for the passage of House bill granting pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of 9 ex-prisoners of war, residents of Mitchell County, Kansas, for the same measure—to the Committee on Invalid Pensions.

By Mr. MORROW: Petition of 285 citizens of Baltimore, Md., in favor of the Chinese exclusion act, said petition being, on December 26, 1890, unanimously adopted by Car-Makers' Assembly, No. 1384, Knights of Labor; membership, 800; J. W. Boston, master workman; Charles L. Smith, secretary—to the Committee on Foreign Affairs.

Also, petition of certain other citizens of Baltimore, Md., for same measure—to the Committee on Foreign Affairs.

By Mr. O'NEILL, of Pennsylvania: Resolution of the Philadelphia Conference of Baptist ministers (colored), indorsing the bill now pending before Congress for subsidizing a steamship line from this country to the west coast of Africa—to the Committee on the Post Office and Post Roads.

By Mr. OWENS, of Ohio: Petition of E. J. Lezier and 29 others, citizens of Holmes County, Ohio, favoring passage of House bill 5353, the option bill—to the Committee on Agriculture.

By Mr. PERKINS: Affidavits and papers in support of pension claim of Andrew Smith, of Kansas—to the Committee on Pensions.

Also, petition and papers in support of pension claim of Nettie C. Constant, of Kansas—to the Committee on Invalid Pensions.

By Mr. PINDAR: Petition of Mrs. Lydia G. Wilcox, president, Jennie E. Shafer, secretary, of the Woman's Christian Temperance Union of Schoharie County, New York, claiming to represent 207 members, praying passage of Senate bill 4173, to create a national social vice commission of inquiry—to the Committee on Education.

By Mr. SAYERS: Petition of citizens of McCullough County, Texas, asking for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of other citizens of same county and State, for same measure—to the Committee on Coinage, Weights, and Measures.

By Mr. SMYSER: Petition of 53 citizens of Wayne County, Ohio, praying passage of the option bill—to the Committee on Agriculture.

By Mr. STRUBLE: Resolutions of Clinton Township (Sac County, Iowa) Alliance, urging passage of House bill 5353—to the Committee on Agriculture.

Also, petition of Charles L. Wade and 24 others, citizens of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of W. H. Menold and 4 others, citizens of same county and State, for same measure—to the Committee on Agriculture.

By Mr. SWENEY: Petition of J. White and 40 others, citizens of Clear Lake, Iowa, for passage of a law to control the manufacture and sale of oleomargarine and butterine and all compounds in imitation of butter—to the Committee on Agriculture.

Also, petition of E. Cobb and 24 others, citizens of same place, for same measure—to the Committee on Agriculture.

By Mr. EZRA B. TAYLOR: Petition of F. L. Marr and 22 others, citizens of Griggs Corners, Ohio, against options—to the Committee on Agriculture.

Also, petition of Farmers' Alliance of same county, for same purpose—to the Committee on Agriculture.

Also, petition of Walter Notman and 18 others, citizens of Deerfield, Ohio, for same measure—to the Committee on Agriculture.

Also, petition of Farmers' Alliance of Deerfield, Ohio, for same measure—to the Committee on Agriculture.

By Mr. YARDLEY: Petition of Perkasie Council, Order United American Mechanics, for restriction of immigration of pauper labor—to the Select Committee on Immigration and Naturalization.

By Mr. YODER: Petition of 37 members of Farmers' Alliance, citizens of Mount Pleasant, Shelby County, Ohio—to the Committee on Agriculture.

SENATE.

FRIDAY, *January* 16, 1891.

The Senate met at 12 o'clock m.

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

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury requesting that an additional appropriation of $20,000 be made for the improvement of the grounds and completion of the breakwater for the United States marine hospital building at Lake View, Chicago, Ill.; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury recommending an appropriation of $75,000 to carry into effect the act providing for the purchase of a site and the erection of a public building thereon at Taunton, Mass.; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Navy, transmitting, in compliance with the concurrent resolution of Congress, the report of a board of officers appointed to examine the report and recommendations made by the delegates of the United States in the International Marine Conference so far as the same applies to subjects under the jurisdiction of the Navy Department, and to prepare bills for the enactment into law of said recommendations; which was referred to the Committee on Naval Affairs, and ordered to be printed.

GEORGETOWN AND TENNALLYTOWN RAILROAD COMPANY.

The VICE PRESIDENT laid before the Senate a communication from R. C. Drum, president of the Georgetown and Tennallytown Railroad Company of Washington, transmitting, in compliance with law, a list of the stockholders of that company, with a statement of its financial condition; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

LORENZO F. COFFIN.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives nonconcurring in the amendment of the Senate to the bill (H. R. 11098) for the relief of Lorenzo F. Coffin, and requesting a conference thereon.

Mr. COCKRELL. I move that the Senate insist upon its amendment and agree to the conference asked for by the House.

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. HAWLEY, Mr. MANDERSON, and Mr. COCKRELL were appointed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Fall River (Mass.) Butchers and Grocers' Association and a memorial of the Boston (Mass.) Retail Grocers' Association, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

Mr. ALLISON presented the following petitions praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Farmers' Alliance, No. 1313, of Keokuk County, Iowa;

Petition of Charles L. Wade and 29 other citizens of Sac County, Iowa;

Petition of Edward Miller and 26 other citizens of Clinton County, Iowa;

Petition of E. Mathews and 8 other citizens of Fayette County, Iowa;

Petition of Michael Snyder and 36 other citizens of Linn County, Iowa;

Petition of J. W. Moore and 11 other citizens of Calhoun County, Iowa;

Petition of S. W. Benshoof and 14 other citizens of Alden, Iowa;

Petition of N. H. Ellis and 14 other citizens of Pottawattamie County, Iowa;

Petition of A. E. Carter and other citizens of Washington Township, Pottawattamie County, Iowa;

Petition of H. S. Griffin and 19 other citizens of Muscatine, Iowa;

Petition of Summit Alliance, Iowa;

Petition of Richland Township, Iowa; and

Petition of Hazel Dell Alliance, Weston, Iowa.

Mr. ALLISON presented the petition of K. W. Kingsley and a large number of other citizens of Strawberry Point, Iowa, praying that Congress speedily enact a law giving the several States authority to control the manufacture and sale of oleomargarine, butterine, and all compounds in imitation of butter; which was ordered to lie on the table.

Mr. FRYE presented the petition of S. P. Thompson and 50 other citizens of Limestone, Me., and the petition of John Manwell and 19 other citizens of Canton, Me., praying for the passage of the pure-lard bill; which were ordered to lie on the table.

Mr. McMILLAN presented the following petitions of citizens and Farmers' Alliances of Michigan, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of John Roberts and 21 other citizens of Muskegon County, Michigan;

Petition of George McMillan and 19 other citizens of Muskegon County, Michigan;

Resolutions of Union Alliance, No. 542, of Wexford County, Michigan;

Resolutions of Muskegon County Alliance, No. 35, of Fruitland, Michigan;

Petition of S. M. Mills and A. D. Saxton, of Eaton County, Michigan, under seal of East Rapids Grange, No. 360;

Petition of Henry Greer and 10 other citizens of Kalamazoo County, Michigan;

Petition of S. A. Raymond and 26 other citizens of Rome, Lenawee County, Michigan; and

Petition of J. B. Craig and 16 other citizens of Three Rivers, Mich.

Mr. CAMERON presented the petition of Annie Heacock and Jacob Reese and other citizens of the State of Pennsylvania, praying for the passage of Senate bill 4173, creating a national commission of inquiry

into social vice; which was referred to the Committee on Education and Labor.

Mr. WILSON, of Iowa, presented the following petitions of citizens of Iowa, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of D. W. Scott and 41 other citizens of Guthrie County, Iowa;

Petition of Sardine Smith and 10 other citizens of Orange Township, Guthrie County, Iowa;

Petition of S. Baughman and 35 other citizens of Scott County, Iowa;

Resolutions of Scott County Farmers' Alliance, No. 1770, of Iowa;

Petition of M. J. Garrigan and 21 other citizens of Farley, Dubuque County, Iowa;

Petition of T. F. Luckinbill and 41 other citizens of Des Moines County, Iowa;

Petition of A. Birkholz and 21 other citizens of St. Charles, Floyd County, Iowa;

Petition of L. Litscher and 14 other citizens of Scott County, Iowa;

Petition of Charles Herrenton and 14 other citizens of Butler Township, Butler County, Iowa;

Petition of D. A. Winchell and 16 other citizens of Butler County, Iowa;

Petition of S. A. Converse and 37 other citizens of Cresco, Howard County, Iowa;

Petition of John Gager and 7 other citizens of Howard County, Iowa;

Petition of John F. LaGrange and 33 other citizens of Iowa County, Iowa;

Petition of S. M. Kepner and 28 other citizens of Fremont County, Iowa;

Petition of S. H. Lamborn and 32 other citizens of Cass County, Iowa;

Petition of F. A. Ingraham and 13 other citizens of Iowa County, Iowa;

Petition of L. L. Mulm and 18 other citizens of Holly Springs, Woodbury County, Iowa;

Resolutions of Highland Center Farmers' Alliance, No. 1362, of Guthrie County, Iowa;

Petition of I. P. Heney and 42 other citizens of Guthrie County, Iowa;

Resolutions of Pleasant Farmers' Alliance, No. 1803, of Hardin County, Iowa;

Resolutions of Pleasant Valley Alliance, No. 691, of Pleasant Township, Cass County, Iowa;

Resolutions of Victory Alliance, No. 1293, of Guthrie County, Iowa;

Resolutions of Honey Creek Farmers' Alliance, No. 1667, of Iowa County, Iowa;

Resolutions of Glenn Alliance, No. 620, of Fremont County, Iowa;

Resolutions of Victory Alliance, No. 1497, of Butler County, Iowa;

Resolutions of Taxpayers and Lumhollow Alliance, No. 1299, of Woodbury County, Iowa;

Resolutions of French Creek Branch, No. 1467, of Iowa Farmers' Alliance, of Iowa;

Resolutions of Burt Alliance, No. 1719, of Burt, Kossuth County, Iowa;

Resolutions of Freedom Township Alliance, of Hamilton County, Iowa;

Resolutions of Groveland Alliance, No. 1527, of Clarke County, Iowa;

Petition of Charles S. Dempsey and 25 other citizens of Winnebago County, Iowa;

Petition of John Bach and 17 other members of Lumhollow Alliance, No. 1299, of Woodbury County, Iowa;

Petition of G. L. Kandelman and 57 other citizens of Carlisle, Warren County, Iowa;

Petition of Fred Weber and 5 other citizens of Iowa;

Petition of William Howes and 47 other citizens of Allamakee County, Iowa;

Petition of Charles Smith and 30 other citizens of Allamakee County, Iowa;

Petition of Freedom Alliance, No. 1057, signed by W. L. Jones, president, D. C. Wood, secretary, and 18 other citizens of Hamilton County, Iowa;

Petition of Hans Thampnere and 23 other citizens of Mount Velle, Iowa; and

Petition of N. W. Greer and 19 other citizens of Clarke County, Iowa.

Mr. PADDOCK presented a petition of the Boston (Mass.) Civil Service Reform Association, praying Congress to pass the Lodge bill, and for an improved method of appointing fourth-class postmasters; which was ordered to lie on the table.

He also presented a memorial of the Fall River (Mass.) Butchers and Grocers' Association, remonstrating against the passage of the Conger lard bill and favoring the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. CASEY presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Broadtown Farmers' Alliance, of Broadtown, Steele County, North Dakota;

Resolutions of Farmers' Alliance No. 105, of Bisbee, Towner County, North Dakota;

Resolutions of North Dakota Farmers' Alliance, of Cable, Grand Forks County, North Dakota;

Resolutions of Clifford Farmers' Alliance, of Clifford, Traill County, North Dakota;

Petition of Olaf Sandstrom and 34 other members of Ransom Alliance, of Sargent County, North Dakota;

Petition of W. J. Buonett and 2 other citizens of Traill County, North Dakota;

Petition of E. Mupson and 26 other citizens of Traill County, North Dakota.

Petition of H. M. Hanson and 21 other citizens of Miner County, South Dakota;

Petition of Peter Metrie and 8 other citizens of Beadle County, South Dakota;

Petition of W. J. Gove and 9 other citizens of McCook County, South Dakota;

Petition of C. M. Smith and 12 other citizens of Grolon, Brown County, South Dakota;

Petition of J. A. Johnson and 14 other citizens of Andover, Day County, South Dakota;

Petition of Halsey Tooker and 7 other citizens of Brown County, South Dakota;

Petition of Frank Bray and 26 other citizens of Brown County, South Dakota;

Petition of Samuel Small and 17 other citizens of Clark County, South Dakota;

Petition of W. W. Havens and 31 other citizens of Hutchinson County, South Dakota;

Petition of W. P. Cann and 38 other citizens of Brown County, South Dakota;

Petition of H. B. Burleigh and 8 other citizens of Burr Oak, Beadle County, South Dakota;

Petition of A. L. Siddons and 9 other citizens of Wilbur Township, Brûlé County, South Dakota;

Resolutions of Andover Alliance, No. 502, of Andover, Day County, South Dakota;

Resolutions of Groton Farmers' Alliance, No. 410, of Brown County, South Dakota;

Resolutions of Farmers' Alliance and citizens of Westport, Brown County, South Dakota;

Resolutions of Richland Alliance of Clark County, South Dakota;

Resolutions of Ordway Alliance, No. 359, of Brown County, South Dakota;

Resolutions of Miner County Alliance of South Dakota; and

Resolutions of Tripp Alliance, of Tripp County, South Dakota.

Mr. ALLEN. I present a petition of the Chamber of Commerce of the city of Seattle, Wash., setting forth the defenseless condition of our seacoast and the humiliating position in which our nation is placed thereby, and urging that Congress inaugurate and prosecute with vigor a policy of constructing gun foundries, arsenals, fortifications, dockyards, naval stations, and a system of coast and naval defenses, commensurate with the dignity of the nation and the magnitude of the interests to be protected. I move that the petition be referred to the Committee on Coast Defenses.

The motion was agreed to.

Mr. ALLEN presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Pleasant Valley Alliance, of Garfield County, Washington;

Resolutions of New Hope Farmers' Alliance, of Columbia County, Washington;

Resolutions of Klikitat Alliance, No. 142, of Goldendale, Klikitat County, Washington;

Resolutions of Blue Mountain Farmers' Alliance, of Pomeroy, Garfield County, Washington;

Petition of M. M. Batterton and 13 other citizens of Pleasant Valley Alliance, Washington;

Petition of G. A. Cornwall and 27 other citizens of Spokane County, Washington;

Petition of W. H. Sutton and 13 other citizens of Columbia County, Washington;

Petition of O. Stangeland and 18 other citizens of Spokane County, Washington;

Petition of J. F. Gordon and 34 other citizens of Covello, Columbia County, Washington;

Petition of W. H. Miller and 39 other citizens of Klickitat County, Washington; and

Petition of Daniel Brunton and 19 other citizens of Pomeroy, Garfield County, Washington.

Mr. HIGGINS presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Capital Grange, Dover, Del.; and

Petition of William A. Talley and 17 other members of West Brandywine Grange, Delaware.

Mr. SHERMAN presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of the Butchers' National Protective Association of Cincinnati, Ohio;

Petition of Norwich Farmers' Alliance, No. 364, Norwich Township, Huron County, Ohio;

Petition of citizens of Jefferson, Ohio;

Petition of members of Chester (Ohio) Farmers' Alliance;

Petition of citizens of Morrow County, Ohio;

Petition of members of Dudley Alliance, No. 576, of Noble County, Ohio;

Petition of New Springfield Farmers' Alliance, No. 65, of Ohio;

Petition of the Farmers' Alliance of Leesville, Carroll County, Ohio; and

Petition of citizens of Carroll County, Ohio.

Mr. COKE. I present a memorial from a large number of citizens of Houston, Tex., and a large number of banks and commercial organizations of the same city, remonstrating against the passage of the Conger lard bill.

I also present a memorial from a number of gentlemen of Navarro County, Texas, remonstrating against the passage of the same bill.

I move that the memorials lie on the table.

The motion was agreed to.

Mr. HARRIS. I present a memorial of the Farmers' Exchange of Memphis, Tenn., composed of practical farmers resident in Tennessee, Arkansas, and Mississippi, remonstrating against the passage of the Conger lard bill.

I also present a memorial of the Commercial Association of Memphis, Tenn., remonstrating against the passage of the same bill, this association being composed almost entirely, if not wholly, of the commercial men of the city of Memphis.

I move that the memorials lie on the table.

