with the President I will communicate with you.

Truly, yours,

J. N. HUSTON.

Hon. McD. LINDSEY.

Sir, such a letter as this from such a source is in itself an alarming fact. It shows with painful distinctness the easy terms on which prominent public officials have placed themselves in their relations to the most depraved political vices. Mr. Huston is Treasurer of the United States Government. His office in rank is second only to the head of a Department, and its duties are far greater and more important than those pertaining to some of the Cabinet positions.

It is indeed quite interesting to notice the vast and delicate functions of the office filled by a man whose ideas of personal and official integrity permit him to engage in a conspiracy for the colonization of voters. "The Treasurer of the United States is charged with the receipt and disbursements of all public moneys that may be deposited in the Treasury at Washington and the subtreasuries at Boston, New York, Philadelphia, Baltimore, New Orleans, San Francisco, St. Louis, Chicago, and Cincinnati, and in the national-bank United States depositories; is trustee for bonds held to secure national-bank circulation, and custodian of Indian trust funds; is agent for paying the interest on the public debt and for paying salaries of members of the House of Representatives." Under the Treasurer there is also a large force of subordinates who look to him as an example of pure and single-minded devotion to public duty. To begin with, there are an assistant treasurer and then the following subdivisions:

*Chief clerk.*—Receives and distributes the official mail, has charge of the correspondence and the disposition and payment of the clerical force and the custody of the records and files and of the issue of duplicate checks and drafts.

*Chief of the issue division.*—Completion of New United States notes, gold and silver certificates, and count of silver, gold, and minor coin.

*Chief of national-bank division.*—Has custody of bonds held for national-bank circulation, for public deposits, and various public trusts, and makes collection of semiannual duty.

*Chief of accounts division.*—The accounts of the Treasury, the subtreasuries, and the United States national-bank depositories are kept by him.

*Chief of the loan division.*—Prepares interest checks and redeems bonds.

*Chief of redemption division.*—Receives and redeems all currency except national-bank notes.

In addition to the foregoing chiefs of divisions, this great office has a cashier and an assistant cashier; a receiving teller and a paying teller and two assistant tellers; a superintendent of the national-bank redemption division; a principal bookkeeper and an assistant bookkeeper; with a clerical force equal to the requirements of the immense business to be transacted.

The idea of establishing there a negro colonization division also and making himself its chief is hardly more inappropriate and criminal than would be the use of the Treasury Department itself as a fence for stolen goods.

From May 6, 1889, the date of Huston's letter, in which he declared himself heartily in favor of the scheme, to October 4, 1890, when his letter, with the whole correspondence, was published in the New York World, a period of one year and five months, he was left undiscovered and undisturbed to pursue his plots and plans by which, in the language of the message, to "rob the electors of States and sections of their most priceless political rights."

How much was accomplished can not now be known; how many of his official subordinates from Indiana and elsewhere were taken into his confidence as assistants in the work of ballot-box pollution can only be conjectured; but the letter itself on its brazen face leaves no room for doubt on certain other points. The object which the conspiracy had in view is there made very plain. Mr. Huston, in his letter to Lindsey, referring to the Attorney-General of the United States, says:

I regret that Mr. Miller could not have given you the time that would have allowed of a full explanation being made of your project. I feel sure that he, like myself, would have been satisfied that the proposed work would have enabled us to save Indiana.

To save Indiana! Sir, I know of no danger threatening that great Commonwealth which will be averted by "the proposed work" of African colonization within her borders. I know no enemies at this time menacing the peace and liberties of her people, except the robbers protected and turned loose by tariff taxation, re-enforced by an insufficient amount of money in circulation, and followed up as a consequence by too many mortgages on her lands and homes; but I do not see how the transportation of from eight to ten thousand black voters into her fields, workshops, and mines will tend to save Indiana from such foes as these.

The meaning of Mr. Huston, however, is not obscure and admits of no uncertainty. It was the safety of the Republican party in this epoch of its corruption, degeneracy, and decay, and at the expense of the honor and welfare of the State, which filled his soul with desire and caused his brain to teem with visions of the colored race moving by thousands and tens of thousands from their southern homes and spreading themselves in settlements all over Indiana. It will be observed that in writing to his confederate about "the proposed work" he makes no pretense that it is for the benefit of the colored race or to enable the negro to escape oppression and abuse in the South.

False faces are generally laid aside when rogues talk to each other, and the mask of a benevolent purpose to better the condition of the colored people by transporting them to Indiana was left off by Huston when writing to a man who knew what was behind that mask when it was worn. There is no pious cant in this letter about persecutions of the colored race in North Carolina or in any other portion of the South. Mr. Huston saw nothing in the movement except the acquirement pure and simple of eight or ten thousand additional Republican votes, by transporting, with the use of money, that number of people from their present homes, where they are as prosperous, contented, and well treated as any other peasant race, whether white or black, on the face of the globe. Nor did he express or intimate the slightest concern for their fate or employment after reaching their destination in the North, except that they were to be used "to save Indiana" to the Republican party.

But looking again at the letter under consideration and still further analyzing its ugly contents, another feature more sinister and repulsive than all the others combined stares us into shame and humiliation. Every American, to whatever party he may belong, fondly and proudly cherishes the assumption that fraudulent schemes, unlawful designs, and dishonest intrigues never enter the White House; that a flaming sword, as it were, is hung up at the doorway to guard its sacred threshold against the approach of all satanic influences, however alluring and beautiful they may be or rich and dazzling the temptations they bring.

It is not for me to say that the Lindsey job of importing negro voters into Indiana was actually carried into the Executive Mansion and there discussed with the President of the United States, but it is for all men to read and know that James N. Huston, chairman of the Indiana Republican State committee in 1888 and present Treasurer of the United States, assured Lindsey on the 6th of May, 1889, that he would speak to the President about this vile business and would afterwards com-



municate with his correspondent in regard thereto. The following is Huston's cool, unblushing language on this point:

I myself am heartily in favor of it, and will speak to the President about it, or will, if opportunity would offer, talk to Mr. Miller, though I do not believe he could be made to feel the same interest in it that I do. He has never taken much interest in practical politics. \* \* \* Do not know, in fact, when I will be able to talk with the President about the matter. If you will send me your address when you leave here, as soon as I have talked with the President I will communicate with you.

Sir, it is painful to reflect that the man who knows Benjamin Harrison better than any other man in public life knows him, who carried him and his fortunes through the stormy and corrupt campaign of 1888 in Indiana, and has studied him and his political methods at close range, feels himself warranted in submitting for his consideration and approval a corrupt project for the overthrow of honest resident majorities by the shameless and brazen importation and colonization of black voters from the South.

Huston in this letter to Lindsey expressed some doubts as to when he would have an opportunity "to talk with the President about the matter," but none as to the President's willingness to hear him on such an infamous subject. It did not occur to him in the least that the President might denounce such a crime against "free and honest elections" and order him out of the Executive Mansion for insulting him with such a proposition. Nor did it for a moment occur to him that the President would see the slightest impropriety on the part of the Treasurer of the United States in becoming the head center of negro transportation, negro colonization, and negro balance of power in Indiana and other States in order to maintain the ascendancy of the Republican party.

Huston expresses his regret that Attorney-General Miller did not give Lindsey time to make a full explanation of his project, being sure, he says, that the Attorney-General would, like himself, have been satisfied that "the proposed work" would enable them "to save Indiana." He complains, however, that Mr. Miller never did take "much interest in practical politics." But no such complaint is made against the Chief Executive. Carrying negroes from one State to another for political purposes being of the nature of practical politics, in the estimation of Mr. Huston, he entertains no misgiving as to the welcome with which this practical measure will be received by the present incumbent of the highest office in the world.

But whether Huston actually carried out his avowed purpose of discussing this conspiracy with the President is not important in determining the President's relations to the subject and his continued and unbroken confidence in its authors, aiders, and abettors. Since the 4th day of October last, now a period of two months and more, Mr. Harrison, in common with the whole country, has known positively and distinctly that the man he appointed to one of the highest and most responsible offices in the Government has been engaged for a year and half in one of the foulest and most disgraceful election swindles ever before attempted in American history, and yet this man retains his place, has met with no rebuke, and continues to bask in the smiles of Executive favor and confidence.

No fault has been found by the Executive with Huston on account of connection with this lowest phase of rotten political morality. It is true the President in his message says:

The path of the elector to the ballot box must be free from the ambush of fear and the enticements of fraud.

While Huston is in favor of a secret pathway for the elector from North Carolina to the ballot box in Indiana every step of his journey is an ambush of guilt and fear and stimulated from end to end by the appliance of money and by every other enticement of fraud and corruption known to unscrupulous and unprincipled election managers.

The President in his message, speaking of the laws of elections, also says, "it should give the advantage to honesty and the control to majorities," while Huston advocates the triumph of political prostitution and the downfall of honest majorities. And yet these two men, in point of fact, have no variances with each other. Here I will leave them for the present, locked in each other's embrace and bestowing mutual indorsements on each other. If Harrison can evade responsibility for Huston's guilt, then the free and intelligent indorser of a note should not be held responsible in a court of justice for the delinquency of the maker.

There is another chapter, however, in this correspondence relating to the conspiracy against the State of Indiana which calls for attention. In a communication dated July 1, 1890, to John B. Whitehead, his confederate, Mr. Lindsey, amongst other information as to the progress of his plot, says:

Mr. CHADLE, of the Ninth district of Indiana, said that no argument was necessary to convince him of the practicability and efficacy of the work; that he would see his Republican colleagues, Messrs. OWEN and BROWSE, and talk with them about it, and for me to call and see him again.

I have a letter from J. N. Huston, United States Treasurer, in which he says: "I feel sure that the proposed work will enable us to save Indiana. I myself am heartily in favor of it, and at the first opportunity will speak to the President about it."

I have also seen Mr. E. G. Hayes, of Lawrenceburgh, Ind., a close friend of the President's; Dr. J. M. Townsend, of Indiana, and recorder of the General Land Office, Interior Department, a very prominent and intelligent colored gentleman, and one of the most courteous and affable gentlemen you ever met.

He thinks that homes might be had in his State for seven or eight thousand. This is, however, more than I expect to take there, as our friends think that 5,000 will place the State beyond doubt, though from present appearances it looks as though more would be needed. The present condition of affairs, however, will be materially changed in 1892, and with some good man with "backbone" as well as brain, like Alger, QUAY, REED, or Clarkson, 5,000 safe and true voters (as the colored people of North Carolina are) will "cook the goose" beyond doubt for the rebel Democracy and their allies in the "Hoosier State."

In this extract we find dished up for the entertainment of the pharisees who prate loudest in favor of free and honest elections two prominent officeholders appointed under the present Administration, one close personal friend of the President, and three members of Congress, constituting the entire Republican delegation in the House of Representatives at this time from Indiana.

This letter was written on the 1st day of last July, and its astute author perceived even then from appearances that more than 5,000 imported negro voters would be needed in Indiana in order to carry the State for the Republican party, but he expressed the pious hope that in 1892 the condition of affairs would be so materially changed that with some good man who has backbone as well as brains, like Alger, QUAY, REED, or Clarkson, 5,000 safe and true voters, as he says the colored people of North Carolina are, will, beyond doubt, be enough to cook the goose for the rebel Democracy and their allies in the Hoosier State.

The plot thickens as we proceed, but it could never be rounded out into fair and natural proportions without the addition of one other Indiana name. A scheme by which to carry Indiana for the Republican party by surreptitious methods without the co-operation of the celebrated author of the "Blocks of Five" would be the play of Hamlet with Hamlet left out. It will be remembered that Col. William W. Dudley continues to be and is now treasurer of the Republican national committee, notwithstanding the rough seas he has sailed in during the last two years.

I allude to this gentleman now from no desire to indulge in a personal assault, but simply because his name is found in the record and seems so properly to belong there. In resuming his statement made March 20, 1890, of what had taken place in the advancement of the scheme, Mr. Lindsey informs Mr. Whitehead, and now the public, that on the 6th of June, 1889, he received a letter from the chairman of the national Republican committee dated Beaver, Pa., May 31. That letter reads as follows:

BEAVER COURTHOUSE, BEAVER COUNTY, PENNSYLVANIA,

May 31, 1889.

DEAR SIR: I have your letter, which impresses me favorably, and I will, at the first opportunity, submit your proposition to our committee. Colonel Dudley and Vice Chairman Clarkson are near you. Have the kindness to communicate with them at once in relation to details. I expect to be in Washington within ten days, and will be glad to see you.

Yours, truly,

M. S. QUAY.

D. MCD. LINDSEY, Washington, D. C.

Again, proceeding with his communication to Whitehead and speaking of the chairman of the national Republican committee, Lindsey says:

On the night of the 14th of June I had an interview with him at Chamberlin's Hotel, in this city. He approved of our work, asked me how much it would take to start it, and promised to furnish the necessary amount. He said that the committee was then out of funds, but that I should have it in thirty days.

On the 19th day of July I saw him at the Arlington Hotel here. He was in a great hurry, with numbers of people trying to see him. He said that the committee had failed to get the necessary funds in hand, but that I should have it soon. At our interview at Chamberlin's on June 14 he requested me to write to Governor M. G. Bulkeley, of Connecticut, and General Erastus Day, chairman Republican committee of Connecticut, in regard to the matter, which I did.

On the 10th of August I wrote him, calling his attention to what he had told or promised me at Chamberlin's, and said to him if it was not convenient to furnish the entire amount promised to furnish me with enough to arrange the preliminary work. He at once inclosed my letter to General Clarkson with an indorsement requesting the money to be furnished me, and on the 17th of August wrote me, saying: "I have your letter of the 10th, and have forwarded it through Mr. Clarkson with such an indorsement as you suggest."

General Clarkson saw Colonel Dudley and Dudley said he had no funds in hand belonging to the committee; that he had furnished \$168 of his own funds for the committee, and that I would have to wait awhile. I did not like this, and so wrote to Senator QUAY, and in reply to my letter he wrote me August 22, saying: "In reply to my request that he should give you \$1,000 to commence your work General Dudley informs me that the treasury of the national committee is empty; that he has been compelled to advance \$168 from his private funds to meet overdrafts. I am perfectly willing to give my time to the cause, but can not afford to pay the expenses of the committee."

Sir, it is a mistake to suppose that I take any pleasure in commenting on the names of men in high places or in low places in connection with such a matter as this, but it is a still greater mistake to suppose that out of consideration for even the most exalted dignitaries of the Government I will remain silent here or anywhere else when they are found conspiring, plotting, and burrowing amidst filth and corruption, in order to overthrow rightful majorities in Indiana, to deprive her people of the first principles of self-government, and to place them under the rule of the lowest and most venal negro element that can be bought and imported from the South.

The political forces of Indiana have for many years been so nearly equal that she was long ago selected as a favorite field for the corrupt use of money, and hence whenever the quadrennial year appears in



which a President is to be chosen, so also appear in that State a band of political highwaymen, carrying the money bags of the Republican party. I have given some notice on this subject before in this body, and I give still further warning now, that political corruptionists and knaves will hereafter find it safer, more profitable, and more agreeable to themselves and to their party to operate in other fields than Indiana.

To the extent of my humble abilities I pledge myself to pillory their names in infamy whenever they are overtaken in their crimes. I shall at all times and under all circumstances feel it my sacred duty to place such criminals in the public stocks, there to be pelted with oſal and garbago by every passerby; and if the old cart-tail whipping through the streets could be inflicted here, as it once was in England, I would consider such a punishment most fitting and proper for such a class of miscreants. These are by far the worst and most dangerous enemies this Government has ever known. Armed foes in the open field are harmless compared to them.

The forces of Lee, when in the prime and bloom of their strength and in sight of this beleaguered Capital, were not so threatening to the liberties of the Republic as are now the silent, secret sappers and miners against the purity and freedom of elections. Indiana will extend a generous welcome to any honest, legitimate immigration, but when purchased columns of blacks, induced by fraudulent considerations and with fraudulent ends in view, commence arriving, if it should ever happen so, in that great democratic Commonwealth, proud of her progress and exalted position under a democratic constitution and democratic policies, her people will not be at a loss for means by which to save the State from such a pollution and curse. They will teach the world a lesson on the subject of "free and honest elections" far different from any taught by political pharisees, or to be found in the recent message of the President or in any other school for hypocrisy.

As one of the Senators from Indiana I have thus far dwelt mainly on those plans and plots which threatened the liberty and the honor of that State, but the other branches of this conspiracy, embracing the States of West Virginia and Connecticut and designed for their control by an imported negro contingent, are also very extensive and very infamous. They may not be passed over in silence. I submit as first in order of time in the correspondence relating chiefly to West Virginia and Connecticut the following letter from the chairman of the Republican national committee:

[Dictated.]

UNITED STATES SENATE, Beaver, Pa., 9, 4, 1889.

MY DEAR SIR: Will you have the kindness on receipt of this to place yourself in communication with Mr. William D. Mullin, of Stephenson, Mullin & Co., at Bramwell, Mercer County, W. Va., where it is probable that two hundred families of your North Carolina emigrants can be received and employed. They will want people who will bring their families with them and be stationary, having already had much trouble with their Virginian employes, who leave their families in the eastern part of that State and are continually leaving their work to revisit them. Please act promptly. I expect to be in Washington within the next two weeks, and will then see you.

Yours truly,

M. S. QUAY.

D. McD. LINDSEY, Esq., No. 444 H Street, N. W., Washington, D. C.

Next, I will call attention to the following communication, in which Lindsey narrates what he has done and tells of the people he has seen and enlisted in the cause:

WASHINGTON, D. C., March 31, 1890.

J. B. WHITEHEAD, Esq.:

MY DEAR SIR: In my last letter to you, dated the 20th instant, I gave you a detailed account of the status of our work, which, I hope, had the effect of putting you in a more sanguine mood.

I have now seen and talked with every Republican Congressman from West Virginia and Connecticut and one from Indiana, and they are all much interested in our work.

Mr. ATKINSON, from the First district of West Virginia, thinks it is the very thing to save the State in 1892. He has furnished me with the names and addresses of several prominent Republicans in his State, to whom I have written, and says he will write to others. James S. McLean, of Winfield (one of those to whom I wrote at Mr. ATKINSON's suggestion), writes me that he is in hearty sympathy with the work in which I am engaged, and if he can see any way he will co-operate with me. I have also written to Mr. John Cooper and J. D. Hewitt, of Bramwell, and Mr. W. S. Edwards, of Charleston. All these gentlemen, Mr. ATKINSON tells me, are tried Republicans, and that I could write them unreservedly.

Mr. C. B. SMITH, from the Fourth district of West Virginia, says he will make inquiries among his friends in the interest of the work. He does not think that many can be placed in his district.

Mr. J. H. McGinnis (contestant), from the Third district of West Virginia, with whom I have had several interviews in relation to the work, says he will render me any assistance he can; that he is in hearty accord and thinks five thousand can be placed in his section of the State (southern). Of course I do not expect to take this number there. Mr. ATKINSON says two thousand will place the State beyond doubt in 1892, and that is what I want to do.

Mr. RUSSELL, of the Third district of Connecticut, says his district is a manufacturing section, and does not think any considerable number could be placed there, but in other sections of the State thinks homes might be provided for quite a number.

Mr. W. E. SIMONDS, from the First district of Connecticut and who is one of the brainy men of Congress, said he would write to his friends in the interest of the work.

Mr. F. MILES, of the Fourth district of Connecticut, a benevolent old gentleman, said he would go home and see his people in the interest of the work and thought his district a good place to find homes for them.

In this connection the following letter, introducing Mr. Lindsey to the confidence of their constituents and signed by CHARLES B. SMITH

and G. W. ATKINSON, members of the present Congress from the Fourth and First districts of West Virginia, will be found appropriate:

COMMITTEE ON MANUFACTURES,  
HOUSE OF REPRESENTATIVES, UNITED STATES,  
Washington, D. C., June 6, 1890.

To whom it may concern:

This letter will introduce Mr. D. McD. Lindsey, who is indorsed and has the confidence of all the leading Republicans of this country. Mr. Lindsey is from the State of North Carolina and is the secretary of the Southern Emigration Company, engaged in the good work of finding homes for industrious colored families from his State. Any favors shown him will be considered a personal favor to

Yours respectfully,

CHAS. B. SMITH.

I concur in the above.

G. W. ATKINSON.

For the purpose of a still further and more complete elucidation of this conspiracy against honest suffrage in the States, I will read the following letters in the order of their dates:

WASHINGTON, D. C., July 1, 1890.

MY DEAR SIR: Yours of the 25th ultimo has just been received. I am truly glad that you seem to be in a more sanguine mood in regard to our emigration scheme. As to the time when we will commence active operations I will say that some of our friends are of the opinion that it would be better and safer to defer the actual moving of any colored people to these doubtful States till after the Congressional elections in November; and I must confess that I concur with them in this opinion, for, as I have repeatedly written you before, if it was to be known that our work had any political significance whatever attached to it, it would not only put an end to our enterprise, but would be the cause of sending a solid Democratic delegation to the Fifty-second Congress from both West Virginia and Connecticut and cause us to lose some districts in Indiana which we would otherwise carry, and the moral effect would be such as to do us incalculable damage in other States and at the same time defeat the main object we expect to accomplish, namely, the saving of these three doubtful States in 1892.

Another very potent reason for deferring the moving of any from North Carolina until after the November election is that while it would not add to our chances of carrying any of the Congressional districts in these doubtful States, it would endanger the election of Mr. CHEATHAM in the Second North Carolina district and destroy every vestige of a chance of carrying the First North Carolina district.

I expect, however, it very probable that I will want you to come up here within the next two or three weeks and go either to West Virginia or Connecticut to make arrangements about getting them homes and employment, so we can commence the moving of them immediately after election.

Do not make any arrangements to enter into any contracts to take any more South or Southwest, as we will need all that want to leave North Carolina to take to those doubtful States and I do not want to have to go farther South after any.

Keep me posted as to your whereabouts, and hold yourself in readiness to leave at a moment's notice. I will know definitely what our programme will be after I see our friends again, which will be (I hope) in a few days.

If I telegraph you I will address it to Jesup, as suggested by you. I expect you will then have to come up to Savannah, as I am pretty confident I can't telegraph funds to Jesup.

Be perfectly quiet. Remember that the success of the whole matter depends entirely upon keeping the work clear of every semblance of political character. Write me on receipt of this.

Your friend,

D. McD. LINDSEY,  
1713 G street, N. W.

JOHN B. WHITEHEAD, Esq.

WASHINGTON, D. C., September 12, 1890.

DEAR SIR: I wrote you some time ago at the request of GEORGE W. ATKINSON, of your State, which you will doubtless remember, in relation to an enterprise in which I feel great interest. I want homes and employment for two thousand colored laborers in your State who will make good citizens and safe voters.

This will introduce to you my friend and coworker in the enterprise, Mr. J. B. Whitehead, of North Carolina. He is perfectly reliable and trustworthy. You can talk freely and unreservedly with him. He has in his possession letters from some of our most prominent men which he will show you and which will fully explain to you the nature and character and purpose of our work.

Mr. ATKINSON tells me he thinks you will co-operate with us in the work, and if you and our friends in your State will do so I will vouch that there shall be no contest over the result of the election in your State in 1892.

Any assistance you may render Mr. Whitehead that will be of service to him in the prosecution of his work will be highly appreciated by me and the friends of the enterprise here.

I have given Mr. Whitehead letters similar to this to Mr. J. D. Hewitt, Col. J. S. McLean, and W. S. Edwards, of your State, all of whom I sincerely hope will co-operate with us in the good work.

Yours very respectfully,

D. McD. LINDSEY.

Hon. JOHN COOPER, Bramwell, W. Va.

I sent you a letter of introduction some weeks ago from Mr. ATKINSON.

WASHINGTON, D. C., September 16, 1890.

J. B. WHITEHEAD, Esq., Charleston, W. Va.:

I have thought of a thousand and one things I wanted to say to you since you left for West Virginia. Do not forget to see Mr. John Cooper. I think you will find in him a good friend, and one who can and will be of service to you.

You can talk unreservedly to him, and I want you to be guided by his advice. And, for God's sake, be careful to whom you show the letters you have in your possession; be sure your man is all right and that he is perfectly reliable and safe in every way. Also, see Mr. J. D. Hewitt, of Bramwell; W. S. Edwards, of Charleston, and James S. McLean, of Winfield; you have a letter from him, which I gave you with the other letters.

Our West Virginia friends say that they are all reliable and can be trusted. Don't show your letters to any but these and those they recommend to you. Now, Johnny, act cautiously, and remember that you have a matter of great importance in hand, and upon your action depends in a great measure the success or failure of the enterprise. Be particular how you talk and to whom you talk. And for my sake and your sake and the sake of our friends don't touch one drop of intoxicating liquor of any kind or character. I am not afraid of your getting drunk and making an ass of yourself, for this I know you will not do, but a single drink often causes a man to say things that he forever regrets. The only safe way is to touch not, handle not, and taste not the damnable brain-destroying stuff.



I expect to leave here soon for Connecticut. I will advise you of my going and when to write me. We will have to stir pretty briskly, for I want to have not less than two thousand good men in both West Virginia and Connecticut within the next eight months and then we will turn our attention to Indiana. We have six months longer to operate in Indiana than we have in West Virginia or Connecticut; that will give us eight months to work in that State, and within that time we must place four or five thousand there. While we will have to take the bulk of those we carry to West Virginia to the Third district, I am exceedingly anxious to place three or four hundred in each of the other districts to help out in a Congressional way. So do your best to find homes for this number in each district.

Push the work, keep moving, and keep me posted. Act discreetly and promptly and all will be well.

Yours very respectfully,

D. McD. LINDSEY.

WASHINGTON, D. C., September 19, 1890.

MY DEAR SIR: Yours of yesterday has just been received. I am glad to hear that Mr. Edwards and our friends approve of our enterprise. I can't see how any one who desires the success of the Republican party can do otherwise than approve of the scheme, for it will beyond doubt save not only West Virginia, but Connecticut and Indiana also.

Push the work, don't be idle or stay in one place too long. When you leave Charleston I think it best for you to go down to Bramwell, in Mercer County. I want you to talk with the prominent men in each locality, I mean the leading Republicans, and get them interested in the work. Get Mr. Edwards to give you letters of introduction to prominent Republicans in other sections of the State, such as he thinks will co-operate with us, and when you see those to whom he gives you letters get them to give you letters to others.

Don't forget my pension business as you go along. Act discreetly and cautiously, and talk to no one about your business that you do not know to be perfectly reliable.

Write me daily and keep me posted about your movements, etc. Be very careful to whom you show the letters in your possession.