The motion was agreed to

Mr. REAGAN presented the following telegraphic memorials, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of Hon. Wells Thompson and other citizens of Columbus, Tex.;

Memorial of D. McNaughton and other citizens of Palestine, Tex.;

Memorial of Southern Oil Company, of Houston, Tex.;

Memorial of John E. Lytle, and other citizens of San Antonio, Tex.;

Memorial of B. A. Sheppard and 28 other firms and citizens of Houston, Tex.; and

Memorial of Charles H. Allyn, and other citizens of Corsicana, Tex.

Mr. GORMAN. I present a great number of memorials from citizens of the States of New Jersey, New York, Oregon, Pennsylvania, South Carolina, Virginia, West Virginia, North Carolina, Rhode Island, Iowa, Connecticut, Tennessee, Minnesota, Kansas, Maine, Nebraska, Arkansas, California, Delaware, Georgia, Maryland, Wisconsin, Massachusetts, and Missouri, remonstrating against the passage of the force or elections bill now pending, which I ask be separately noted and lie on the table.

The memorials were ordered to lie on the table, as follows:

Memorial of Edward N. Buck, of San Diego, Cal., and other citizens of California;

Memorial of George W. Weiaur and other citizens of Haverstraw, N. Y.;

Memorial of John T. Rutledge and other citizens of Maryland;

Memorial of Charles Jeffries, colored, of Clearfield, Pa.;

Memorial of James D. Connelly, of Clearfield, Pa.;

Memorial of O. E. Reynolds, of Margaretville, N. Y.;

Memorial of Dennis Markey and other citizens of New York City;

Memorial of G. L. Rapp, of Monmouth County, New Jersey;

Memorial of P. C. Humphrey, of Goldsborough, N. C.;

Memorial of J. E. McDonald, of Waynesville, Mo.;

Memorial of James J. Gallagher, George Haseltine, and other citizens of New York City;

Memorial of Adam Helfrich, William Helfrich, and George Helfrich, of Jersey City, N. J.;

Memorial of F. W. Shultz and James Dowling, of the State of New York;

Memorial of James S. Cobb, Richmond, Va.;

Memorial of Charles Bayer and other citizens of New York City;

Memorial of George W. Maybe, of Sullivan County, New York;

Memorial of John H. Martin, John M. Adams, S. J. Burge, and A. H. Woodward, of Clearfield, Pa.;

Memorial of Louis A. Meyer and G. Reutter, sr., of Jersey City, N. J.;

Memorial of James O. Keeffe, of Tazewell County, Virginia;

Memorial of Emile C. Dreyfries, of New York City;

Memorial of L. R. Benedict and other citizens of Ellenville, N. Y.;

Memorial of Patrick J. Fitzpatrick, of New York City;

Memorial of Charles W. Hanley Deshon and other citizens of New York City;

Memorial of Frank F. Hummel and other citizens of the State of New Jersey;

Memorial of August Kost, Maurice Garrean, Jacob Diehl, Daniel Schoor, F. H. Bryle, J. Walter, Charles Rose, Ferdinand Mang, William Lulken, Henry Siewers, D. Faber, Louis Martin, Charles Kost, C. W. Miller, Edwin M. Van Nonan, and Emil K. Klhan, of the State of New Jersey;

Memorial of John Quigley, of Allamakee County, Iowa;

Memorial of C. Kohberger, of Brooklyn, N. Y.;

Memorial of August Hosung and Otto Smith, of the State of New Jersey;

Memorial of S. F. Jacobs and other citizens of Reading, Pa.;

Memorial of William H. Gerges, James S. Douglas, L. Davidson, C. D. Moll, William Schoomer, and A. J. Shanley, of the State of New York;

Memorial of Lyman D. Jones, of Bridgeport, Conn.;

Memorial of James Arnold, of Brentsville, Va.;

Memorial of A. Snauzy and other citizens of New York City;

Memorial of J. S. Menken and other citizens of Memphis, Tenn.;

Memorial of Phil Blaum, Henry Baumann, C. I. Rockoph, Satro Binchi, H. Skelton Carter, V. Dippman, Jacob Gutridge, Henry Kroger, Louis Recks, Edward Kleemanz, C. F. Doenitz, and Henry Polott, of the State of New York;

Memorial of C. F. Kroos, of Hoboken, N. J.;

Memorial of H. N. Philips, of Hopkinton, R. I.;

Memorial of O. A. Pegran, of New York City;

Memorial of Martin Kane, of Morris, Minn.;

Memorial of Henry Helfrich and Randolph Hull, of the State of New Jersey;

Memorial of H. E. Newburg, of Magnolia, N. C.;

Memorial of D. F. Hall and other citizens of Scott City, Kans.;

Memorial of Asa L. Dapps and other citizens of the State of New Jersey;

Memorial of P. W. McIntyre and other citizens of Cornish, Me.;

Memorial of John Sullivan and other citizens of New York City;

Memorial of Garrett L. Westwelt and other citizens of New York City;

Memorial of Thomas H. West and other citizens of Stockport, N. Y.;

Memorial of J. J. Wood and other citizens of Columbus, Ga.;

Memorial of E. G. Dean, of Deposit, N. Y.;

Memorial of Morris H. Strauss and other citizens of New York City;

Memorial of William Parison, of Jersey City, N. J.;

Memorial of Thomas Massontol, of Cape Vincent, N. Y.;

Memorial of John H. Leary, of Brooklyn, N. Y.;

Memorial of Hobart Oakley, of Greene County, New York;

Memorial of John Alexander, of Jersey City, N. J.;

Memorial of Cannus F. Bogart, Michael O'Reilley, H. S. Adler, Joseph Witzel, Theodore Witzell, J. A. Buhl, and Emil Witzel, of the State of New York;

Memorial of T. C. Lewis, of Dover, Del.;

Memorial of —— Wellbrock, of Jersey City, N. J.;

Memorial of Louis Mitzel and other citizens of New York City;

Memorial of William F. Withers and other citizens of Brooklyn, N. Y.;

Memorial of W. H. Lloyd and other citizens of New York City;

Memorial of Louis Waldter and other citizens of Wymore, Nebr.;

Memorial of E. E. Breed and other citizens of Shawano, Wis.;

Memorial of —— Colcade and other citizens of Cornish, Me.;

Memorial of Lewis W. Neilson and other citizens of Baltimore, Md.;

Memorial of William J. Cummings and other citizens of Baltimore, Md.;

Memorial of C. E. McColloch and other citizens of the State of North Carolina;

Memorial of R. John Richards and other citizens of Greenfield, N. Y.;

Memorial of John Jacob Schmid and other citizens of Ellenville, N. Y.;

Memorial of L. E. Elum and other citizens of Salem, N. C.;

Memorial of George Roe and other citizens of Vallejo, Cal.;

Memorial of John J. Smith, Fred Gettinger, and N. Westerman, jr., of the State of New Jersey;

Memorial of Charles E. George, of Worcester, Mass.;

Memorial of Charles Hart, Gottlieb Reutter, Luke Boyle, William, J. Hare, and E. B. Blaisius, of the State of New York;

Memorial of Henry Kaiser and Gottlieb Kaiser, of Brentsville, Va.;

Memorial of S. B. Patterson and Charles A. Kindig, of the State of New Jersey;

Memorial of John Leary, sr., John L. Nathan, and George L. Lentz, of the State of New York;

Memorial of —— Brede, James Miller, and Maurice Lyons, of the State of New Jersey;

Memorial of Davis White, of Latrobe, Pa.;

Memorial of Henry F. Coch and other citizens of the States of New York and New Jersey;

Memorial of J. P. Miller and other citizens of the State of New Jersey;

Memorial of M. J. D. Withington and other citizens of Northumberland, Pa.;

Memorial of M. L. Frescoh and other citizens of New York City;

Memorial of James O. Cooper, of Dover, N. J.;

Memorial of Henry S. Bennett, of Bath, N. Y.;
Memorial of Frank Smith and other citizens of New York City;
Memorial of George Caldwell and Henry Rhode, of Jersey City, N.J.;
Memorial of A. Leuter, Philip Duffy, L. Rodding, H. Coullards, Edward Tennis, William Flynn, E. C. Jordon, Val. Foerschnez, and William Miller, of the cities of Brooklyn and New York;
Memorial of William B. Risse, of San Francisco, Cal.;
Memorial of Henry Meyer, Philip Eck, and George Kraft, of Jersey City, N. J.;
Memorial of Henry Hitchcock, J. Smith, John W. Smith, W. H. Easley, J. B. C. Thompson, C. H. Jordan W. E. Smith, J. J. Bell, J. M. Thompson, and A. S. Cromwell, of Poinsett County, Arkansas;
Memorial of Joseph Denmans and Philip Callahan, of the State of New Jersey;
Memorial of B. W. Guthrie, Henry Gugenheimer, and H. N. Height, of New York City;
Memorial of Frank W. Short, John F. Short, Terence Berry, R. Montague, Thomas C. McLaughlin, and W. B. Holmes, of Clearfield, Pa.;
Memorial of Victor J. Robertson, of San Francisco, Cal.;
Memorial of W. F. Smith and other citizens of the States of New York and New Jersey;
Memorial of Demetrius M. Chadsey and other citizens of Schenectady, N. Y.;
Memorial of William L. Darmstadt and other citizens of Hewletts and Woodsburgh, Long Island;
Memorial of Frank Beagan and other citizens of Providence, R. I.;
Memorial of John McSherry and other citizens of New York City;
Memorial of Ransome M. Snyder and other citizens of New York City;
Memorial of John J. Diegan and other citizens of New York City;
Memorial of Charles Stevenson and other citizens of New York City;
Memorial of John J. Nolloman and other citizens of New York City;
Memorial of Michael Hirlen and other citizens of Brooklyn, N. Y.; and
Memorial of Oscar J. Cohn and other citizens of New York City.

Mr. WASHBURN presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Paul Kennedy and 78 other citizens of Wright County, Minnesota;
Resolutions of Camp Release Alliance, No. 561, of Lac qui Parle County, Minnesota;
Resolutions of the Kandota Farmers' Alliance, No. 910, of Kandota Township, Todd County, Minnesota;
Resolutions of the Elkton Alliance, No. 630, of Clay County, Minnesota;
Resolutions of Walter Alliance, No. 808, of Walter, Lac qui Parle County, Minnesota;
Petition of L. R. Mausell and 18 other citizens of Brown County, Minnesota;
Petition of Albert Selke and 10 other citizens of Mound Prairie, Houston County, Minnesota;
Petition of Heinrich Brookmann and 16 other citizens of town of Effington, Minn.;
Petition of William Jensen and 11 other citizens of Otter Tail County, Minnesota;
Petition of A. H. Hendrickson and 11 other citizens of Todd County, Minnesota;
Petition of J. B. Johnson and 5 other citizens of Rock County, Minnesota;
Petition of I. M. Cady and 16 other citizens of Rock County, Minnesota;
Petition of G. P. Ladenburgh and 14 other citizens of Lyon County, Minnesota;
Petition of A. F. Schultz and 15 other citizens of Lac qui Parle County, Minnesota;
Petition of H. M. Iverson and 10 other citizens of Skree Township, Clay County, Minnesota;
Petition of Henry Walter and 6 other citizens of Lac qui Parle County, Minnesota;
Resolutions of Montgomery Bohemian Farmers' Alliance, No. 682, of Le Sueur County, Minnesota;
Petition of Henry H. Frankner and 17 other citizens of Linnelb, Becker County, Minnesota;
Resolutions of Eureka Farmers' Alliance, No. 831, of Becker County, Minnesota;
Resolutions of Angus Farmers' Alliance, No. 738, of Minnesota;
Petition of Peter Sweet and 20 other citizens of La Grand Township, Douglas County, Minnesota;
Petition of Bellevue Alliance, No. 1145, signed by H. H. Pierce, president, H. A. Bouck, secretary, and 12 other citizens of Minnesota;
Petition of John Schultz and 37 other citizens of McLeod County, Minnesota; and
Petition of J. M. Palmer and 5 other citizens of Angus, Polk County, Minnesota.

Mr. MITCHELL presented the petition of John Bridgeman, late private Battery L, Third United States Artillery, praying favorable consideration of his claim for bounty land claimed by him by virtue of service in the Army; which was referred to the Committee on Pensions.

Mr. VEST presented the petition of members of Sunny Side Union, No. 1846, and citizens of DeKalb County, Missouri, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. CULLOM presented a petition of Hoisington Lodge, No. 4313, Farmers' Mutual Benefit Association, of Illinois, and a petition of citizens of Winnebago County, Illinois, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented a petition of 36 delegates to the Jefferson County Assembly of the Farmers' Mutual Benefit Association, of Illinois, representing a constituency of 1,200 citizens, and a memorial of 34 delegates of the annual State meeting of the Farmers' Alliance and Industrial Union of the State of Illinois, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table.

Mr. CULLOM. I present a declaration of principles adopted at a conference of delegates from the farmers' organizations of Henry and Rock Island Counties, Illinois, held at Rock Island, Ill., December 24, 1890, demanding the prohibition of alien ownership of lands, the forfeiture of the charter of the Union Pacific Railway, the free and unlimited coinage of silver, and indorsing the Conger lard bill. I do not know to what committee the memorial should be referred.

The VICE PRESIDENT. The memorial will lie on the table.

Mr. QUAY presented the following petitions and resolutions from the State of Pennsylvania, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of W. B. Miller and 12 other citizens of New Bedford, Lawrence County, Pennsylvania;
Petition of Curtin Wright and 12 other citizens of McKean, Erie County, Pennsylvania;
Petition of W. L. Mendenhall and 11 other citizens of Jefferson County, Pennsylvania;
Petition of Sol Harpst and 28 other citizens of Otter Creek, Mercer County, Pennsylvania;
Petition of H. J. Osborn and 10 other citizens of Erie County, Pennsylvania;
Petition of J. H. Taylor and 18 other citizens of Beaver County, Pennsylvania;
Resolutions of New Bedford Alliance, No. 20, of New Bedford, Lawrence County, Pennsylvania;
Resolutions of Stancliff Farmers' Alliance Agricultural School of McKean County, Pennsylvania;
Resolutions of Pioneer Alliance Agricultural School, No. 15, of Darlington, Pa.;
Resolutions of Summit Central Alliance, of Kearsarge, Erie County, Pennsylvania;
Resolution of the National Butchers' Protective Association, No. 5, of Allegheny County, Pennsylvania;
Resolution of the Excelsior Farmers' Alliance, No. 49, of Warren County, Pennsylvania;
Resolution of the Vernon Grange, No. 842, of Pennsylvania;
Petition of citizens of Eldred, Warren County Pennsylvania;
Two petitions of citizens of Pennsylvania;
Petition of citizens of Calvin's Corners, Pa.;
Petition of citizens of Main Search, Pa.; and
Petition of citizens of Best, Pa.

REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on the District of Columbia, to whom was recommitted the bill (S. 3736) legalizing the action of the commissioners of the District of Columbia in granting permits to extend any building or buildings beyond the building line, and declaring such building or buildings to be lawful structures, reported it with amendments.

Mr. HIGGINS, from the Committee to Examine the Several Branches of the Civil Service, to whom was referred the bill (S. 3146) to insure preference in appointment, employment, and retention therein, in the public service of the United States to veterans of the late war, asked to be discharged from its further consideration and that it be referred to the Committee on Civil Service and Retrenchment; which was agreed to.

Mr. STANFORD, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4770) to increase the appropriation for the purchase of a site for a building for a post office, courthouse, and other offices in San Francisco, Cal., and to commence the construction thereof, reported it with amendments, and submitted a report thereon.

Mr. EVARTS, from the Committee on the Library, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HISCOCK, from the Committee on Finance, to whom was referred the joint resolution (H. Res. 251) to correct an error of punctuation in the tariff act of 1890, reported it without amendment.

Mr. DAWES. I ask leave to report from the Committee on Appropriations the bill (H. R. 12499) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, with sundry amendments. I desire to give notice that at as early a day as possible I shall ask the Senate to consider the bill.

The VICE PRESIDENT. Meanwhile the bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. CARLISLE introduced a bill (S. 4875) to pension James Carroll; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4876) to pension the children of Joseph Cromie; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4877) granting certain property to the city of Newport, Ky.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4878) to remove the charge of desertion against John Knockelmann; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. EVARTS. I introduce a bill to secure by law the regulation of standard time in this country. I present therewith a petition from the American Society of Civil Engineers promoting the bill. I ask that both bill and petition be referred to the Committee on the Judiciary.

The bill (S. 4879) respecting the reckoning of time throughout the United States was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. MANDERSON introduced a bill (S. 4880) authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River, near Council Bluffs, Iowa, and Omaha, Nebr.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MCCONNELL introduced a bill (S. 4881) providing for a commission to treat with the Nez Percé tribe of Indians in the State of Idaho for the purchase from and the release by said tribe of that portion of their reservation north of the Clearwater River, in said State; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MITCHELL introduced a bill (S. 4882) providing a temporary government for Alaska; which was read twice by its title, and referred to the Committee on Territories.

Mr. SPOONER introduced a bill (S. 4883) granting a pension to Emily K. Graham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 4884) to establish a life-saving station at Brant Rock, in the town of Marshfield, Mass.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. DIXON introduced a bill (S. 4885) to provide for the purchase of a site and the erection of a public building thereon at Westerly, in the State of Rhode Island, etc.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. KENNA. I introduce a bill to authorize the Norfolk and Western Railroad Company to bridge the Tug Fork of the Big Sandy River. In doing so I desire to state that I have not examined the details of the bill. It will, of course, go to the Committee on Commerce, and there be treated in such manner as is commensurate with its importance.

The bill (S. 4886) to authorize the Norfolk and Western Railroad Company to bridge the Tug Fork of the Big Sandy River at certain points, where the same forms the boundary line between the States of West Virginia and Kentucky was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES introduced a bill (S. 4887) for the relief of Calvin Jones; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENT TO APPROPRIATION BILLS.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed to the pension appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

NAVAL COMMITTEE HEARING.

Mr. BUTLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearings before the Committee on Naval Affairs on the bill (S. 2779) providing for the reorganization of the Engineer Corps of the Navy be paid out of the contingent fund of the Senate.

WORLD'S COLUMBIAN COMMISSION.

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 Select Committee on Quadro-Centennial, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the report of the World's Columbian Commission, with the accompanying papers.

BENJ. HARRISON.

EXECUTIVE MANSION, *January* 16, 1891.

COLUMBIA RIVER IMPROVEMENT.

The VICE PRESIDENT. If there be no further morning business, the Calendar, under Rule VIII, is in order.

Mr. DOLPH. I ask leave to call up for consideration the bill (S. 3473) making appropriations for the improvement of the Columbia River.

Mr. SHERMAN. I shall not object to taking up the bill indicated by the Senator from Oregon if he says it will lead to no debate, but after that I shall insist, unless the Senate order otherwise, that we shall proceed with the Calendar.

The VICE PRESIDENT. Is there objection to the present consideration of the bill indicated by the Senator from Oregon?

Mr. COCKRELL. Let it be read for information.

The VICE PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of securing the early completion of the work for the improvement of the mouth of the Columbia River, Oregon, the Secretary of War, upon the application of the Chief of Engineers, is hereby authorized, in his discretion, to draw his warrant or requisition, from time to time, upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate $2,348,000, the amount estimated as necessary for the completion of the same, as shown in the reports of the Chief of Engineers for the year 1889: *Provided, however*, That the amounts drawn from the Treasury shall not exceed $700,000 in any one year, and that an itemized statement of said expenditures shall accompany the annual report of the Chief of Engineers. The amount required for the completion of this work as herein proposed is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That for the purpose of securing the early completion of the canal and locks at the cascades of the Columbia River, Oregon, the Secretary of War, upon the application of the Chief of Engineers, is hereby authorized, in his discretion, to draw his warrant or requisition, from time to time, upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate $1,250,000, the amount estimated as necessary for the completion of the same, as shown in the reports of the Chief of Engineers for the year 1889: *Provided, however*, That the amounts drawn from the Treasury shall not exceed $500,000 in any one year, and that an itemized statement of said expenditures shall accompany the annual report of the Chief of Engineers. The amount required for the completion of this work as herein proposed is hereby appropriated out of any money in the Treasury not otherwise appropriated.

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. COCKRELL. Now, I should like to hear an explanation or have a report read.

Mr. DOLPH. I shall submit an amendment, but will first make an explanation. The amount asked to be appropriated for the mouth of the Columbia is to be decreased by $475,000, which will make the amount $1,873,000. The amount in the second section will be decreased by $435,000, which will leave the amount asked for $815,000. This bill should have been passed at the same time when two similar bills were passed, one for Galveston Harbor and one for the Sault Ste. Marie locks and canal. Both those bills went from the Senate in order that the sense of the other House might be taken upon them. At the direction of the committee this bill was not called up in the Senate at the last session and consequently it was not acted upon.

It was reported on the 10th day of April last and was not acted on; but provision was made in the river and harbor appropriation act for the contract to the full amount of the Galveston works and the canal and locks of Sault Ste. Marie, the work for the Baltimore Harbor, and the work for the Philadelphia Harbor. Provision was made for contracting for the completion of all these works; and I think now that, in order that this improvement may have a fair show with the rest at least, this bill ought to be permitted to go to the House of Representatives for consideration there.

Mr. COCKRELL. Was anything put in the last river and harbor act for this improvement?

Mr. DOLPH. It was appropriated for the same as the other works, Galveston Harbor, the Sault locks, the Baltimore Harbor, and the Philadelphia Harbor. They were appropriated for and the act also contained a provision authorizing contracts for their completion.

Mr. MITCHELL. But there is a credit given in the bill, I understand.

Mr. DOLPH. As I have already stated I propose amendments reducing the amounts proposed to be appropriated in the bill by the amounts appropriated for the works since the bill was reported.

Mr. COCKRELL. Let me ask further, have the bills appropriating large sums for Galveston and Sault Ste. Marie been passed by the House of Representatives?

Mr. DOLPH. Neither one of those bills has been passed by the House of Representatives, and I can not say what fortune this bill will have in that body, but I want at least to keep along with the procession, and I think it justice to allow this bill to go there. This bill was re-

ported by the committee about the same time as the Galveston bill. Certainly it is not necessary for me now to discuss the propriety of this kind of an appropriation. I undertake to say that if this bill should be passed, out of the total of $2,600,000 appropriated it would save $500,000. It would save half a million dollars to the Government if this bill could be passed by both Houses; and it would not make the appropriation for these works much larger annually than the appropriations would be if we had an annual river and harbor appropriation. I send to the desk the amendment I propose.

The VICE PRESIDENT. The amendment moved by the Senator from Oregon will be stated.

The CHIEF CLERK. In line 9 of the first section strike out the word "two" and insert the word "one;" in line 10 strike out the word "three" and insert the word "eight;" and in line 10 strike out "forty-eight" and insert "seventy-three;" so that the amount in lieu of $2,348,000 would read $1,873,000."

Mr. MITCHELL. Mr. President, I shall not detain the Senate with any remarks in support of this bill. I concur fully in all that my colleague has said. I have discussed heretofore at length the importance of these two great improvements. The Committee on Commerce reported this bill unanimously, I believe, and as it is very important that the business of the Senate be not delayed, I shall not take up the time of the Senate in any remarks if we can come to a vote.

Mr. GORMAN. Mr. President, I could not hear the remarks of the Senator from Oregon farthest from me [Mr. DOLPH], but I take it for granted his amendment in line 9 of section 1, making the appropriation $1,873,000 instead of $2,348,000, will be an amount sufficient to complete the work according to the estimates, and that the amendment is offered because of the appropriation made last year in the river and harbor act.

Mr. DOLPH. It simply gives credit for the amount of the appropriation made last year.

Mr. GORMAN. Is there any reduction or any addition in the second section?

Mr. DOLPH. I have offered an amendment reducing the amount there so that it will be only $815,000.

Mr. GORMAN. I trust the amendment will be adopted and that the Senate will pass the bill. The Committee on Commerce of this body, of which the Senator from Maine [Mr. FRYE] is chairman, in considering the matter of appropriations for these great works, have succeeded, and I think fortunately for the country, in adopting the plan of making a sufficient appropriation to complete works of improvement, notably those at Galveston, at Sault Ste. Marie and at Baltimore Harbor, with the result of making the improvements in very much less time and at a saving in cost to the Government of at least 30 or 33 per cent.

The Senators from Oregon, who of course are very anxious about the improvement at the mouth of the Columbia River and the completion of the locks on that river, while advocating the general proposition to make appropriations to complete the works in all the other harbors of this country, submitted gracefully to the determination of the Senate at the last session to appropriate five or six or seven millions, whatever the amount was, for Galveston Harbor, and the entire amount estimated for the improvements at Baltimore, at Sault Ste. Marie, and at other points. It being impossible at that time to have provision made for all the great works of improvement in the country, those Senators submitted gracefully to the appropriations being made, which I have referred to, and permitted the appropriation now proposed to go over.

The value and importance of the improvement to the commerce of the country can not be overestimated. It is a matter in which not Oregon and Washington alone, but all the territory that has an outlet through the Columbia River is interested, and the entire country is interested in it.

I take great pleasure in saying that the broad action of the Senators representing that section of our common country, in making provision for our harbors on the Atlantic coast, entitles them in this matter, in my judgment, to consideration. I therefore trust that this bill will not only pass in the form suggested by the Senators from Oregon, but that it will pass at once and by a unanimous vote.

Mr. MITCHELL. One word further, Mr. President. It is so seldom that the Oregon Senators receive compliments for their modesty and submission, and especially the Senator who sits at this desk, that I can not refrain from extending my thanks to the Senator from Maryland [Mr. GORMAN] for his very kind remarks and also for his aid in committee and in the Senate in the support of this very meritorious bill.

Mr. GIBSON. Mr. President, this bill comes from a committee of which I am a member, and I desire to say a word in favor of it.

It is always wise in respect of public works in this country to adopt a policy which conforms to that which has been adopted measurably by other governments. We have appropriated during this Congress an amount sufficient to complete the work at the Sault Ste. Marie, amounting to five or six millions. We have appropriated an amount (six millions) sufficient to give a deep-water harbor at Galveston on the Gulf of Mexico, the improvement of which concerns the agricultural communities that stretch as far as the north line of Nebraska.

Now, we propose to improve the Columbia River in the interests of our States on the Pacific Sea. This policy will not only be economical, but will promote every industry tributary to the different points. We have now pending before the Committee on Commerce a bill to continue the works on the Mississippi River, which I hope may receive the favorable consideration of the Senate. It is estimated by the engineers engaged in the improvement of the Mississippi River that, by the expenditure of about $9,000,000—$3,000,000 a year—we can render that great valley absolutely secure from inundation; also deepen the river, so as to give cheaper freights to the producing classes throughout the Mississippi Valley.

The engineers estimate that by our failure to make continuing appropriations to carry forward uninterruptedly the works for the improvement of the river, the impairment of the plant, which cost over a million of dollars itself, has already amounted to the enormous sum of a quarter of a million of dollars, and the loss on the works themselves amounts to about a quarter of a million more. But who can estimate the annual loss the farmers and producers of the great valley incur by the suspension of navigation on this, the greatest highway of commerce in our country, for four or five months every year at the very time when those products are to be moved to the markets of the world? And who can estimate the losses by the inundation of the great valley—from Cairo to Port Eads, more or less—embracing an area greater than the State of Indiana, which would afford home occupation to several millions of our countrymen and produce an annual contribution to the wealth of our country of several hundred—four or five hundred—million dollars annually? I trust that the bill I speak of may receive favorable consideration when brought here.

Mr. CALL. Mr. President, I shall not oppose the passage of this bill. I do not object to the policy of completing important public works, but I do not wish it to be understood over the country that the Senators who have spoken in favor of this bill are right in claiming that the public works which they favor can properly exclude all the other parts of the country from the benefit of the expenditures for the completion of the improvement of their rivers and harbors. There are other works of as much importance to them as those provided for in the bills referred to are to the people of Oregon and the Mississippi Valley.

In other localities, and in the country and States surrounding them, are great public works which require to be completed. Some regard should be had to the interests of every part of the country.

There is the port of Pensacola, which is unquestionably by nature the finest harbor upon the Gulf of Mexico, and, by proximity to all the States of the interior on the east of the Mississippi River, the most convenient and cheapest place for the exportation of their products and the importation of foreign products, which requires money for the completion of the improvements commenced there.

It is not even a problematical question whether there ever can be any artificial work to compare with what nature has done there. There is no doubt of the fact that one-tenth of the sum of money which has been appropriated for the construction of a deep-water harbor at Galveston would make Pensacola the finest seaport in the world and the best outlet for the whole country, the transmississippi country as well as that on this side of it.

I am not willing to have the impression go forth that there has not been some degree of neglect of other places of as great national importance as that provided for in this appropriation. There is the harbor of Tampa, on the Gulf, easily capable of being made a safe and great mart for the commerce of the Gulf, where a rapidly growing city and terminus of railroads already exists; and here also are the ports of Apalachicola, Corabelle, Charlotte Harbor, and the city of Key West, all easily reached by the construction of railways and susceptible of improvement into deep harbors for the largest vessels at one-tenth of the cost of the works referred to.

I wish to make my protest here and now against a partial and unfair expenditure of the public money which shall lead to the neglect of these natural and convenient harbors on the Gulf of Mexico.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Oregon.

Mr. DOLPH. Let the amendment be again reported.

The VICE PRESIDENT. The amendment will be again stated.

The CHIEF CLERK. In section 1, line 9, it is proposed, after the word "aggregate," to strike out "$2,348,000" and insert "$1,873,000;" so as to read:

Not to exceed in the aggregate $1,873,000.

The amendment was agreed to.

Mr. DOLPH. Now let the next amendment I offer be stated.

The CHIEF CLERK. In section 2, line 7, it is proposed to strike out "$1,250,000" and insert "$815,000;" so as to read:

Not to exceed in the aggregate $815,000.

The amendment was agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARATOGA MONUMENT ASSOCIATION.

The VICE PRESIDENT. The Calendar, under Rule VIII, being in order, the first bill on the Calendar will now be stated.

Mr. EVARTS. I ask permission of the Senate to have taken up Order of Business 2242, a bill which has been passed by the House of Representatives and has been reported without amendment by the Military Committee of the Senate. It proposes simply to loan certain cannon which were surrendered at the battle of Saratoga to be placed on the great monument which has been erected there.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7119) to authorize the Secretary of War to loan certain cannon to the Saratoga Monument Association.

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

CHARLES G. HOOD.

The VICE PRESIDENT. The first bill on the Calendar will be stated.

The bill (S. 2635) for the relief of Charles G. Hood was announced as first in order upon the Calendar; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with amendments, in line 6, after the word "service," to insert "as of August 8, 1862," and in line 8, after the word "same," to insert "as of October 1, 1862;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and required to enter on the rolls of Company A, Seventeenth Ohio Volunteer Infantry, the name of Charles G. Hood, as duly mustered into the United States service, as of August 8, 1862, and to grant him an honorable discharge from the same, as of October 1, 1862.

The amendments were agreed to.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOSEA BROWN.

The bill (H. R. 7471) to provide increase of pension to Hosea Brown, of the war of 1812 was considered as in Committee of the Whole. It proposes to increase the pension of Hosea Brown, formerly a member of Captain Edward Burgess's company of New York militia, and who was in the military service in the war of 1812, to $40 per month, in lieu of the $8 per month he is now receiving.

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

SARAH J. POWERS.

The bill (S. 2529) granting a pension to Sarah J. Powers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah J. Powers, widow of Norman Powers, late of Company E, Twenty-ninth Wisconsin Volunteers.

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

CHARLES W. GEDDES.

The bill (S. 4697) to pension Charles W. Geddes for services rendered in the war with Mexico was considered as in Committee of the Whole. It proposes to place the name of Charles W. Geddes, of Washington, D. C., on the pension roll, on account of services on board the United States steamer General Taylor during the war with Mexico, subject to the limitations and regulations of the pension laws of the United States in pensioning the survivors of the war with Mexico.

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

EMILY P. COLLINS.

The bill (H. R. 7879) granting a pension to Emily P. Collins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily P. Collins, an army nurse, of Hartford, Conn., and to grant her a pension of $12 a month.

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

INDIAN DEPREDATION CLAIMS.

The bill (H. R. 8150) to provide for the adjudication and payment of claims arising from Indian depredations was announced as next in order on the Calendar.

Mr. COCKRELL. I see that the bill was reported by the Senator from South Dakota [Mr. MOODY] who is now absent. It is a very long bill and I do not know whether the completion of the reading of it and any consideration could be given to it before 2 o'clock. Would it not be well, therefore, to let it go over, retaining its place on the Calendar?

Mr. PADDOCK. This is a very important bill. It relates to a subject which has been neglected by Congress for a long time. Congress has failed to perform a most important duty in this behalf, for the performance of which a method is here prescribed. This bill passed the House of Representatives, came to the Senate some time ago, was referred to the Committee on Indian Depredations, and that committee substituted for it the bill on the same subject, which they reported in the last session to the Senate, and which is now on the Calendar.

The last request made by the chairman of the committee [Mr. MOODY] before he went away was that, when this bill should be reached, the Senate should be asked to consider it. In the absence of that Senator I am the acting chairman of the committee, and I ask now for its consideration. I hope, therefore, the Senator from Missouri will not object, but will let the bill be read and let it go over then, if necessary, as unfinished business to the morning hour to-morrow. Let us have an opportunity, at least, to try to determine upon a method by which these claims shall be adjudicated. That is all there is in it.