Yours truly,

D. McD. LINDSEY.

J. P. WHITEHEAD,  
Charleston, W. Va.

Sir, there were two vital injunctions on the part of Lindsey to Whitehead in this correspondence which, had they been obeyed, would have gone far to hide this crime entirely from the public eye. In one of his earliest epistles Lindsey gave to his confederate the following rich and historic morsel of advice and instruction:

Now, my dear friend, read this letter, which I hope will put you in better spirits, and then, in the language of one of our great statesmen, let me say, "Burn this letter." Don't tear it up, but burn it, for, as some of our friends say, if it were to get out—that is, if they could prove that our work had any political significance attached to it—it would not only ruin our chances of success in these doubtful States, but the effect would be such as to do us incalculable damage in others. In a word, it would cause us to lose every Congressman in both West Virginia and Connecticut this fall.

If Whitehead had burned Lindsey's letters and staid sober, as he was enjoined, or had he done either one of these two things, the world would have lost one lesson, at least, in the art of securing Republican majorities in Democratic States.

The following sensational article in the Kanawha Gazette, published at Charleston, W. Va., September 26, 1890, will perhaps explain why this vast, widespread political swindle, embracing sovereign States as its victims and the highest officials of the Government as its progenitors and supporters, came to untimely grief and to at least a temporary suspension:

#### ATTEMPTED SUICIDE—IMAGINING HIMSELF HUNTED, A MAN GOES INTO THE RIVER.

About 6 o'clock last evening the officers on the Iron Cliff, lying just above the ferry landing, saw a man rush frantically down the river bank and into the water. A boat was immediately sent out and the man rescued just as he was sinking the third time. He was a stranger in the city and was taken to his room at the Ruffner.

J. B. Whitehead is his name and he is a sort of a pension agent from Washington. He has been here for about ten days, during which time he has been drinking some, and he seems to have become despondent. Yesterday afternoon he asked Clerk John Peyton, of the Hotel Ruffner, if he had done any harm to any one, and said that the boys had threatened to run him out of town. Not long after that he made the attempt on his life.

He seemed to have an idea that someone was after him, and had to be closely watched in his room. He wanted to jump out of the window, and while an attendant was closing the window he ran out of the door and caused consternation in the hotel office by running through it clad only in his abbreviated shirt. He was taken back, and under the care of Dr. Ewing was soon resting quietly.

Here we may well pause for a moment and return thanks to a wise and kind Providence for overruling the exceeding sinfulness of Whitehead in getting drunk and attempting self-murder, to the exposure of iniquity and to the strengthening of a sound political morality in the awakened minds and consciences of the American people. This is one instance, at least, wherein an intoxicated man did some good for his country by attempting to drown himself.

Sir, having thus far laid bare and discussed the details of this attempted invasion of States by negro colonies, led and supported by the present Administration and by the most trusted leaders of the Republican party, I shall next consider by what right such a school of pharisees can sit in judgment on other people, impute guilt and an intention to commit crime to peaceful, law-abiding citizens, accuse their political opponents of fraudulent designs on the ballot box in every State in the Union, and urge the enactment of laws whereby popular elections throughout the whole land shall be taken out of the control of local officers and placed in the hands of Federal supervisors, detectives, partisan tools, greedy agents of party tyranny, and malicious party spies and bailiffs.

What is there of evil in the career of any one of the American States in conducting her elections which justifies the Republican party in

becoming her accuser at the bar of public judgment? Whatever political plague spot there may be, and however dark its stains, in the history of the most troubled State or the most corrupt city in the American Union, I submit that those whose hands are full of the fruits of fraud, and whose titles to office are based on election methods notorious for corruption, are not the proper persons to parade themselves as censors of public morals and conservators of free and honest elections.

Let him that is without sin throw the first stone applies to all human conduct, and more especially where hypocrisy plays a leading part; and the ancient adage that those who live in glass houses should let alone the habitations of their neighbors, has distinct reference and application to the present Administration and to the leaders of that political organization which blasphemously styles itself the party of God and morality.

The bill now before the Senate, and made an administrative measure by the President, takes control, by force if necessary, of the elections of every State under the flag; alike those of the Northern and Western as well as those of the Southern States.

It is assumed in its provisions that the American people, without regard to section, are not sufficiently intelligent, virtuous, or honest to be intrusted with the great and eternal principles of home rule, self-government. Benjamin Harrison records his distrust of the people of all the States in his recent message, and the people on their part, in nearly every Commonwealth in the Union, have with unparalleled unanimity recorded their distrust of him and his Administration. His message, it is true, may be somewhat accounted for by the fact that the people manifested their distrust first, and in this way perhaps inspired his.

I would ask, however, what there is in the history of the great States of Massachusetts, New York, Pennsylvania, Indiana, Illinois, Michigan, Wisconsin, Iowa, Connecticut, New Hampshire, and Nebraska to excite the animosity and suspicion of the present Chief Magistrate, except their recent Democratic majorities and their repudiation of his policies. What have they done in the past to warrant him in challenging them for lack of integrity or intelligence? What reason have they given him for seeking to overthrow the doctrines of the fathers and the usages of a century in the management of elections?

But I may be answered that, while the force bill nominally embraces all the Northern, Middle, and Western States from Maine to the Golden Horn and to the Straits of Fuca, yet its real end and aim and sinister mission is in the direction of the South and for the purpose of trampling down and destroying local self-government in the Southern States alone. Sir, false, pernicious, revolutionary, and tyrannical legislation in general terms can be confined in its consequences to no one section of the country in which it takes place.

As well might you poison the atmosphere or taint the gale with the effluvia of smallpox and yellow fever and expect the ravages of disease to be limited by the metes and bounds of a land surveyor as to expect the lawless tides of a centralized tyranny, when once put in motion, to be stayed by sectional lines or the boundaries of States. Mr. Harrison, in arraignment of the people of the South for offenses of which they are not guilty, uses the following suggestive expression:

The floods of lawlessness can not be leaved and made to run in one channel.

It is equally true that principles of despotic power, once enacted into law, can never be confined to one channel, but will overflow and submerge the free institutions of the entire country. On the 15th day of February, 1871, now nearly twenty years ago, a bill entitled "A bill for the enforcement of the fifteenth amendment" was under discussion in the other branch of Congress, embracing the same dangerous principles for the subversion of liberty which characterize the bill now before the Senate. The remarks I then indulged in as a member of the House come back to me now with a familiar and refreshing tone:

In the few minutes that are left to me—

I said—

I shall make known some observations that press themselves heavily upon my mind. I call the attention of gentlemen upon the other side of the House to the great fact, now almost forgotten, now fading away in memory, that there was a time once in the history of this Government when such a thing as a Federal officer approaching the ballot box in the various States of this Union and supervising popular elections all over this widespread land would have been looked upon with as much affright as if a wild beast had escaped from a menagerie and was prowling for prey in the midst of a peaceable neighborhood. Until these latter and evil days the people in the cities and towns and villages, and in their far-away hamlets, along the banks of the creeks and rivers, met and held elections, and no Federal spy or informer dared tread the hallowed precincts of the people's place of voting.

In that way the Government was sustained upon the principles of the fathers, for our fathers did lay down that this Government rested upon the consent of the governed. They did lay down that the virtue and intelligence of the people could alone sustain it; and whenever we proclaim that the people are not to be trusted, that it is necessary to have force bills in their midst, that Federal traps have to go among them with bayonets in their hands, that informers have to stand at the polls with the Army and the Navy at their backs to regulate the canvass, to inspect the ballot as it goes in, and after it is in, and as it comes out, it will be a proclamation that our Government has failed, that its foundations are false, that popular virtue and intelligence are myths and mockeries which do not exist.

That is what your bill does here. It accomplishes this fell purpose. It lays hold on the foundations of the Republic. It drags them to their downfall. It declares an absolute loss of faith in the people. Sir, I knew, when you entered upon your career of violence in prostrating the Southern States by your mis-



named reconstruction that it would not stop there. I knew, when the sky darkened in that quarter, it would darken likewise in this. I knew that usurpation could not be confined to any one section of the country. I knew that despotism had no boundaries, when once begun, save the outside limits of the Union. I knew that when you overthrew and chained a portion of the States you would seek to overthrow and chain all the others.

The unlawful exercise of power is the tiger's taste of blood. It can not be appeased. It grows more insatiate upon its unnatural and horrible repast. It raven in fierce hunger and thirst upon each new draught from the veins of its bleeding and dying victims. The lust has not been quenched in your hearts by its unbridled indulgence. You crushed the States of the South after their people had surrendered; you invaded their voting precincts; you regulated all their elections with the iron hand of the military; you elected such persons as you desired. There is nothing more to be done in that quarter.

Your ruthless work is finished under a Southern sky. And now, unlike the great Alexander, who wept because there were no more worlds to conquer, you have found new and inviting fields of conquest over your own countrymen; and this bill declares the war and orders the ravaging, devastating march, a march over the ark of the covenant of a free constitution and over the down-trodden forms of American freemen. You turn the edge of the sword now to the States of the North. You point your cannon toward Saratoga and Monmouth and Brandywine and Bunker Hill.

Proceeding in the brief twenty-five minutes to which I was limited in the House, I further said:

The lessons of history upon this great subject are full of deep and painful instruction. I look at questions in their general import. By degrees, in all the ages of the past, tyranny has encroached on popular right. The citadel of liberty was never taken by sudden assault without previous mining, battering, and treachery. The approaches have been made by numerous measures of a kindred tendency. The progress to the stronghold has been step by step. Good men, too, have often been the instruments of these encroachments.

Plausible arguments have likewise been made for them. The gentleman from Ohio [Mr. Bingham] no doubt will rise here and tell us that all the abominable features of this measure are wise and good. So, too, the adherents of Caesar said at Rome when he was controlling the elections prior to crossing the Rubicon and usurping imperial power. In speaking of Caesar, Montesquieu says:

"He raised trouble in the city by his emissaries; he made himself master of all elections; and consuls, praetors, and tribunes purchased their promotions at their own price."

Caesar made himself master of all the elections. This bill confers alike power on the Executive of the United States. \* \* \* One of its empowering terms is "to supervise." It is an excellent term for the purpose in view. These officials are to supervise the conduct of the citizens at the polls. Will this be endured? How long can this last? You entered on this despotic policy for the purpose of controlling the elections in the desolated South. You did it to uphold colored suffrage. You thought it a part of your mission. You have pursued it until you now dare to assail the great States of New York, Ohio, Indiana, Pennsylvania, Illinois, Missouri, and all the rest. We will join issue with you on this attempt to subvert the liberties of the people. We will appeal to the people whom you are afraid to trust, and whose rights and honor you menace and trample under foot.

Sir, twenty years will soon have rolled away since these words were uttered, and they meet the crisis now as they did the issue presented then. The spirit of despotism contained in the bill now under discussion is as pervasive of the whole country and as dangerous to constitutional liberty everywhere as the measure then before the House, and it provokes the same hostility from every believer in the capacity of man for self-government. I appeal to the great stalwart States of the North on this issue, to those States who have never bowed their proud heads to Federal dictation or domination, in whose broad bosoms dwell imperishably the mighty principles of local independence and the glorious instincts of home rule.

I appeal to the brave, high-minded, and generous people of the North, irrespective of party, to resent the degrading insult which this bill offers them in its distrust of their capacity and integrity and in providing overseers for the conduct of their elections. In the minds and hearts of the great body of the Northern people there is an invincible faith in their home-made rights, and an absolute sense of their own capability to transact their local affairs, especially including elections, without being supervised by Federal spies and detectives.

This bill is a coarse, impudent, and swaggering impeachment of every sentiment they entertain in regard to their personal integrity and independence, as well as in regard to the rights and honor of their States. The people of the North well know that such an enactment will be received in their midst only to be treated with scorn and contempt, and that election supervisors, plying their vocation as detectives, will need more protection at Northern polling places than anywhere else in the country, and far more for themselves than they can afford to anybody else. Why, then, should Northern communities, filled with becoming pride and self-respect, consent that such a stigma of disgrace, such a brand of dishonor, may be burned in upon them by the enactment of the pending measure?

Am I to be told that the Northern States and Northern people are called upon to submit to their own shame and humiliation, to sacrifice their deep convictions of principle, and debase their sense of manhood for the purpose of harassing and punishing the people of the South? That is in fact the issue.

Sir, I deny that any punishment is due to the South at this time on any account. The penalties which followed the war have all been paid to the uttermost, and the conduct of her people during the last quarter of a century has secured the approbation and friendship of the civilized world and will be recorded with admiration and eulogy by every candid and philosophic historian in the future.

I challenge the long annals of past ages for a parallel to the resurrection, recuperation, and splendid reinstatement of the Southern States in all the resources of physical wealth and of moral and intellectual cultivation and advancement. No such parallel exists. The success-

ful efforts of the Southern people in emerging from the very ashes of defeat, wherein had gone down the flower of their manhood, together with all values and their entire system of labor, stand alone. Standing erect amidst the ruins of their country, overwhelmed with bankruptcy, and visited with constitutional amendments and reconstruction acts of Congress giving the control of their State governments into the hands of their recently liberated and enfranchised slaves, they uttered no wail nor word of supplication at the footstool of power.

With their lives, liberties, homes, and all that men hold dear governed by the lawless triumvirate of military force, African ignorance, and carpetbag thieves, they maintained their high self-control and permitted no outrage, however great, to provoke them into acts of desperation or into measures born of despair. While they were spared the long and bloody proscriptions which followed the civil wars of Sylla and Marius and fell with slaughter on the vanquished, yet in afflictions of another kind no other people have suffered so much. As the roar of the cannon died away at Appomattox the spirit of plunder, rampant and voracious, entered without a moment's delay the broken, prostrate, and helpless South, and commenced, as it were, robbing the wounded and stripping the dead.

Ignorant and corrupt Legislatures were seized upon and used as instruments for the commission of such stupendous frauds and robberies as were never before known in the history of the human race. From the Potomac to the Rio Grande the Republican party had its way, and with force bills and every other appliance of corrupt and despotic power reigned supreme. State governments arose throughout all that vast region, the scandal of the civilized world, a stench in the nostrils of the nations of the earth, marking an era which will be pointed to, while American history endures, as more fully confirming the doctrine of total depravity than any other period since the march of time began.

In comparison with the gigantic official crimes and spoiliations committed in the South during the first nine years after the close of the war, the most towering offenses of antiquity, casting their shadows across a gulf of more than two thousand years, are dwarfed into insignificance. Seventy years before the birth of Christ Sicily was ravaged and despoiled by a consul of Rome. Though more than twenty centuries have come and gone since then, yet the name of Verres retains to this day all its freshness of immortal infamy. He was prosecuted by the authority of the Roman senate and fled for an asylum to strange and foreign lands. He died miserably in exile, and his dishonored dust was not permitted to mingle with the soil of the Roman republic.

We find, however, in Middleton's Life of Cicero that all the peculations, extortions, bribes, and larcenies charged upon Verres during his entire administration of affairs in Sicily did not exceed \$2,000,000, a sum equal only to one-third of the amount for which, according to the New York Tribune, Governor Scott fraudulently issued the bonds of South Carolina in a single transaction. The basest Roman consul whose name is preserved on the pages of the historian becomes respectable by the side of a Southern governor under the policy of the Republican party twenty years ago.

The crimes of Warren Hastings, as the ruler of distant and conquered colonies, have long been the theme for swelling periods and lofty declamation. There was much in his situation to extenuate his offenses. He was charged by his government to hold its valuable possessions on the opposite side of the globe. He was in the midst of fierce, revengeful, and undying hostilities. He was surrounded by a race with which he had no bond or tie of blood or language. But, even admitting his guilt was as great as it was painted by the flaming imagination of Burke or the impassioned rhetoric of Sheridan, yet all the burdens imposed by Warren Hastings upon all the East Indies do not equal those which were corruptly fastened on the two States of Georgia and Louisiana alone during the disastrous days of Republican ascendancy in that section of the country.

Sir, standing where we do and looking upon the South of to-day in contrast with her condition two decades ago, what lessons of wisdom, patriotism, and fraternity are inspired in all just minds! Through the sublime fortitude and patient wisdom of a great race her people have step by step overcome the crushing evils and the marvelous wickedness which assailed them. The Lord delivered Daniel from the den of lions, and so, because of their faith and their endurance unto the end, he has delivered the people of the South from a den of thieves and placed their feet on a more solid and secure foundation of prosperity than ever before.

Nowhere beneath the circle of the sun can there be found a people more orderly, more obedient to law, more just in its administration, more devoted to the promotion of good government in all its branches, or inspired with a higher love of country than the Southern people have shown themselves to be. It is therefore that I appeal to the just-minded men and women of the North to extend to them an open, full, and fraternal confidence, to give them fair play, and to treat them as equals, as kindred in blood, heart, hope, thought, purpose, and destiny. It is therefore that I appeal to the strong, free people of the Northern States to greet their brethren of the South, not in the accursed spirit of a force bill, not in the spirit of accusation, distrust, and impeachment, but in the generous, pure, and lofty spirit which the Savior taught for the reconciliation of brothers to each other.



Who shall say they are not worthy of such a greeting? Sir, a vision of the recent past, filled with the soft, sweet sunlight of love, charity, peace, union, and glory, arises on my mind. A little more than five years ago General Grant lay dying at Mount McGregor. He had played a mighty part in the destiny of his country and in the affairs of the world. He had been decorated with every military honor and civic distinction in the power of his Government to bestow. His name was on fame's eternal scroll amongst the immortal few not born to die.

As he journeyed around the world the nations of the earth had stood uncovered in his presence to do him honor, but as the hour drew near when he was to pass over the river and rest on the other side, all these earthly honors grew dim and faded from his sight. His thoughts were busy with the peace and happiness of his country, his mind dwelt not upon past strife and bitterness, but upon a restored Union, and on old affections rekindled and revived between the sections. He expressed his confidence in the good faith and integrity of the Southern people, and wrote, with his dying hand, of his strong attachment and friendship for their great leaders.

With the light of the eternal world breaking upon him, he left to the American people, as a priceless legacy, his absolute trust in those who had so often stood in line of battle before him; and in doing so he gathered around his head a halo of glory brighter, more radiant, and more imperishable than was ever won on battlefield or in cabinet council. And when the great and magnanimous soul of the grim and silent warrior was summoned to another and a higher life than this, his imposing funeral pageant was in harmony with his generous sympathies and patriotic wishes towards the South.

It was with inexpressible joy and pride that the American people, through their tears of grief for the illustrious dead, saw Joseph E. Johnson walking with William T. Sherman and Simon Bolivar Buckner walking with Philip H. Sheridan by the side of his hearse as personal mourners and military pallbearers. No more pleasing tribute could have been paid to the spirit of the hero of Appomattox, if it was permitted to him to witness the affairs of earth; and if soldiers' reunions take place in celestial abodes then the meeting between Robert E. Lee and Ulysses S. Grant was an event fit for the angels to behold. May the noble and beneficent influences of that great life, which was glorified and became greater in death, be felt at this time in the councils of the country and in the hearts of the American people, from ocean to ocean, in every section, and at the fireside of every home!

I approach next, however, the real and prime accusation in the minds and purposes of the supporters of force bills against the South and her people. She is charged with unfairness, fraud, intimidation, and violence towards the colored race in the suppression of the colored vote. This is the perpetual theme of the Northern sectionalists who, in proportion to his ignorance, increases in zeal and malice. This is the refrain of every political canvass in the Northern States. If tariff taxation, contraction of the currency, free coinage of silver, national banks, the public lands, and all the other vital questions of the day are under discussion, the accompanying chorus in the mouth of the average Republican orator is, the abuse of the negro by the white man in the South.

It is, indeed, the only subject on which at times there is a complete symphony in the councils of the Republican party, a concordance of tones, a concert of voices, a harmony of mingled sounds, consonance, consent, harmony. I have listened so long and so much, from my boyhood up, to the diabolical strains of this old, agitating, sectional air, that the screeching and horrible incantations of the withered witches in Macbeth, concocting hell-broth, invoking murder, and the havoc of civil war, become to my ears sweet music in comparison. But the argument in favor of taking the control of elections out of the hands of the States and centralizing all power in the Federal Government can have no other accompaniment with which to excite one section against the other.

In fact and in truth, however, is there any just cause for this spirit of accusation against the South on account of her treatment of that race which Providence has placed in her midst? Every obstacle and artifice in the power of a great and dominant party has been thrown in the way of an honest and reliable answer to this most important question. Investigating committees have in past and troubled times swarmed through the South under the false pretense of arriving at the truth as to the relations of the two races, but in reality for the purpose of raking together a mass of combustible political falsehoods and calumnies with which to fire the Northern mind.

Every Republican committee sent South in the last twenty-five years to investigate the race problem and make report was a packed jury, with its verdict already agreed upon before a word of evidence had been taken. In this respect the South, since the war, has been the most unhappy region and the theater of the greatest injustice on the face of the globe. On a former occasion and in another place, I used the following language, which I here repeat:

Sir, the vilest use to which the power of Congress was ever put is in the raising of committees of investigation when the object sought to be accomplished is the advancement of party interest and not the development of truth. The inquiry then becomes an infamous inquisition, where the most odious and loathsome wretches that pollute the earth are eagerly embraced for the sake of their wholesale perjuries and calumnies. They know they are sustained by a great party, and the value of their services they understand depends on the amount

and skill of their falsehoods. If they can retail nothing in the committee room, the great leaders of their party, the dispensers of a nation's patronage, turn their backs on them as useless rubbish.

If, on the other hand, they can concoct a tale of horror that will read well on the eve of an election; if they can manufacture some sinister and ferocious conspiracy, and recite it well to the committee, their consequence is magnified, and a good office is secured by way of pay for political services rendered. \* \* \* It is to your interest as a party that lawlessness should prevail, or at least appear to prevail, in the Southern States. It is a strong diet on which to feed the prejudices and antipathies of the Northern people. It is to the interest of the Democratic party, on the other hand, to have peace. We suffer by every disorder that takes place, or that is falsely alleged to have taken place, in the South.

How do parties, as well as persons, act upon questions of self-interest? Is it difficult to answer? If a murder or any other crime has been committed in a community and there is but one person within your knowledge who was, or could be, benefited thereby, would not your greatest suspicions at once fall on him? Is not this a rule of reason as well as of the written law of the land? Apply it to the subject now under discussion. You, as a party, are benefited by murder, riot, insurrection, and general disobedience to law in the South. It follows, therefore, that the unscrupulous leaders of your party will labor first to create murder, riot, insurrection, and disobedience to law in that section, and, failing to accomplish these diabolical purposes, they will, by false witnesses and unfounded clamors, labor to make the people believe such crimes exist when they do not.

Sir, in this way and for party ends and party victories, and not for the cause of truth, the history of the Southern people for a quarter of a century has been written by their enemies. The great body and bulk of that history has long since been shown as false, its motives base and malicious, and the pens and tongues that wrote and dictated it steeped in gall and sectional bitterness; and yet the old and rotten calumnies out of which it was from time to time constructed are the inspiration of this abominable bill, and they come now stalking into this discussion looking like returned convicts and bringing with them the rank and filthy odors of all the political pesthouses of past years.

In connection, however, with the rancorous, systematic, partisan abuse of the South on the race question the recollection of at least one investigation arises on my mind wherein she received justice and confusion overtook her accusers. Eleven years ago a high, moral mania was raging in the breasts and brains of Republican leaders all over the country for the colonization of negroes in Northern States, and especially in Indiana, as we have seen it raging still more recently. This disease then seized upon the most prominent managers of the Republican party in Indiana, as it has done since.

The chairman of the Republican State central committee, the proprietor and editor of the Indiana Republican State organ, the United States marshal for that State, the postmaster at Indianapolis, and a large number of other post-office officials and prominent Republican workers were all afflicted with a burning fever for negro importation. In fact this vicious and pustulous disease is contagious, infectious, pestilential, and epidemic amongst the leaders of the Republican party in Indiana, and, like death, it has all seasons for its own. They want the negro there in great numbers, and they sigh, and scheme, and plot for his coming when the flowers appear in the spring, when the summer's heat pours down from the sky, when autumn winds are singing their dirge over the fallen leaves, and when the mercury goes down twenty degrees below zero in the dead of winter.

As the maiden wants her lover every hour, so the Republican politician of Indiana wants the African, provided always that he is a voter and votes the Republican ticket. The movement of the negro at that time, it will be remembered, was styled an exodus, an exodus from a house of bondage and oppression to a land of Canaan, flowing with milk and honey. On the 15th of December, 1879, I determined to ascertain, if it could be done, the causes which impelled such a visionary and fraudulent movement, and I introduced into this body a resolution authorizing its investigation by a special committee.

For the first time in all these years of crimination and recrimination, of bitter accusation and stern denial, the first and only opportunity ever presented for the respectable, hard-working, useful, law-abiding negroes themselves to be heard was before the committee appointed under that resolution. The political negro, the tool of designing white men and made vicious and violent by the evil influences and counsels of the scalawag and the carpetbagger, had often been used by investigating committees, but never before had the substantial colored farmer, stock-raiser, and cotton-planter had a chance to tell his story and lay his views before the country.

I recall at this time the exodus investigation of 1879-'80 for no other purpose than to refresh the public memory by again dwelling for a few moments on portions of the valuable and remarkable testimony given on that occasion by colored men. Colored witnesses of character and respectability were called, and fully examined, from the States of North Carolina, Louisiana, Mississippi, Arkansas, Texas, and other points where race persecutions and race oppression were said to exist.

North Carolina was then, as she has been since, selected as an especial object of assault in regard to her alleged treatment of her colored population, and their consequent desire to escape to a house of refuge in the North.

Charles N. Otey, an educated colored man and a native of that ancient, conservative, and kind-hearted Commonwealth, made the following sworn statement before the committee:

In North Carolina the most kindly relations exist between the white and colored people. At the last celebration of the day of the emancipation proclamation the whites, all of whom had owned slaves, paid three-fourths of the



expenses necessary for making it a success. They not only did this in Raleigh, but in other places where the day was celebrated. The colored people as a mass are more intelligent than in any other State in the South. They always had more opportunities for acquiring an education. There are at least five schools in the State where they can get a scholastic education. Almost every town has a graded school. They have what no other State in the South possesses: an asylum for the deaf and dumb and the blind.

A Democratic Legislature has appropriated money for the erection of an insane asylum. At present the colored insane are in the white asylum, than which there is no finer in this country. The free schools are open for all, and colored teachers are always employed in preference to whites. There are a number of colored lawyers who have made a name at the bar; doctors who have successful practice; farmers who own their farms and carry their own cotton to market. Why, Raleigh, a city of about 13,000 inhabitants, half whose population is colored, has grown within the past five years to such an extent that I could hardly recognize my native city. There are more colored people there who own their houses than there are in the city of Washington. Their beautiful cottages are to be seen everywhere.

Sir, is this a picture of oppression and discontent? Would not a man who so asserts, although a Senator, be more fit for the insane asylum, then being built by Democratic appropriations for the colored people of North Carolina, than for a seat in this or any other legislative body?

I remember well another witness of a far different type from Mr. Otey who appeared before the exodus committee. His name was W. W. Arrington, a large and fine looking specimen of his race, living in Nash County, North Carolina, and formerly a slave. When asked for a statement of the condition of the colored people, he said:

In the northern part of the county where I live they are in good condition and many own land. It is rather thickly settled, and mostly with colored people. Only once in a while you will come across a white man; but the colored people own the country through there.

When questioned as to the amount of land owned by the colored people in Nash County, the following colloquy took place:

A. I reckon 20,000 acres; all of that.  
Q. How is it distributed? How much to a man?  
A. I think the smallest farm I know is 73 acres, and from that up to a thousand.  
Q. Does any colored man there own a thousand acres?  
A. Yes, sir; one.  
Q. Who is it?  
A. That is myself.  
Q. Were you formerly a slave?  
A. Yes, sir; I belonged to A. H. Arrington, and a perfect gentleman, if there ever was one.

Q. Is there any interference down there with the right of the colored people to vote?

A. No, sir; I have been a poll-holder for a long time in my township, and both sides vote as free as they please, and we have no disturbances and no unfair means used.

Q. What chances have you to teach your children?  
A. We have good chances now. I am one of the school trustees in my township. We have a treasurer, and the money is paid out by the township.

Q. How long do your schools run?  
A. About four months.  
Q. Is there a good attendance of children?  
A. Yes, sir; I believe ours has an attendance of seventy-nine.  
Q. That is in your township?  
A. Yes, sir; the one I am trustee for.

No comment of mine can add weight to such testimony as this. It falls like a thunderbolt on those who pretend to think a force bill necessary to secure the colored man in his rights and safety as a voter. A slave set free from bondage becomes one of the large landowners of his State and one of its officials in the cause of education.

I recall another colored farmer who was before the committee—Wiley Lowrey—living in Lenoir County, North Carolina, the owner of real estate yielding a rent of from four to five hundred dollars a year. He testified that he was a Republican in politics, as, indeed, was every colored witness examined; that he had been for eight years county commissioner of Lenoir County; that the duties of his office embraced the selection of jurors for the courts, the construction and repair of roads and bridges, the support of the poorhouse, and the valuation of property for the assessment of taxes.

He declared that no discrimination whatever existed against the colored people in the selection of jurors; that they had their fair proportion in the jury box and were treated as fairly as white people in the courts. In regard to the schools and the state of feeling between the two races in the State he made the following statement:

Q. I want to ask you something about the education of the colored people, about their children. What chances have they in your county to educate them?

A. I think we have good schools going on, and have had them all the time.  
Q. As good as the whites?  
A. I reckon they are.  
Q. And as many of them?  
A. We have a great deal more in our schools.  
Q. You have more schools than the whites?  
A. Not more schools, but more children in them. We have a good school that runs five or six months in the year.  
Q. That is a free school?  
A. Yes, sir.  
Q. What are the chances for the higher education of your children? Are there any colleges for colored people in reach of your town?  
A. None in our county.  
Q. I mean in your end of the State. Are there any schools for the education of teachers?  
A. Yes, sir.  
Q. And a very fine school at Greensborough, where the colored people are educated in the higher branches?  
A. Yes, sir.  
Q. What is the state of feeling in that section between the whites and the blacks?

A. I think it is very friendly.

Q. You have no disturbances on public days, such as election days?

A. No, sir; I believe everybody votes to suit himself.

Q. What are your politics?

A. I am a Republican.

Q. Do you vote that ticket every time?

A. Yes, sir.

I might consume days instead of hours in reading testimony similar to the foregoing. John O. Kelley, a slave at the close of the war, now the proprietor of all the livery business and omnibus lines in the city of Raleigh; Napoleon Higgins, a farmer with 485 acres of good land for cotton, which he has worked and paid for since the war; Lewis H. Fisher, formerly a slave, now a merchant at Kingston and the owner of farming lands and town lots besides his merchandise; Ellis Dickson, a mechanic from Green County, a millwright by trade, employing from ten to eighteen workmen, both white and black; Hilliard Ellis, a farmer with upward of 200 acres of productive land in Wilson County; all these colored men and many others of their race, Republicans in their politics, bear the same positive and unqualified testimony to the equality of the two races before the laws of North Carolina and to their equal protection in all the callings and pursuits of life.

I will cite the testimony of but one other witness in regard to the treatment of the negro in that State. James E. O'Hara, an educated colored man of great intelligence and fairness, living in Halifax County, made to the committee the following statement:

Q. State what positions you have held in North Carolina.

A. I have been five years chairman of the board of county commissioners of Halifax County, engrossing clerk of the constitutional convention in 1868, and member of the constitutional convention in 1875, and I was in the last election nominated as elector on the Presidential ticket, and nominated for Congress from the Second district.

Q. Well, now, considering the black people, as a general rule, as laborers without land, what is their condition as a class, and what proportion of freedom do they enjoy with the white laborers?

A. They are in equally as good a condition. If the committee will allow me, I will show how that thing is. A great deal of this talk about the negro is erroneous, because his condition is largely a local matter. Not long ago we had a State fair in North Carolina held by the colored people, and in speaking I followed Governor Jarvis, who made the opening address, and I stated in that address that the prosperity of the colored people could not be very well seen at that fair, while it was one of the most creditable that had ever been held, and was acknowledged to be such by the press of the country. I mentioned one fact in my own county, where the colored people have acquired 13,000 acres of land. The statement was doubted. One of our papers, the Roanoke News, doubted this statement of mine, and in order to be more certain I went to the records of the county and referred back a year. I took the records of 1878 instead of 1879, and the record showed that the colored people of that county had 16,601 acres in fee-simple title, and in proportion that is equally true for the counties of Warren, Nash, and Lenoir.

Q. You mean they have lands in the same proportion in each county?

A. Yes, sir; in each county. I suppose it would be no exaggeration to say that in my county, which is the next largest negro county in the State—Edgecombe is the largest—the colored people own there in fee-simple title 20,000 acres of land.

Q. I will ask you if the asperities and harsh feelings between the two races have not been disappearing, notably since 1876, and gradually giving way to a better feeling?

A. I do not know of any State in the American Union where there is a better feeling between the white and colored people than in North Carolina. It is a very usual thing to see on the day of election the landlord and the tenant, the employer and the employé, going to town in the same buggy and voting different ways. I have even wondered why it was that the employer could influence his tenant or employé on every other subject except voting. I think I ought to say with regard to Captain Wall's testimony, as it will all come before the House in due time, that in my defeat, or rather my being counted out, the Republicans had more to do with it than the Democrats, and I say that the colored Republicans of the South have more to fear from the white Republicans than from the Democrats. And there is always a combination between the white Republicans against any intelligent colored Republican who seeks to aspire to office.

Q. You mean that they want to keep all the offices?

A. Yes, sir; and when we say to them that they must divide, they say, "Hold on;" and when we fight them they count us out. Now, in my own county the Republicans had the appointment of commissioners, and because I opposed a certain white man who ran for sheriff his friends made a combination and counted me out. That was the reason why Mr. Kitchen went on his bond, and the result was to give us a Democratic sheriff on the Republican ticket, and to count me out in consequence of this combination.

Speaking of the educational and benevolent institutions for the colored people of North Carolina, Mr. O'Hara paid the following tribute to the wisdom and Christian conduct of that State:

Q. Has not your State appropriated for the establishment of a normal school for the education of teachers?

A. We had a normal school at one time. It was at first only temporary, but I think our Legislature has made it permanent. As we advance and get a little more money we will have more schools of all kinds.

Q. Has not the State also provided asylums for the unfortunate of your race?

A. Yes, sir; the same facilities are offered the black and the white alike in that respect. We have a deaf and dumb school for the colored people under the same rules and government as that for the white people; they are taught, fed, and clothed under the same system as the whites. In fact, it is not very long ago since I went through both institutions—the one on one side of our city; the other on the other. They have the same kind of provisions, meat, vegetables, and fruits, the same bedding and furniture, carpets, pianos, etc.; all the same in both institutions, without any discrimination at all.

Q. What provision has been made for the insane?

A. Owing to the crowded condition of our present insane asylum it has been found necessary to build two others, one for the whites at Morgantown and one at Greensborough, in what is called the "negro belt," exclusively for colored people, an institution that will compare favorably with institutions of the same kind in any part of the country, as good as the one they are building for the whites at Morgantown.

Leaving North Carolina, let us take a brief glance at Mississippi, and more especially at those portions of that State wherein it is generally supposed, in the Northern mind, that the negro is deprived of all his civil



rights and is maltreated, intimidated, and bulldozed all the days and nights of his life. What were the facts even ten years ago? There came before the exodus committee a full-blooded African from Bolivar County, Mississippi, a well-dressed, prosperous-looking man named Louis Stubblefield.

Born in Alabama, a slave until the war set him free, raised in the county of Yazoo, Mississippi, from five years of age, and for fourteen years then last past living in Bolivar, his experience as to the treatment of the negroes by the whites in that section has something more of value than the tales of political scandal-mongers a thousand miles away. He said he was a farmer, owned "160 acres of very good land, also 9 head of horses and mules, 'twixt 35 and 40 head of cattle, and between 50 and 60 head of hogs," all of which he had bought and paid for by his industry since the war. He hired help on his farm, paid from \$12 to \$15 a month, and board in addition, and found it difficult to get as many laborers as he needed at even such prices as these. On the great and vital question of political persecution on race account he gave the following testimony:

Q. Mr. Stubblefield, is there any political trouble down there in Bolivar County, Mississippi, now?

A. Not with us. I am happy to say that we get along as well as could be expected.

Q. What ticket do you vote?

A. I vote the Republican ticket, sir.

Q. You are not molested in voting it?

A. Not at all, sir; I advocate my rights and speak my political opinions as boldly as anybody.

Q. And you have held office for seven or eight years?

A. Yes; going on nine years; my fifth term on the board of supervisors; I have served eight years, and turned into nine since January last.

Q. Why don't others do as well as you, if there is plenty of employment for all who will work?

A. Well, others, I suppose, have not taken the same stand I have taken. I have always thought I must look to myself and work myself up, and so I have never waited a moment for any person to pick me up and carry me and make something out of me; I have always thought it my duty to make something of myself, and I respect myself, and I thought I would then be respected by respectable persons.

Q. Are there other people of your race who have got along as well as you have?

A. Yes, sir. There is a section there in my immediate neighborhood, about four miles throughout, that was taken up on a little stream there known as Bayou Fabayes, where the colored people own all the land with the exception of two lots of 75 acres in one and 100 in another, and I am agent of these two lots to sell.

Q. How is it about opportunities for schooling your children in your country?

A. Well, sir, our people in Bolivar have the same chance the whites do for schooling their children; there is no exception made in the schools at all.

Q. The schools are kept up by taxation of the people, are they?

A. Yes, sir.

Q. Where the colored man has property he pays school taxes the same as the white man does?

A. Yes, sir; it is all equal as to that.

Q. And all share alike in the privileges of the schools?

A. Yes, sir; that portion of the business has been passing through my hands for the last eight years; I am identified with that sort of work.

I might also cite the testimony of other colored citizens of Mississippi to the same effect. Some of them were getting back to their old homes as best they could after being deceived by wholesale falsehoods into going North. One poor fellow, I remember, by the name of Philip Brookings. He lived at Yazoo City, Yazoo County, Mississippi, and was working his way back after a sort of a starvation-freeze-to-death pilgrimage he had made to Kansas. At times with tears and sometimes with humor, he described his experiences in the North and his longings to return to that place in the South where, of all others, it was then popularly understood that negroes were whipped, murdered, or run out of the country, as the white man's social and political pastime. A very short chapter in his testimony tells the whole story. Here it is:

Q. And now you believe if you go back home and take care of yourself you will get plenty of work to do while there?

Q. I don't believe it; I know it.

Q. What pay for work can you get in Yazoo County?

A. Fifteen dollars a month and my board, regular.

Q. Do you have to go and hunt around much to get work down there?

A. No, sir; if somebody knows you want to be hired you can just sit still and hire yourself.

Q. You are not afraid, then, to go back down there?

A. Not a bit; no more than I am afraid to go and get a drink of water.

Q. What are you going to say to the people there about going to Kansas?

A. If I see any of them that want to break up and go to Kansas I am going to use the best means in my power to coax them off from that notion. I will tell them they might as well be in the middle of the Mississippi River when they could not swim a lick. I will tell them it will be a race which they will do first, starve to death or freeze to death.

If I should be reminded that on a former occasion I used portions of the testimony taken before the committee charged with the investigation of the negro emigration and colonization scheme in 1878, 1879, and 1880, my answer is that the same disease calls for the same remedies whenever and wherever it may break out.

But, sir, the Senators from Mississippi have themselves in this debate, by their great ability and fairness, placed their State in such a noble attitude before the country and the world that she needs no word of exculpation or defense from any other source. I can not, however, forego the pleasure it gives me to read a few portions of that wonderful revelation made by the junior Senator from that State [Mr. WALTHALL] a short time since in this body. Listen, ye of no faith in

the justice of the Southern white man and who are always ready to impeach and defame him. The gifted and accomplished Senator said:

I venture the statement, as matter of opinion, that there are more negroes in office this day in Bolivar County than in any other county in the United States, and more than in entire States in the North which have always been under Republican control. Out of forty-four officeholders in that county thirty-one of them are negroes, and if there be a Northern State with half as many I will thank some Senator to name it. That is a wealthy county, and the white population is intelligent and enterprising, and yet every constable in it is a negro; they have thirteen negro justices of the peace out of fifteen; two members of the board of supervisors are negroes, and so are the coroner and ranger, assessor, treasurer, circuit clerk, and one representative in the State Legislature, the county being entitled to but two.

But this county does not stand alone, and, while it is not a type of others in the State differently situated, its condition does not materially differ from that of other counties in the same region, all in the Congressional district from which most extravagant and imaginative reports of election wrongs have been given to the public in newspapers published elsewhere and from other sources.

Adjoining that county on the north is Coahoma, which has one white and one black representative in the State Legislature, two colored members of the board of supervisors, nine colored justices of the peace, and six colored constables. That county gave its vote to Hayes, to Garfield, and to Blaine, and Mr. Harrison carried it by nearly a thousand majority.

Adjoining Bolivar on the south is Washington County. It sends a colored representative to the State Legislature; its circuit clerk, coroner and ranger, one-half of the justices of the peace, and one-half the constables are colored men, and there are two colored members of the city council and two of the city police in Greenville, the county site, a wealthy and thriving city with eight or ten thousand inhabitants.

Next below is Issaquena, whose only representative in the Legislature is a colored man, and the clerks of the circuit and chancery courts, the assessor, coroner and ranger, two supervisors, six justices of the peace, and seven constables are colored men; a white Republican is county surveyor, and out of thirty-one officers in the county but ten are filled by Democrats. This county, from 1876 to 1888, inclusive, has never failed to give a majority for the Republican candidate for President, and in 1884 Mr. Blaine carried it by more than five to one.

Adjoining Issaquena is Sharkey County, which sends but one representative to the Legislature, and he a colored man; and there are a number of other colored officers in the county, including several justices of the peace and constables.

Tunica County, which is in that same section, gave Hayes nearly 1,200 majority, and at every Presidential election since has given decided majorities for the Republican candidate.

Adams County, the home of John R. Lynch, who is loud in his complaints of the white Democracy of Mississippi, in three out of the last four Presidential elections has cast its vote for the Republican candidate, the majorities ranging from 700 to 1,200. In both the counties last named colored men have been repeatedly elected to office, and an educated colored Republican named Bowles, returned from Adams County to the last Legislature, took a high stand in that body, as did some others of his race.

I ask Senators on the other side to read the record of office-holding by Republican negroes in the counties I have named in a Southern State where it is charged that the white Democracy mercilessly dominates in all things political, and tell the Senate whether any Republican State, or any two of them, or ten of them, or all of them combined can make so good a showing of what Republican majorities have done for the negro, or permitted him to do for himself, while they have been controlling the politics of those States. No colored Senator or Member has ever come to Congress from any of those States.

None of them has ever had a colored governor or attorney-general or treasurer or other high State officer, and all of them have not, as I believe, as many colored men in lower positions as there are in the few counties in Mississippi which I have named, where, as I have shown, scores of them to-day are in every official station which they can fill consistently with the safety and protection of public and private interests.

Mr. President, Mr. Harrison owes his high office to the colored vote, for if that had been thrown solidly against him in New York and Indiana it would have turned the tide of battle; but there is no negro in his Cabinet, he has none for his secretary, he chooses white men for his political counselors and companions, and rarely appoints any negro to office, except when his service is to be performed in the South, to irritate or humiliate some white community.

Sir, I might go through the entire South finding proof at every step that the negro has received more and higher political honors in each one of the Southern States than have ever been bestowed upon him in all the Northern States put together. I might show that in the six New England States, with all their zeal and spurious benevolence in behalf of the colored race, there are not now, and never have been, as many negroes elected or appointed to office as are to be found in a single county in almost any one of the Southern States.

I might dwell upon the overwhelming proof that in the ownership of real estate, in the fee-simple title to their homes, in the acquirement of property of every description, and in the possession and use of ready money, the colored people in the Southern States have, man for man, in comparison with the colored inhabitants of the North, beaten their Northern brethren ten times over in the great struggle of life. Also, I might dwell on the unanswerable evidence on every hand establishing the mighty fact that the white people of the South, in the midst of their own stupendous losses, privations, apprehensions, and sorrows, did not for a moment forget the claim which the helpless ones of earth always have on the strong and brave; and that they built more schools for the education of colored children, more asylums for the protection of the colored insane and afflicted, and more churches for the worship of Almighty God by the colored race than there are in existence to-day in all the other sections, States, countries, and governments on the face of the globe combined. But why linger over these grand and well-known facts of Southern history, so honorable and so full of glory to the great and governing race? If they were written in living letters of fire on the front of the sky they would be rejected by the stiff-necked and perverse generation now in the administration of this Government, while, on the other hand, the great body of the Northern people already accept them as true and need no further argument.

Only one other witness do I deem it my duty to call as to the con-



dition, the patriotism, and the Christian spirit of the South at this time. For the presiding officer of this body, I have a sincere personal respect and regard. Whether in the discharge of his official duties or in private life I warmly appreciate and admire the fairness, the courtesy, and the kindness of Vice President MORTON. His great and successful career in the business world, as well as in political life, eminently qualifies him to make practical and valuable observations on the material prosperity, the moral tone, and the political temper and purposes of any people with whom he may be brought in contact. Within the past year the accomplished Vice President of the United States visited the South, the debatable land, and on his return he made the following important, impartial, and most valuable contribution to the cause of truth and justice. It has been often and extensively published heretofore, and I know no more fit occasion than the present to publish it again:

"It was my first trip along the South Atlantic coast," he said, "although many years ago I visited New Orleans; and to say that I thoroughly enjoyed the trip would be to very mildly characterize the pleasure I experienced. Although I went among the people who were perfect strangers to me and with whose interests I had not been closely identified, I met with a most cordial greeting everywhere, and, indeed, could not begin to accept all the invitations which were showered upon me. If I had had the time I would have gone to Mobile, Ala., Thomasville, Ga., and other places from which invitations came; but there had to be a limit to travel."

What feature of this trip most impressed you?

"I think that the wonderful and rapid recovery of the South from the devastation of the war is most amazing, and must strongly impress every one who knows what the South experienced and realizes what it is to-day. I am frank to say that I do not believe a traveler going through the South, if unaware of the struggle of twenty-five years ago, would notice any signs resulting from that struggle. Of course this recovery is not equal at all points. Some cities are more backward than others, and yet I believe that all cities are feeling the general prosperity which is now the happy condition of the South. Atlanta, Savannah, Birmingham, and Jacksonville are particularly flourishing. Jacksonville has in four years increased its population from 35,000 to 60,000. This is marvelous growth."

Do the Southern people still talk of the war?

"I think not, except to refer to it as a basis of comparison by which they emphasize the changes which have been made since it closed, and this comparison is with them a natural matter of pride. Of course, I speak only for the cities. I did not go into the country. In the cities, however, the Southern man has his mind on the future rather than on the past."

There is considerable Northern capital invested in the development of the South?

"Beyond a doubt."

And do the Northerners and the Southerners work together without friction?

"I think they do. Certainly among the business men, so far as I could see, Democrats and Republicans were on excellent terms. There is a common bond," continued Mr. MORTON, with a smile, "in making money, and that is what the South is now successfully endeavoring to do. Northern people are welcomed in the South, especially if they are disposed to place their shoulders to the wheel in helping to develop the material industries of that section. The Southerner may not agree with his Northern visitor politically and he may have different views on other questions, but he is heart and soul with him on the all-absorbing question of development. Yes, there can be no question that the Northern man is sure of a cordial welcome to the South."

Then the Southerners are not letting Northern men do all the work?

"Not by any manner of means. They are also up and alive and doing."

In conclusion Mr. MORTON again referred with the heartiest appreciation to the marked cordiality which had been shown him and expressed the firm belief that the present era of prosperity in the South was not based on a fictitious foundation, but "was the result of natural and lasting causes."

For these just and generous words, just in themselves and generous coming from a political opponent, the Vice President will be long and gratefully remembered by the frank and warm-hearted people of the South.

Sir, the world can be no longer imposed upon by fierce and empty declamation against the conduct of the Southern people. The question whether there has been good government or bad government in the Southern States since their redemption from the multitudinous curses of reconstruction is answered by their unparalleled progress and prosperity. As the traveler, approaching from the plains, beholds the towering summit of Pike's Peak, when miles away, and knows that its foundations, not yet visible to the eye, are as sure and lasting as the eternities of the past and of the future, so every intelligent mind, observing the mighty material development of the South, knows that it rests on those moral forces, upright purposes, and principles and habits of justice which in all the ages have characterized good government and won the favor of God.

From 1860 to 1870, the decade which embraced the war, the losses of the South, according to the assessed value of her property, reached more than \$2,000,000,000.

In the same length of time, with all her State governments in the hands of her own people—from 1880 to 1890—there has been an increase of wealth in the South of more than \$3,000,000,000; all the losses of the war made up and a thousand millions to spare.

Sir, for months past the great business interests of the whole country have been confronted from day to day with the perils of a financial crash. Hard times, long felt amongst the laboring masses, have at last assailed the rich and strong centers. A meager and totally insufficient amount of money in circulation has already paralyzed the agricultural extremities of the country, and the same evil now assails the heart itself. Every energy and resource of the Government has been put forth to avert the calamity; the Senate itself is filled with alarm and financial prescriptions are being hurriedly concocted.

The men of millions are in trouble now, as well as men with humble mortgaged homes, and the zeal and anxiety for their relief, suddenly awakened in certain quarters, is wonderful to behold and will convey an important lesson to plain minds. But in the midst of business apprehension and alarm, with all business transactions on the skiffish line, as it were, of the coming panic, with what shame and penitential remorse must every trader of the South hear it proclaimed every day and on every hand that but for her magnificent and unprecedented cotton crop this year a deluge of bankruptcy and ruin would flood the whole land.

There stands the South, whom you propose to despoil of her liberties. Her 8,000,000 bales of cotton, raised by the mingled and peaceful toil of the white man and the black man alike, are the same as a cash deposit in the hands of her people of \$300,000,000 and constitute a safer and readier security for an immediate increase of money in circulation than would a warrant for that amount in favor of Wall street on the Treasury Department or a certified check on all the banks of the United States on the same day. As we enter upon the last ten years of the nineteenth century the farmers of the South, by their industry and good government, are in condition to rescue the business interests of the entire country, North and South, East and West, from impending and overwhelming disaster.

When the twentieth century opens, now but a step in the future, it is my prayer and my belief that the farmers of the North and of the South and of all the sections of this mighty country will have so united, fraternized, and embraced in their counsels and policies that they will be in control of this Government for the establishment of justice and equality and for the overthrow of class supremacy and malignant sectionalism. There are good omens in the sky in that direction. The farmers' national convention a few weeks ago at Ocala, Fla., spoke in no uncertain tone. It was composed of men from all sections, and all parties, and, speaking for the agricultural interests and prosperity of the whole country, they denounced the wretched measure we are now discussing.

There are those, I am aware, in this body and elsewhere who attach no importance to the utterances of farmers' organizations and lightly assert that such organizations will soon dissolve and pass away. Sir, if I can read the stars aright it will not be so, and you need lay no such flattering unction to your troubled souls. The glorious ides of November will come again and again. The Republican party edict has gone forth that the criminal injustice of the McKinley law of tariff taxation is to be maintained and upheld at all hazards, and the force bill now before the Senate is for the purpose of keeping down a peaceful, popular revolution at the ballot box against the plunder of the many for the enrichment of the few.

The leading organ of the Republican party in the United States, in urging the passage of the force bill towards the close of the last session, declared there was in it more than a dozen McKinley tariff bills for the benefit of the protected classes. The farmers and wage-workers of the country will understand that the enactment of this odious handmaid of despotism into a law opens up to them a long, dismal, and oppressive future, wherein free elections, their only hope of relief, their only palladium of safety from oppression, have been destroyed. The winds, it is said, do not move the waters of the Dead Sea, nor is it intended by the supporters of this measure that the breath of the people, their voice on election day after the manner of their fathers, shall ever again stir the stagnant depths of the present system of financial oppression. Unjust, unequal, and dishonest taxation can not long survive the instruments of liberty and deliverance provided by free elections, and hence this measure of despotic power is here. It makes an issue that is not new nor in the long run doubtful. With full confidence in the wisdom and courage of the American people I here leave it for their decision.

Mr. HOAR (at 6 o'clock and 5 minutes p. m.). I move that the Senate take a recess until 8 o'clock.

Mr. HARRIS. Upon which motion I ask for the yeas and nays.

Mr. HAWLEY. Will the Senator from Massachusetts yield to me for a moment?

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

Mr. HAWLEY. I want to say a few words concerning something the Senator from Indiana has said, nothing in the nature of a speech, but almost a question of privilege, if the Senator from Massachusetts will allow me just a moment.

Mr. HOAR. I will withdraw my motion for the present, that the Senator from Connecticut may be heard.

Mr. HAWLEY. I left the Chamber after listening for several hours to the very able speech of the Senator from Delaware.

Mr. GORMAN. Mr. President, it is impossible to hear.

Mr. KENNA. Let us hear what the Senator from Connecticut is saying.

The VICE PRESIDENT. The Chair understands that the Senator from Massachusetts has withdrawn the motion for a recess.

Mr. HOAR. I withdraw it for the present.

The VICE PRESIDENT. The Senator from Connecticut is recognized and the Senate will be in order.

Mr. HAWLEY. After listening for some hours to the very able



speech of the Senator from Delaware [Mr. HIGGINS], I left the Chamber supposing that the Senator from Indiana [Mr. VOORHEES] could be trusted to make the same old speech in all respects as the last hour of it has been, but I understand that while I was absent the Senator who has just taken his seat read certain letters which impeached the character for honor and integrity and faithful public service in some way, I do not know exactly how, of certain Representatives from my State, intimating or saying directly that they were more or less involved in some dishonorable scheme.