There are more than one hundred and fifty private bills before the Select Committee on Indian Depredations upon this subject, and probably as many more petitions relating to other cases. The hearts of hundreds of people have been made sick by hope long deferred, and their lives blasted by the refusal of Congress to consider these claims. I appeal to the Senator to let the bill be considered.

Mr. COCKRELL. Mr. President, I am just as anxious for the consideration and disposition of this bill as is the Senator from Nebraska. I know all about these Indian depredation claims, the treatment they have received at the hands of Congress, and the efforts which have been made from time to time to have the individual claims allowed. With the Senator from Kansas [Mr. PLUMB] I was instrumental in securing an appropriation on the Indian appropriation bill for the investigation of these claims.

We had hoped that that investigation would be satisfactory and that the claims would be so thoroughly investigated and reported to Congress that Congress could then dispose of them. In that we were disappointed. There are from fifteen to twenty million dollars of individual claims not only on the part of citizens of the United States, but some of them on the part of the Indians against the United States, and they are all involved in this bill.

The bill ought to be disposed of; but the Senator from Nebraska knows just as well as I do that an hour is simply thrown away, absolutely wasted, and wasted to the prejudice of the bill and wasted to the consideration of the bill hereafter. To consume one hour now is simply to injure and prejudice the possibility of the passage of the bill hereafter, and it can do no earthly good.

Mr. PADDOCK. The bill has been put over, crowded out, trampled upon, and frequently set aside in order that other measures of much less importance should receive consideration. I for one will consent to this no longer.

The action which the Committee on Appropriations took in 1872 in reference to an investigation of these claims was wise and just; but it has resulted in very little or nothing, because, as the Senator intimated, there are so many of them that the Committee on Appropriations has felt indisposed to "tackle" them, so to speak.

The number of claims mentioned by the Senator which have been reported upon favorably by the Secretary of the Interior, after very careful investigation by special agents and afterwards by the Indian Office, is nothing like so large as the Senator states. I think there are somewhere between four and five million dollars of these claims which have been reported upon by the Secretary of the Interior after very rigid and careful investigation.

I should be very glad, for one, to accept the report of the Secretary of the Interior in favor of all those claims, but some of our associates here are not willing to do that. If there shall be some method of investigation fixed by Congress and if those claims shall be confirmed through the action of the tribunals or the courts upon which this duty may be imposed, by this proposed legislation, then all will willingly and cheerfully help to make the necessary appropriations. But we have got to make a start in this matter, and it is time now; it was time ten years ago; it will be too late ten years hence. Hundreds of people now living are interested in the passage of this bill and urging that it should be considered and passed. Hundreds of others have gone to their graves, and the Government has thus escaped from the payment of their just claims against it.

The VICE PRESIDENT. The question is, Shall the bill be considered?

Mr. PADDOCK. All I ask is that the bill may be read now and then if it can not be concluded before the expiration of the morning hour it may go over until the morning hour of to-morrow.

Mr. FAULKNER. I am satisfied that this bill can not be considered and discussed under the five-minute rule. I therefore object to its being considered under that rule.

The VICE PRESIDENT. The bill will go over without prejudice.

Mr. PADDOCK. I am constrained by a sense of duty——

The VICE PRESIDENT. Debate is not in order except by unanimous consent.

Mr. PADDOCK. I propose to make a motion which I think is in order.

I am constrained by a sense of duty to the people I represent here and to the people of other States of the Northwest, many of whom have been ruined by these Indian depredations, to move that the Senate proceed now to the consideration of the bill.

The VICE PRESIDENT. The question is on the motion made by

the Senator from Nebraska that the Senate proceed to the consideration of the bill (H. R. 8150) to provide for the adjudication of claims arising from Indian depredations.

Mr. ALLEN. Mr. President——

The VICE PRESIDENT. Debate is not in order. The question is on the motion made by the Senator from Nebraska.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Now let the bill be read in full.

The VICE PRESIDENT. The bill will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and insert——

Mr. COCKRELL. Let the original bill be read. We want to know which one of the two we should adopt.

The VICE PRESIDENT. The original bill will first be read.

The Chief Clerk read the bill as passed by the House of Representatives December 15, 1890.

The VICE PRESIDENT. The proposed substitute will be read.

The CHIEF CLERK. The Select Committee on Indian Depredations report to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That in addition to the jurisdiction which now is or may hereafter be conferred upon the Court of Claims, said court shall have and possess jurisdiction, and authority to inquire into and finally adjudicate, in the manner provided in this act, all claims of the following classes, namely:

First. All claims for property of citizens of the United States taken or destroyed by Indians belonging to any band, tribe, or nation in amity with the United States, without just cause or provocation on the part of the owner or agent in charge and not returned or paid for.

Second. All claims by Indians under the protection of any treaty with the United States, who, while residing and being upon any lawful reservation provided for them or while absent therefrom by authority and peaceably conducting themselves, shall have suffered a loss of property through unlawful destruction or taking by white men or by Indians of another tribe or nation then belonging to the United States and in amity therewith and not authorized to be upon the reservation or other place where such destruction or taking occurred.

Third. All just offsets and counterclaims to any claim of either of the preceding classes which may be before such court for determination.

SEC. 2. That the district courts of the United States shall have concurrent jurisdiction with the Court of Claims as to all matters named in the preceding section where the amount of the claim does not exceed $2,000, and the circuit courts of the United States shall have concurrent jurisdiction in all cases where the amount of such claim exceeds $2,000 and does not exceed $10,000. All cases brought and tried under the provisions of this act shall be tried by the court without a jury.

SEC. 3. That no claim referred to in the second subdivision of section 1 of this act shall be allowed by the court unless substantiated to the satisfaction of the court by the testimony of some creditable witness having a personal knowledge of the facts, and who is not of the Indian race.

SEC. 4. That all questions of limitations as to time and manner of presenting claims are hereby waived, and no claim shall be excluded from the jurisdiction of the court because not heretofore presented to the Secretary of the Interior or other officer or department of the Government: *Provided*, That no claim accruing prior to January 1, 1867, shall be considered by the court unless the claim has been allowed or pending, prior to the passage of this act, before the Secretary of the Interior or the Congress of the United States; but no case shall be considered pending unless evidence has been presented therein: *And provided further*, That all claims existing at the time of the taking effect of this act shall be presented to the court by petition, as hereinafter provided, within three years after the passage hereof, or shall be thereafter forever barred: *And provided further*, That no suit or proceeding shall be allowed under this act for any depredation which shall be committed after the passage thereof.

SEC. 5. That the jurisdiction of the respective courts of the United States proceeding under this act, including the right of exception and appeal, shall be governed by the law now in force, so far as the same is applicable and not inconsistent with the provisions of this act, and the course of procedure shall be in accordance with the established rules of said respective courts, and of such additions and modifications thereof as said courts may adopt, but all appeals in such cases shall be governed by the rules and regulations applicable to cases in equity.

SEC. 6. That all claims shall be presented to the court by petition setting forth in ordinary and concise language, without unnecessary repetition, the facts upon which such claims are based, the persons, classes of persons, tribe or tribes, or band of Indians by whom the alleged illegal acts were committed, as near as may be, the property lost or destroyed, and the value thereof, and any other facts connected with the transactions and material to the proper adjudication of the case involved. The petition shall be verified by the affidavit of the claimant, his agent, administrator, or attorney, and shall be filed with the clerk of the respective court having jurisdiction of the case, and, in cases where the circuit and district courts take jurisdiction, in the district where the claimant resides, or where the depredation was committed, at the option of the claimant. It shall set forth the full name and residence of the claimant, the damages sought to be recovered, praying the court for a judgment upon the facts and the law.

SEC. 7. That the claimant shall cause a copy of his petition filed under the second section hereof to be served upon the district attorney of the United States in the district wherein the petition is filed, and shall mail a copy of the same by registered letter to the Attorney-General of the United States, and shall also mail a copy of the same by registered letter to the agent of the Indian tribe or band by whom the acts are alleged in the petition to have been committed, and shall also cause such further service of copies of his petition to be made upon such persons as the court shall direct. The claimant shall thereupon cause to be filed with the clerk of the court wherein the proceedings are instituted an affidavit of such service and the mailing of such letter or letters. Such service of the petition, when the case is brought in the Court of Claims, shall be made as may be provided by the rules or orders of said court. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid, and of the Attorney-General of the United States, to appear and defend the interests of the Government and of the Indians in the suit, and within sixty days after the service of the petition upon him, unless the time shall be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government and the Indians, and to file a notice of any counterclaim, set-off, claim of damages, demand, or defense whatsoever of the Government or of the Indians in the premises: *Provided*, That should the district attorney or the Attorney-General neglect or refuse to file the plea, answer, demurrer, or defense as required, the claimant may proceed with the case under such rules as the court may adopt in the premises; but the claimant shall not have judgment for his claim, or for any part thereof, unless he shall establish the same by proof satisfactory to the court: *Provided*, That any Indian or Indians interested in the proceedings may appear and defend, by an attorney employed by such Indian or Indians with the approval of the Commissioner of Indian Affairs, if he or they shall choose so to do.

In considering the merits of claims presented to the court any testimony, affidavits, reports of special agents, or other officers, and such other papers as are now on file in the Departments or in the courts, relating to any such claims, shall be considered by the court as competent evidence and such weight given thereto as in its judgment is right and proper: *Provided*, That all unpaid claims which have heretofore been examined, approved, and allowed by the Secretary of the Interior or under his direction in pursuance of the act of Congress relating thereto shall have priority of consideration by such court and shall be held to be *prima facie* correct, and judgments for amounts therein found due shall be rendered, unless either the claimant or the United States shall elect to reopen the case and try the same before the court, in which event the testimony in the case given by the witness and the documentary evidence therein may be read as depositions and proofs: *Provided*, That the party electing to reopen the case shall assume the burden of proof.

SEC. 8. That the said court shall make rules and regulations for taking testimony in the causes herein provided for, by deposition or otherwise, and such testimony shall be taken in the county where the witness resides, when the same can be conveniently done, and no person shall be excluded as a witness because he is a party to or interested in said suit, and any claimant or party in interest may be examined as a witness on the part of the Government; that the court shall determine in each case the value of the property taken or destroyed at the time and place of the loss or destruction, and, if possible, the tribe or band of Indians or other persons by whom the wrong was committed, and shall render judgment in favor of the claimant or claimants against the United States, and against the band or tribe of Indians committing the wrong, when such band or tribe can be identified; and if the cause be in favor of any Indian or Indians, tribe or band of Indians, and against any white man or men, as provided in the second subdivision of section one, such white man or men shall be made a party defendant, when they can be identified, and judgment shall be rendered against them in behalf of said Indian or Indians: *Provided, however*, That if said property taken or destroyed was unlawfully, and with the knowledge and consent of the owner or agent in charge thereof, upon a reservation set apart for the exclusive use of the tribe or band committing the injury, no judgment therefor shall be rendered against the United States.

SEC. 9. That the amount of any judgment so rendered against any tribe or band of Indians shall be charged against the tribe or band by which, or by members of which, the court shall find that the depredation was committed, and shall be deducted and paid in the following manner: First, from annuities due said tribe from the United States; second, if no annuities are due or available, then from any other funds due said tribe from the United States arising from the sale of their lands or otherwise; third, if no such funds are due or available, then from any appropriation for the benefit of said tribe, other than appropriations for their current and necessary support, subsistence, and education; and, fourth, if no such annuity, fund, or appropriation is due or available, then the amount of the judgment shall be paid from the Treasury of the United States: *Provided*, That any amount so paid from the Treasury of the United States shall remain a charge against such tribe, and shall be deducted from any annuity, fund, or appropriation hereinbefore designated which may hereafter become due from the United States to such tribe.

SEC. 10. That judgments against white men and in favor of the Indian shall be collected through the ordinary process of the courts from the property of such white men, if sufficient is possessed by them; otherwise the amount of such judgment shall be paid from the Treasury of the United States.

SEC. 11. That all judgments of said courts shall be a final determination of the causes decided and of the rights and obligations of the parties thereto, and shall not thereafter be questioned unless a new trial or rehearing shall be granted by said court, or the judgment reversed or modified upon appeal as hereafter provided.

SEC. 12. That immediately after the beginning of each session of Congress the Attorney-General of the United States shall transmit to the Congress of the United States a list of all final judgments rendered in pursuance of this act in favor of claimants and against the United States, and not paid as hereinbefore provided, which shall thereupon be appropriated for in the proper appropriation bill.

SEC. 13. That all sales, transfers, or assignments of any such claims heretofore or hereafter made, except such as have occurred in the due administration of decendents' estates, are hereby declared void, and all warrants issued by the Secretary of the Treasury, in payment of such judgments, shall be made payable and delivered only to the claimant or his lawful heirs, executors, or administrators or transferee under administrative proceedings, except so much thereof as shall be allowed the claimant's attorneys by the court for prosecuting said claim, which may be paid direct to such attorneys, and the allowances to the claimant's attorneys shall be regulated and fixed by the court at the time of rendering judgment in each case and entered of record as part of the findings thereof.

SEC. 14. That the claimant, or the United States, or the tribe or band of Indians, or other party thereto interested in any proceeding brought under the provisions of this act shall have the same rights of appeal as are or may be reserved in the statutes of the United States in other cases, and upon the conditions and limitations therein contained. The mode of procedure in claiming and perfecting an appeal shall conform in all respects as near as may be to the statutes and rules of court governing appeals in other cases.

SEC. 15. That all papers, reports, evidence, records, and proceedings now on file or of record in any of the Departments or the office of the Secretary of the Senate, or the office of the Clerk of the House of Representatives, or certified copies of the same, relating to any claims authorized to be prosecuted under this act, shall be furnished to the proper court upon its order at the request of the Attorney-General.

SEC. 16. That the investigation and examinations, under the provisions of the acts of Congress heretofore in force, of Indian depredation claims shall cease upon the taking effect of this act, and the unexpended balance of the appropriation therefor shall be covered into the Treasury.

Mr. PADDOCK. On page 11, section 3, line 4, before the word "witness," I move to strike out the word "creditable" and insert "credible."

Mr. COCKRELL. Only the House bill has been read. There is an amendment proposed by the committee which should be read.

The VICE PRESIDENT. The bill and the amendment proposed by the committee have been read.

Mr. PADDOCK. The House bill was read by the Secretary first, and the Senate bill, which is an amendment in the nature of a substitute for the House bill, was read last. It is in the amendment that I propose simply the change of one word. I propose to strike out the word "creditable" and insert the word "credible."

Mr. COCKRELL. Let the report be read.

Mr. PADDOCK. This is a merely verbal correction.

The VICE PRESIDENT. Will the Senator restate his amendment?

Mr. PADDOCK. On page 11, section 3, line 4, I move to strike out the word "creditable" and insert the word "credible."

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. SPOONER. I should like to ask the Senator from Nebraska what his estimate is of the total amount of the claim for which he proposes payment by this bill?

Mr. PADDOCK. I do not remember exactly. But I think the aggregate amount of the claims, good, bad, and indifferent, presented may be somewhere near $18,000,000, but not all, perhaps no more than six or seven millions, have been investigated by the Department of the Interior, and of these there have been found to be only about $5,000,000 of meritorious claims according to my recollection.

I have not examined the reports of the Secretary of the Interior lately, and I may be wrong as to these figures. It is likely that the better class of these claims will be first presented, and it is fair to assume that, under the investigation which has been already made, the whole amount will not exceed eight or nine million dollars.

Mr. SPOONER. This bill, as I understand it, gives to every claimant who has presented his claim to the Department and upon which the Department has acted the election to reopen the case if he desires.

Mr. PADDOCK. The cases adjudicated, and all the papers in the cases, may be referred to the courts on the election of the parties in interest.

Mr. SPOONER. The Senator's answer to my question is confined entirely to claims which have been presented. Is the Senator of opinion that all these claims have been presented for investigation and adjudication?

Mr. PADDOCK. Of course I can state only what I think about it. From such knowledge as I have generally on the subject, my impression is that about all the claims that would likely come in under this measure, and perhaps all, have been investigated.

Mr. MITCHELL. I inquire of the Senator in charge of the bill if there is not a provision in the House bill that jurisdiction shall only be conferred upon the courts so far as relates to the claims which have been presented before the date of the passage of the act? It would not authorize the bringing in of new claims after the passage of the act?

Mr. SPOONER. I do not so understand the bill.

Mr. MITCHELL. There is, I think, a provision of that kind in the bill.

Mr. PADDOCK. There is a provision limiting the cases and placing 1867 as the earliest which are to be considered. The cases arising since that time which shall have been presented to the Interior Department or presented to Congress for legislation may be presented to the court. But all cases must have been filed before the passage of this proposed act to secure a status in court.