I shall see the gentleman's speech, I suppose, in the morning's RECORD. I wish simply to say that I am not prepared, not having heard what he said, to respond to him, but I happen to know those three gentlemen very well, indeed. We are intimate personal and political friends; we converse upon everything that is supposed to be of interest to the political condition of our State; and if there had been any general scheme there intended to affect the Presidential election of 1892, or any other election, it is hardly possible that some of the gossip should not have reached my ear. If they ever heard anything it certainly was of so little consequence in their judgment that they did not think it worth repeating. I have a dim recollection that one of them, the Representative alluded to now, Mr. MILES, did hear something said during the last campaign concerning correspondence about inviting immigration of a certain kind—white immigration is well enough, colored immigration is always bad—and that he replied by a communication to a Bridgeport paper saying that there was no truth in it whatever. It may be that is the old story. So I content myself with saying that anything which reflects upon the honor of those gentlemen, I assume the right to assert now, is without foundation in fact.

Mr. VOORHEES. It was not what I said myself. I know nothing of these gentlemen contrary to what the Senator himself says. Their names occur in a correspondence carried on by others. He will see my speech in to-morrow morning's RECORD and will understand better what methods to take than now; and although I shall be absent I am satisfied with what attention the Senator may give to it.

Mr. HOAR. I now move that the Senate take a recess until 8 o'clock.

The VICE PRESIDENT. Before submitting the motion, the Chair will lay before the Senate a message from the President of the United States.

#### TIMBER ON CHIPPEWA RESERVATIONS.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter of the 18th instant, from the Secretary of the Interior, in relation to the disposition of timber on certain Chippewa reservations in Wisconsin, together with copies of papers relating thereto.

The matter is presented for the action of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, December 22, 1890.

#### HOUSE BILLS REFERRED.

The following bills this day received from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 7933) authorizing sale of title of United States in lot 3 in square south of square 990;

A bill (H. R. 9955) dedicating part of lots 14 and 15 in square 812 as a public alley; and

A bill (H. R. 10500) authorizing the commissioners to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington.

#### PROPOSED RECESS.

Mr. HOAR. The yeas and nays have been demanded on my motion. The VICE PRESIDENT. Is the demand for the yeas and nays seconded?

Mr. COCKRELL. Mr. President—

Mr. HALE. Let us have the regular order.

Mr. COCKRELL. The regular order is the pending bill.

Mr. HOAR. The regular order, I suppose, is the motion to take a recess until 8 o'clock.

Mr. SHERMAN. A motion has been made to take a recess.

Mr. HOAR. And a demand has been made for the yeas and nays upon it.

Mr. COCKRELL. That motion was withdrawn, I distinctly understood.

Mr. HOAR. But it has been renewed.

Mr. COCKRELL. Was it not withdrawn? Does not the record show that the motion was withdrawn?

Mr. HOAR. When the motion was made the Senator from Connecticut [Mr. HAWLEY] rose and said he wished to speak a minute or two in making almost a personal explanation. I withdrew the motion informally for that purpose, and then renewed it.

Mr. COCKRELL. None of us on this side heard any renewal of it. The record will probably show whether it was renewed or not.

Mr. HOAR. I rose in my place and renewed the motion.

Mr. COCKRELL. I wished simply to make a suggestion to the Senator. As a matter of course a motion to take a recess will not preclude a motion to adjourn and it is not debatable.

Mr. HARRIS. It is not debatable.

Mr. COCKRELL. I was going to make a suggestion in the interest of the transaction of the public business.

Mr. HOAR. I do not object to that.

Mr. COCKRELL. I move that the Senate do now adjourn.

Mr. HOAR. I do not object to hearing a suggestion from the Senator.

Mr. COCKRELL. I was simply going to make the suggestion that we have been in session now for considerably over eight hours and that I do not think a night session will facilitate the transaction of the public business.

Mr. HOAR. What will, in the Senator's judgment?

Mr. COCKRELL. It is very doubtful whether there would be a quorum here to-night, and my experience of some years past with night sessions has not been that they have hastened the transaction of the business for which they were attempted to be called or were called.

Mr. HOAR. If my honorable friends on the other side of the Chamber will agree to a time for voting on the bill and the pending amendments, three or four days ahead even, sufficient time to give the gentlemen who as far as we know propose to debate the bill time to be heard, I think I may say for this side of the Chamber that that will be at once acceded to and every arrangement for the convenience of those Senators and any others will be cheerfully agreed to.

Mr. COCKRELL. I was astonished this morning when the Senator from Massachusetts gave notice that at half after 5 o'clock he would move that the Senate take a recess until 8 o'clock and would then hope to dispose of the pending bill to-night. I have no doubt that he could dispose of it; whether the disposition of it would be satisfactory or not would be another question. I understand, however, that at that time the Senator knew that Senators on his side of the Chambers proposed to discuss the bill, and that if they were heard it would be practically and physically impossible to do it.

Mr. HOAR. I understand, if the Senator will pardon me, that the two next Senators who have given notice to the Vice President of a desire to be recognized are both Senators on the other side of the Chamber.

Mr. COCKRELL. I understood that the distinguished Senator from New York [Mr. EVARTS] desired to be heard upon this question, and the Senator from Delaware [Mr. HIGGINS] has already been heard, and there are others upon that side who propose to speak.

Mr. President, when this bill has been discussed as it deserves to be and as the best interests of the country and the public service demand, then, and not till then, in my judgment, will there be a time fixed for its disposition.

Mr. HOAR. The Senator declines to fix a time for a vote now, I understand?

Mr. COCKRELL. We can not do it now.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts to take a recess until 8 o'clock.

Mr. EDMUNDS. The yeas and nays were demanded and the demand was seconded, I believe. I certainly seconded the demand for the yeas and nays.

The VICE PRESIDENT. Upon the motion the yeas and nays have been demanded.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll, and Mr. ALDRICH answered to his name.

Mr. GORMAN. What is the question?

The VICE PRESIDENT. The question is upon the motion made by the Senator from Massachusetts [Mr. HOAR] that the Senate take a recess until 8 o'clock.

Mr. HOAR. And the call of the first name on the roll has been responded to.

Mr. HARRIS. I understood the Senator from Missouri to move that the Senate do now adjourn.

Mr. COCKRELL. I will withdraw that motion.

Mr. HARRIS. Very well; then let the question be taken on the motion of the Senator from Massachusetts.

The VICE PRESIDENT. The roll call will proceed on the motion of the Senator from Massachusetts that the Senate take a recess until 8 o'clock p. m.

The Secretary resumed the call of the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Colorado [Mr. TELLER], who is absent sick.

Mr. BLAIR (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were here, I should vote "yea."

Mr. CHANDLER (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BLODGETT].

Mr. COCKRELL (when his name was called). I am paired with the senior Senator from Iowa [Mr. ALLISON].

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. GRAY], whom I do not see pres-



ent, with an understanding, however, that if necessary to make a quorum we could either of us vote. I withhold my vote for the present.

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. EDMUNDS (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH], but with the right of both of us to vote to make a quorum. For the present I vote "yea," and if it is found that my vote is not necessary I shall withdraw it.

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. MORRILL]. If he were present I should vote "nay." In his absence I withhold my vote.

Mr. EDMUNDS. I suggest to my friend from Tennessee that we transfer our pairs so that we can both vote.

Mr. HARRIS. It is perfectly agreeable to me. I vote "nay."

Mr. KENNA (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR]. It has been a pair of long standing, and at the last session the understanding was that I could vote to make a quorum. He came to me to-day, being obliged to leave the Chamber, and requested me to observe the pair, and I shall not vote unless my vote becomes necessary to make a quorum.

Mr. PLUMB (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. If he were present, I should vote "yea."

Mr. SANDERS (when his name was called). I am paired with the Senator from Indiana [Mr. VOORHEES], unless my vote shall be necessary to make a quorum, which I apprehend it will be, and therefore I will now vote "yea."

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Mississippi [Mr. WALTHALL]. He not being present I do not feel at liberty to vote. If he were here, I should vote "yea."

The roll call was concluded.

Mr. ALLEN (after having voted in the affirmative). I inadvertently voted, not remembering at the moment that I had agreed to pair this evening with the Senator from Texas [Mr. COKE], and I withdraw my vote.

Mr. CASEY (after having voted in the affirmative). I am paired with the Senator from Florida [Mr. PASCO], and I do not feel at liberty to vote on the pending question in his absence. I withdraw my vote.

Mr. SQUIRE. I am paired with the Senator from Virginia [Mr. DANIEL]. If he were here, I should vote "yea."

The Secretary called the names of Senators who had voted.

Mr. BLAIR. I have by my pair with the Senator from Mississippi [Mr. GEORGE] the right to vote to make a quorum. I judge there is no quorum from the responses, and I shall vote. I vote "yea."

Mr. CULLOM. I reserved my vote for the purpose of ascertaining whether a quorum is present, and with my general understanding heretofore I feel at liberty to vote to make a quorum. I therefore vote "yea."

The result was announced—yeas 20, nays 5; as follows:

## YEAS—20.

Aldrich,	Edmunds,	Hoar,	Sherman,
Blair,	Frye,	Moody,	Stewart,
Carey,	Hale,	Power,	Stockbridge,
Cullom,	Hawley,	Sanders,	Warren,
Davis,	Higgins,	Sawyer,	Wilson of Iowa.

## NAYS—5.

Bate,	Harris,	Reagan,	Wilson of Md.
Gorman,			

## ABSENT—61.

Allen,	Daniel,	Jones of Nevada,	Quay,
Allison,	Dawes,	Kenna,	Ransom,
Barbour,	Dixon,	McMillan,	Spooner,
Berry,	Dolph,	McPherson,	Squire,
Blackburn,	Eustis,	Manderson,	Stanford,
Blodgett,	Evarts,	Mitchell,	Teller,
Brown,	Farwell,	Morgan,	Turpie,
Butler,	Faulkner,	Morrill,	Vance,
Call,	George,	Paddock,	Vest,
Cameron,	Gibson,	Pasco,	Voorhees,
Carlisle,	Gray,	Payne,	Walthall,
Casey,	Hampton,	Pettigrew,	Washburn,
Chandler,	Hearst,	Pierce,	Wolcott.
Cockrell,	Hiscock,	Platt,	
Coke,	Ingalls,	Plumb,	
Colquitt,	Jones of Arkansas,	Pugh,	

The VICE PRESIDENT. No quorum has voted.

Mr. HARRIS. Let the roll be called.

The VICE PRESIDENT. The roll will be called.

Mr. HOAR. I notice a large number of Senators have left the Chamber since the motion was made and on the other side of the Chamber a considerable number who do not vote. So it is impossible undoubtedly to get a quorum present at this time, and I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 23, 1890, at 10 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

MONDAY, December 22, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

Mr. DAVIDSON appeared and took his seat.

The Journal of the proceedings of Saturday was read.

The SPEAKER. Without objection, the Journal will be approved.

Mr. BLOUNT. I object, Mr. Speaker.

The SPEAKER. The question is on the approval of the Journal.

• The Chair proceeded to submit the question; when

Mr. BURROWS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 170, nay 0, not voting 161; as follows:

## YEAS—170.

Abbott,	Cutcheon,	Lawler,	Rogers,
Allen, Mich.	Dalzell,	Laws,	Rowell,
Anderson, Kans.	Davidson,	Lee,	Sawyer,
Atkinson, Pa.	Dingley,	Lester, Ga.	Sayers,
Atkinson, W. Va.	Dockery,	Lewis,	Scranton,
Baker,	Dolliver,	Lind,	Scull,
Bartine,	Dorsey,	Lodge,	Sherman,
Beckwith,	Dunnell,	Malsh,	Shively,
Belknap,	Enloe,	Martin, Ind.	Simonds,
Biggs,	Evans,	Martin, Tex.	Smith, Ill.
Blanchard,	Farquhar,	McAdoo,	Smyser,
Blount,	Finley,	McClellan,	Spinola,
Breckinridge, Ark.	Fithian,	McCreary,	Springer,
Breckinridge, Ky.	Flick,	McDuffie,	Stewart, Tex.
Brewer,	Flower,	McKenna,	Stivers,
Brickner,	Forney,	McMillin,	Stockbridge,
Brookshire,	Funston,	McRae,	Stockdale,
Brosius,	Gear,	Mills,	Stone, Ky.
Brown, J. B.	Geary,	Moffitt,	Stone, Mo.
Brunner,	Gest,	Moore, Tex.	Stone, Pa.
Buchanan, N. J.	Gifford,	Morey,	Sweet,
Buchanan, Va.	Goodnight,	Morrow,	Taylor, E. B.
Burrows,	Grimes,	Morse,	Taylor, Ill.
Burton,	Grout,	Mudd,	Thomas,
Butterworth,	Hare,	Mutcher,	Townsend, Colo.
Bynum,	Harmer,	O'Donnell,	Tracey,
Caldwell,	Haugen,	O'Ferrall,	Tucker,
Cannon,	Hayes, W. I.	O'Neill, Pa.	Turner, Ga.
Carter,	Hays, E. R.	Osborne,	Turner, Kans.
Caruth,	Heard,	Parrett,	Vandever,
Caswell,	Hemphill,	Paynter,	Vaux,
Catchings,	Henderson, Iowa	Payson,	Waddill,
Chipman,	Hermann,	Peel,	Wallace, N. Y.
Clark, Wyo.	Holman,	Pennington,	Whitelaw,
Clarke, Ala.	Kennedy,	Perkins,	Wike,
Clements,	Kerr, Iowa	Pickler,	Wiley,
Cobb,	Kinsey,	Pierce,	Williams, Ill.
Cogswell,	Lacey,	Pindar,	Williams, Ohio
Comstock,	La Follette,	Raines,	Wilson, Ky.
Cooper, Ind.	Laidlaw,	Ray,	Wilson, Wash.
Craig,	Lane,	Reed, Iowa	Yoder.
Crisp,	Langston,	Reyburn,	
Culbertson, Tex.	Lanham,	Robertson,	

## NAY—0.

## NOT VOTING—161.

Adams,	Crain,	Lester, Va.	Rusk,
Alderson,	Culbertson, Pa.	Magner,	Russell,
Allen, Miss.	Cummings,	Mansur,	Sanford,
Anderson, Miss.	Dargan,	Mason,	Seney,
Andrew,	Darlington,	McCarthy,	Skinner,
Arnold,	De Lano,	McClammy,	Smith, W. Va.
Bankhead,	Dibble,	McComas,	Snider,
Banks,	Dickerson,	McCord,	Spooner,
Barnes,	Dunphy,	McCormick,	Stahlnecker,
Barwig,	Edmunds,	McKinley,	Stephenson,
Bayne,	Ellis,	Miles,	Stewart, Ga.
Belden,	Ewart,	Miller,	Stewart, Vt.
Bergen,	Featherston,	Milliken,	Struble,
Bingham,	Fitch,	Montgomery,	Stump,
Bland,	Flood,	Moore, N. H.	Sweeney,
Bliss,	Forman,	Morgan,	Tarsney,
Boatner,	Fowler,	Morrill,	Taylor, J. D.
Boothman,	Frank,	Niedringhaus,	Taylor, Tenn.
Boutelle,	Geisshainer,	Norton,	Thompson,
Bowden,	Gibson,	Nute,	Tillman,
Brower,	Greenhalge,	Oates,	Townsend, Pa.
Browne, T. M.	Grosvenor,	O'Neill, Ind.	Turner, N. Y.
Browne, Va.	Hall,	O'Neill, Mass.	Van Schaick,
Buckalew,	Hansbrough,	Outhwaite,	Wade,
Bullock,	Hatch,	Owen, Ind.	Walker,
Bunn,	Haynes,	Owens, Ohio	Wallace, Mass.
Campbell,	Henderson, Ill.	Payne,	Washington,
Candler, Ga.	Henderson, N. C.	Perry,	Wheeler, Ala.
Candler, Mass.	Herbert,	Peters,	Wheeler, Mich.
Carlton,	Hill,	Phelan,	Whiting,
Cheadle,	Hitt,	Post,	Whitthorne,
Cheatham,	Hooker,	Price,	Wickham,
Clancy,	Hopkins,	Pugsley,	Wilkinson,
Clark, Wis.	Houk,	Quackenbush,	Willcox,
Clunie,	Kelley,	Quinn,	Wilson, Mo.
Coleman,	Kerr, Pa.	Randall,	Wilson, W. Va.
Connell,	Ketcham,	Reilly,	Wright,
Cooper, Ohio	Kilgore,	Richardson,	Yardley.
Cottrhan,	Knapp,	Rife,	
Covert,	Lansing,	Rockwell,	
Cowles,	Lehlbach,	Rowland,	

So the Journal was approved.

The following pairs were announced until further notice:

Mr. McCORD with Mr. TARSNEY.



Mr. WICKHAM with Mr. HAYNES.  
 Mr. THOMPSON with Mr. YODER.  
 Mr. STEWART, of Vermont, with Mr. CRAIN.  
 Mr. PAYNE with Mr. CATCHINGS.  
 Mr. CANDLER, of Massachusetts, with Mr. CANDLER, of Georgia, except on the silver and subsidy bills.  
 Mr. KNAPP with Mr. PERRY.  
 Mr. DARLINGTON with Mr. CLUNIE.  
 Mr. YARDLEY with Mr. COTHRAN.  
 Mr. WADE with Mr. WILSON, of Missouri.  
 Mr. MOORE, of New Hampshire, with Mr. WILKINSON.  
 Mr. MILES with Mr. WILCOX.  
 Mr. PUGSLEY with Mr. WHITTHORNE.  
 Mr. MASON with Mr. FORMAN.  
 Mr. MCCORMICK with Mr. REILLY.  
 Mr. PETERS with Mr. DOCKERY.  
 Mr. BLISS with Mr. WHITING.  
 Mr. LEHLBACH with Mr. STUMP.  
 Mr. CLARK, of Wisconsin, with Mr. ANDERSON, of Mississippi.  
 Mr. DELANO with Mr. ROWLAND.  
 Mr. STEPHENSON with Mr. MCCLAMMY.  
 Mr. TAYLOR, of Tennessee, with Mr. BARWIG.  
 Mr. BOWDEN with Mr. LESTER, of Virginia.  
 Mr. THOMAS M. BROWNE with Mr. BANKHEAD.  
 Mr. GROSVENOR with Mr. COWLES.  
 Mr. HOPKINS with Mr. HATCH.  
 Mr. HITT with Mr. PRICE.  
 Mr. MORRILL with Mr. STEWART, of Georgia.  
 Mr. BROWNE, of Virginia, with Mr. NORTON.  
 Mr. FRANK with Mr. BLAND.  
 Mr. SNIDER with Mr. MAGNER.  
 Mr. FLOOD with Mr. DARGAN.  
 Mr. NIEDRINGHAUS with Mr. OUTHWAITE.  
 Mr. WALLACE, of Massachusetts, with Mr. ANDREW.  
 Mr. BINGHAM with Mr. MONTGOMERY.  
 Mr. WRIGHT with Mr. GEISSENHAINER.  
 Mr. BOUTELLE with Mr. HERBERT.  
 Mr. BELDEN with Mr. COVERT.  
 Mr. GREENHALGE with Mr. DUNPHY.  
 Mr. RUSSELL with Mr. HENDERSON, of North Carolina.  
 Mr. BANKS with Mr. EDMUNDS.  
 Mr. MUDD with Mr. ELLIS, except bills from Committee on District of Columbia.  
 Mr. COOPER, of Ohio, with Mr. CUMMINGS.  
 Mr. ARNOLD with Mr. FOWLER.  
 Mr. BERGEN with Mr. WILSON, of West Virginia.  
 Mr. KETCHAM with Mr. MCCARTHY.  
 Mr. COLEMAN with Mr. WHEELER, of Alabama.  
 Mr. HOUK with Mr. RICHARDSON.  
 Mr. SPOONER with Mr. BOATNER.  
 Mr. KELLEY with Mr. BULLOCK.  
 Mr. CULBERTSON, of Pennsylvania, with Mr. ALDERSON.  
 Mr. BOOTHMAN with Mr. OWENS, of Ohio.  
 Mr. STRUBLE with Mr. HOOKER, for ten days.  
 Mr. MILLIKEN with Mr. DIBBLE, until January 2, 1891.  
 Mr. ROCKWELL with Mr. O'NEIL, of Massachusetts, until January 5, 1891.  
 Mr. HALL with Mr. SKINNER, until January 5, 1891.  
 Mr. BREWER with Mr. BARNES, until January 7, 1891.  
 The Clerk recapitulated the names of those voting.  
 Mr. RICHARDSON. Mr. Speaker, I am paired with my colleague, Mr. HOUK, or I should have voted in the affirmative on this proposition.  
 The SPEAKER. The Chair thinks that under the rule pairs should be read from the Clerk's desk.  
 Mr. RICHARDSON. The pair has been already reported from the desk, but I made the announcement, which does not appear in the pair.  
 Mr. BINGHAM. I am announced as having voted in the affirmative; I reserved the right to vote to make a quorum, but withdraw my vote if a quorum is present.  
 Mr. HALL. I will also withdraw my vote, Mr. Speaker, if there is a quorum present.  
 Mr. MUDD. My pair has been read from the desk, but it related only to subjects outside of those connected with the District of Columbia. Regarding this vote as a question involving the District matters, I have voted.  
 Mr. WRIGHT. I am paired with the gentleman from New Jersey [Mr. GEISSENHAINER], but voted to make a quorum.  
 The result of the vote was then announced as above recorded.

## MISSION INDIANS OF CALIFORNIA.

PERKINS. I rise to submit a privileged report from a conference.

SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2783) entitled "An act for the relief of the Mission Indians in the State of California," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1 and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: Insert after the word "purposes," in line 7 of said House amendment, the following words, namely: "upon condition that the Indians owning or occupying such reservation or reservations shall at all times during such ownership or occupation be supplied with a sufficient quantity of water for irrigating and domestic purposes upon such terms as shall be prescribed by the Secretary of the Interior and upon such other terms as he may prescribe;" and the House agree to the same.

B. W. PERKINS,  
 JOHN L. WILSON,  
 BENJAMIN F. SHIVELY,  
*Managers on the part of the House.*  
 H. L. DAWES,  
 F. B. STOCKBRIDGE,  
 JOHN W. DANIEL,  
*Managers on the part of the Senate.*

The statement accompanying the conference report was read as follows:

Your conferees report and represent that the effect of the conference agreement is to accept the House amendments to the Senate bill with a modification of the second amendment, so as, in the judgment of conferees, to better secure and protect the rights and privileges of the Indians in and to their reservation lands.

B. W. PERKINS,  
 BENJ. F. SHIVELY.

The SPEAKER. The question is on the adoption of the report.

Mr. HOLMAN. I hope that the statement will be read or some explanation given which will enable us to understand the effect of the amendments.

The SPEAKER. The statement has just been read.

Mr. HOLMAN. There has been so much confusion, Mr. Speaker, that the reading could not be heard in this part of the Hall. We are entirely uninformed as to the character of the report agreed upon by the committee.

Mr. PERKINS. With the gentleman's consent I can make a brief statement which I think will satisfy him.

Mr. SPRINGER. Let the previous question be ordered, and then, in the time allowed under the rule, the statement can be made.

Mr. PERKINS. I do not think there is any disposition to debate the report.

Mr. HOLMAN. We only wish to know what it is.

Mr. PERKINS. The effect of the report is that the Senate recede from their disagreement to the House amendments, except as to one, which was to give to the water companies the right to build or construct irrigating ditches across these lands. We amend that amendment so as better to protect the rights of the Indians.

Mr. HOLMAN. Then this is the bill relating to the Mission Indians of Southern California?

Mr. PERKINS. It is the Mission Indian bill, and the effect of this amendment is to guaranty and protect the Indians in certain rights.

Mr. HOLMAN. With that statement I am satisfied.

The conference report was agreed to.

Mr. PERKINS moved to reconsider the vote by which the conference report was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

## ORDER OF BUSINESS.

The SPEAKER. If the gentleman from Vermont claims the right he is entitled to the floor. The Chair desired to recognize the gentleman from Michigan for a request for unanimous consent.

Mr. GROUT. I have refused several gentlemen, and I do not see how I can yield.

Mr. MILLIKEN. I have a bill, as to which the gentleman from Michigan desired me to ask unanimous consent for him.

Mr. MCADDOO. I would like to ask the gentleman—

The SPEAKER. The gentleman from Vermont has the floor.

Mr. MCADDOO. I would like to ask him if he would not—

Mr. GROUT. Mr. Speaker, I do not think I ought to yield the floor.

The SPEAKER. The gentleman from Vermont refuses to yield.

VETERAN VOLUNTEER FIREMEN'S ASSOCIATION, WASHINGTON, D. C.

Mr. GROUT. Mr. Speaker, I call up the bill (H. R. 10500) authorizing the commissioners to grant to the Veteran Volunteer Firemen's Association the use of certain property in the city of Washington. This bill might make necessary its consideration in the House in the Committee of the Whole, unless unanimous consent be given to consider it in the House; it relates to the use of public property. I ask unanimous consent that it be considered in the House.

Mr. McMILLIN. Let us have the bill read, reserving the right to object to its consideration in the House.

Mr. GROUT. Very well.

The Clerk read as follows:

*Be it enacted, etc.,* That the commissioners of the District of Columbia be, and are hereby, authorized and directed to grant to the Veteran Volunteer Firemen's



Association of the District of Columbia the use of all that part of lot 11, in square 141, in the city of Washington, and building thereon now occupied by a house used formerly as an engine house, and described as follows: Beginning at the northwest corner of said lot and running east 30 feet on H street; thence 50 feet south on a line parallel to Nineteenth street; thence west 30 feet to Nineteenth street, and thence north 50 feet to the beginning; the same to be used by said association as a place of meeting and for the storage of their apparatus.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. SPRINGER. The question was whether we would go into the Committee of the Whole House on the state of the Union.

The SPEAKER. This bill is on the House Calendar.

Mr. SPRINGER. I understood the gentleman to ask unanimous consent that the bill be considered in the House.

The SPEAKER. It is on the House Calendar. It is not necessary for the gentleman to make that request.

Mr. McMILLIN. The point of order would rest against it that it appropriates property of the United States. That would carry it into the Committee of the Whole, no matter what calendar it is on. I do not wish to be considered as objecting to its consideration in the House, but simply call attention to the fact.

Mr. GROUT. It simply grants the use of certain property. It asks authority for a revocable license.

Mr. McMILLIN. It grants the use of the property, and there is nothing said about the license.

The SPEAKER. Is there objection to the consideration of the bill in the House?

Mr. McMILLIN. Let us have the report read.

Mr. SPRINGER. I do not object, but I desire to have the report read.

Mr. HOLMAN. Let the report be read first, subject to the objection.

The Clerk read as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10500) authorizing the commissioners to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington, has considered the same, and reports it back to the House with favorable recommendations.

The building has by former acts of Congress been placed at the disposal of the commissioners of the District of Columbia for school uses, and this bill provides essentially a right to be exercised by the commissioners similar to former ones.

The volunteer firemen in their time served without pay, and now earnestly desire to be allowed a temporary use of quarters in which to store apparatus and hold meetings. The committee think their wish is sustained by reason and right, and that they should have the use of the building named in the bill for their temporary use.

The committee recommend that the bill do pass.

Mr. SPRINGER. How long a time does this use extend? How long does the right to use this building extend?

Mr. GROUT. Why, during the discretion of the commissioners; subject to their discretion.

Mr. SPRINGER. Then it is entirely within the control of the District commissioners?

Mr. GROUT. Yes, sir.

Mr. SPRINGER. Does the bill provide that?

Mr. HEARD. The bill simply gives the commissioners authority to grant the license, that is all. It rests with them.

Mr. SPINOLA. This provision had better be incorporated in the bill.

Mr. VAUX. Apparently there is no limitation in the time given. If they want to grant the use of it for a hundred years they might do so.

Mr. GROUT. Mr. Speaker, the bill embraces no limitation. It implies a discretion resting with the commissioners. If any gentleman desires to insert a clause making that more specific, I have no objection.

Mr. SPRINGER. Let the bill be read again.

The SPEAKER. Without objection, the bill will be again reported.

The Clerk read the bill.

Mr. SPRINGER. I think the gentleman from Vermont [Mr. GROUT] ought to consent to an amendment to this bill to the effect that the commissioners may revoke the right to use this building at any time. As it stands now they might give the use of it for a hundred years.

Mr. SPINOLA. I offer the following amendment to the bill, to be added at the end.

Mr. SPRINGER. The gentleman from New York [Mr. SPINOLA] offers an amendment which I think will cover it.

The SPEAKER. Does the gentleman from Vermont yield?

Mr. GROUT. For the reading of the amendment.

The SPEAKER. It is understood that the amendment is only read for information.

Mr. SPINOLA. Yes.

The Clerk read as follows:

Add to the bill the words, "the same to continue during the pleasure of the commissioners."

Mr. GROUT. Mr. Speaker, we have no objection to that, but it is really unnecessary. The facts are that this is an old volunteer organization which existed before there was a paid fire department in the city. These old veterans will all be dead probably within a dozen

years; but if the gentlemen want to put in that amendment they can do so.

Mr. SPINOLA. I think we had better make it definite.

Mr. GROUT. Let the question be taken on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

LOT 3, SQUARE SOUTH OF SQUARE 990, DISTRICT OF COLUMBIA.

Mr. GROUT. Mr. Speaker, I now call up the bill (H. R. 7938) authorizing sale of title of United States in lot 3, in square south of square 990.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and required to grant and convey unto Henry M. Baker and John Jay Sanborn, of the city of Washington, and their heirs and assigns, as tenants in common, all the right, title, and interest of the United States in and to a certain lot of land in the city of Washington, in the District of Columbia, known upon the plat or plan of said city as lot numbered 3, in square south of square numbered 990, upon the payment by the said Baker and Sanborn into the Treasury of the United States of such sum of money as the said Secretary of the Interior, upon consideration of all the circumstances, shall determine proper to be paid by the said Henry M. Baker and John Jay Sanborn for the said lot.

Mr. TRACEY. Is there a report accompanying that bill? If so, let us have it read.

The SPEAKER. Will the gentleman from Vermont [Mr. GROUT] give his attention? The gentleman from New York [Mr. TRACEY] desires the report read.

Mr. TRACEY. Or a statement.

Mr. FLOWER. Let him make a statement.

Mr. GROUT. The report will explain it as well as a statement—more fully. Let the report be read.

The report was read, as follows:

The Committee on the District of Columbia, to whom was referred the petition of John Jay Sanborn and Henry M. Baker, praying that an act may be passed authorizing the Secretary of the Interior to convey to them the title of the United States to lot 3 in square south of square 990, in the city of Washington, for a sum to be determined on as a proper price for said title, beg leave to report as follows:

The committee have considered the said petition, and find that on the 10th of October, 1901, in the division between the public and the original proprietors of the land now occupied by the city of Washington, the lot in question was allotted to the United States; that from the date of the division referred to until September 20, 1864, the said lot remained unoccupied, the United States never having taken possession thereof or asserted in any way ownership thereto, and that by a deed executed by one William J. Donoho, dated September, 1864, said lot was conveyed to William B. Todd.

There appears to be nothing of record to show how Donoho acquired title to the said lot, and your committee are led to believe that the title remained in the United States undisturbed, notwithstanding this deed from Donoho to Todd. It appears, however, that Todd entered into possession of the lot under this deed, that he subsequently obtained a tax title to it, inclosed and occupied it, and that it was reported as part of his estate when he died, and allotted to one of his heirs in the division of that estate. Taxes have been paid under the assessments made by the authorities of the District of Columbia from time to time, and for such as are unpaid assessments have been made against the lot and are collectible with interest. After Todd's death proceedings were had in the courts of the District of Columbia for the settlement of his estate, and a trustee was appointed by a decree made in such proceedings, with power to sell, among other property, the lot in question. By this trustee the property was duly sold under the decree mentioned, to the petitioners, and a conveyance made accordingly. Supposing that a title derived in the way mentioned, from a trustee appointed by the court, must be free from defect, the petitioners did not take the precaution to have the title examined, but paid for the lot and entered into possession at once.

After holding the property for awhile the petitioners discovered that the outstanding title thereto in the Government would prevent them from disposing of the lot which they had purchased or from raising money by a mortgage of it or making any other use of it. The title held by the Government operated as a cloud upon the title of petitioners and made their property to a very great extent valueless. Under these circumstances they have come to Congress, and they ask that they may be permitted to purchase the outstanding title of the United States at a price to be fixed by the officers of the Government as fair under all of the circumstances.

It will appear from the foregoing statement that colorable title to this property was acquired by William B. Todd, under whom the petitioners hold, in 1864, and that it has been held by him and his heirs ever since, and that during all of that time, and indeed from 1801, the Government has never asserted any claim to it nor exercised acts of ownership about it. Taxes have been assessed against the property, and have been collected in some instances by sale under the provisions of the act of Congress authorizing the assessment and collection of taxes in the District of Columbia. If the claim to title which resides in the Government in this case was held by an individual the petitioners could rest their right upon the doctrine of adverse possession and make a good defense against any attempt to eject them.

Your committee do not think that as against the Government the petitioners would rely upon such a defense in the event of the institution of an action on its behalf. Adverse possession would not be a good defense as against the Government. This being the case, it seems that the petitioners are without remedy, and can not acquire a good title in any way except by conveyance from the Government. It follows, therefore, that this property, which they have bought and paid for, in possession of which they and their grantors have been for a period long enough to have secured them a title under ordinary circumstances, and for which they have been assessed and have paid taxes for years, is of no value to them at all.

The committee are of opinion that it will be but equitable and fair to permit these petitioners to acquire the title of the Government to this lot of ground upon the payment into the Treasury of what is found to be a fair price under all the circumstances thereof, and they report the accompanying bill with the recommendation that it pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. KERR, of Iowa. Mr. Speaker, I will ask the gentleman if this can not be determined by an equitable proceeding in court, author-



ized by this committee, so as to allow all the liens to be considered and the taxes paid, by a court of equity? It seems to me that would be the proper way to determine this matter.

Mr. GROUT. Mr. Speaker, that might be the system by which the title should be completed in the present occupants of the land; but it was thought best, under all the circumstances, to vest that power in the Secretary of the Interior and that he should fix such a price as in his judgment should be paid for these lands, taking into account, of course, the payment of taxes. These people have been in possession of this land for a long period; and so the bill was reported in that form, it striking the committee, on the whole, it was the better system.

Mr. BAKER. And would avoid expense.

Mr. GROUT. Certainly. There is no expense attending it. And, if there be no objection, Mr. Speaker, I ask for a vote on the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DEDICATING PART OF LOTS 14 AND 15, SQUARE 812, AS A PUBLIC ALLEY.

Mr. GROUT. I now call up for consideration the bill (H. R. 9955) dedicating part of lots 14 and 15, in square 812, as a public alley.

The bill was read, as follows:

*Be it enacted, etc.,* That such parts of lots 14 and 15, in square 812, at the points where said lots join and abut on original lots 6, 7, and 23, as shown in book 17, page 58, of the office of surveys for the District of Columbia, be, and the same are hereby, dedicated as a public alley: *Provided, however,* That the contiguous property and lot owners dedicate an approximate amount to make an alley of 15 feet in width between the properties herein described.

The SPEAKER. This bill is on the Union Calendar. Does the gentleman desire to ask unanimous consent for its consideration in the House?

Mr. GROUT. Yes; I ask unanimous consent for its consideration in the House.

The SPEAKER. Without objection, the bill will be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH JANE FOWLER.

Mr. GROUT. I now call up for consideration the bill (H. R. 11583) for relief of Sarah Jane Fowler, widow of John H. Fowler, late a patrolman of the Metropolitan police force of the District of Columbia.

The bill was read, as follows:

Whereas John H. Fowler, late a patrolman of the Metropolitan police force of the District of Columbia, was murdered in said District, while in the discharge of his duty as such officer, on or about the 9th day of September, 1884, by one John Langster, alias John Lancaster, alias George T. Hudson, an escaping prisoner of the chain gang, leaving him surviving Sarah Jane Fowler, his widow, and three children in dependent circumstances; and

Whereas said murder was largely the moving cause of the enactment of that portion of the act of Congress approved February 25, 1886, making provision for the relief of permanently disabled policemen of the District of Columbia, and their families, when such officers die of disease or injuries incurred in the line of duty: Therefore,

*Be it enacted, etc.,* That the sum of \$50 per month is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, unto the said Sarah Jane Fowler, widow of the said John H. Fowler, late a patrolman in the Metropolitan police force of the District of Columbia, deceased, and that said monthly payments shall commence from the 9th day of September, 1884, the date of said officer's death, and shall continue to be made as aforesaid while all the children of said officer are less than sixteen years old and she remains a widow; but said monthly payments shall be reduced \$10 as each child attains the age of sixteen. In the event of the death or remarriage of said widow said children, while under said age, shall each be paid \$10 per month.

Mr. GROUT. Mr. Speaker—

The SPEAKER. This bill is on the Private Calendar.

Mr. GROUT. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill and that it be considered in the House.

The SPEAKER. The gentleman from Vermont asks unanimous consent for the consideration of this bill in the House. Is there objection?

Mr. ROGERS. I object, Mr. Speaker.

Mr. GROUT. Then I move that the House resolve itself into Committee of the Whole House for the consideration of this bill on the Private Calendar.

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

Mr. ENLOE. Division.

The House divided; and there were—ayes 47, noes 16.

Mr. ROGERS. Mr. Speaker, no quorum has voted and a quorum is not present.

Mr. GROUT. Mr. Speaker, if there is any objection to this bill I ask leave to withdraw it and lay it aside informally. It simply provides for this woman and her children what the general law provided for others after this death occurred. That is why it does not come under the general law.

The SPEAKER. If there is no objection, the bill may be withdrawn. Is there objection?

Mr. GROUT. I hope the gentleman will withdraw the point of no quorum.

The SPEAKER. Is there objection to the withdrawal of the bill? [After a pause.] The Chair hears none, and it is so ordered.

#### INSPECTOR OF HAY, STRAW, GRAIN, AND FEED.

Mr. GROUT. I now call up House bill 7353, creating the office of inspector of hay, straw, grain, and feed in and for the District of Columbia and move its recommitment to the Committee on the District of Columbia. The bill need not be read, as I simply ask for its recommitment to the Committee on the District of Columbia.

The SPEAKER. The Clerk will read the title of the bill, and if there be no objection the bill may be recommitted.

Mr. McMILLIN. I will ask the gentleman from Vermont if there was a favorable or an adverse report.

Mr. GROUT. There was a favorable report, but the committee wish to further consider the bill.

The SPEAKER. The Chair hears no objection to the request for the recommitment of the bill, and it will be so ordered.

#### GEORGETOWN AND ARLINGTON RAILWAY COMPANY.

Mr. GROUT. I now call up the bill (H. R. 5496) to incorporate the Georgetown and Arlington Railway Company of the District of Columbia, and yield to the gentleman from Pennsylvania [Mr. ATKINSON] to take charge of the bill.

The SPEAKER. Is not this unfinished business?

Mr. GROUT. Yes, Mr. Speaker, it has been partially considered in the House while I was absent.

The SPEAKER. The Clerk will read the title.

The Clerk read the title, as follows:

A bill (H. R. 5496) to incorporate the Georgetown and Arlington Railway Company of the District of Columbia.

The SPEAKER. The Clerk will report the amendment.

Mr. ATKINSON, of Pennsylvania. The amendments to section 1 were agreed to.

The SPEAKER. There is an amendment to section 2 not agreed to.

Mr. ATKINSON, of Pennsylvania. I wish to offer an amendment to the first section, so as to exclude the railroad from the use of the free bridge.

The SPEAKER. The gentleman will send his amendment to the Clerk's desk.

Mr. ANDERSON, of Kansas. Mr. Speaker, does it not require unanimous consent to dispense with the reading of the bill?

The SPEAKER. The bill has once been read.

The amendment was read, as follows:

In line 24, insert "through the Arlington estate by" after the words "Secretary of War."

The question was taken on the adoption of the amendment; and the Speaker announced that the noes seemed to have it.

Mr. ATKINSON, of Pennsylvania. Division.

The House divided; and there were—ayes 42, noes 10.

Mr. SPINOLA. No quorum.

The SPEAKER. Does the gentleman make the point that there is no quorum present?

Mr. SPINOLA. Yes, sir.

The SPEAKER. The gentleman from New York [Mr. SPINOLA] makes the point that no quorum is present.

Mr. ATKINSON, of Pennsylvania. I think, sir, that this bill should be considered in Committee of the Whole.

The SPEAKER. The point is made that there is no quorum present. That must be disposed of first.

The SPEAKER proceeded to count the House.

During the count,

Mr. ROGERS said: Regular order.

Mr. SPINOLA. Regular order, Mr. Speaker.

The SPEAKER. The regular order is proceeding.

Mr. SPINOLA. How many are we short, Mr. Speaker? I might help make it up.

The SPEAKER. The gentleman might make it up by withdrawing the point of no quorum. Does the gentleman withdraw the point?

Mr. SPINOLA. Not quite. How many are we short? [Laughter.]

After further time spent in the count,

The SPEAKER said: One hundred and sixty-seven members are present—a quorum—and the amendment is agreed to.

Mr. ATKINSON, of Pennsylvania. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering the pending bill.

Mr. ROGERS. I make the point of order that that motion comes too late, as the bill is already being considered.

The SPEAKER. The Chair sustains the point of order. The Clerk will read the next amendment.

The amendment was read, as follows:

Strike out, in line 20, the words "upon, on, and over."

Mr. SPINOLA. Mr. Speaker—

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. ATKINSON, of Pennsylvania. I yield for an inquiry if the gentleman from New York desires information about the bill.

Mr. SPINOLA. I wish to know whether I understand it correctly or not. The bill provides, I believe, for a railroad to run through Arlington.



Mr. ATKINSON, of Pennsylvania. Yes, sir.

Mr. SPINOLA. Now, Arlington is considered by the people of the United States as sacred ground. The heroes of our late war are sleeping there, and I am opposed to anything which, by any calculation, can disturb their slumbers. The gentleman from Massachusetts [Mr. COGSWELL] suggests that these people would run their road through any man's grave.

Mr. COGSWELL. Yes; that road would.

Mr. ATKINSON, of Pennsylvania. I yielded only for a question.

Mr. SPINOLA. Well, Mr. Speaker, my question may be a little lengthy, but nevertheless it is a question.

Mr. ATKINSON, of Pennsylvania. Well, I am giving close attention and trying to grasp its entire scope, but I would like to have it come to an end some time. [Laughter.]

Mr. SPINOLA. Now, I do not know where this road begins nor where it ends. I only know that the gentleman tells me that it is going to run through Arlington.

Mr. ATKINSON, of Pennsylvania. Will the gentleman allow me to tell him where it begins and ends?

Mr. SPINOLA. Yes, sir.

Mr. ATKINSON, of Pennsylvania. It goes through what is known as the Arlington estate, which embraces all the land which was obtained by the Government by purchase from the heirs of General R. E. Lee. The road does not enter the cemetery at all, but it goes to the cemetery and it is intended to accommodate the people who desire to go there. It runs to the northwest entrance of Arlington Cemetery, and from there to Falls Church. It does not interfere with the cemetery at all. It does not enter the cemetery, but only goes to the entrance, and it is intended to give to people who are not able to hire carriages and do not care to walk an opportunity to ride over there by paying 5 cents.

Mr. SPINOLA. Oh, that is the old dodge.

Mr. LEE. I will ask the gentleman from Pennsylvania whether this is not approved by the Secretary of War.

Mr. ATKINSON, of Pennsylvania. The Secretary of War approves it.

Mr. SPINOLA. Well, that is very satisfactory, I admit. I understand now from the gentleman's statement where this road is going. It is going through a portion of the land which the Government bought from the heirs of General Lee.

Mr. ATKINSON, of Pennsylvania. Yes, sir.

Mr. SPINOLA. Now a portion of that land is used as a national cemetery.

Mr. ATKINSON, of Pennsylvania. Let me call the gentleman's attention to the route indicated in the bill.

Mr. SPINOLA. A portion of the land which the Government bought from the heirs of General Lee, the estate known as Arlington, is used as a national cemetery, in which are buried and are to be buried the men who fought to save this Union. Those of them who may die in this District may be buried there, and the Government will pay for their burial in case their friends are unable to do so.

Now, we can not tell how much of that land is going to be required for cemetery purposes. It may be that we shall want every foot of it for those purposes within the next forty or fifty years, and when we come to use that land for a cemetery in which to bury our dead heroes we will find a railroad running through it, a railroad which has given nothing for the privilege. I believe that something should be done to protect the Government and that no privilege should be granted to run a railroad through that land. Besides, Mr. Speaker, there is a question in my mind as to whether this bill comes from the proper committee; I doubt whether the Committee on the District of Columbia has any proper jurisdiction of it.

Mr. CUTCHEON. I wish the gentleman from Pennsylvania would tell us what are the termini of the proposed line as the bill is now amended.

Mr. ATKINSON, of Pennsylvania. The terminus at Arlington is the northwest entrance of the cemetery; the other end is at the Georgetown terminus of the Washington and Georgetown Railroad.

Mr. CUTCHEON. I understood that the bill had been amended—

Mr. ATKINSON, of Pennsylvania. It has been amended so as not to provide for laying a railroad track on the Aqueduct bridge, the purpose being to convey passengers across the bridge by some other vehicle than the street car; but only a single fare is to be charged over the whole line. It was objected against the bill that it provided for the laying of a railroad track on the Aqueduct bridge, which was considered undesirable, and therefore this amendment has been made.

Mr. CUTCHEON. What is meant by the northwest entrance to Arlington?

Mr. ATKINSON, of Pennsylvania. The entrance next to Fort Myer.

Mr. CUTCHEON. Then this road proposes to cross the military reservation at Fort Myer?

Mr. ATKINSON, of Pennsylvania. It does.

Mr. CUTCHEON. And it does not cross the Aqueduct bridge?

Mr. ATKINSON, of Pennsylvania. It does not cross the Aqueduct bridge.

Mr. CUTCHEON. Then how does the District Committee get ju-

risdiction of this bill when no part of the proposed route lies in the District of Columbia?

Mr. ATKINSON, of Pennsylvania. That portion of this proposed road which extends from the terminus of the Washington and Georgetown Railroad to the Aqueduct bridge is in the District of Columbia, and in this way our committee acquired jurisdiction over the bill. The whole route does not lie within the State of Virginia; a portion of it is in the District of Columbia. If the whole of the line of this road were over the military reservation I understand very well that the committee of which the gentleman from Michigan [Mr. CUTCHEON] is chairman would have exclusive jurisdiction of the matter. But the bill is one as to which, to say the most, these two committees might have joint jurisdiction, the Committee on the District of Columbia having jurisdiction over so much of the route as lies in the District of Columbia, whilst the Committee on Military Affairs would have jurisdiction of so much as extends over the Arlington reservation.

But this matter was referred to the Secretary of War; and when the bill was before this House on the 27th of April last an amendment, formulated at his instance, after the reference of the bill, for the purpose of preserving the rights of the United States, was introduced and adopted.

Aside from this there is nothing in the objection that our committee had not jurisdiction over this bill, especially as the rules of the House give jurisdiction to any committee to which a bill is referred, unless that committee declines to take jurisdiction or some other committee comes in and claims jurisdiction as against the committee to which the bill was referred.

Mr. CUTCHEON. My understanding was that so much of the bill as related to crossing the Aqueduct bridge had been stricken out; and I did not suppose that the Committee on the District of Columbia—

Mr. ATKINSON, of Pennsylvania. The pending amendment is to strike out so much of the bill as authorizes this company to lay tracks on the Aqueduct bridge.

Mr. MCADOO. I trust the gentleman from Pennsylvania [Mr. ATKINSON] will allow me a single suggestion. I think I voice the objection of many gentlemen in the House to this bill when I say the prevailing impression is that this proposed railroad is to be simply a continuation of the Washington and Georgetown Railroad under another name.

Mr. LEE. Will the gentleman allow me—

Mr. MCADOO. I will yield with pleasure if the gentleman will wait a moment.

Mr. LEE. I want to answer the objection which the gentleman states. This company has nothing in the world to do with the Washington and Georgetown Railroad Company.

Mr. MCADOO. The gentleman will kindly allow me to finish my statement.

Mr. ATKINSON, of Pennsylvania. I wish to say in response to the gentleman from New Jersey—

Mr. MCADOO. I am not through. I trust the gentleman will allow me to complete my statement. The impression is that the Washington and Georgetown Railroad Company, whose tracks end in Georgetown, are desirous of extending their road to the Arlington Cemetery; and as they want to be able to charge two fares from the Capitol to the cemetery instead of one they have induced certain people calling themselves the Georgetown and Arlington Railway Company to come forward and ask for this Congressional charter.

This bill proposes to give to this Georgetown and Arlington Railway Company a very valuable right: the right to run over a public bridge to be erected at great public expense. For myself, so long as I have a vote in any public body I will never vote to allow any railroad company to use a great public bridge—

Mr. LEE. We do not ask that.

Mr. MCADOO. To use a great public bridge built at the expense of the people, unless the company pay for such use or unless they are willing to cut down their fares.

Mr. MILLIKEN. The bill is amended now so as not to ask for that.

Mr. ATKINSON, of Pennsylvania. I think I understand the suggestion of the gentleman from New Jersey [Mr. MCADOO], and I want to answer it, as the answer may be the means of satisfying that gentleman and others.

First of all, this bill is not in the interest of the Washington and Georgetown Railroad Company; on the contrary, it is in antagonism to that company. The Washington and Georgetown Railroad Company has a bill now pending in this House asking for an extension of its line to embrace the very territory which will be covered by the charter we are now asking this House to grant to this other company. So that the Washington and Georgetown Railroad Company has not only no interest in this bill, but is opposed to it.

As to the apprehension that this railroad is to pass over the Aqueduct bridge, the purpose of the pending amendment, together with the amendment which has already been adopted, is to prevent any such thing. If the pending amendment be adopted no authority will be given to this railroad company to lay tracks on the Aqueduct bridge. After the adoption of the pending amendment the company will have

authority under the bill to run a track from the terminus of the Washington and Georgetown Railroad to the Aqueduct bridge, where its authority will cease, to be resumed at the southern terminus of the bridge, from which point it will cross the Arlington reservation, of course not interfering with the cemetery.

The objection now raised by the gentleman from New Jersey was suggested when this bill was before under consideration in the House. It was then urged that no railroad tracks should be permitted to be laid upon the bridge. Recognizing the force of that objection, the gentlemen who are interested in this road proposed to run a line of hacks, herdies, or some other satisfactory vehicles from one end of the bridge to the other. The object of the gentlemen who are named as corporators here is not only to run a road to Arlington Cemetery, but to extend this road to Falls Church, in Virginia, by means of electric power.

I am informed that this company has a charter from the Legislature of Virginia authorizing the running of the road in Virginia out to the village of Falls Church, but Congressional authority is necessary for the purpose of allowing this road to go upon the Arlington reservation and also to lay it upon M street (I believe that is the name of the street) from the present terminus of the Washington and Georgetown road to the bridge.

Mr. VAUX. Will my colleague [Mr. ATKINSON, of Pennsylvania] allow me to ask him a question? As to the owners of property along the line of this proposed railroad, are they in favor of it or are there any protests from them?

Mr. LEE. They are in favor of it.

Mr. VAUX. How does that appear?

Mr. ATKINSON, of Pennsylvania. I will state to the gentleman that the practice on the part of the District Committee is to refer bills of this character proposing to establish new lines of road of any kind within the limits of the District of Columbia to the commissioners for their examination and report. When so submitted the commissioners advertise in one or more of the newspapers, setting forth the facts and that they would hear any objection that may be made to the application. In this case—

Mr. VAUX. I am perfectly satisfied with the gentleman's explanation.

Mr. ATKINSON, of Pennsylvania. In this case they submitted the bill to the approval of the public in that way.

Mr. VAUX. That is entirely satisfactory.

Mr. MCADOO. Mr. Speaker, with the consent of the gentleman from Pennsylvania let me say that I thank him for his statement and am entirely satisfied that this is a bona fide corporation and has no connection whatever with the Washington and Georgetown Railroad. I am satisfied also that this proposed company do not intend running their tracks on the Aqueduct bridge, but intend to use the bridge by transferring their passengers from one side to the other in omnibuses or some such conveyance.

But there is another point to which I wish to ask the attention of the gentleman from Pennsylvania and of the House. I understand the gentleman to state that there is another bill pending to extend the line of the Washington and Georgetown Railroad Company from its present terminus into the cemetery at Arlington.

Mr. ATKINSON, of Pennsylvania. No, sir; you misunderstood me. Mr. MCADOO. I understood the gentleman to say that they had a bill pending.

Mr. ATKINSON, of Pennsylvania. I say that there has been a bill introduced to authorize the Washington and Georgetown Railroad Company to extend their tracks from their present terminus in the city of Georgetown to the Aqueduct bridge, not across it, but only along M street in Georgetown for a distance of about four squares.

Mr. MCADOO. Then what I want to suggest to the gentleman is this, whether it would not be better, if the Washington and Georgetown Company desire to extend their tracks to the cemetery, to allow them that privilege, with the distinct understanding that they shall charge but one fare for the entire distance. In that event we would have to deal with but one company instead of two, as we are now compelled to do.