Mr. MITCHELL. That is, the claims shall have been presented either to Congress or to some Department of the Government at the date when this bill becomes a law.

Mr. SPOONER. That is a matter of detail.

Mr. MITCHELL. That is a fact, and it is a very important one.

Mr. PADDOCK. It is an absolute limitation.

Mr. SPOONER. I have given no attention to this bill. I would like to ask the Senator what the fundamental proposition is upon which this liability is sought to be imposed upon the Government, as he understands it. Does it rest on some promise of indemnification created by statute or does he base it on the broad proposition that the Government is under obligations to protect against violence to settlers, or is it both?

Mr. PADDOCK. It is both.

Mr. DOLPH. Mr. President, if the Senator will permit me I will state that there is a statutory liability of the United States as to a large portion of these claims, which has been repudiated by Congress for more than a quarter of a century. That liability is based upon legislation that commenced as early as 1796. The last statute which embodied the provisions of the statute of 1796 was the act of 1834. After providing that no person whose property had been taken or destroyed by Indians should follow the Indians and undertake to reclaim his property or seek redress, but that such person should present his claim to the Government and that it should be investigated by the Government, the statute of 1834 provided as follows:

> And if the nation or tribe to which such Indian may belong receive an annuity from the United States, such claim shall, at the next payment of the annuity, be deducted therefrom and paid to the party injured; and if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the Treasury of the United States.

And that was done until 1859. In 1859 that act was modified, not so as to permit persons who had been injured by Indian depredations to seek redress in the courts or by following and attempting to reclaim their property taken and carried away; not repealing the provision that required them to present their claims to the Government to be examined and passed upon, but simply limiting or repealing in part the provision for the payment from the Treasury of the claims. I will read this provision.

Mr. CALL. Will the Senator from Oregon please give me the date of the original act?

Mr. DOLPH. I will. The first act was in 1796 (1 Stats., 469). That act, after prohibiting, as I have stated, citizens of the United States from undertaking to retake their property or to recover damages against Indian tribes or individual Indians for the destruction of their property, provided as follows:

> And in the mean time, in respect to the property taken, stolen, or destroyed, the United States guaranties to the party injured an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge, by crossing over the line on any of the Indian lands, he shall forfeit all claims upon the United States for such indemnification: *And provided also*, That nothing herein contained shall prevent the legal apprehension or arresting within the limits of any State or district of any Indian having so offended: *And provided further*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by any such Indian out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.

This act was re-enacted March 3, 1799 (1 Stats., 747), and again by the act of March 30, 1802 (2 Stats., 143), and by the act of June 30, 1834 (4 Stats., 731). It was also substantially re-enacted, and the provision in regard to indemnification by the United States to claimants out of the Treasury of the United States was retained.

I have already quoted from the act of 1834, in which it is provided that if there was no annuity out of which the damages caused by Indian depredations could be paid, they shall be paid out of the Treasury of the United States, and that was done up to 1859. In 1859 this enactment was passed:

> That so much of the act entitled "An act to regulate trade and intercourse with the Indian tribes and preserve peace on the frontier," approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in the said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities as prescribed in said act.

That act was approved February 28, 1859. It was found necessary in 1860 to provide for claims for depredations which had been committed prior to February 28, 1859, and it was enacted—

> That the repeal by the eighth section of the act of Congress approved the 28th day of February, 1859, of so much of the act of Congress entitled "An act to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers," approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in said act, shall not be construed to destroy or impair any right to indemnity which existed at the date of said repeal.

And that is the law to-day. And as to more than one-half of the claims known as the Indian depredation claims the United States is not only bound by every principle of justice to pay them, but there is a statutory obligation and promise to pay them in force to this hour.

Mr. MANDERSON. I think it ought to be further suggested by the Senator from Oregon that by almost continual legislation these claimants have been invited to come before the Indian Bureau and make proofs of their claims.

Mr. DOLPH. That is exactly what I was about to state in answer to the inquiry of the Senator from Wisconsin [Mr. SPOONER]. I was following the course of legislation on this subject. I have divided these claims into two classes. I am now speaking of the claims for depredations committed prior to February, 28, 1859, and a large number of claims of citizens of the United States which have been presented here for the consideration of Congress are claims for depredations that were committed prior to the date when the provision of the act of 1834, which provided for the payment of such claims out of the Treasury, was repealed; and by the act of 1860 it is provided that nothing in the act of February 28, 1859, shall impair their rights.

So these claimants stand here to-day upon the statutory obligation of the Government to make them compensation for these injuries, as they have stood here for over thirty years, begging at the doors of Congress for the recognition of their claims without avail, while Congress has appropriated millions annually to feed and clothe and support indolent savages in idleness.

In regard to claims for depredations which have been committed since that time, since February 28, 1859, what has been the condition of the law and what are the obligations of the Government? The law has remained in force all the while, which prevented a citizen of the United States from undertaking to seek redress from the Indians. If a thief enters your house and steals your goods, if a white man burns your building or destroys your property, you can have redress against him. You can bring suit against him for damages and recover; you can follow and reclaim your property. But all the while the boundary line of an Indian reservation or of the Indian country has been a "city of refuge" for every marauding redskin who has destroyed the property of a white man; the moment a citizen of the United States attempts to pass over that line the strong arm of the law interferes to say to the citizen who has been deprived of his property, "Thus far shalt thou go and no farther in your efforts to recover your property." That has been the law since 1796. That is the law to-day.

But, more than that, the Government has always said to people who have suffered from Indian depredations, "Present your claims to the

Interior Department, present your petitions for payment, with the proofs of your claims, and they will be adjudicated by the Secretary of the Interior."

I should state further that it was not until the year 1872 that Congress repealed the provision that these claims, after being passed upon by the Secretary of the Interior, should be paid out of the annuities of the Indians. The payment of them was continued from February 28, 1859, until 1872, when Congress provided that no more money should be paid to such claimants out of moneys stipulated to be paid by the General Government to the Indians without the action of Congress. This has proved a virtual repudiation by the Government.

Mr. MANDERSON. Quite a good many special acts were passed during that interval.

Mr. DOLPH. Yes, that is true, but there were a large number of claims, in addition to those which accrued prior to February 28, 1859, which have not been paid and which are just claims, under the law as it existed at the time the depredations were committed, against annuities payable to Indians, the payment of which has been prevented by the action of Congress. The only remaining class of claims are those for depredations which have occurred since 1872, and for depredations which have occurred between February 28, 1859, and this date, where there were no annuities payable to the Indians committing the depredations from the United States. These are the only claims as to which there is not an express statutory promise of the Government to pay them or to see them paid, and they rest upon this broad and just principle of liability.

The United States has assumed to be the guardian of the Indian tribes, of their persons and their property, has made regulations for their protection, has appropriated money for their support and education, has prevented citizens from undertaking to secure payment for injuries received from wrongful acts committed by them, out of their property, holding such property, if I may use the expression in this connection in chancery, in the hands of the General Government to be applied as justice required; and has all the while held out inducements to its injured citizens to look to it for indemnification, saying to them, "If you will present your claims with the proofs they shall be passed upon." And practically it might just as well have added, "You shall be paid." Is it not the duty of the guardian of the Indians, having the custody and control of their property, acting through the legislative department of the Government, to either pay these just claims out of their property, or, if Congress has so legislated that they can not now be paid out of money due to the Indians or from their property, to pay them out of the Treasury?

Mr. President, I agree to every word that was said this morning by the Senator having charge of this bill [Mr. PADDOCK]. There never was such an outrage committed upon any class of citizens of the United States as has been perpetrated by Congress by delaying year after year consideration of these just and meritorious claims. There are probably ten thousand citizens of the United States who have for thirty years been deprived of payment of as just claims as were ever presented to any department of the Government. They have, many of them, passed from the stage of action. Many of the claims are now represented by administrators, executors, and heirs. The claimants are nearly all aged; many of them have been in want; they have suffered the pangs of hunger for the want of what the Government owes them.

Whenever anything is suggested here in regard to the Indians, when they break out and begin to massacre citizens and burn down houses, there is great gush over them and outcry in regard to their treatment by the Government and the whites, and we appropriate money for them without stint. But these poor people who settled on the frontiers of this country, who have laid the foundations of great States of the Union, established civil government for themselves, and endured dangers and privations, who were left to contend with hostile savages, without the protection of the Government, as was the case in my State for years, the Government not having fully determined whether it was going to make an active effort to hold the territory or would let it go to Great Britain—I say these meritorious classes of citizens with these meritorious claims are turned day after day from the doors of Congress without any consideration.

Mr. COCKRELL. I notice that an order has been made for the reprinting of the report upon the Indian depredation claims.

Mr. PADDOCK. Yes, the order was made yesterday, and I suppose the report has been already printed, although it has not yet been distributed.

Mr. REAGAN. It has not been printed.

Mr. COCKRELL. I hope there will be a special order that it may be immediately printed for the use of the Senate.

Mr. PADDOCK. My belief is that it has already been printed.

Mr. COCKRELL. It ought to have been sent here if it has been printed.

PUBLIC BUILDING AT MANKATO, MINN.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1384) to provide for the purchase of a site and the erection of a public building thereon at Mankato, in the State of Minnesota, having met, after a 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, and agree to the same with an amendment as follows: Strike out the words "one hundred and fifty thousand," in lines 10 and 11, and insert "ninety thousand," and strike out all after the word "dollars," in line 11, 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 Minnesota 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.

The report was concurred in.

PUBLIC BUILDING AT ST. ALBANS, VT.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2127) to provide for the purchase of a site and the erection of a public building thereon at St. Albans, in the State of Vermont, 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, and agree to the same with an amendment as follows:

Strike out the word "forty," in line 10, and insert "sixty," and strike out all after the word "dollars," in line 10, 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 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 Vermont 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,
JUSTIN S. MORRILL,
G. G. VEST,
Managers on the part of the Senate.

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

Mr. COCKRELL. I should like to know what change the report has made in the bill as it passed the Senate.

Mr. SPOONER. We passed it at $75,000. The other House reduced the amount to $40,000, I think. The report makes it $60,000.

Mr. COCKRELL. I see there is some considerable detail about the method of selecting the site.

Mr. SPOONER. It is the form that is used in all the public-building bills at this session.

Mr. COCKRELL. That is, if the officer of the Treasury Department can not make a satisfactory selection a commission shall be appointed.

Mr. SPOONER. A commission is to be appointed, one of whom is to be an officer of the Treasury Department, who receives no compensation for services; only his actual expenses are paid. It is the form that was agreed upon early in the last session.

Mr. COCKRELL. Now, what is that form exactly? I do not know that I understand it. I should like to have just a brief explanation.

Mr. SPOONER. I am about to send to the Clerk's desk another conference report which will be read, containing the same form precisely.

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

The report was concurred in.

PUBLIC BUILDING AT SIOUX FALLS, S. DAK.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1354) to provide for the purchase of a site and the erection of a public building thereon at Sioux Falls, in the State of South Dakota, having met, after a 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, and agree to the same with an amendment as follows: Strike out the word "two," in line 13, and insert "one," and strike out all after the word "dollars," in line 13, and insert the following:

"Proposals for the sale of lands 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 South Dakota 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. COCKRELL. I understand that in cases where the officer of the Treasury has made a selection and his report is not satisfactory, then the Secretary of the Treasury appoints two commissioners.

Mr. SPOONER. Three, one of whom shall be an officer of the Treasury Department.

Mr. COCKRELL. I mean he appoints two civilians outside of the Government service, and then he selects an officer from his own Department and they go and view and make their report.

Mr. SPOONER. They give hearings.

Mr. COCKRELL. They give hearings. No provision is made as to whether they are all to be of one political party or not. That is all left in the discretion of the Secretary of the Treasury. Then is there any provision in regard to the State from which they shall be chosen? They can all be taken from the city where the building is to be located, that is, the two outside of the Treasury official, or they can be taken from beyond the bounds of the State, anywhere.

Mr. SPOONER. It would be a very extraordinary thing, of course, for the Treasury Department to select commissioners not residents of the State. I will state to the Senator from Missouri that we have had a good deal of trouble growing out of complaints——

The VICE PRESIDENT. The hour of 2 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.

Mr. SPOONER. I ask that the unfinished business may be temporarily laid aside for a moment. This is a privileged matter.

The VICE PRESIDENT. It will be laid aside, if there be no objection, in order to pass on the conference report.

Mr. SPOONER. The Senator from Florida [Mr. PASCO], who is entitled to the floor, will permit the report to be disposed of?

Mr. PASCO. I have no objection, if it is agreeable to the Senator in charge of the bill.

Mr. SPOONER. It will take but a moment.

There has been great complaint and a good deal of scandal for years breaking out at times, growing out of the selection of sites by the Treasury agent or official. We had at the last session a long hearing and a great complaint growing out of the selection at Springfield, Mo.; we had trouble as to the selection at a point in New York and at a point in Massachusetts. The Secretary of the Treasury seemed to feel himself confined to that method of ascertaining the proper location. The Senator's colleague [Mr. VEST] and myself went carefully over the subject, and, after conference with the Department, including the Supervising Architect, we drew with as much care as we could (and we bestowed considerable labor upon it) the formula which is set forth here and which has been pursued thus far.

They send out, in the first place, the Treasury agent, and if the selection which he makes is not satisfactory in the locality and does not seem to be satisfactory to the Department they select a commission consisting of two citizens not connected with the Government, who I think always would be chosen perhaps one from the State and another from the locality. It might be best not to choose both from the locality. The commission give hearings; they give an opportunity to citizens to present their affidavits and make known fully the wishes of the different competitive locations, and they are required to make their report to the Department, with all plats and testimony taken, and with their recommendation. The Secretary is not confined to that; he might order another if he chose. Thus far I am told that the rule has operated very satisfactorily to the Department, and they believe it will secure better and more prompt action in the selection of sites than to have it left as it has been.

Mr. COCKRELL. I simply wanted to know exactly the method agreed upon in this conference report. I do not criticise it; I think it is probably the very best method that could be devised for the settlement of these very unpleasant controversies among the citizens of a locality as to the particular site where the public building shall be erected. I wanted to understand fully and have stated the views of the committee, so that there would be no misunderstanding of it hereafter. Has the Senator any calculation as to the amount that will be appropriated by this Congress for public buildings?

Mr. SPOONER. I have not.

Mr. COCKRELL. Up to this time?

Mr. SPOONER. I have not.

Mr. COCKRELL. I understand that in many cases of the bills passed for public buildings the amount is not really specified, except the limit.

Mr. SPOONER. The limit is specified.

Mr. COCKRELL. A limit is fixed, but there is not any amount appropriated.

Mr. SPOONER. Congress may be called upon hereafter to appropriate less than the limit.

Mr. COCKRELL. And perchance more than the limit.

Mr. SPOONER. Very likely.

Mr. GORMAN. When this matter was up some days ago, I asked the Senator who has charge of these bills for a report of that kind, and I do trust it will be furnished.

Mr. SPOONER. One is being prepared now.

Mr. GORMAN. So we are likely to have a report before the close of the session, showing the gross amount that is provided for?

Mr. SPOONER. The gross amount authorized.

Mr. GORMAN. That is all I desire.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on concurring in the report,

The report was concurred in.

UNITED STATES ELECTIONS.

The PRESIDING OFFICER. The unfinished business will be proceeded with.

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.

The PRESIDING OFFICER. The Senator from Florida [Mr. PASCO] is entitled to the floor.

Mr. PASCO. I am requested by the Senator from Massachusetts [Mr. HOAR] to give way to him in order that he may lay some matter before the Senate, and I do so now.

Mr. HOAR. Mr. President, at some time during this debate, I desire to lay before the Senate an article in the Anglo-Saxon Churchman which seems to me quite pertinent in this discussion. The Anglo-Saxon Churchman is an eight-page paper published at Little Rock, in

the State of Arkansas, and evidently, from the whole tone of the copy of it which I hold in my hand, is a paper of great respectability. I am informed by what I regard good authority that the manager of it is a conscientious and intelligent gentleman of great respectability. I have no personal knowledge about that, but it is the description made by the organ of the Protestant Episcopal Church, one of the most conservative of sects, but, as we all know, a denomination of Christians which is largely increasing in this country, and is not only increasing in numbers, but in influence and in religious zeal. I desire to call the attention of the Senators from Arkansas to this statement. I suppose that if I were to rise in my place here and make any one of a half-dozen statements which are found in this article I should encounter a pretty heated and angry reply. I ask to have it read, and then I shall say a word or two about it.

The PRESIDING OFFICER. The Chief Clerk will read as requested.

The Chief Clerk read as follows:

SAFETY WITHOUT RASCALITY——

Mr. GORMAN. Give the date of the paper, and what is the title of it?