I hold it to be a self-evident proposition that this Washington and Georgetown Company are in possession of such valuable franchises and rights from the people of this District that their stock has grown to such an extent in value as to indicate the ability of the company to build and equip their line, and, in the interest of the public at large, to transport passengers from one end of the line to the other at one fare. Some provision of that character should be made so that a passenger could go from this Capitol to the cemetery at one fare. Under the present arrangement two fares would be required, one to the Georgetown terminus of the road and the other by the new line to Arlington. If, however, the Washington and Georgetown Company are in the House with a measure alongside of this bill, then I would be glad, for one, to extend their charter so as to have the control of this entire line from here to Arlington under one management.

Mr. ATKINSON, of Pennsylvania. I have never heard, Mr. Speaker, that it was the purpose of the Washington and Georgetown Company to extend their tracks outside of the District of Columbia. In the bill they have before the committee they do not contemplate any such extension of their line.

The fact is that this bill is demanded by the citizens of Virginia especially, who desire greater facilities to get to the city of Washington and go from it to their homes.

Mr. WILLIAMS, of Ohio. Will the gentleman yield for a question?

Mr. ATKINSON, of Pennsylvania. In a few moments.

I was going to say, Mr. Speaker, that the gentleman on this floor who is perhaps more interested than any other in this question, because he represents the district through which this proposed road runs, is the gentleman from Virginia [Mr. LEE], and he will explain more fully, if desired, the needs of this bill.

Mr. BAYNE. Let me ask my colleague if this bill proposes to allow the company to locate their road on the usual driveway to Arlington.

Mr. ATKINSON, of Pennsylvania. No, it does not. And the gentleman can drive there still in perfect comfort and safety if this bill passes.

Mr. BAYNE. The usual driveway is not interfered with?

Mr. ATKINSON, of Pennsylvania. No, sir; it is to be upon a line to be determined by the Secretary of War, who, under the law, has charge of the Arlington reservation.

Mr. BAYNE. But how will this road run when it leaves the Aqueduct bridge on the Virginia side?

Mr. LEE. It will go through a portion of Virginia—

Mr. BAYNE. Of course; but what I mean is, does it go on the usual roadway or drive built by the Government to Arlington?

Mr. LEE. Not at all.

Mr. ATKINSON, of Pennsylvania. The exact location of the road, I will state to my colleague, is not fixed by the bill; but the language with reference to the line of the road after it leaves the Aqueduct bridge is:

On and over such line as may be selected by said company with the approval of the Secretary of War.

The Secretary of War, therefore, will have the locating of the road, under the provisions of this bill, on the Arlington reservation.

Mr. BAYNE. But the Arlington reservation does not run clear down to the Aqueduct bridge.

Mr. LEE. It runs very near it.

Mr. BAYNE. The only anxiety I had was, first, as to allowing cars, either electric, motor, or cable cars, to occupy the bridge—

Mr. LEE. That is remedied in the bill.

Mr. BAYNE. And, second, that the road shall not occupy the usual driveway graded by and belonging to the Government from the Aqueduct bridge to Arlington.

Mr. LEE. Not at all; it is not contemplated.

Mr. BAYNE. With those points settled I would not make objection to the bill.

Mr. LEE. To avoid any such difficulty the whole thing is placed under the control of the Secretary of War.

Mr. BAYNE. Would you accept an amendment to that effect?

Mr. LEE. I would have no possible objection to it.

Mr. WILLIAMS, of Ohio. I desired to ask the gentleman from Pennsylvania a question a moment ago.

Mr. ATKINSON, of Pennsylvania. I yield for that purpose.

Mr. WILLIAMS, of Ohio. I understood the gentleman from Pennsylvania to say that this corporation was in the interest of the people of Virginia. He has also stated that this road is mainly outside of the District of Columbia and in the State of Virginia. I wish to ask him, then, how does the Committee on the District of Columbia get jurisdiction of the question?

Mr. ATKINSON, of Pennsylvania. I have answered that question once by saying that a portion of this route is in the District of Columbia, and in that way the committee get jurisdiction.

Mr. STRUBLE. Is not the larger part of it outside of the District?

Mr. ATKINSON, of Pennsylvania. The road extends as far as Falls Church, Va.

Mr. CUTCHEON. Is this corporation chartered in the State of Virginia?

Mr. LEE. Yes, sir.

Mr. CUTCHEON. And is duly organized?

Mr. LEE. Yes, sir.

Mr. HEARD. Will the gentleman permit me?

Mr. ATKINSON, of Pennsylvania. I yield five minutes to the gentleman from Missouri [Mr. HEARD].

Mr. HEARD. That is a longer time than I want. I feel it my duty, however, to make a statement to the House which I think will relieve the minds of some gentlemen who seem not to understand this matter fully. There is some confusion of understanding about this bill in its present form. When the bill was originally considered and reported by the committee the project contemplated the beginning of a road at the terminus of the Washington and Georgetown road on M street in Georgetown and its being built to and across the Aqueduct bridge; and when it should reach the south side of the bridge, then to be built up to the reservation under authority of a charter from the State of Virginia, and through the reservation by authority of Congress, as asked for in this bill.

Now, since that time, Mr. Speaker, Congress has passed—

Mr. BLOUNT. Mr. Speaker, I hope we may have order. It is impossible for me to hear what is being said.



The SPEAKER. The House will be in order. Will the gentlemen in the aisles cease conversation and take their seats?

Mr. HEARD. As I have stated, Mr. Speaker, when first proposed this bill was for a road to begin at the terminus of the Washington and Georgetown road on M street in Georgetown, about four or five blocks this side of the Aqueduct bridge, to be built onto and across that bridge over into Virginia. Now, an amendment has been offered, and I believe adopted, which cuts out that section which would be on the bridge. Therefore the present proposition is to build a line four or five blocks in length from the terminus of the Georgetown road to the Aqueduct bridge. There it would terminate, as far as the extension of the rails would go, and begin again on the other side of the Aqueduct bridge under authority of the Virginia charter.

Now, since this bill was first proposed Congress has passed an act, by an amendment on an appropriation bill at the last session, requiring the Washington and Georgetown road and the Metropolitan road to put on cable or electric power, or some power better than horse power, within the next two years, under penalty of losing their charters.

Mr. LEE. They are going to cable it.

Mr. HEARD. The Georgetown Company, since the passage of that law, have, as I am advised by the newspapers, been before the commissioners of the District of Columbia on an application for a grant of permission by the commissioners for said company to extend its line from its present terminus on M street up to the Aqueduct bridge; but it has recently been held by the authorities of the District that the commissioners have no such power, and that such authority can only be given by Congress.

Now the Washington and Georgetown Company are here with a bill recently introduced by the gentleman from Vermont [Mr. GROU] chairman of our committee, asking authority for an extension of their line from their terminus on M street, over the four or five blocks intervening between there and the Aqueduct bridge, at which point they desire to begin a cable for their entire line over Pennsylvania avenue to the navy-yard. I thought, Mr. Chairman, it was due from me or from the committee, to state to the House these facts. The proposition now resolves itself into one for this company to begin at the terminus of the Georgetown road and build four or five blocks to reach the Aqueduct bridge, where there is a break in the connection, the people to get across the bridge in such vehicle as may be provided for going across and then take the road on the other side.

If it is the judgment of the House that this should be done, all well and good. I have no captious objection to make to the bill, although I desire to say in all sincerity that it is my conviction that the conditions with regard to the bill have changed since I joined in the favorable report made to the House, and having consented to that report I feel it to be my duty to state the present form and effect of the bill, which I can not now approve.

Mr. BLOUNT. I would like to ask the gentleman a question. In view of the statement he has just made, I would like to ask whether that would not result in the public having to pay two fares instead of one.

Mr. HEARD. Necessarily that would be so if a person wanted to go to the end of the bridge. That is as far as he could go on this side; but, as I stated before, the payment of the second fare would entitle him to ride on the line beyond the bridge, should he desire to go further.

Mr. BLOUNT. The cars would not take him across the bridge.

Mr. HEARD. No; he would have to get across the bridge in some other way and start again.

Mr. BLOUNT. Then is it a public advantage at all?

Mr. HEARD. I must leave that question to be answered by each gentleman for himself, in view of the facts, which I have correctly stated.

Mr. LEE. You have to pay three or four dollars now to get there.

Mr. COBB. It costs three or four dollars now, and it would only cost 10 cents the other way.

Mr. HEMPHILL. You have to hire a carriage now to get to Arlington. It always costs four or five dollars, and if this road is built you certainly can get there for 10 cents from this part of the city; but this road goes far beyond Arlington, to Falls Church, which is in Virginia. It would hardly be fair to require these railroads to take a man from here to Falls Church for one fare. I do not know how far it is to Falls Church, but it is away out in the country. If it was only to the bridge we might very well say that only one fare should be charged.

Mr. BLOUNT. How far is it to Falls Church?

Mr. LEE. It is six miles.

Mr. ATKINSON, of Pennsylvania. Mr. Speaker, I can not yield the floor any further.

The SPEAKER. The gentleman from Pennsylvania [Mr. ATKINSON], who has the floor, claims it. He yielded it only to the gentleman from Missouri [Mr. HEARD].

Mr. ATKINSON, of Pennsylvania. I yield three minutes to the gentleman from Michigan.

Mr. CUTCHEON. Mr. Speaker, I think that perhaps it is due to the House to make a statement bearing upon this question. There were two bills introduced in the House early last session for the construction of a railroad, the cars of which were to be propelled either by

horse, electric, or other power, from the Aqueduct bridge to Arlington. One was the bill now under consideration, and the other was the bill 925, introduced by the same gentleman [Mr. LEE], to allow the Falls Church and Potomac Railroad Company to construct and operate a railroad across the Government lands at Arlington in the county of Alexandria. This latter company do not propose to run any part of their railroad into the District of Columbia, but simply ask a license to cross the military reservation called Fort Myer.

They are chartered under the laws of Virginia. Their company is duly organized, as I am informed, and their road is surveyed. They propose to run it to Falls Church. Now, it seems to be unfortunate that these two bills, so nearly alike, were referred to two committees; and there seems to be a little bit of clashing between the two. I do not know that I have anything to urge against the bill now pending. I would be very glad to see the people of the country accommodated by the building of a road out to Fort Myer and Arlington. This same bill, I understand, was referred to the Committee on Military Affairs of the Senate, because that appeared to be the greater part of its jurisdiction. I shall make no motion to change the reference; but I thought it was due to make this simple statement in regard to these two bills pending. The bill referred to the Committee on Military Affairs has long since been reported, and would have passed at a night sitting last session, when the Committee on Military Affairs had a night, but for a single objection.

Mr. ATKINSON, of Pennsylvania. I now yield to the gentleman from Virginia [Mr. LEE].

Mr. LEE. Mr. Speaker, I am very sorry to see a manifestation of opposition to this bill, and I honestly believe it is because the House does not thoroughly understand it. Virginia, as you know, is cut off from Washington by the river, and its citizens have not had the facilities on the south side of the Potomac that have been enjoyed on the north side. The country on the north side of the river has become pretty generally occupied and the prices of real estate are very high.

This is a move made on the Virginia side to endeavor to secure some of the advantages which they think will be afforded if free and easy access to and from the city be given to persons who will buy land and settle over in our country. We think there is an honest enterprise at the back of this bill asking for this charter. The company would necessarily have to obtain permission to go through the reservation. One object of the scheme was to carry people backwards and forwards from Arlington cemetery at reasonable rates, and the original proposition was to run across the Aqueduct bridge; but, in deference to the sentiment that seemed to be developed in the House and in the District, that part of the project was waived, and it is now agreed to be at the slight additional expense of transferring passengers, with the addition of discomfort it would be to the passengers in making the transfer.

As to the objection made of the possibility of a clash between these two projects, to which the chairman of the Committee on Military Affairs has just referred, I can not see why there should be any. If I understand aright, the gentlemen in Falls Church interested in this matter—and I have had several conversations with them—they feared that the other company wanted to go to the gate at Arlington and stop there; and if I understood the gentleman who has especial charge of that bill, Mr. R. S. Lacey, of Virginia—and I spoke to him only two nights ago—he said to me that if this bill would put into its charter what we have done this morning he would withdraw all objections.

I merely repeat his conversation as I understand it and do not pretend to quote him literally. What they want is a railroad, and the reason why they got up their charter was because they feared that this scheme now before the House was part and parcel of the Washington and Georgetown Railroad Company, a close monopoly, that would not offer them the facilities they seek. And now, sir, I have talked with the gentlemen connected with this company—the stockholders—and they say that the Washington and Georgetown Railroad Company have no part or parcel in this matter.

There are two gentlemen, it is true, who own stock in the Washington and Georgetown Railroad who are interested in this scheme, but I believe I am not stating any secrets out of school when I say that it was their desire to interest the Washington and Georgetown Company in it, but that company declined to take an interest in it. So far as I am concerned, I think it would be the interest of the public if that company were interested, and I hope that there may be an interchange of traffic that will give full accommodation to everybody who wish to come into the capital or who desire to go to Arlington.

Now, sir, I hope that this matter will be passed by the House. The bill had already been under discussion in the House, and had almost reached a vote, when the Speaker came in and asked the chairman of the Committee on the District of Columbia to move that the committee rise, for some purpose, months ago; and the next time I came in on District day I found that the bill offered by the gentleman from Pennsylvania [Mr. ATKINSON] relative to the Baltimore and Potomac Railroad, which has now become law, had taken precedence of this scheme. If gentlemen will take the time and look into the RECORD they will find that the matter has been thoroughly discussed. I hope we will now get a vote upon the amendment and upon the bill.

Mr. BAYNE. Mr. Speaker, I offer an amendment.

The SPEAKER. There is an amendment pending.

Mr. BAYNE. This is an amendment to the amendment, and I think will obviate objection.

Mr. HEARD. I think we had better have the amendment read.

The SPEAKER. The Clerk will read the amendment.

Mr. BAYNE. I withdraw my amendment until a vote is taken on the pending amendment.

The amendment was read, as follows:

In line 24, page 1, strike out the word "to" and insert the following: "Through Arlington estate by," after the words "Secretary of War."

The amendment was agreed to.

Mr. BAYNE. I desire to propose an amendment.

The amendment was read, as follows:

In line 25, after the word "Virginia," insert the following: "Provided, That no part of such railway shall be located on the Aqueduct bridge or on the public road from the Aqueduct bridge via Fort Myer to Arlington Cemetery."

Mr. LEE. I will accept that.

The amendment was agreed to.

Mr. SPINOLA. Mr. Speaker, I desire to offer the amendment which I send to the desk, and, inasmuch as the copies of this bill have been exhausted and I have been unable to get one, so as to find the proper place to insert the amendment, I ask that it may be added at the end of the bill.

The SPEAKER. The gentleman from New York [Mr. SPINOLA] offers as an additional section the amendment which will be read.

The Clerk read as follows:

The Secretary of War, after fixing the route through the Arlington estate, shall advertise and sell the franchise to any person or company that will carry passengers at the lowest rate of fare.

Mr. ATKINSON, of Pennsylvania. I make the point, Mr. Speaker, that that is not germane to this section, as we are now reading the bill by sections.

Mr. SPINOLA. Let us see whether it is germane or not.

The SPEAKER. Objection being made, the amendment is not in order at this time.

Mr. SPINOLA. Why not?

The SPEAKER. The House is now amending the first section.

Mr. SPINOLA. Then I will reserve the amendment until we get through.

The SPEAKER. The Chair understands that this bill is being considered in the House as in Committee of the Whole.

Mr. WILLIAMS, of Ohio. I desire to offer the amendment which I send to the desk, to come in on line 35, after the word "property."

The amendment was read, as follows:

After "property," in line 35, first section of the bill, insert the following: "That the route of said railroad through said Government lands, and the location of depot grounds, and the plans of the depot and of other buildings to be erected, and the motive power to be used by said railroad on said Government lands shall be submitted to, and shall be subject to the approval of, the Secretary of War, who may alter, modify, and annul, in his discretion, any approval or order concerning the same; and said company, its successors and assigns, shall occupy and use such right of way, which shall not exceed 50 feet in width, subject to change or removal therefrom and the revocation of the license and authority hereby given, whenever the public service, in the judgment of the Secretary of War, may require such revocation and removal. And any change or removal that may be ordered shall be at the expense of the said railroad company, and the said company shall repair at its own expense, and in a manner satisfactory to the Secretary of War, any damage that may be done to the roads upon Government lands and reservations at Arlington and Fort Myer by the construction or operation of such railroads."

The amendment was agreed to.

Mr. SPINOLA. Now, Mr. Speaker, I renew my amendment, to come in at the end of the bill.

Mr. SPRINGER. I desire to move an amendment to the third section.

The SPEAKER. The Clerk informs the Chair that there are amendments pending to other sections.

The Clerk will report the next amendment.

The Clerk read as follows:

Amend section 2 by inserting, after the word "authorized," in the first line of said section, the following words: "and lying in the District of Columbia and on the free bridge;" so that it will read: "The railway hereby authorized and lying in the District of Columbia and on the free bridge shall be constructed of good material," etc.

The SPEAKER. The question is upon agreeing to the amendment.

Mr. ATKINSON, of Pennsylvania. Mr. Speaker, I move to amend that amendment in the second line of the second section by striking out the words "and on the free bridge."

The SPEAKER. The question is on the amendment to the amendment proposed by the gentleman from Pennsylvania.

Mr. MOREY. I desire to discuss the amendment.

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. ATKINSON, of Pennsylvania. How much time does the gentleman desire?

Mr. MOREY. Five minutes.

Mr. ATKINSON, of Pennsylvania. I yield to the gentleman.

Mr. MOREY. Mr. Speaker, I appreciate as much as anyone can the advantages of rapid and cheap transit to all parts of the District of Columbia and to the historic places surrounding this city. This is

a city to which the people of all our country come for the purpose of seeing the places of beauty and of note that are in and around it, and I am in favor of giving them every facility; but, Mr. Speaker, I desire to call the attention of gentlemen to the fact that by this legislation we are actually defeating that very object. By this bill, if this amendment is ingrafted upon it, instead of having cheap, rapid, and continuous transit from the center of the city to that most historic spot, Arlington Cemetery, every passenger will be compelled to make at least two transfers and to pay at least two fares. We are here granting a valuable franchise to cover only a small part of the route between the terminus of the Washington and Georgetown Railroad and the Arlington Cemetery.

It is the duty of this representative body, by some kind of legislation, to secure to the people of this city and those who may visit it cheap, rapid, and continuous transit to Arlington Cemetery.

Mr. BLOUNT. Will the gentleman yield for a question?

Mr. MOREY. Yes, sir.

Mr. BLOUNT. Is there not a corporation that desires to build a line from this city to Arlington, crossing the river on a bridge of its own construction? And, if this is true, is it not much more fitting that a bridge for that purpose should be constructed by the corporation itself than that the present bridge be obstructed by travel of this character?

Mr. MOREY. I do not know of any such desire on the part of any company.

Mr. LEE. Will the gentleman from Ohio allow me to answer the gentleman from Georgia?

Mr. MOREY. I yield to the gentleman from Virginia [Mr. LEE] for that purpose.

Mr. LEE. Will the gentleman from Georgia please repeat his question?

Mr. BLOUNT. Would it not be better to grant to a company the right to build a road from Washington through Georgetown to Arlington Heights and to construct its own bridge?

Mr. LEE. It would be better, but the expense would be too great.

Mr. BLOUNT. Unless there is a continuous line, the very criticism which the gentleman from Ohio [Mr. MOREY] is now making would apply; that is to say, there would be interruption of the transit by reason of crossing the bridge.

Mr. LEE. We are in such a position that, as we can not get a whole loaf, we are obliged to take a half.

Mr. BLOUNT. It does not follow that you can not get a "whole loaf."

Mr. LEE. The travel would not justify the expense of constructing a bridge for this particular purpose.

A MEMBER. How does this company propose to cross the river?

Mr. LEE. They propose to cross the Aqueduct bridge by herds.

Mr. BLOUNT. I understand from the gentleman from Missouri [Mr. HEARD] that there is a company now willing to build a road to Arlington, passing over a bridge which they propose to construct.

Mr. MOREY. If that be true, it does not answer my objection unless continuous transit be afforded from this city to Arlington.

Mr. BLOUNT. That is just exactly what would be afforded.

Mr. MOREY. I object to this kind of legislation which confers upon any corporation the very key to Arlington Cemetery. I am opposed to any such grant unless there be secured to the people of this city and to visitors who may come here that cheap and rapid transit to which they are entitled.

Mr. HEARD. Now, if the gentleman from Ohio will allow me a moment, I will finish the answer to the question which the gentleman from Georgia has put.

Mr. MOREY. If this colloquy does not come out of my time—

Mr. HEARD. I only want to answer the question which the gentleman from Georgia puts to the gentleman from Ohio [Mr. MOREY] and the gentleman from Virginia [Mr. LEE]. There is now pending in this House, and pending also in the Senate, a bill for this purpose, which was discussed last Friday; and amendments to it now pending propose a line of road which shall start in this city, extend through Georgetown, and, passing over a bridge of the company's own construction, go on to Arlington and to Mount Vernon.

Mr. MOREY. That only adds force to my objection.

Mr. HEARD. I state this as a matter of fact, for what it is worth.

Mr. MOREY. If there are other means of accomplishing this purpose, force is added to the objection which I raise to this bill.

The SPEAKER *pro tempore* (Mr. PAYSON). The time of the gentleman from Ohio [Mr. MOREY] has expired. The question is upon the amendment proposed by the gentleman from Pennsylvania [Mr. ATKINSON] to the amendment of the committee.

The amendment to the amendment was agreed to.

The question being taken upon the amendment of the committee as amended, there were on a division (called for by Mr. SPINOLA)—ayes 36, noes 2.

Mr. SPINOLA. No quorum.

The SPEAKER *pro tempore*. Does the gentleman make the point that there is no quorum present?

Mr. SPINOLA. Yes, sir.

The SPEAKER *pro tempore* proceeded to count the House.



Mr. SPINOLA (before the count was concluded). Mr. Speaker, I withdraw the point of no quorum.

The amendment of the committee as amended was adopted.

The SPEAKER *pro tempore*. The Clerk will read the next amendment proposed by the committee.

The Clerk read as follows:

In line 4 of section 2, after the word "with," insert "grooved," and in the same line strike out "a" and insert "the best;" so as to read "with grooved rails of the best pattern," etc.

The amendment was agreed to.

The next amendment proposed by the committee was read, as follows:

In line 8 of section 2, insert the words "and on said bridge."

Mr. ATKINSON, of Pennsylvania. I wish to say that when this amendment was agreed to by the committee it was proposed to permit this railroad company to lay its tracks across the bridge. We have now adopted amendments which forbid that, and therefore the amendment should be voted down.

The amendment was rejected.

The next amendment proposed by the committee was read, as follows:

After the word "aforesaid," in line 16 of section 2, insert the following: "Subject to the approval of the commissioners of the District of Columbia."

Mr. BLOUNT. I think it would be the best course to let this bill go over till another day, by which time we may more fully understand its provisions. I am told there is now on the Calendar a bill, favorably reported, granting a company the right to build a railroad from Seventh and B streets in this city to Arlington Cemetery, passing over a bridge to be built at the expense of the company. If this is the fact, I do not see why we need confine ourselves to a measure providing for tracks to fill up a gap of four blocks, and then subjecting the people to the inconvenience of a transfer by some other method of conveyance, until the line of this road is reached at the other end of the bridge. There can be no harm in allowing this matter to go over. The project now under consideration does not meet the public needs; the bill as amended does not afford such facilities of conveyance as the public have a right to expect.

Not only that, sir, but speaking from what I have myself witnessed in legislation in the past, if this bill shall go through the House in the shape it is in, subjected to the criticism, which is a just one, that it does not meet the public convenience in the demand for a continuous passage from this city to Arlington, it will come back to us from the Senate with the amendment of the House stricken out; and the chances are that the House will be brought face to face with a vote on a conference report providing that this railroad shall have the right to cross the bridge itself with its tracks, the very thing we do not want it to do by our amendment.

Now, it does seem to me that it is far better, knowing that we have a bill on the Calendar, which may be reached, providing for a continuous line of road from this city to Arlington on its own bridge, to postpone the consideration of this subject until we shall reach the measure to which I have referred, and which would undoubtedly better meet the wants of the public. There is no need of haste in this matter. The bill is not in a shape in which we can safely act upon it at the present time; and I predict that if the bill does pass as it has been amended or proposed to be amended here, with this gap left in the road at the bridge, the session will not pass until we are brought to a vote on a report of a committee of conference with the gap filled.

My friend from Vermont, [Mr. GROUT] only the other day complained, as well as his colleague on the committee, the gentleman from New Hampshire [Mr. MOORE], that in relation to the bill for the benefit of the Pennsylvania Railroad Company recently considered here, they had secured from my friend—and I have nothing whatever to do with the controversy on that point—that they had secured from my friend an agreement providing for a commission to determine whether that company should be allowed to continue in the use of the tracks as they are now, and report by bill or otherwise. But you will remember that we were brought to a vote on a conference report with that provision eliminated from the bill and we were compelled either to defeat the whole measure or accept this, to some gentlemen, objectionable provision.

Now, when the House has an opportunity to pass upon an appropriate measure providing a continuous line, avoiding the Aqueduct bridge, a bridge which contributes so much to the public pleasure and which would be seriously impaired by laying tracks upon it, then it does seem to me to be the part of wisdom not to pass a bill of this character, but to wait until the proper time comes for the consideration of the other.

This proposed charter, reaching from this city to Arlington, must certainly be of a great deal of value to some company; and we need not distrust the thought that if it is desirable the people will eventually be accommodated in that direction. If so, we ought not to cripple ourselves by taking up and adopting this plan which at the outset does not meet the public demand.

Mr. ATKINSON, of Pennsylvania. Mr. Speaker, in response to the gentleman from Georgia, let me say that he is misinformed when he says that a bill is on the Calendar to incorporate a company which will construct a bridge at its own expense.

Mr. BLOUNT. Allow me to state that I quoted from a member of the committee, the gentleman from Missouri [Mr. HEARD].

Mr. ATKINSON, of Pennsylvania. There is a bill of that sort pending, but I do not think it is on the Calendar.

Mr. HEARD. I think my friend is mistaken. I may be wrong, but I have a distinct impression that the bill was reported.

Mr. ATKINSON, of Pennsylvania. My impression is that it has not yet been reported.

Mr. HEARD. A reference to the Calendar will show—

Mr. ATKINSON, of Pennsylvania. I think that proposition received an adverse report from the commissioners and the Secretary of War.

Mr. HEARD. My friend is mistaken in that, I am satisfied.

Mr. ATKINSON, of Pennsylvania. If such a bill has been reported from our committee I confess that it has escaped my recollection.

Mr. HEARD. The gentleman will find by reference to the Calendar, page 30, that the bill was reported by the gentleman from Virginia [Mr. LEE] on the 12th of August and is on the Calendar.

Mr. ATKINSON, of Pennsylvania. What is the title of the bill?

Mr. HEARD. A bill to incorporate the Washington and Arlington Railway Company of the District of Columbia.

Mr. ATKINSON, of Pennsylvania. And the proposition is that they shall construct their own bridge?

Mr. HEARD. That is a part of the bill.

Mr. ATKINSON, of Pennsylvania. At what point?

Mr. HEARD. At a point known as the Three Sisters.

Mr. ATKINSON, of Pennsylvania. I confess that it has escaped my attention.

Mr. MOREY. Let me ask the gentleman from Missouri what are the termini of this road?

Mr. HEARD. It starts from Seventh and D streets, near the Seventh street market here.

Mr. MOREY. And terminates at Arlington Cemetery?

Mr. HEARD. It is proposed to continue the line to Mount Vernon.

Mr. ATKINSON, of Pennsylvania. I wish to say further in response to the gentleman from Georgia that there is no intention on the part of the friends of the bill to have any railroad tracks laid on this bridge. In the case he cited, of the Baltimore and Potomac Railroad Company, the Senate with our bill before them refused to accept the commission feature. We had seen the three conferences, held conferences, and every one of them was opposed to the commission feature. It then became only a question whether the friends of the bill would allow the conference to be deadlocked or whether, after the Senate had receded from every one of its amendments, we should recede from that single one of ours. And I deny here and now that there was any bad faith in the transaction at all.

Mr. BLOUNT. Will my friend allow me? I did not mean to charge any bad faith, but I meant to say there was an agreement, as I understood it, on all sides.

Mr. ATKINSON, of Pennsylvania. It was agreed that the amendment should go through the House. I could make no agreement as to what the Senate would do.

Mr. BLOUNT. And my idea is that my friend can not control this amendment either, when it comes to the consideration of this bill.

Mr. ATKINSON, of Pennsylvania. That is true of any bill. But it is not to be presumed that the Senate will do a thing that is undesirable. The Senate is a co-ordinate branch of this Legislature and has as much right to present legislation as we have. Their views in respect to the legislation passed in the House must be regarded. We can not disregard what the Senate determines to be done; but must compromise the differences between the House and the Senate when such differences exist.

Mr. MOREY. Mr. Speaker, I desire to ask the gentleman, if this bill becomes a law, in how many cars or vehicles will a passenger from the Treasury Department to Arlington Cemetery be required to ride?

Mr. ATKINSON, of Pennsylvania. He would have two changes of cars, one at the terminus of the Georgetown road and another at the end of the Aqueduct bridge.

Mr. LEE. I think there would only be one transfer, because they would probably make some arrangement to run their cars to the bridge.

Mr. MOREY. That is scarcely an answer to my question. I ask in how many cars or vehicles would a person be required to ride? Would he not be required to ride in one car on the Washington and Georgetown road, then in a hack or other conveyance across the bridge, and then in a car of this company to the cemetery?

Mr. LEE. Certainly; that is it.

Mr. MOREY. He would have to ride in three vehicles in order to get there?

Mr. LEE. Yes, sir.

Mr. BUCHANAN, of New Jersey. Would not even that be better than to pay \$6.50 for a broken-down old hack and a worthless pair of horses?

Mr. MOREY. That is not the question. This Congress has the power to give to the people cheap and continuous transportation, and that is the question for us to decide.

Mr. LEE. If the gentleman was here when the bill was discussed before—

Mr. MOREY. I was here and took part in the discussion.

Mr. LEE. Then the gentleman will remember that the great objection to this bill was that it crossed the Aqueduct bridge; and in deference to that objection we have stricken that provision from the bill.

Mr. MOREY. I will remind the gentleman that I was here during the discussion, and that was not the serious objection, as I understood it.

Mr. LEE. That was my understanding.

Mr. MOREY. I think if the line goes there at all the cars ought to run over the bridge.

Mr. LEE. I agree with the gentleman.

Mr. MOREY. And it ought to be a continuous road.

Mr. LEE. I agree with the gentleman.

Mr. MOREY. Any passenger who desires to ride from the center of the city to Arlington Cemetery over a road, the franchise to build which is granted by this Congress, should ride on the payment of one fare, and he should ride in one vehicle.

Mr. LEE. I am heart and hand with the gentleman on that proposition.

Mr. MOREY. Now that is the proposition, and this Congress ought not to put into the hands of any corporation the power to monopolize and control the means of getting to Arlington Cemetery.

Mr. LEE. We do not propose to give them power to monopolize it.

Mr. MOREY. That is my objection to this bill. I will join with the gentleman in any proposition which will secure to the people of this city and of this country a continuous ride from this Capitol or from the White House or Treasury Department to Arlington Cemetery. We are asked to grant a valuable franchise, over which perhaps half a million people will be transported every year. It is valuable to the men who are to receive it and it ought to be of value to the people who grant it.

Mr. LEE. I agree with the gentleman, but the House took a different view, as I understood it.

Mr. MOREY. We are discussing the matter now, and we are appealing to the House. My appeal to the House is that we grant this privilege; and we should do this in the interest of the people who are to travel over this road.

Mr. LEE. If the gentleman will formulate an amendment and offer it I think he will find an objection on the part of the House, unless gentlemen have changed their minds since last spring.

The SPEAKER *pro tempore*. The question is upon agreeing to the amendment recommended by the committee.

The amendment was agreed to.

The SPEAKER *pro tempore*. This concludes the amendments proposed by the committee to section 2. Are there amendments to be proposed by any member of the House to section 2? If not, the Clerk will read section 3.

Mr. ATKINSON, of Pennsylvania. There are no amendments to section 3 and the bill has all been read once. The Clerk had better read section 4.

Mr. SPINOLA. One minute, Mr. Speaker; I protest. I propose to offer my amendment at the end of section 3, and I ask the Clerk to read that section.

The Clerk read as follows:

SEC. 3. That the said company shall receive a rate of fare not exceeding 5 cents for each passenger for one continuous ride over the route aforesaid, or any part thereof, between the termini of said railroad, and shall sell tickets at the rate of six for 25 cents. Said company shall, on or before the 15th day of January of each year, report to Congress the names of all the stockholders thereof and the amount of stock held by each, together with a detailed statement of the receipts and expenditures from different sources and on whatever account for the preceding year ending December 31, which report shall be verified by the affidavit of the president and secretary of said company; and said company shall pay to the District of Columbia, in lieu of personal taxes for the next ensuing fiscal year, 2 per cent. of its gross earnings upon traffic for the preceding year, as shown by said verified statement, which amount shall be paid to the collector of taxes at the times and in the manner that other taxes are or may be payable and subject to the same penalty in case of arrear; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof in the same manner as is or may be provided by law for the sale of other property for taxes, and said per cent. of its gross earnings shall be in lieu of any and all other assessments of personal taxes in the District of Columbia upon its property used solely and exclusively in the operation and management of said railway; but its real estate in said District shall be taxed as other real estate therein: *Provided*, That its tracks shall not be considered real estate for the purpose of taxation.

Mr. SPINOLA. Now, Mr. Speaker, I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Add to section 3:

"And further provided, That the Secretary of War, after fixing the route through the Arlington estate, shall advertise and sell the franchise to any person or company that will carry passengers at the lowest rate of fare."

Mr. SPINOLA. Mr. Speaker, the bill proposes to grant a very valuable franchise to some gentlemen; and, as has been stated on the floor this morning, they have been large purchasers of land on the other side of the land through which this road will pass or near which it will go.

Now, if it is to be run for the benefit of the public and of the citizens of Washington and those who may visit the Capital, let the franchise be sold to such parties as will carry people at the very lowest possible

rate. That will be in the interest of the public. That is what we have had to resort to in the city of New York in regard to public franchises, and it has worked exceedingly well. Now, I believe instead of charging 5 cents, or whatever sum may be allowed by this bill, that 3 cents ought to be sufficient to pay for each passenger, and I believe there are those who will bid on this franchise, if it is put up at auction, and agree to carry passengers for 3 cents for each person riding. In that view I have offered this amendment, offered it in good faith, and believe it will have a tendency to protect the bill and make it more acceptable than it otherwise will be.

I am satisfied, as the gentleman from Georgia [Mr. BLOUNT] has stated, that it is of no consequence what we do to the bill, for it will go to the Senate, and there the same power which took this bill from its legitimate committee in this House will put it in such a shape as will bring it back here amended. Then there will have to be a conference, and, when it comes back, the question will be on agreeing to the report of the committee of conference, and not upon the bill as we amend it. I hope the amendment I have offered will be adopted.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment proposed by the gentleman from New York.

Mr. BLOUNT. Mr. Speaker, I wish to call attention to one or two things which the committee may not have had attention called to, and which I think are important. I hold in my hand a report of the opinion of the Secretary of War with reference to this bill, and he accompanies it with the opinion of an eminent gentleman, known to us all, General Casey, Chief of Engineers. It is short, and I want the attention of the House called to it:

WAR DEPARTMENT, Washington, June 6, 1890.

SIR: I return herewith House bill 10067, to incorporate the Washington and Arlington Railway Company of the District of Columbia, referred to this Department—

Mr. GROUT. Will the gentleman tell us what he reads from?

Mr. BLOUNT. I am reading Senate report 1848, Fifty-first Congress, second session.

I return herewith House bill 10067, to incorporate the Washington and Arlington Railway Company of the District of Columbia, referred to this Department on the 16th ultimo, and invite your attention to the inclosed report—

Mr. ATKINSON, of Pennsylvania. I would ask the gentleman from Georgia if the report he has refers to this bill.

Mr. BLOUNT. I so understand.

Mr. ATKINSON, of Pennsylvania. What is the number of the bill therein referred to?

Mr. GROUT. It is the other bill.

Mr. ATKINSON, of Pennsylvania. I think the report the gentleman has in his hand does not refer to this bill.

Mr. BLOUNT. It is in reference to the bill H. R. 10067.

Mr. GROUT. That is the other bill.

Mr. ATKINSON, of Pennsylvania. This bill is 5496.

Mr. SPINOLA. The same principle that applies to that road will probably apply to this.

Mr. BLOUNT. What I was going to say, and I will repeat what the gentleman from New York [Mr. SPINOLA] has properly said, that the same principle applies. It was that which I had in my mind rather than whether it was one bill or the other. It is just as proper in relation to this bill as to the other.

Mr. ATKINSON, of Pennsylvania. I admit that the Secretary of War—

Mr. BLOUNT. Mr. Speaker, I am not wanting to determine what the gentleman admits; but I want to call the attention of the House to the opinion of the Secretary of War, and the opinion of General Casey in relation to a project similar to this one in order that the House shall determine for itself whether it is a wise thing to permit this sort of a line to be constructed.

The Secretary of War calls attention to the following paper from Chief Engineer Colonel Casey:

I have the honor to acknowledge the reference to this office of letter from the House Committee on the District of Columbia, inclosing, for views of the War Department thereon, House bill 10067, Fifty-first Congress, first session, "A bill to incorporate the Washington and Arlington Railway Company of the District of Columbia."

This bill provides for crossing the Potomac River on a bridge to be constructed under the roadway of the existing Aqueduct bridge and on either side of the superstructure of the same, and to rest on the old aqueduct piers.

So the principle is the same and the purpose is the same.

Lieut. Col. P. C. Hains, Corps of Engineers, in report dated May 24, 1890, copy herewith, says that a bridge such as the bill proposes can not be built on the existing piers without in some way enlarging them or by extending beams out beyond their limits, as shown on the accompanying sketch, a system of construction which he regards as decidedly objectionable, as it will give the bridge a peculiar appearance, suggestive of instability and haphazard construction, and will be an obstacle to widening the bridge when it may be desirable to do so. He recommends that the bill be so amended as to require the railroad to cross the river on a separate bridge, to be built on such plans and at such location as the Secretary of War may approve.

I concur in the views of Colonel Hains, and accordingly recommend the following amendments to the bill.

I will not read through the amendments recommended, as they contain numbers and will not give to members of the House any intelligent indication of what is proposed, but I read from the report for the purpose of showing when this matter was submitted to the Secretary of War and to General Casey, instead of proposing what is now pro-



posed, to cut this railroad in two sections, it was to use that bridge now there over the river, and that he recommended what ought to be done to it. He says they should cross that river over a bridge of their own construction. That is what the public necessity requires. It is trifling with the public convenience to pass a bill that does not give us a continuous line to Arlington.

The public will require that, and it will be built at some future time. Why cripple such a project? Why delay it by building an unsatisfactory line at this point? I am anxious to accommodate the public. I am anxious, if this company will undertake to build a line to Arlington over a bridge of their own, to help them get a charter; and if they will not do that, I want them to stand aside and permit a company to do so which is asking to do that thing.

The SPEAKER. The question is upon agreeing to the amendment proposed by the gentleman from New York.

The question was put; and the amendment was agreed to.

Mr. SPRINGER. What section are we on?

The SPEAKER. Section 4.

Mr. SPRINGER. Section 3 is the one to which I desire to offer an amendment.

The SPEAKER. Amendments to section 3 are in order.

Mr. SPRINGER. I offer the amendment to section 3 which I send to the desk.

The Clerk read as follows:

After section 3, add the following:

"And provided further, That said corporation shall, before beginning the construction of the tracks thereof, make a contract, to continue during the existence of such corporation or its successors, with any other street railway company which may have a terminus at the beginning of the line of said corporation, in Georgetown or on the eastern side of the Potomac River, for continuous trips, at one fare, over the lines of said corporation and any of such other street railways, and that transfer tickets shall be given for continuous trips over all of said lines, in both directions, at one fare, and that ample time shall be given at all times for passengers to make connections at such place; and said contract shall be filed with and approved by the commissioners of the District of Columbia before work begins on said tracks."

Mr. BUCHANAN, of New Jersey. Mr. Chairman, I desire to submit a single observation upon that amendment. I believe it is as true to-day as when it was first stated that it takes two to make a bargain. Now, this bill provides that this company shall make a bargain with some other railroad company to transport passengers at a single rate of fare over both routes. Suppose they can not do that. Suppose the other company refuses, then that stops this enterprise entirely. I do not hesitate to say, sir, that as this debate has gone on the idea has struck me more and more forcibly that it is just as well to wait a little while before we pass this bill. As we have it here it provides for a series of successive stages in the journey from the city of Washington to Arlington.

Now, I believe that we should have one through route; and I do not believe that that through route should pass over the Aqueduct bridge. The Government of this country has built that bridge at a large expense, mainly for the purpose for which it is now used, to facilitate driving to Arlington, and it should be kept for that purpose. I understand also that there is a proposition pending to authorize a company to construct a bridge of its own across the river above the Aqueduct bridge, somewhere near The Three Sister Islands, which would provide a continuous route from this city to Arlington, and I think it is just as well for this House to be fully informed as to all these projects and propositions before it takes action, so that it may adopt the one which will best serve the convenience and interest of the public.

Mr. STRUBLE. Does the gentleman think that if this bill is passed the other bridge will ever be built?

Mr. BUCHANAN, of New Jersey. I doubt it very much. I do not believe either that if this bill goes through it will become a law in the form which it leaves the House, because I think that in conference or somewhere else the provision allowing this road to cross the Aqueduct bridge will, in some manner or other, get restored. It seems to me, therefore, the part of wisdom to hesitate before we pass this bill or decide between these various projects, so that when we do act we may choose the one which will be the most advantageous to the people at large.

Mr. SPRINGER. Mr. Speaker, the objection referred to by the gentleman from New Jersey [Mr. BUCHANAN] is not, it seems to me, well taken. The railroad company incorporated by this bill, if this amendment is adopted, will be required to make a contract with other roads that may terminate at its terminus on this side of the river for a continuous trip over both lines for a single fare. Of course the railroad companies that are now in existence may decline to make that contract, and you can not compel them to do it; but unless the corporation which we are creating by this bill can make such an arrangement with other roads as to give passengers a continuous trip at one fare then we do not want it incorporated at all. We do not wish to give this proposed corporation this right unless it can make a contract with existing lines which will secure to the public a continuous trip over both routes for a single fare, because it seems to me that we have a right to require that the line shall be continuous between this city and Arlington and that only one fare shall be charged.

Mr. KERI, of Iowa. I will ask the gentleman if he would require

this company to run a street railroad out to Falls Church, 8 or 10 miles out in the country, for 5 cents per passenger.

Mr. SPINOLA. They do it now in New York; they carry them 10 miles for a single fare.

Mr. LEE. And you have a hundred thousand people there where we have five.

Mr. SPINOLA. They run in Brooklyn 12 miles.

Mr. CUTCHEON. And there are more than a million people to ride on those roads.

Mr. SPRINGER. The franchise of the Washington and Georgetown Railroad is a very valuable one, and by this bill we practically provide for an extension of that road. Whether this proposed line is to belong to the same parties or to other parties is immaterial; the road provided for would be practically an extension of the present line; and if it was to be built at all I think they ought to be required to carry passengers the whole distance for a single fare.

Mr. CUTCHEON. I suggest to the gentleman from Illinois [Mr. SPRINGER] whether by his amendment he does not put it in the power of the Washington and Georgetown Railroad to dictate terms to the new corporation and practically to confiscate its road?

Mr. SPRINGER. I ask the gentleman whether it is not in the power of the Washington and Georgetown Railroad now to control this new corporation, whether the directors of this are not directors of that company, and whether that company will not put up the money to build the new road and furnish the cars?

Mr. CUTCHEON. I do not know anything about that.

Mr. SPRINGER. And the provisions of this bill will allow them to do that and to charge the public two fares instead of one.

Mr. LEE. I have every assurance from gentlemen connected with this road, whom I believe to be honest and truthful, that the Washington and Georgetown Railroad Company has nothing to do with this project, but on the contrary declines to have anything to do with it.

Mr. SPRINGER. That I do not dispute at all; I accept the gentleman's statement, of course; but when the time comes for subscribing the stock of this railroad company a majority of the stock will of course control the management of the road, and that stock will be on the market to be bought by anybody who may be willing to pay for it.

The present management may be all right—I do not question one word of the statement of the gentleman from Virginia—but this corporation will carry on business when the gentleman from Virginia and myself shall have "shuffled off this mortal coil" and when "the places that now know us will know us no more forever." The majority of the stock of this company, wherever it may belong, will control this road; and, as the stock will be on the market, it will not be a year, I predict, after the organization of this company before the owners of one road will be the owners of the other.

Mr. LEE. They are competing lines.

Mr. SPRINGER. No, they are not competing, but connecting lines; they are not parallel.

Mr. ATKINSON, of Pennsylvania. Mr. Speaker, I admit it is very desirable that there should be a railroad company chartered which would take a passenger over this entire route without any change of cars. But the Secretary of War has objected to the placing of railroad tracks upon the Aqueduct bridge or alongside the bridge or under the bridge. All propositions of that sort were referred to him, and elicited from him the report which has been read by the gentleman from Georgia.

The first proposition, I believe, was that there should be an extension of the piers of the bridge and that a street railroad should be placed upon the piers so extended. This project was objected to by the Secretary of War, and was abandoned by these same gentlemen who now say that they propose to build a bridge across the Potomac upon which to place a railroad running to Arlington. From what I can learn from the gentleman in charge of this project, they wish to extend steam railroads into the District upon the same bridge on which they propose to locate their street-railroad track. This, I should think, would be objectionable. The bill to which I am now referring has not been considered. I do not know that it has been indorsed by gentlemen who have enough money to build a bridge and construct a railroad in that way.

I made no objection to the amendment offered by the gentleman from New York providing that this franchise shall be put up for sale. I presume I am not a good judge of the value of a railroad franchise; but so far as my judgment goes it leads me to the belief that this franchise would not be worth anything to a body of men who wished to construct a railroad only to the gates of Arlington; and that is all over which we can possibly have jurisdiction. This franchise is valuable only to men who have a charter that will enable them to extend the road through the State of Virginia, at least as far as the village of Falls Church. Possibly a road might be extended farther into Virginia and be made profitable; but a mere right to build a railroad from Washington to Arlington Cemetery is not, I believe, worth anything in money; and I do not think any company would be justified in constructing a bridge upon which to lay its tracks.

Mr. BUCHANAN, of New Jersey. Has the Virginia end of this road any connection with the project of "Colonel Carter, of Cartersville?" [Laughter.]

Mr. ATKINSON, of Pennsylvania. I presume "Cartersville" is away beyond; I do not know the exact location.

But I am by no means certain that any company can ever be found that will build a bridge exclusively for the passage of a street railroad over the Potomac River, in order to reach Arlington. It could not possibly be a profitable road for years to come, so far as I can see. The object now sought is to afford better means of access to the great national cemetery as well as to accommodate the citizens of Virginia. I do not believe the accommodations desired can be secured in any other way than that provided for in this bill.

There must be a break in the street railroad when it comes to the Aqueduct bridge, and unless some gentleman here has some assurance from men of sufficient financial ability that they will construct a bridge over the Potomac for the purpose of extending the street-railroad track across we ought to do the best we can, securing to the people readier access to that great cemetery than they now have.

This is a step, I believe, in the right direction, and it will be far more convenient to change cars at the Aqueduct bridge, crossing in herds or hacks and taking a steam railroad on the other side, than to walk from the end of the Washington and Georgetown Railroad to Arlington or Falls Church; and at present any one seeking those localities must walk unless he is "a bloated bondholder" and able to hire a hack at the rates suggested by my friend from New Jersey.

Mr. STRUBLE. Will not the passage of hacks over that bridge backward and forward between these terminal points obstruct very seriously the transit of foot passengers?

Mr. ATKINSON, of Pennsylvania. No, indeed; there are sidewalks for foot passengers. Besides, there are hacks running over there now.

Mr. BUCHANAN, of New Jersey. The cars will only obstruct the passage of those gentlemen for whom a sidewalk is too narrow. [Laughter.]

Mr. STRUBLE. But there are plenty of teams now going to and fro over that bridge; and they of course do not pass where foot passengers travel. Will not the hacks of this company interfere with the convenient use of that bridge by people who now go in carriages?

Mr. ATKINSON, of Pennsylvania. Oh, no; it is a wide bridge.

Mr. LEE. I assure the gentleman there will be no trouble of that kind.

Mr. BLOUNT. Mr. Speaker, I move to recommit this bill to the Committee on the District of Columbia in order that we may get more information.

The question was taken; and on a division (demanded by Mr. ATKINSON, of Pennsylvania) there were—ayes 34, noes 19.

So the motion was agreed to.

#### REPORTER SUPREME COURT, DISTRICT OF COLUMBIA.

Mr. GROUT. I now call up for present consideration the bill (H. R. 796) providing for the appointment of a reporter for the supreme court of the District of Columbia.

The bill was read at length.

Mr. KERR, of Iowa. Mr. Speaker—

The SPEAKER *pro tempore* (Mr. PAYSON). The Chair will state that this bill is on the Calendar of the Committee of the Whole House on the state of the Union.

Mr. KERR, of Iowa. I rose to make the point of order that the first consideration of the bill should be in Committee of the Whole.

Mr. GROUT. If the gentleman from Iowa insists upon the point of order, I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill.

Mr. SPINOLA. I would suggest, before the gentleman submits the motion, that there is some opposition to this bill. I think the gentleman had better take up some other bill that will not call out opposition. You have got to have a quorum to pass this bill to-day. I serve notice now of that fact.

Mr. GROUT. Then, Mr. Speaker, I ask unanimous consent to withdraw the bill.

There being no objection, the bill was withdrawn.

#### ORDER OF BUSINESS.

Mr. GROUT. Now, if the gentleman from New York [Mr. SPINOLA] will come up here and pick out of these bills on my desk some which will not call forth his opposition or objection I will be under obligation. [Laughter.]

Mr. SPINOLA. I will respond to the request of my friend from Vermont by suggesting that he lay aside all of the bills before him, in the public interest.

Mr. GROUT. I thought perhaps the gentleman might suggest some bill that he thought would pass.

Mr. SPINOLA. I have no suggestion to make. It is impossible for me to keep track of the Committee on the District of Columbia or undertake to give an account of their actions.

Mr. GROUT. I thought the gentleman had given very close attention to what they had been doing.

Mr. SPINOLA. Of course, and I am going to watch you closely. It is a very dangerous committee. [Laughter.]

#### ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. GROUT. Mr. Speaker, I call up for present consideration the bill (H. R. 10626) to amend the act giving the approval and sanction of

Congress to the route and termini of the Anacostia and Potomac River Railroad, in the District of Columbia.

The bill was read, as follows:

*Be it enacted, etc.*, That the act giving the sanction and approval of Congress to the route and termini of the Anacostia and Potomac River Railroad, approved February 18, 1875, subsequently amended, be, and the same is hereby, amended so as to authorize the said company to lay its tracks and run cars thereon from the intersection of its tracks on Sixth street with B street, north, along Sixth street, west, to F street, north; along F street, north, to Tenth street, west; along Tenth street, west, to B street, north; along B street, north, to its tracks on said B street; that in the construction of its tracks herein authorized the pattern of rail used shall be approved by the commissioners of the District of Columbia, and that all rails laid under authority of this act shall be on a level with the surface of the street: *Provided*, That the said company shall commence work within thirty days and complete the same within ninety days from the approval of this act.

Sec. 2. That should any part of the track extension herein authorized coincide with portions of any other duly incorporated street railway in the District of Columbia, but one set of tracks shall be used when, on account of the width of the street, or for other sufficient reason, it shall be deemed necessary by the commissioners of the District; and the relative conditions of use and of chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in case of disagreement, by the supreme court of the District of Columbia, on petition filed therein by either party and on such notice to the other party as the court may order.

Sec. 3. That Congress may at any time amend, alter, or repeal this act.

The committee recommend the following amendments:

Strike out "west," at end of line 9 in section 1.

Strike out, in line 10 of same section, the first "F street, north," and insert "Louisiana avenue, along Louisiana avenue to Fifth street, west, along Fifth street to F street, north."

Strike out the second "north" in same line and "Tenth" and insert for "Tenth" the word "Eleventh."

In line 11 of same section strike out "Tenth" and insert "Eleventh."

In same line strike out "west."

In line 12 of same section insert, after "street," "near Center market."

In line 17 of section 1, strike out "thirty days" and insert "two months," and, in line 18 of same section, strike out "ninety days" and insert "four months."

Insert the following for section 2:

"Sec. 2. That there shall be established at some point on Sixth street, between B street and Louisiana avenue, a mutual system of transfers by which the passengers of any duly incorporated street railroad company running cars on said Sixth street between said B street and Louisiana avenue may reach points on any of such roads without payment of additional fare, the cost of establishing and maintaining such system of transfers to be shared equally by such railroad companies."

Make the section 2 of the original bill section 3, and make section 3 section 4, and change numbers to correspond.

Mr. GROUT. I yield to the gentleman from Pennsylvania, who reported the bill and will explain its terms.