The CHIEF CLERK. Anglo-Saxon Churchman, volume 7, No. 7; Little Rock, Ark., January, 1891. The article is as follows:

At the approaching session of the Legislature of the State of Arkansas the subject of the elective franchise ought to be considered. It is best to face the problem with candor. In the long run nothing is gained by subterfuge and affectation.

The white people of Arkansas have irrevocably made up their minds that the negroes of the State shall not rule; that is no longer a debated question. The only question open to discussion is the method that shall be finally adopted to nullify the African vote. There is a large number of white men in Arkansas who are opposed to fraud and violence as preventives of the evil of negro suffrage. Some of us do not believe in the Jesuitical ethics that "a good end justifies bad means."

There is one very strong reason for this position, amongst others, that none will gainsay, namely, that fraud and violence as means of neutralizing the negro vote are having an educative influence on the rising generation.

To speak quite plainly, "stuffing ballot boxes and bulldozing niggers" are making scoundrels and ruffians of the sons of gentlemen.

There are just two ways of meeting the difficulty honorably. One is for each Southern State or all the Southern States jointly to demand of the United States the repeal of the fifteenth amendment, and, if the demand is rejected, then to take up arms to revolutionize the Government by a great war. The other plan is to so amend our State constitution that such a class of both whites and blacks will be deprived of the franchise as shall cut off the great majority of the black vote. We are opposed to the first method; it is too costly and we believe unnecessary. The second method, therefore, is before us for discussion.

The State of Mississippi held a convention and amended her constitution with this view; the amendment provides that no man shall vote unless he can read any article of the constitution or understand the same when read to him, and the payment of a tax of $2 is required of all electors. The amendment is a farce, a transparent piece of humbug. It will defeat the negro vote, unless fraud is practiced by the officers appointed to pass upon the qualification of voters.

No restriction based on education and intelligence would suffice short of a college diploma and ability to write an able and original essay on the science of government; and such restriction as that would be grossly unfair to hundreds of thousands of competent white voters. An educational qualification alone is a delusion and a snare.

It is not alone, nor chiefly, the negro's intelligence that is lacking to qualify him as a safe voter; it is far more a lack of manhood. The negro's will is too feeble. He lacks moral resolution and ability to resist manipulation by demagogues.

What test is adequate to measure the negro's fitness to vote? We frankly avow that we believe no test whatever will insure us a perfectly safe class of negro voters that will not also exclude many white men worthy of a vote; for the reason that strength of character can not be accurately measured and determined in individuals. We can only approximate a standard; and that approximation must inevitably work a hardship to some white men. In addition to ability to read and write and large poll tax—say $10 per annum—nothing will serve to gauge strength of character so well as the acquisition and retention of property.

It is confessedly an imperfect standard. But we are discussing the choice of imperfect standards. Every intelligent, unprejudiced man in America knows perfectly well that the only thoroughly safe standard is pure Caucasian blood; but, as we have assumed the impracticability of returning to that standard, the question is what makeshift shall we substitute for it? We are thoroughly persuaded that nothing less, and nothing else, than an educational qualification, a large poll tax, and the ownership of unencumbered real estate, to the value say of $1,000, will insure us a safe body of voters, composed of both white and black citizens.

The negro who can read and write, is able and willing to pay $10 poll tax, and is able to accumulate and hold $1,000 worth of land is an exceptionally strong negro, and as a rule can be trusted to resist the wiles of the demagogue and vote wisely.

We believe that 90 per cent. of the white men of Arkansas agree with us on this subject, in theory; the trouble is to get the white men who would lose their vote by this test to consent to it; for those white men, with the negroes, constitute a majority of the present electors of this State. But for the selfish, wicked influence of the small politician we believe a majority of these white men could be induced to sacrifice their vote for the good of the State. The small politician is a power, especially when the majority of the natural leaders of the people eschew politics.

The withdrawal of our best men of brains from participation in politics is the great weakness of our popular government. If our best politicians in Arkansas were re-enforced and led by men like Mr. Garland, Judge Rose, and Judge Compton, and if this class of men would canvass the State of Arkansas in advocacy of such an amendment as we have indicated, we believe that the influence of the communistic demagogues could be counteracted and the measure adopted. Our best men avoid political life because there is so much "corruption in politics." Is it any wonder? What should we think of Dr. Braysacher, Dr. Garnett, and Dr. Dibrell abandoning the practice of medicine because there are so many quacks in Arkansas?

Mr. HOAR. Mr. President, I think, as I said just now, if any person from another part of the country had undertaken to state what the organ of the great Protestant Episcopal Church of America, published at the capital of the State of Arkansas, has declared as to the existing conditions there relating to this very subject, if the past and recent experience which some of us have had is any guide, he would have been encountered with some not very respectful epithets in the press and in debate. But here is a gentleman, said to be a man of high character and standing, a religious representative man, who says in regard to that State that the white people of Arkansas have irrevocably made up their minds that the negroes of the State shall not rule; that there is but one open question there, and that is what method is to be finally adopted to nullify the negro vote.

The heading of the article is "Safety without rascality." It warns the Legislature of Arkansas that in the long run nothing will be gained by subterfuge and affectation. It says that there is a large number of white men in Arkansas who are opposed to fraud and violence as preventives of the evil of negro suffrage. The clear implication from that sentence is that in the judgment of the writer, about which I know nothing, there is a large number who do not entertain that opinion. "Some of us," the writer goes on to say, "do not believe in the jesuitical ethics that a good end justifies bad means." Then what is the special reason which this religious organ gives, evidently sympathizing entirely with the object to be accomplished?

Fraud and violence as a means of neutralizing the negro vote are having—

Not a mere conjecture of what will take place, but an assertion of actual existing facts—

are having an educating influence on the rising generation. To speak quite plainly, "stuffing ballot boxes and bulldozing niggers"—

These two phrases being in quotation marks—

are making scoundrels and ruffians of the sons of gentlemen.

The editor then goes on to say that there are two ways in which this difficulty can be met honorably. One is for joint action on the part of all the States of the South to demand the repeal of the fifteenth amendment. That being treated as out of the question, the other way is to cut off by an amendment of the State constitution the great majority of the black vote by a method which must also cut off a large class of the white vote. The second method the writer goes on to consider. He takes up the Mississippi plan and says that the Mississippi amendment to the constitution—it is this eminent Southern religious writer now who is speaking, not myself or anybody on this side of the Chamber—is a transparent piece of humbug, and that it will not defeat the negro vote unless fraud is practiced by the officers appointed to pass upon the qualification of voters.

The Senate has already heard the statements which have been quoted. I do not wish to go into the question again as to what the purpose of the Mississippi constitution was, whether it was to accomplish this result.

Then the author goes on to say that the only difficulty in accomplishing this by a peaceful and righteous method is the unwillingness of the white men who would come under the same qualification as the black, if any qualification based upon fitness to suffrage were made, to consent to it, and the reason why they can not be persuaded to consent to it is the selfish, wicked influence of the small politicians, which this writer thinks is in the ascendant. I will read the exact language, so that there may be no misunderstanding:

We believe that 90 per cent. of the white men of Arkansas agree with us on this subject, in theory; the trouble is to get the white men who would lose their vote by this test to consent to it; for those white men, with the negroes, constitute a majority of the present electors of this State.

Says the article:

But for the selfish, wicked influence of the small politician we believe a majority of these white men could be induced to sacrifice their vote for the good of the State. The small politician is a power, especially when the majority of the natural leaders of the people eschew politics.

Then he goes on to say that the best men avoid politics because there is so much corruption in politics.

Mr. VEST. I understood the Senator from Massachusetts to state that that is a declaration by the organ of the Episcopal Church in the State of Arkansas.

Mr. HOAR. Yes, sir; I so understand it.

Mr. VEST. Is not that article signed by a gentleman as his individual opinion simply?

Mr. HOAR. No, sir; it is an editorial, without any signature at all.

Mr. VEST. An editorial communication?

Mr. HOAR. No; not an editorial communication, but an editorial. It is the language of the paper. I will send it to the Senator in a moment. The paper is the Anglo-Saxon Churchman, volume 7, No. 7, Little Rock, Ark., January, 1891. Here are the usual advertisements, "Christ Church Academy;" "The Noble Institute," a church school for girls; "The American Church Missionary Society;" the "Christian Art Institute." The other articles of the paper relate to the purity and integrity of the church. Here is an article on "The Lincoln Judgment" and an article on "Epiphany." It is very religious. There is nothing in the paper other than this article which in point of ability and elevation and loftiness of tone is not entirely worthy of the great denomination which it represents and of the great men who represent that denomination everywhere. I will send the paper to the Senator from Missouri.

Mr. JONES, of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Arkansas?

Mr. PASCO. I have promised to yield to the Senator from Arkansas, and I do so cheerfully.

Mr. JONES, of Arkansas. Mr. President, there can be no better illustration of the fallacy of undertaking to prove a position by selecting as conclusive the opinion of a single individual and undertaking to settle a great question by it than this effort by the Senator from Massachusetts. When the Savior of mankind was upon earth the great majority of people by whom He was surrounded were constantly denouncing Him as a "pestilent fellow," as "seditious," and as guilty of all manner of crime. This reiterated charge, made over and over again, doubtless convinced many a man that there was truth in it, and I am satisfied that honest and upright men believed that the Savior ought to be crucified.

The article read to-day before the Senate is another instance of that sort of proceeding. Mr. Carnahan, the editor of this paper, has lived for a few years in Arkansas. I am not sure where he came from, but the Senator from Massachusetts denominates him an "eminent Southern religious authority." My understanding is that he came a few years ago from the vicinity of Cincinnati, Ohio, not particularly distinguished for its southern locality, and when he took up his residence amongst our people, looking at the wrongs that they have been subjected to, seeing the iniquities of those who have controlled negroes, he has learned to believe that they have been almost without character, that they are easily managed and easily controlled, and he has been by these means precipitated into statements that, to say the least, are intemperate and are not well considered.

The Senator from Massachusetts can not find expressions like some of these coming from any cool-headed, temperate Southern man, and if the expressions had been made by the Senator on the floor I would have as promptly stated that they were untrue as I state here to-day that they are untrue coming from Mr. Carnahan.

I am satisfied that no more honest or upright or good-meaning man lives than the editor of this paper, but he has been imposed upon by the repeated charges made by men like the Senator from Massachusetts and other persons, who are constantly making charges that they themselves do not understand and that they know but little about.

It has not been very long since I have seen statements made in Massachusetts papers reflecting severely upon the Senator from Massachusetts. The simple fact that you can find somewhere a newspaper man who is willing to make a charge involving the good name of a single individual or of the people of a whole State does not prove that the charge is true by a good deal, as I think I ought to be able to prove by the Senator from Massachusetts himself. I think I can prove by the Senator from Massachusetts that this statement by Mr. Carnahan is not true in some respects, though doubtless the gentleman himself believed it. He has spent so much of his time in his study, so much of his time in reading, in considering mere theories, and so little in actual contact with the people that he is not an authority upon these questions.

When he says the withdrawal of our best men from participation in politics is the great weakness of our popular Government, I am satisfied that the Senator from Massachusetts does not believe that he correctly states the fact. I think it is a great mistake, but one which many good men are constantly making, that the best men withdraw from politics and have no connection with it. The Senator from Massachusetts does not believe that this is true. The people of the great State of Massachusetts did not believe that when they selected that Senator and sent him here. They did not select him as being of that class of "small politicians" who do not belong to that order of the best class of men.

But Mr. Carnahan, in his intemperate, hasty expressions, has used some language that is not true. It is not attributable to any disposition or intention on his part to state anything but the plain, naked truth. He is simply misled; he is deceived; he is mistaken; he has not been long enough upon the ground and sufficiently in contact with the people to understand the facts that surround the case; and his opinion is worth no more than that of the Senator from Massachusetts or any other man poorly informed on the subject.

The charge that bulldozing negroes is making scoundrels of the sons of gentlemen is not true. It may be possible that there is an instance here and there of a young man being led astray by bad surroundings. We have heard the charge again and again made of great fraud in the State of Massachusetts, and through all the North, and I state here to-day, and state deliberately, that I believe the elections in the State of Arkansas are as free from fraud and intimidation, ay, that they are more so, than they are in the great Commonwealth represented by the Senator from Massachusetts.

I live in a negro community; I live in a township and in a town surrounded by great masses of negroes, and I assert what I positively know, that there is no attempt to deny these people the right to exercise their rights as they choose. What we object to in that country is just what Mr. Carnahan insists upon in one part of his article, and that is the want of moral character amongst the negroes. They are taken possession of by a bad class of people, are used for selfish and personal purposes, for their own vile purposes, and to the hurt of the negroes and hurt of the white people amongst whom they live. They are used for the purpose of accomplishing the selfish ends of these scheming conspirators. We object to that sort of interference, and when any complaint comes from that country that there has been any unfairness in an election ninety-nine times out of a hundred, nine hundred and ninety-nine times out of a thousand it comes from some one of these conspirators who are undertaking to use the negroes for purposes of their own.

Mr. President, for the purpose of showing something of how these matters work in my State, I will have read another letter which expresses the personal opinion and a statement of facts, by a citizen of my State, just as reputable and just as honest as I know Mr. Carnahan to be. He states the facts. I ask the Secretary to read the letter I send to the desk. I have it read for the purpose of showing some of the troubles that we have to deal with and the reason why there is more or less intemperate feeling amongst hotheaded men in the discussion of this question.

The Chief Clerk read as follows:

MARIANNA, ARK., *December* 13, 1890.

DEAR SIR: Replying to your letter of the 3d instant, asking information in regard to conduct of United States marshal and his deputies in this (Lee) county, will say:

On October 17, 1890, one H. N. Faulkinberry, a deputy United States marshal under O. M. Spellman, marshal for the eastern district of Arkansas, accompanied by one William Allen, who claimed to be representing the Department of Justice, arrived at Marianna, the county seat of this county.

They gave out publicly that their purpose was to subpœna witnesses to attend the United States district court which was to convene at Helena on December 1. Their subsequent conduct, however, soon developed the fact that they were here for political purposes.

On the day of their arrival Allen stated privately to a very reputable citizen of this town, whom he thought was in sympathy with L. P. FEATHERSTON, candidate for Congress, that "FEATHERSTON is in a strait and in danger of defeat, that he needs help, and we (Faulkinberry and himself) are here for the purpose of aiding in his election. We have the plan arranged to vote the negroes our way, and we intend to remain here for the purpose of seeing the plan carried out. We have been referred to you as one in whom we can confide and who will help us."

They at once began to have negroes sent to their room at the hotel and to send runners to call night meetings among the negroes in the country.

They circulated a petition among the negroes which was as follows, namely: "We, the undersigned, pledge ourselves to go to the polls on November 4 and use our best endeavors to have our neighbors go with us and vote for Hon. L. P. FEATHERSTON for Congress, and we pledge ourselves that we will not be dissuaded from exercising our right as free men to vote for the man of our choice by offers of extra price for picking cotton or working at gins on that day for the purpose of keeping us away from the polls."

This document was decked out with red, white, and blue ribbons in a very gaudy manner so as to catch the eyes of the negroes, and had upon it a large red seal, which the negroes understood to be the great seal of the Government. They were led to believe (as I am informed) the paper to be a Government document and a violation of the pledge it contained to be a penal offense.

They also circulated a petition asking the passage of FEATHERSTON'S 2-per-cent.-loan bill. The negroes were informed, I understand, that if FEATHERSTON was elected the Government would at once furnish them all the money they wanted on their crops. The day of the millennium for the negro was then at hand, so these ignorant creatures thought.

The citizens here felt outraged at such conduct on the part of officers of the law; a public meeting was called at the courthouse to take action in the matter; it was largely attended by the most reputable and intelligent citizens of our community; resolutions were unanimously adopted denouncing the conduct of those officers, which resolutions were published in various daily papers. I inclose you herewith a copy of the resolutions.

Allen, hearing of this great dissatisfaction among the best class of citizens, sought to palliate his offensive conduct by inviting the white people to their meetings. Several gentlemen accepted his invitation and attended one meeting, at which nothing was done publicly but to ask the negroes how they voted in the Congressional election of 1888. The meeting was quiet and orderly. However, Allen and Faulkinberry the next day went and held a meeting with the negroes at the same place without inviting any white man or advising them that such a meeting was to be held, evidencing the fact that their purpose had not been accomplished at the former meeting, and that they desired another with the negroes when no white man was present.

They continued to hold secret meeting with the negroes without notifying the whites, and to use among the negroes the pledge above referred to in a secret way.

Allen and Faulkinberry left here and returned to Little Rock on October 24, and, although our people had been invited to one of their meetings, they reported that they could not discharge their duties because the presence of white men intimidated the negroes.