Mr. ATKINSON, of Pennsylvania. This is a proposition, Mr. Speaker, to extend the line of the Anacostia Street Railroad Company, a railroad which now has its terminus in the village of Anacostia on the other side of the Eastern Branch of the Potomac, and the other terminus near the markethouse in the center of the city. The road is now authorized by law to lay its tracks to the market on B street. This proposition is intended to enable the company to construct a line as far up in the city as F street, then running out F street on the tracks already laid by the Metropolitan Company to Eleventh street. The road will then go down Eleventh street to B street, and along B street to its present terminus.

The purpose of the act is to give to the citizens who use the road an opportunity to come from Anacostia up to the Departments without change of cars and without paying more than a single fare. An amendment recommended by the committee provides that there shall be a system of transfers connected with the extension which will enable passengers from this and the other roads to be transferred on Louisiana avenue, so that a connection may be made with the Metropolitan line or the other lines which seem likely to converge at that point, including among them the electric road now running to the Catholic University.

Mr. CUTCHEON. What is the western terminus of the road at present?

Mr. ATKINSON, of Pennsylvania. The present terminus as authorized by law, I think, is at the market, or possibly at Sixth and B streets.

Mr. HEARD. No; it is to the market.

Mr. CUTCHEON. The Center Market?

Mr. ATKINSON, of Pennsylvania. Yes. From Anacostia to the market, in the center of the city, and this extension gives them the right to go up to F street.

Mr. CUTCHEON. You propose to run from the markethouse to F street and along F to Eleventh?

Mr. ATKINSON, of Pennsylvania. From Sixth and B the road will run up Sixth street to Louisiana avenue, then to Fifth street, and up Fifth to F, along F to Eleventh street, on which there are already tracks, and then down Eleventh to B street to the present terminus at Centre Market. It simply gives better terminals and affords better facilities for the people who use this line than they now enjoy. This is not the incorporation of a new road, but only an adjustment of terminals, in the interest of the public, as I believe, of an existing road.

Mr. HILL. As I understand, the bill proposes an extension on F street?

Mr. ATKINSON, of Pennsylvania. It runs up F street to Eleventh on the tracks of the present road on F street, down Eleventh street on the tracks of the present road until they reach E street, then across Pennsylvania avenue to B street, and along B street back to the present line of the road.



Mr. HILL. Does this contemplate additional tracks on F street?

Mr. ATKINSON, of Pennsylvania. Oh, no; they would use the existing tracks on F street. There would be no additional tracks put on streets where there are already tracks; and much of this road lies on such streets.

Mr. VAUX. Will the gentleman allow me to call attention to one proviso in that bill which I regard as very injurious and which I think ought to be eliminated from the bill.

Mr. ATKINSON, of Pennsylvania. Certainly.

Mr. VAUX. As I understand, where there is a question between a road now having a track on a street and this road, if they can not agree, the matter is to be left to the supreme court of the District of Columbia, with notice to both parties to come in and, I suppose, to be heard.

Mr. ATKINSON, of Pennsylvania. Yes, sir.

Mr. VAUX. Now, I wish to know whether it is intended to make the supreme court an arbiter between the two companies before proceedings are taken by either as against the other to have a judicial hearing before that court.

Mr. ATKINSON, of Pennsylvania. No, sir; that is not the idea.

Mr. HEARD. That is a general provision here in the District which applies in other cases besides this.

Mr. ATKINSON, of Pennsylvania. I wish to say to my colleague [Mr. VAUX] that the bill provides that judicial action shall be had after a petition filed by either party.

Mr. VAUX. That petition does not involve the question whether it should be an antagonistic proceeding between the companies or be by agreement. Now, I am opposed to giving to this court any power of legislation; and if, by sending this question to the court as an umpire to decide between two rival corporations, the court is to act, not as a judicial body, but as a legislative body, you are detracting from the judicial character of the court, and I would be opposed to that.

Mr. ATKINSON, of Pennsylvania. I wish to say to my colleague that the only question which will be submitted to the court will be the amount of compensation to be paid by the new road to the old road, whose line it occupies, and the court will consider only a question which properly comes before it in its judicial capacity.

Mr. VAUX. If it is a judicial proceeding, which comes before the court as a judicial tribunal, I have no objection.

Mr. HEARD. That is all it proposes.

Mr. ATKINSON, of Pennsylvania. It is not a legislative power that it gives the court at all, but it is, on the other hand, simply to determine a question of disputed rights between the two.

Mr. BUCHANAN, of New Jersey. It is just as much a judicial proceeding as a proceeding to condemn land would be.

Mr. HEARD. This is a general provision that obtains in all these cases, where by act of Congress any road is to use part of the tracks of another or anything of that kind.

Mr. VAUX. Then it is high time for it to be stricken out. This idea of making judges legislators has been incorporated into measures half a dozen times since I have been in this Congress.

Mr. HEARD. But that does not apply to this case. It is a purely judicial matter.

Mr. VAUX. If that is the case, I have no objection.

Mr. SPINOLA. Mr. Speaker, I desire to ask the gentleman from Pennsylvania [Mr. ATKINSON] to yield to me.

Mr. ATKINSON, of Pennsylvania. How much time does the gentleman desire? I will yield to him five minutes.

Mr. SPINOLA. I do not wish to occupy so much time as that. I wish to move that the House do now adjourn.

The motion was agreed to.

#### REQUESTS FOR LEAVE OF ABSENCE.

The SPEAKER *pro tempore*. Pending the announcement of the vote on the motion to adjourn, the Chair lays before the House the following personal requests of members:

The Clerk read as follows:

Mr. STRUBLE requests leave of absence for fifteen days, on account of important business.

Mr. CANDLER, of Massachusetts, requests leave of absence for ten days, on account of important business.

Mr. OWENS, of Ohio, requests leave of absence for two weeks, on account of important business.

Mr. PINDAR requests leave of absence indefinitely, on account of important business.

Mr. BARNES requests leave of absence, on account of important business.

Mr. FLOWER requests leave of absence for ten days, on account of sickness in his family.

Mr. WHEELER, of Alabama, requests leave of absence for ten days, on account of important business.

Mr. HOOKER requests leave of absence for ten days, on account of important business.

The SPEAKER *pro tempore*. In the absence of objection, the several requests will be granted.

Mr. BUCHANAN, of New Jersey. I object, except in the case of Mr. FLOWER, who asks leave of absence on account of sickness in his family, and in the case of Mr. HOOKER I make no objection, as I understand there are very good reasons for his desiring leave of absence.

Mr. WHITELAW. I ask that my colleague, Mr. BLAND, be granted leave of absence for ten days.

Mr. BUCHANAN, of New Jersey. I have objected to the others, and I must object to that.

Mr. WHITELAW. Then I move that Mr. BLAND be granted leave of absence for ten days.

Mr. HOLMAN. I move to amend that by extending the leave of absence to gentlemen for other reasons than illness.

Mr. ROWELL. I make the point of order that a motion has been put for adjournment and therefore no other motion can intervene.

The SPEAKER *pro tempore*. The point of order will be sustained.

The vote on the motion to adjourn was then announced, and accordingly (at 3 o'clock and 15 minutes p. m.) the House adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

##### MACHINE GUNS OF SMALL-ARM CALIBER.

Letter from the Secretary of the Treasury, transmitting a communication from the Secretary of War, submitting an estimate of an appropriation of \$25,000 for the purchase of machine guns of small-arm caliber for the fiscal year ending June 30, 1892—to the Committee on Military Affairs.

##### PAY OF EMPLOYEES OF TREASURY DEPARTMENT FOR EXTRA SERVICES.

Letter from the Sixth Auditor of the Treasury, transmitting copies of letters from his predecessor and Ex-Secretary Fairchild, recommending that the employees of the Sixth Auditor's Bureau be paid for extra services rendered; together with a list of the employees and the amount due them—to the Committee on Appropriations.

##### BARNET T. SWART VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting the findings filed by the court in the case of Barnet T. Swart vs. The United States—to the Committee on War Claims.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 3826) for the relief of Henry Unterleiter, alias Cook or Koch—to the Committee on Military Affairs.

A bill (S. 3976) granting a pension to George A. Perkins—to the Committee on Invalid Pensions.

A bill (S. 4070) granting an increase of pension to Aaron H. Le Van—to the Committee on Invalid Pensions.

A bill (S. 4507) granting a pension to Johanna Teubner—to the Committee on Invalid Pensions.

#### RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. PAYSON:

*Resolved*, That Tuesday, January 6, 1891, after sixty minutes of the morning hour, be set apart for the consideration of bill H. R. 81, "A bill for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, etc.," and to be a continuing order till said bill is disposed of, not to interfere with other special orders or general appropriation bills;

to the Committee on Rules.

By Mr. BLANCHARD:

Whereas the recent killing of the Indian chief, Sitting Bull, appears to have been accomplished under circumstances recognized neither by the laws of war nor those of peace:

*Resolved*, That a committee, consisting of five members of this House who are members-elect to the House of Representatives of the Fifty-second Congress, to be appointed by the Speaker of the present House, are hereby directed to inquire into and investigate the killing of the said Indian chief, Sitting Bull, and the immediate causes leading thereto, and whether a state of war existed which justified his summary taking off; and, if not, what justification, if any, there was for his violent death at the hands of Indian police in the employ of this Government.

*Resolved further*, That the said committee are charged with the further duty of investigating the threatened Indian outbreak in the West, and the causes thereof, and whether neglect by this Government of its treaty obligations with the Indians, or the tardy or inadequate fulfillment of such obligations on the part of this Government, had anything to do with the turbulent state of affairs existing among the Indians.

*Resolved further*, That said committee shall have power to appoint subcommittees and to travel from point to point as may be necessary, and in doing so they are authorized to use Government conveyances and means of transportation; and they shall have power as a committee, or through subcommittees, to send for persons and papers and to appoint a clerk and one or more stenographers.

*Resolved further*, That said committee may sit during the present session and after the final adjournment of the present Congress, and shall make report by the 1st of December next to the Fifty-second Congress; and that a sum sufficient to pay the expenses of said committee and of witnesses that may be summoned before it is hereby appropriated out of any money in the Treasury not otherwise appropriated, which shall be immediately available and payable on the draft of the chairman of said committee in sums not exceeding \$1,000 at any one time;

to the Committee on Rules.

By Mr. DALZELL:

*Resolved*, That there be printed and bound for the use of the House the usual number of copies of the digest of contested-election cases in the Fifty-first Con-

gress, together with an index to the same, to be prepared by the clerk to the Committee on Elections, for which, and for the necessary preparation and superintendence connected therewith, there shall be paid said clerk by the Clerk of the House, out of the contingent fund, the sum of \$1,000, said sum to be paid when the manuscript of the work shall have been delivered to the Public Printer;

to the Committee on Accounts.

By Mr. MCADOO:

Whereas it is being charged in the public press and elsewhere, to the involving of the national honor, that certain Indian reservation police officers, acting under the authority of the civil and military powers of the United States, did, in arresting the late Sitting Bull, one of the chiefs of the Sioux Indians, unjustifiably kill the said Sitting Bull and afterwards barbarously mutilate his remains: Therefore,

*Be it resolved*, That the Secretaries of War and of the Department of the Interior be, and they are hereby, requested to send to this House all the official statements and correspondence in their possession or that of their subordinates relating to said arrest and killing, more especially the reports of those officers and agents directly concerned in ordering or effecting the arrest of Sitting Bull, together with all other papers or facts known to them in connection with this matter;

to the Committee on Military Affairs.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. LEWIS, from the Committee on Invalid Pensions, reported with amendment the bill of the Senate (S. 4167) granting an increase of pension to Sarah V. Azpell, accompanied by a report (No. 3340)—to the Committee of the Whole House.

Mr. THOMAS, from the Committee on War Claims, reported favorably the bill of the House (H. R. 12388) for the relief of the Atlantic Works, of Boston, Mass., accompanied by a report (No. 3341)—to the Committee of the Whole House.

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported favorably the bill of the House (H. R. 8590) to authorize the Secretary of War to convey to School District No. 12, of Kittery, Me., a portion of Fort McCleary military reservation in exchange for other land, accompanied by a report (No. 3342)—to the Committee of the Whole House on the state of the Union.

Mr. SPOONER, from the Committee on Military Affairs, reported favorably the following bills of the House, which were severally referred to the Committee of the Whole House:

A bill (H. R. 7490) for the relief of Bvt. Lieut. Col. J. Madison Cutts. (Report No. 3343.)

A bill (H. R. 9734) to muster into the service of the United States as second lieutenant of infantry Joseph B. Samuels. (Report No. 3344.)

Mr. PARKETT, from the Committee on Pensions, reported favorably the bill of the House (H. R. 7924) granting a pension to Christian C. Whistler, accompanied by a report (No. 3345)—to the Committee of the Whole House.

Mr. LAIDLAW, from the Committee on Claims, reported favorably the bill of the Senate (S. 1350) for the relief of Lieut. Col. Charles G. Sawtelle, deputy quartermaster general United States Army, accompanied by a report (No. 3346)—to the Committee of the Whole House.

#### BILLS AND JOINT RESOLUTIONS.

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

By Mr. REED, of Iowa (by request): A bill (H. R. 12783) declaring null and void certain enactments of the Legislative Assembly of the Territory of New Mexico—to the Committee on the Judiciary.

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 12784) to purchase portrait of Henry Clay painted by Healy in 1845—to the Committee on the Library.

By Mr. McMILLIN (by request): A bill (H. R. 12785) to amend the act entitled "An act to reduce the revenue and equalize the duties on imports, and for other purposes," approved October 1, 1890—to the Committee on Ways and Means.

By Mr. DINGLEY: A bill (H. R. 12786) providing for a survey of Carver's Harbor, Maine—to the Committee on Rivers and Harbors.

By Mr. McMILLIN: A bill (H. R. 12787) to authorize the construction of a bridge across the Cumberland River for the use of the Chesapeake and Nashville Railway, and for other purposes—to the Committee on Commerce.

By Mr. WALLACE, of New York: A bill (H. R. 12788) to reorganize the Marine Band—to the Committee on Naval Affairs.

By Mr. ALLEN, of Michigan: A bill (H. R. 12789) for the establishment of additional aids to navigation in Tampa Bay, Florida—to the Committee on Commerce.

By Mr. WALLACE, of New York: A joint resolution (H. Res. 261) as to classification of customs inspectors—to the Committee on Expenditures in the Treasury Department.

#### 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 Kansas: A bill (H. R. 12790) to remove the

charge of desertion against John Willoughby—to the Committee on Military Affairs.

By Mr. ATKINSON, of West Virginia: A bill (H. R. 12791) for the relief of Thomas Little, of Wyoming County, West Virginia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12792) for the relief of Jasper Milam, of Wyoming County, West Virginia—to the Committee on Military Affairs.

By Mr. JASON B. BROWN: A bill (H. R. 12793) granting a pension to Capt. Andrew J. Briscoe—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 12794) granting a pension to Bernhard Bilo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12795) granting a pension to Mrs. Annie Chambers Ketchum—to the Committee on Pensions.

By Mr. COGSWELL: A bill (H. R. 12796) granting a pension to Eliza Atkins Merchant—to the Committee on Invalid Pensions.

By Mr. DE LANO: A bill (H. R. 12797) granting a pension to Hannah L. Palmer—to the Committee on Invalid Pensions.

By Mr. DORSEY: A bill (H. R. 12798) granting an increase of pension to William Martin—to the Committee on Pensions.

By Mr. DUNNELL: A bill (H. R. 12799) for the relief of Joel Mann—to the Committee on War Claims.

By Mr. GOODNIGHT: A bill (H. R. 12800) for relief of M. M. Alexander, administrator of Dr. J. E. Alexander, of Marrowbone, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 12801) to pension Thomas C. Johnson, Scottsville, Ky., late of Ninth Kentucky Volunteers—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 12802) granting a pension to Elizabeth R. Lee—to the Committee on Invalid Pensions.

By Mr. NUTE: A bill (H. R. 12803) granting a pension to Alice O. Leighton, widow of Everett W. Leighton, Company C, Thirteenth New Hampshire Volunteers—to the Committee on Invalid Pensions.

By Mr. RAINES: A bill (H. R. 12804) granting a pension to Benjamin Sanford, father of Peter T. Sanford, late of Company G, Second New York Veteran Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12805) to increase the pension of Charles D. Stephens—to the Committee on Invalid Pensions.

By Mr. STONE, of Pennsylvania: A bill (H. R. 12806) granting a pension to William D. Calkins, Company A, One hundred and eleventh Pennsylvania Volunteers—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

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

By Mr. ANDERSON, of Kansas: Petition to remove the charge of desertion against John Willoughby—to the Committee on Military Affairs.

By Mr. BLANCHARD: Memorial of the Louisiana Conference of the Methodist Episcopal Church, South, praying for constitutional amendment prohibiting lotteries—to the Committee on the Judiciary.

By Mr. CANNON: Petition of citizens of Champaign County, Illinois, favoring the passage of House bill 5353, defining futures and options, etc.—to the Committee on Agriculture.

Also, resolutions of Gifford Alliance, No. 101, of same county and State, for same purpose—to the Committee on Agriculture.

Also, petition of Anthony Rhinehart and 18 others, citizens of Champaign County, Illinois, for same measure—to the Committee on Agriculture.

Also, petition of Wideawake Grange, No. 1519, of Vermillion County, Illinois, favoring passage of same measure—to the Committee on Agriculture.

Also, petition of certain citizens of same county, for passage of same measure—to the Committee on Agriculture.

By Mr. CARUTH: Memorial of citizens of Louisville, Ky., praying that a pension be granted Annie Chambers Ketchum, sole surviving child of Maj. Benjamin Chambers—to the Committee on Pensions.

By Mr. CHEADLE: Petition of Peter Linge and 22 others, citizens of Tipton County, Indiana, asking for the speedy passage of House bill 5353—to the Committee on Agriculture.

By Mr. COMSTOCK: Petition of citizens of Minnesota, asking passage of the option bill—to the Committee on Agriculture.

By Mr. DOLLIVER: Petition of mass meeting of citizens of Carroll County, Iowa, for passage of the Conger lard bill—to the Committee on Agriculture.

Also, petition of other citizens of same county, for passage of same measure—to the Committee on Agriculture.

Also, petition of other citizens of same county for passage of the anti-option bill—to the Committee on Agriculture.

Also, petition of certain citizens of Scranton, Greene County, Iowa, for passage of same measure—to the Committee on Agriculture.

Also, petition from Scranton Alliance, No. 400, Greene County, Iowa, for passage of same measure—to the Committee on Agriculture.

Also, petition of Britt Alliance, No. 1747, Hancock County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Britt, of same county, for same measure—to the Committee on Agriculture.

By Mr. DUNNELL: Memorial of the St. Paul Chamber of Com-



merce, asking for an appropriation for irrigation in North and South Dakota—to the Committee on Agriculture.

Also, petition of J. A. Eberhard and 22 others, citizens of Mound Prairie, Minn., asking passage of the option bill—to the Committee on Agriculture.

Also, petition of Thomas Cain and 16 others, citizens of Hokah, Minn., for passage of same measure—to the Committee on Agriculture.

Also, petition of A. Alford and 40 others, citizens of Glenville, Minn., for passage of the Conger lard bill—to the Committee on Agriculture.

Also, petition of G. Chalmers and 40 others, citizens of Wabasha County, Minnesota, in favor of same measure—to the Committee on Agriculture.

By Mr. GEST: Petition of 42 citizens of Rock Island County, Illinois, for passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. GIFFORD: Petition of Randall Alliance, South Dakota, for passage of House bill 5353—to the Committee on Agriculture.

By Mr. HALL: Resolution from the St. Paul (Minn.) Chamber of Commerce, favoring a law and appropriation for irrigation in North and South Dakota—to the Committee on Commerce.

Also, petition of citizens of Miami Township, Kandiyohi County, Minnesota, for passage of the anti-option bill—to the Committee on Agriculture.

Also, petition of Farmers' Alliance of Rice County, Minnesota, for same measure—to the Committee on Agriculture.

Also, petition of other citizens of same county, in favor of same measure—to the Committee on Agriculture.

Also, petition from Melville, Renville County, Minnesota, for passage of same measure—to the Committee on Agriculture.

Also, petition of other citizens of same county, for passage of same measure—to the Committee on Agriculture.

By Mr. WALTERI. HAYES: Petition of citizens of Iowa, for passage of tobacco-rebate amendment to tariff bill—to the Committee on Ways and Means.

Also, petition of Fred Daut Company, of Muscatine, Iowa, for passage of same measure—to the Committee on Ways and Means.

Also, petition of citizens of North English, Iowa County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, resolutions of Cross Roads Alliance of Iowa County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Prescott Valley, Scott County, Iowa, for passage of same measure—to the Committee on Agriculture.

Also, petition of other citizens of same county and State, for passage of same measure—to the Committee on Agriculture.

Also, resolutions of Eldridge, Scott County, Iowa, in favor of passage of same measure—to the Committee on Agriculture.

By Mr. KERR, of Iowa: Petition of the Linn County (Iowa) Farmers' Alliance, in favor of passage of the Butterworth bill—to the Committee on Agriculture.

Also, petition of the Cedar County (Iowa) Farmers' Alliance, for passage of same measure—to the Committee on Agriculture.

Also, petition of certain citizens of Linn County, Iowa, for passage of same measure—to the Committee on Agriculture.

Also, petition of Round Prairie (Linn County, Iowa) Farmers' Alliance, for passage of same measure—to the Committee on Agriculture.

Also, petition of citizens of Grant Township, Grundy County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of the Farmers' Alliance of same township and county, for same measure—to the Committee on Agriculture.

By Mr. LACEY: Petition of C. W. McFall and others, of Mohaskee County, Iowa, in favor of the Butterworth option bill—to the Committee on Agriculture.

By Mr. MARTIN, of Indiana: Petition of Edward L. Wilson and 17 others, members of the Farmers' Mutual Benefit Association Assembly of Miami County, Indiana, for passage of the bill (H. R. 5353) defining options, etc.—to the Committee on Agriculture.

Also, resolutions of the Farmers' Mutual Benefit Association Assembly of same county and State for same purpose—to the Committee on Agriculture.

By Mr. MILLIKEN: Petition for passage of House bill 892, relating to Life-Saving Service—to the Committee on Commerce.

By Mr. REED, of Iowa: Memorial of O'Jedd Farmers' Alliance, No. 826, of Harrison County, Iowa, asking passage of the option bill—to the Committee on Agriculture.

Also, petition of 20 citizens of Pottawattamie County, Iowa, for passage of same measure—to the Committee on Agriculture.

Also, petition of 125 citizens of Shelby County, Iowa, for passage of same measure—to the Committee on Agriculture.

Also, petition of 130 citizens of Guthrie County, Iowa, asking passage of same measure—to the Committee on Agriculture.

Also, memorial of Montgomery County (Iowa) Farmers' Alliance, asking passage of same measure—to the Committee on Agriculture.

Also, petition of 27 citizens of Mills County, Iowa, asking passage of same measure—to the Committee on Agriculture.

Also, petition of 35 citizens of Adair County, Iowa, asking passage of same measure—to the Committee on Agriculture.

Also, petition of 25 citizens of Pottawattamie County, Iowa, asking passage of same measure—to the Committee on Agriculture.

Also, petition of 14 citizens of Harrison County, Iowa, for passage of same measure—to the Committee on Agriculture.

Also, memorial of Alliance No. 1491, Oakland, Iowa, asking passage of same measure—to the Committee on Agriculture.

Also, memorial of Douglas Alliance, No. 431, of Harrison County, Iowa, asking passage of same measure—to the Committee on Agriculture.

Also, memorial of Frankfort Alliance, No. 1220, of Montgomery County, Iowa, asking passage of same measure—to the Committee on Agriculture.

Also, petition of 100 citizens of Harrison County, Iowa, asking passage of same measure—to the Committee on Agriculture.

By Mr. SHIVELY: Petition of John A. Palmer and 25 others, citizens of Elkhart County, Indiana, in favor of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, petition of John W. Albin and 40 others, citizens of same county, for passage of same measure—to the Committee on Agriculture.

By Mr. STONE, of Kentucky: Memorial of William H. Ogilvie, of Ballard County, Kentucky, for allowance of claim for building material taken by the United States Army during the war of 1861—to the Committee on War Claims.

Also, memorial of Daniel C. Savilles, for allowance of claim for stores taken by United States Government during the war of 1861—to the Committee on War Claims.

Also, memorial of John T. Fisher, administrator of the estate of George A. Fisher, deceased, Paducah, Ky., for allowance of claim for timber, wood, etc., taken by the United States Army during the war of 1861—to the Committee on War Claims.

By Mr. STRUBLE: Petition of Washington Alliance, No. 1223, Iowa, urging passage of House bill 5353—to the Committee on Agriculture.

Also, petition of A. E. Harding and 29 others, citizens of Plymouth County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of A. W. Hatfield and 17 others, citizens of Woodbury County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of J. R. Ketcham and 15 others, citizens of Clay County, Iowa, urging passage of same measure—to the Committee on Agriculture.

Also, resolutions of Rock Creek Farmers' Alliance, Plymouth County, Iowa, for passage of same measure—to the Committee on Agriculture.

Also, petition of A. S. Brown and 22 others, citizens of Plymouth County, Iowa, favoring House bill 5353—to the Committee on Agriculture.

Also, petition of Thomas Sherrell and 71 others, citizens of Clay County, Iowa, favoring same measure—to the Committee on Agriculture.

Also, resolutions of Rose Hill Alliance, Woodbury County, Iowa, favoring same measure—to the Committee on Agriculture.

Also, resolutions of Fanny Fern Alliance, No. 776, of Iowa, favoring same measure—to the Committee on Agriculture.

Also, petition of John Hinson and 39 others, citizens of Woodbury County, Iowa, favoring same measure—to the Committee on Agriculture.

By Mr. THOMAS: Resolution of the Viroqua (Wis.) Suballiance of the Farmers' Alliance of Wisconsin, in relation to the farmers' anti-option bill, No. 5353—to the Committee on Agriculture.

By Mr. TOWNSEND, of Colorado: Resolutions of the Chamber of Commerce and Board of Trade of the City of Denver, Colo., in favor of the bill for the sale of land for improvement of the park—to the Committee on the Public Lands.

By Mr. WILSON, of Washington: Resolutions relative to House bill 5353—to the Committee on Agriculture.

## SENATE.

TUESDAY, December 23, 1890.

The Senate met at 10 o'clock a. m.

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

The Journal of yesterday's proceedings was read and approved.

### PETITIONS AND MEMORIALS.

Mr. TURPIE. I present the following resolutions and petitions from the State of Indiana:

1. Petition of 1,427 members of Farmers' Mutual Benefit Association No. 113, Parke County, Indiana, signed by Thomas S. Nevins, secretary county assembly.

2. Resolutions of Jackson Township Farmers' Alliance, No. 26.

3. Resolutions of Hancock County Assembly, Farmers' Mutual Benefit Association, Greenfield, Hancock County, Indiana.

4. Petition of John A. Palmer and 22 others, Elkhart County, Indiana.