Of this report our people knew nothing until October 28, when Marshal Spellman came to Marianna, accompanied by seventeen deputies. They were heavily armed with pistols and seemed to delight in displaying their weapons upon all occasions.

Our people, being desirous of seeing peace and good order prevail, at once sent a delegation of our best citizens, among them a gentleman reared in Illinois, who came South after the war, to Marshal Spellman, who asked of him the meaning of such hostile demonstrations. He claimed that he was here to subpœna witnesses before the Federal court, and that his deputies had been interfered with in the discharge of their duties in that work. He was assured by the committee that there was no disposition here to interfere with any officer; that the same witnesses he wanted had been twice before subpœnaed to court on the same matter and each time by one man and that any other one man could subpœna them again. They offered that if he (Spellman) would stay himself, leave any one man he desired, or deputize a man here, they (the committee) would see that every subpœna was duly served and returned; and one gentleman of the committee proposed to furnish his deputy a conveyance to use in making the trip in serving the process.

The committee urged that such a demonstration as the marshal was making was calculated to disquiet the people and to disturb the labor of the country, and that there was no necessity for it.

Spellman simply replied, "I am acting under direct orders from Attorney-General Miller, and will have to carry out my instructions."

He was asked if some one white citizen would be allowed to attend their meetings. He answered no, as he thought that the mere presence of a white man was calculated to intimidate the negroes.

I understand that one or two white Republicans of the town sent for Spellman and insisted that he should send his crowd away; that his demonstrations

were entirely unnecessary. So he and his armed posse were here to stay until after the election and to make their rounds over the county. They left Marianna on the day of their arrival, going into the eastern portion of the county, where they added to their equipage Winchester rifles, received by steamboat, I understand.

They began their work there, covering five or six townships, and utilized the time up to the election holding night meetings in negro churches and schoolhouses, with windows darkened and sentries on the outside armed with Winchesters.

In several instances white men asked permission to go in, but were told, at the muzzle of a gun, that "no white man could enter." In one township a justice of the peace was refused entrance with the same answer, "No white man need apply," while at the same place another white man was admitted because a negro vouched for him as a Featherston man. I understand that many negroes objected to their course and stated to them that they were not accustomed to seeing such armed squads parading the country; that this county was peaceable and quiet, and that their conduct reminded them of "war times."

The worst element of the negroes, by this action of the marshal and his deputies, was encouraged in their hatred toward and opposition to the whites, and many who had heretofore voted the Democratic ticket were intimidated from voting.

At several of the voting precincts negroes who had before stated that they intended to vote the Democratic ticket declined to vote that ticket, and for reason of such change said that they were afraid the marshal would come back and get them in trouble. On the day of the election it was the prevailing sentiment among the negroes in townships where the marshal had been that the posse would return during the day to see that they (the negroes) voted the Republican ticket.

It is generally understood that the coming of the marshal and his deputies was for the purpose of arousing the negroes and voting them for Featherston and to make the Government foot the bills. They came ostensibly to summon witnesses, but they made it convenient to come two weeks before the election and stay three days after, when they could easily have waited until after the election was over and then had four weeks before the sitting of the court in which to get the witnesses. They came armed with pistols, Winchester rifles, and their red-sealed pledges and did their work effectually. They also distributed among the negroes Republican campaign literature.

I will add that a great many witnesses were summoned; but before the sitting of the court, the judge, in vacation, without the defendants in the election cases or their attorneys being consulted, made an order continuing all election matters, for the reason, as stated, that there was no money in the hands of the marshal to pay witnesses. The witnesses for the Government were duly notified by order of the judge not to attend, but, notwithstanding this notification, about one hundred did attend; and the marshal, being fully aware of such notification, paid them for three days' attendance and mileage at a cost to the Government of about $1,000. It appears that they did have money with which to reward the "faithful."

The above, I believe, is a fair statement of the matter, without going into further details. These matters are of public notoriety and have been repeatedly published in the public press and have not been denied from any authoritative source.

Yours, truly,

JAS. P. BROWN.

Hon. JAMES K. JONES,
Senate Chamber, Washington, D. C.

Mr. JONES, of Arkansas. Now, I submit to any candid man that when the facts are stated, stated by a reputable citizen, as the writer of this letter is, an honest, honorable man, worthy of belief and credit everywhere—when it is stated that posses, under the pretense of summoning witnesses, seventeen in number, under a deputy marshal, heavily armed with pistols and Winchester rifles, are parading through communities that are entirely peaceful, collecting in houses these ignorant negroes, lecturing them in night meetings from which white men are excluded at the muzzle of rifles, is it any wonder that men should be betrayed into expressing themselves with some sort of intemperance when the lives of themselves and their families, their children, they believe, are brought in danger by such methods? The wonder is that there are not more men who express themselves intemperately in discussing such things. It is this very weakness of these colored people, this want of moral character, this want of force which Mr. Carnahan speaks of and discusses, that is the cause of most of this trouble.

That he should make some points that are true as well as some that are untrue is not unnatural. I understand Mr. Carnahan is a man of hot blood, thoroughly honest, intending to speak the truth fearlessly, and, like other men of his temperament, likely to state matters extremely. I submit to the Senator from Massachusetts that Mr. Carnahan was in error when he used this language:

Our best men avoid political life because there is so much corruption in politics.

I submit to the Senator whether this would exclude the honorable Senator himself from participation in politics.

Mr. HOAR. If the Senator will pardon me, I understood that statement to refer to Arkansas and not to the country; but I will concede, knowing what I do of the Senators from that State, that it is not true there.

Mr. JONES, of Arkansas. This is another illustration of the fact that the Senator from Massachusetts sometimes takes too narrow a view of questions. This is the clause from which I read:

The withdrawal of our best men of brains from participation in politics is the great weakness of our popular government.

Mr. Carnahan is too broad a man to circumscribe "our popular government" to the single State of Arkansas. It embraces Massachusetts as well. It is all of this great country, from the Atlantic to the Pacific and from the Lakes to the Gulf, including the whole of it. This was a discussion of general principles, and shows that the student, as he is, spending the most of his time in his study, in the discussions of questions theoretical rather than practical, is not an authority when he even undertakes to state what he believes to be fact.

He believes doubtless that the effort on the part of the people of Arkansas is to nullify the African vote. He states that that is a fact. I believe that that is not true. I have been actively connected with politics for many years, and I have never seen nor known an instance of the kind; I have known of no effort to deprive these people of their full right of suffrage.

But, Mr. President, to show that we ought to accept statements of this sort with some degree of allowance and with great care, I should like to call the attention of the Senator to a statement made by a distinguished citizen of his State, a reputable gentleman, a man bearing the honored name of Hoar—Sherman Hoar—who in making a speech accepting a nomination for Congress, as the Senator doubtless remembers, used this language, as he is reported in the newspapers, and I presume correctly:

If our Massachusetts Republicans are really interested in purity in nominations and elections, before they spend too much time in discussing plans for bettering elections in Mississippi and Alabama I trust they will make it impossible in the future to purchase nominations and elections in Massachusetts. Twice did our Massachusetts house of representatives pass a bill for the publication of expenses in nominating and election campaigns, twice did the Democrats in the senate vote unanimously for that bill, and twice was it defeated by Republican senators.

So it would seem, Mr. President, that a single individual, a gentleman connected with politics, a gentleman who has all his life been connected with politics and politicians, makes a statement closely affecting the good name of the great Commonwealth of Massachusetts. I hope that he is mistaken in his supposition that nominations are bought there, but if he can be mistaken in this instance I submit that a minister who is devoting his time to the service of the great I Am and to teaching men the way to heaven, and who knows nothing about the practical details and workings of politics, is just as likely to be mistaken as he. This effort to besmirch Arkansas fails. A good man has been led into an extreme statement and an incorrect one, but the mistakes of this gentleman can not affect the good name of our people. Although Federal supervisors attended our recent Congressional elections, no suggestion of fraud has been heard from any quarter. They are not true, no matter whence they come.

Mr. BERRY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Arkansas?

Mr. PASCO. I do, Mr. President.

Mr. BERRY. Thank you.

Mr. President, I do not know Mr. Carnahan personally. I have never met him so far as my knowledge now goes. I know something of his character, as having come to the State not a great many years ago and being placed in charge of the Episcopal church at Little Rock. He gained considerable notoriety a year or two ago in the contest there between certain members of the church as to who should control that church, which had excited a great deal of interest throughout the State, and especially among the members of that denomination.

As to the merits of that controversy I know nothing, and as to the character of Mr. Carnahan I know nothing, but I simply state that if in the article which has been read from the desk and repeated by the Senator from Massachusetts Mr. Carnahan intends to have the idea go abroad that any general system of fraud, of bulldozing, or ballot-box-stuffing exists in the State of Arkansas, then he states an untruth.

I know something about the politics of Arkansas. I have lived in the State forty-two years, and since 1866 I have been intimately and almost continuously connected with the politics of the State from that time to the present; and I assert here to-day that prior to the election of 1888, in the Congressional elections and relating to them, there had never been so far as my knowledge extends a single charge of fraud in any county or in any voting precinct in the State of Arkansas.

At all the Congressional elections there, in all the closely contested counties and negro counties, in the Congressional election and the Presidential election, we have invariably had supervisors appointed by a Republican judge, one of whom was a Republican, and, of the three judges who held the precinct election, one of them almost in every instance was a Republican; and it was utterly impossible that any general system of fraud could have taken place without the connivance of those Republican officers. They have never been charged and they have never existed, and I assert here to-day that no Democrat has ever occupied a seat upon the floor of the other House since the Democrats came into power in 1874 who was not honestly and fairly and justly elected by an honest vote of all the citizens of all relations.

I assert it to be the fact that prior to 1888 there was no charge to the contrary. In 1888 it was alleged in the First district, in the county of Crittenden and perhaps in one or two other counties of that district, that there had been frauds and irregularities. There was a contest in the present Congress, and Judge Cate, who was honestly elected, was by the Republican majority of that House thrust out of his seat, and I assert here that the proof shows that it was a glaring outrage that they perpetrated, and so much so that a number of Republicans walked out of the House and refused to vote when the proposition was finally taken because the proof showed that Cate was elected beyond any question.

Now, that was in 1888. In that same election in the Second district, which my honored colleague, Mr. BRECKINRIDGE, represents, in one township, in one county, the ballot box at Plummerville, Howard Township, Conway County, was stolen. It was an outrage. Every-

body knew it was an outrage. Nobody defended it, and my colleague, Major BRECKINRIDGE, admitted that the votes there that his opponent was entitled to should be counted for him. He never sought to gain any advantage by it; and if every vote in that township, both for Clayton and BRECKINRIDGE, had been counted for Clayton, BRECKINRIDGE was still honestly elected by from 200 to 300 majority.

Now those are the facts in regard to the Congressional election. I am going to state the facts fairly and tell the truth and let it cut where it may to-day. Now, in regard to the State election. There are seventy-five counties in Arkansas. In some five or six of those counties, I do not think in exceeding six, it has been charged that in the county election for clerk and sheriff and officers of that character frauds have been committed. That those outrages have been grossly exaggerated, I have not a doubt. That in a few of these counties wrongs have been perpetrated affecting only the county officers, I admit here to-day, and do not deny. I say that in a few of those, not exceeding five or six, upon rare occasions there have been wrongs perpetrated; but in the entire State, with that single exception, the elections have been as fair and as honest, and the negroes all voted as nearly their choice as they do in any State of this Union.

Those are the facts in regard to Arkansas, and yet the Senator from Massachusetts has upon former occasion sought by every means in his power to fasten the stigma upon that State that her people were thieves and ballot-box-stuffers and scoundrels, and that the sons of these gentlemen were learning to be scoundrels, I believe was the language used.

Mr. HOAR. I did not say that.

Mr. BERRY. Then the Senator from Massachusetts, after having reiterated these charges, after having raked and scraped the country to find every newspaper article from every crank who writes one, and seeking in highways and byways to find something which reflected upon the people of the South, after having done this for years, complains that we deny these charges, and severe language is used in reply.

Mr. President, the lifetime of the Senator from Massachusetts has been spent in stirring up strife amongst his neighbors, the danger of which strife he never shared himself, and now he seeks upon this occasion to fasten a stigma upon the people of the entire State of Arkansas. Not only that, but in order to pass this bill he brings in an article written by this man, of whom I know nothing and of whom I will only say that, like most men who are ministers of the Gospel, when they quit that high calling and seek to dabble in politics, the usual result is that they may spoil the preacher and make a very poor politician, and they are men who have but little knowledge of the country.

I assert of Mr. Carnahan that his statements, if intended to be that fraud is generally practiced, are not true. I assert furthermore that the remedy he proposes is absurd and one that can never be adopted. I say of Mr. Carnahan or any other man or any number of distinguished gentlemen, if he thinks he or they ever can induce the people of Arkansas to place the property qualification upon her white citizens and put it in the constitution he or they reckon without their host. The people of Arkansas do not propose any such remedy or any such means.

I have thought proper to say this much, and I want to say that so far as I am concerned, during my entire life, in private conversation, in public speeches made in the white counties as well as in the negro counties in Arkansas, in my inaugural address as governor, and in messages to the Legislature, I have upon every occasion and at all times declared that I was in favor of honest and square elections.

I despise fraud; I detest double-dealing and hypocrisy of every kind and character. I have said there and I will say it here to-day, if the time should ever come in my State, which I trust never will, when the white people have no other means to protect their property; if it should ever come when they have no other safety for the homes, the wives and the daughters of that fair land of the South; that, if we are compelled to resort to desperate or doubtful means, I for one should far prefer to take a shotgun and say to the negro "You can not vote" rather than to stuff the ballot box or make a fraudulent return.

I say that our people do not indorse any such thing as that. To show the feeling and how the governor of the State to-day feels upon this question of suffrage, and in answer to the charges that have been made, I ask the Chief Clerk to read an extract which I took from the governor's message, published in the St. Louis Republican, and which was delivered to the General Assembly of the State on last Tuesday, in regard to the elections in Arkansas.

The Chief Clerk read as follows:

THE ELECTION LAW.

As to elections the governor says: "I repeat what I said two years ago: 'The liberty of the people and the perpetuity of good government can only be secured and perpetuated by free and fair elections. The right of every citizen to cast his ballot untrammeled and to have it honestly counted is one of the highest and most sacred rights enjoyed by an American citizen. To corrupt the ballot box would be to corrupt and finally destroy the Government itself. I can conceive of no greater calamity that could befall the State than to have the ballot box lose its purity and its sacredness.

"'As we would preserve our liberties and the liberties of generations to come, let us preserve free and fair elections.'

"The voter should be guarantied the right of going to the polls and voting as he may choose, free from all fear and intimidation. To accomplish this we should have a uniform ballot, and in casting the ballot it should be secret, or as nearly so as possible, not to do violence to the right of the voter. Many of the States have enacted election laws more or less modeled after the Australian system."

Mr. BERRY. Mr. President, I have no desire or wish to say anything that might appear unkind or severe in a personal way towards the Senator from Massachusetts or any other Senator, but it has seemed somewhat strange to me that those who are urging the passage of this bill with the most vehemence, the men who are making themselves active and dragging, as I believe, many honorable Senators on the other side behind them, should be men who are in a position, to say the least of it, not to talk so much about fair and honest dealings in elections.

I have no doubt that the great body of Republican Senators on the other side of the Chamber, those who are supporting as well as those who are opposing this bill, are just as honest and as good Republicans and as much in favor of fair elections as the Senator from Massachusetts. But he seems to take it upon himself to correct all these wrongs, as he claims. He seems to think that it devolves on him and one or two others, one of whom is absent to-day and of whom I do not care to speak in his absence. Upon every occasion where they have been called to the test and any question arose in regard to frauds that would benefit their party the Senator from Massachusetts never fails to find law or facts twisted in some kind of a direction to carry out the will and wishes of his own party, whatever those facts may be.

Mr. President, not intending to reopen a question that was decided here some months ago, I assert to-day that, if any Southern Senator had come here claiming a seat in this body when his title depended upon such facts as those which gave the Senators from Montana the right to sit here and such proceedings as took place in that State, this Chamber would have rung with the denunciations of the Senator from Massachusetts as to such frauds and wrongs as he would claim were perpetrated in a Southern State.

As I said before, I do not wish to answer severely, but I confess to you, Mr. President, when I think of all the consequences that will flow from the passage of such a bill to the people of the State from which I come it chafes me somewhat to hear Senators making allegations and seizing upon newspaper articles which are not true in order to slander a whole people. When I think, Mr. President, how we have striven, how we have tried to have fair and honest elections in Arkansas, how we have sought to have immigration from the northern part of this Republic of Democrats and Republicans, how we have earnestly hoped to build up our State and give it the name and standing that we think the resources which it has entitle it to, and how we have prospered since 1874, and how we are prospering to-day, and then when I think that a Senator to gratify his own personal spleen or his own ambition would seek to introduce confusion into that State and to put us back ten or twenty years it may be, I confess to you that I can not receive it with that patience always that a Senator should show.

When I think how those people have worked and toiled to recover from the effects of the war, when I think of them as I saw them last fall, when canvassing with Major BRECKINRIDGE, and staid at their houses and saw them go forth before daylight, the man and sometimes the mother, the little boy and the little girl, going into the cotton field before it was light enough to see, and staying there after dark in order to benefit their condition, and then to think that for political purposes the Senator from Massachusetts would place those people back when he seeks to raise confusion, would destroy the prosperity for which they have toiled so hard—the Senator can not expect that such things as that can be done unless it be over the earnest protest of those who represent them here.

It would seem to me, Mr. President, that the Senator has pursued the Southern people as far as even his conscience would permit him to do. We came forth from the war. We did not complain of its result. We were defeated in a fair contest and we never denied it or sought to excuse it in any way. But from that day to this he, I say, has pursued us. It is not evidence of a brave man to pursue a fallen foe. It is not evidence of a brave and generous man to be continually hounding those whom he has defeated, or rather whom his people have defeated in battle.

Therefore, as I said before, believing that all the evils which fell upon that country from 1868 to 1874, that all the horrors which we suffered from reconstruction rule may come again upon those people from this bill, I do not feel very kindly towards those pressing it. I know that it is useless to appeal to the Senator from Massachusetts, but I do appeal to honorable Senators and conservative men who love the prosperity of the whole country not to permit him to further drive them in hunting and hounding down a free, a brave, and an honorable but a defeated people. [Applause in the galleries.]

The PRESIDING OFFICER. Applause in the galleries or expressions of displeasure are not permitted by the rules of the Senate, and if indulged in will result in having the galleries closed.

Mr. PASCO. Mr. President, before I enter upon the speech which I have specially prepared for this occasion, I desire to make a few remarks with reference to this newspaper article which has been brought before the Senate by the Senator from Massachusetts.

As I understand, the gravamen of this charge is that the people of Arkansas attempt to nullify the African vote. I had occasion some time ago in a speech which I delivered in the Senate, nearly a year

ago perhaps, to touch upon this question and to show that there was a large silent vote all over the country. I took occasion to show the exact number of such voters in every State of the Union. I took the ground that the proper way in order to ascertain the amount of this suppression was to take the actual election returns and ascertain the number of votes that were not represented on the day of election.

I submitted then some tables, and I will refer to them to compare the amount of suppression in the States of Arkansas and Massachusetts.

According to the census tables of 1880 and the vote at the Presidential election, there were 76,748 voters, men over twenty-one years of age, who failed to vote in Arkansas; there were 220,935 in Massachusetts. In Arkansas there were four districts, so that the amount of the silent vote in Arkansas was 19,187 to the Congressional district. In Massachusetts there were eleven, so that the number to the district was 20,085. In a similar table, which was prepared with reference to the election of 1888, the silent vote in Arkansas was 102,952, or 20,590 for each district. In Massachusetts it was 241,512, or 20,126 in each district, showing at that election about the same amount of suppression in Massachusetts and in Arkansas.

Mr. President, this newspaper writer suggests two remedies for this matter, that is, to disqualify those who fail to pay their poll taxes and to disqualify those who can not read and write. On page 25 of this speech I referred to the course Massachusetts had taken with reference to the silent vote, and I think it would be instructive to read it on this occasion, as it shows that these remedies are the same that she has adopted. I said then, with reference to the difficulties that she has had with regard to the ignorant and dangerous classes of her population, as follows:

Massachusetts has a system of higher education, the corner stone of which was laid more than two and a half centuries ago; her common-school system is older than her statehood, and its doors are open the year round to all her children, whether rich or poor, whether alien or native born; in those schools they are trained from their infancy till ready to enter upon the active duties of life or a more liberal course of study; her colleges, her normal and professional schools, her schools of art and technology, her scientific institutions, her academies of music, rank with the highest and best-endowed in the world, and open careers for the most gifted and most ambitious in every avenue where the artist, the scientist, the scholar may win fame and reputation and success.

Her churches are in every valley and upon every hilltop. From her ocean boundaries on the east to her mountain slopes in the west you can not lose sight of the spires.

Yet, with all her great advantages, literary and religious, she finds it necessary to protect her institutions, her altars, her firesides against the ballot of a vast mass of illiteracy. She has found no other remedy against them.

She is the fourth State in the Union in wealth, as measured and estimated by her own assessments of her taxable property, yet she finds it necessary to protect her manufactories, her banking institutions, her insurance companies, her vast lines of interior travel against the ballot of those who are too poor or indifferent to pay even a poll tax. Her experience has taught no better remedy for dealing with them.

Her silent voters number nearly a quarter of a million. They have increased more than 20,000 in eight years. They constitute more than four-tenths of her male population of voting age. An experience of one hundred years has not enabled her wise men, her legislators, her statesmen, to put a tongue into the the mouth of these men who are dumb upon the day of election. They number more than 20,000 in each one of her twelve districts. Her failure should teach her to be patient with her Southern sisters, whose advantages are less, whose institutions are younger, whose difficulties are more serious, and whose failure to give voice to their adult male population is not greater than hers.

Let her have patience with us till we have grappled with our difficulties as long as she has with hers and we will try to exhibit larger results in dealing with like evils than she has yet produced. There are other of the New England and Middle States which have similar home problems still unwrought, and, excepting Rhode Island, there seems to be no disposition or effort to solve them. The muzzle and the gag have been so long in use that they have ceased to be repulsive, and they are worn patiently. In Rhode Island the silent voter is in the majority so far as numbers go, but he is voiceless and impotent. He comprises a third of the male adults in Maine and Vermont and nearly as large a proportion in New York. In three States that gave their electoral votes to the present Administration he numbers nearly 1,200,000.

Then I dismissed the subject with this reference to the fact that it was the duty of each State to correct these evils.

But these problems are not ours. These responsibilities do not rest upon our shoulders. We do not ask to share them. Our own burdens are heavy enough, but we will do our best to bear them and still preserve our civilization if we are left to ourselves.

Mr. HOAR. Will the Senator from Florida kindly yield to me that I may offer an amendment to the pending bill?

Mr. PASCO. Certainly.

Mr. HOAR. I desire to give notice of some proposed amendments, which are really all one amendment, in order that they may be printed at once. I move that they may be printed.

The VICE PRESIDENT. The order to print will be made, in the absence of objection.

Mr. PASCO. Mr. President, from the beginning of the Government to the close of the late war the States of the Union enjoyed and exercised absolute and full control of their Congressional as well as all their other elections. The right and power of Congress to supervise or manage or conduct them, which is claimed upon the latter-day interpretations of the Constitution, had up to that time been maintained by no political party. The Representatives came from the body of the people with qualifications fixed by their State governments. They represented the States.

The only power then claimed by the separate Houses was to judge each of the qualification and election of its own members. The two Houses together had up to that time exercised no authority over the subject except to establish the system of electing Representatives by districts which already existed in most of the States, and this was not done till 1842. The history of the country during that period shows no wrong or inconvenience resulting from this freedom from Congressional or national interference and control. Contests were comparatively rare. The local courts had sole jurisdiction over all election offenses. The local authorities had the entire responsibility of conducting all elections.

But when the war closed and the plan of reconstruction inaugurated by President Johnson had been overthrown, the Congress in working out its own theory of reconstruction dealt with the States which had formed the Southern Confederacy as having no rights except such as were given by the conquering power. These States even after their admission to representation were regarded as under the watch care of Congress and not entitled to the same privileges and consideration as their more fortunate sisters.

This feeling was at the basis of most of the subsequent legislation upon the subject of elections, and it rests upon an interpretation given to Article I, section 4, of the Constitution, which is not in harmony with that given to it by the founders of the Government and which had till then been accepted as true and correct. Various penal statutes have since that time been passed defining and punishing crimes against the elective franchise and for the supervision of elections by Federal officers. The necessity for them was claimed upon the ground that the people of the South were not willing to accord to the former slave population the rights which had grown out of the war and reconstruction and the new amendments to the Constitution.

It may well be doubted whether the Senators and Representatives, by whose votes the legislation of 1870 and subsequent years was placed upon the statute books, would have consented to it if they had been legislating with a view to its enforcement against their own people and States. If so, they forgot that their own Legislatures had ample power to protect the purity of their own elections, and that their own people in each district were most interested in maintaining the peace and good order of society and in suppressing fraud, and that a wholesome public sentiment at home was the most potent influence for enforcing laws already existing in their States against election offenses and crimes.

No supervisors or deputy marshals were needed to support this influence; an honest execution of the State laws only was needed. The demonstration of the power of the General Government at elections, provided by this legislation, must have been intended by those who devised it, not for home use, but to be used in the reconstructed States. And it has there been used as an instrument of vengeance and oppression, and generally in a partisan spirit to promote party plans and purposes, and not for the promotion of pure and honest elections.

It is true that these laws were made general in their application; but they were directed against the Southern States and the Democratic party, and their execution has largely been confined to that section. And in the State which I have the honor in part to represent they have never been invoked, except for the purpose of aiding the Republican party during an election and prosecuting Democrats when the hour of defeat and disappointment arrived. During a period when the Republicans there maintained their ascendency over the State by fraud and crime and the counting-out process, from 1868 to 1876, during the larger part of which time these laws were in force, the courts, which were largely under the control of Republican district attorneys and marshals, found no indictments against the wrongdoers whose wicked acts were notorious and shameless, and the composition of juries under the law requiring or allowing the iron-clad oath to be administered rendered it practically impossible to indict any Republican offender.

It is now claimed that the Congress has the right not merely to alter the times, places, and manner of holding elections for Representatives in Congress prescribed in each State by its Legislature, or to make such regulations in a case where a State has not acted, but to go further and practically hold the election through its own officers, ascertain the result, and give to the candidate a certificate which shall entitle him to hold the seat until some adverse action of the House itself.

The circumstances under which this power is for the first time to be asserted are peculiar. The Republican party, holding the Presidency and the House of Representatives against a popular majority of more than half a million, is attempting to bring into this world this child of doubt and uncertainty during the closing weeks of this Congress, after its acts and policy have been condemned by a popular rebuke more severe and emphatic than was ever before given by the people to any political party in this country. And if the usual rules and procedure delay its birth there are some ready to hasten it by a Cæsarean operation.

They allowed the first session of the Congress to adjourn without any serious effort to push their measure to a conclusion and it was left practically abandoned. It is revived at a time where there is no immediate need of such a law, for no election is to be held for nearly two years, and the elections just held fully demonstrate the sufficiency of the laws already in force in the States, and there is no question, and no room for question, as to the honesty and the integrity of the results, which have been accepted everywhere by the people, the press, the political committees, and the candidates as correct, and perhaps with fewer than the usual number of contests. The consideration is being pressed by a discarded and rejected majority to the exclusion of legis-

lation of great importance required by the business interests of the country, and can have no other purpose than to give the Republican party a partisan and unfair advantage in the next Presidential election.

I do not altogether agree with those who regard this as a measure directed solely against the South. The oft-told and threadbare campaign story of the systematic employment of force and fraud to neutralize the negro vote can deceive no intelligent person at this day and its introduction into the dreary monotony of the President's message does not even arouse interest in the closing part of that production. Those charges serve as a mask to cover the operations of the bill against Northern States and communities as well as the States of the South. The Republicans have tried executive action, judicial politics, and even the returning-board system, similar to that contained in the present bill, against the South for more than twenty years, and the general result has been failure.

For a time Representatives came to the Lower House against the wish of the people. Legislatures seated under military auspices chose Senators to sit in this body, and false certification placed a Chief Magistrate in the executive chair and gave a presiding officer to the American Senate. So far as the South was concerned the unfriendly legislation and executive action of the past had lost their force, and the abandoned bill would probably not have been again taken up but for the recent uprising in Northern and Western States. Something must be done to check the popular revolt against the Republican party and Republican measures and management in those sections.

A new system of supervisors and deputy marshals with their money and their power thrown into close and doubtful districts about the time of the election may enable the Republican managers to recover some of the lost ground in 1892. It will be safer and surer to buy the doubtful voters with these tempting places at five and ten dollars a day than to pursue the usual methods.

There has been sharp criticism upon the fat-frying process, and it may not be as productive in the next campaign as it was in the last. Besides, it will be more agreeable to the favored and protected interests to let the chief supervisor in each district draw the money needed for the floaters in the way devised in this bill from the Treasury rather than to furnish it from their own resources; and it will look and sound better; for the floaters, when decked with the insignia of supervisors and deputy marshals, will be honorable officials publicly drawing legitimate salaries, instead of bribe-takers covertly receiving the filthy price of their degraded manhood. Its effect will be to legalize crime and make it appear respectable. And if this bill passes the people will see the money wrung from them by burdensome taxation used to destroy and cancel and neutralize their honest votes.

The Senator from Wisconsin [Mr. SPOONER] in presenting his views in favor of the bill has argued as if this were an issue between fair and fraudulent elections, and an attempt has been made to base the opposition of Democratic Senators to the proposed legislation upon the ground that they oppose honesty and favor force and fraud and the suppression of votes. He claims that much has been accomplished in the large cities of the North, particularly in New York, by the operation of the laws passed in 1871 and 1872 for supervising elections and punishing offenses and crimes against the elective franchise.

The history of the country for the last twenty-five years does not justify any Senator who belongs to the Republican party in claiming for it any superiority in honesty or fairness, as the facts herein presented will fully establish. Its record is anything but good in that respect. It has failed to present such a record as would entitle it to displace the present system, which contains some elements of fairness, and give the entire direction of elections to its own representatives and appointees. It is the old proposition to put the flocks under the watch care of the wolves. The present system, which it is claimed has accomplished some good results, divides the supervisors equally between the two principal political parties, allowing them to be named each by their party friends. The proposed system gives the Republican officials all the power of making nominations and appointments and allows two-thirds of the supervisors and all the deputy marshals to be selected from that party.

No such power should be asked by any political organization as to be allowed practically to direct, control, and certify the elections and their results in forty-four States. It takes away the wholesome check which the wisdom and practice of the founders of our Government so wisely established. So dangerous a power can not properly be intrusted to any political and partisan organization. It would be a menace to our liberties and the precursor of the downfall of the Republic.

If the claim is just that good has been accomplished in this respect by the laws which have been upon the statute book for nearly twenty years, why change them so as to take away or diminish the aspect of fairness in this supervision of elections, which it is claimed has secured the co-operation of leading Democrats as well as Republicans and with good results? The American people love fairness, and the partisan and exclusive features of the proposed legislation, upon the theory that one political party possesses all the virtue and honesty, are enough to justify our opposition to the pending bill. The President, after giving a summary of the laws upon Federal elections, does not charge their want of effectiveness to the fact that they contain features which are fair, but to another cause which will be hereafter mentioned. He says such legislation should be absolutely nonpartisan and impartial.

The theory of this bill is that a national system of supervisors under the control of the United States circuit courts of the country can carry on elections for Representatives in Congress more fairly and justly than the States themselves. The Constitution gives this power to the States, and so far as it suits the purposes of the framers of the bill the machinery heretofore employed by the States is made use of, but the entire direction and control of such part of the machinery as is retained is in the hands of the supervisors. A chief supervisor is appointed for each judicial district; each chief can designate a deputy with the same supervising power that his chief has; and upon such designation the circuit court may make the appointment. Some of these chief supervisors have jurisdiction over many Congressional districts. There are three over the thirty-four Congressional districts of New York, two over the twenty-eight of Ohio, and one over the eleven of Indiana.

There are about seventy district courts in the United States, and while the judicial districts provided in this bill are not identical with the court districts, the judicial districts of the supervisors can not exceed the court districts in number. The chief supervisor is the creation of the circuit courts, who are given by this law, in making these appointments, a larger appointing power than the Constitution vests in the President. He does not require the confirmation of the Senate. The President is powerless to remove him. He can draw his salary, fees, and emoluments without an annual appropriation by the Congress. He can make his own estimate for the amount of money for the pay of the supervisors in his employ, and it is subject to no revision. The Attorney-General of the United States is required without delay to forward the amount demanded by the estimate to the marshal of the district, and in his hands it is subject to be paid out upon the chief supervisor's certificate. He can prove his own accounts for services and bills paid before a circuit or district judge, and the judge's certificate as to the accuracy of the accounts is sufficient if it sets forth that he has examined the chief supervisor and his work. The accounts, when accompanied by the judge's certificate, require no further auditing and are to be treated as special. The Treasury Department has no control over them except to correct clerical errors in figures or footings. They must be paid without delay by the accounting officers of the Treasury.

The chief supervisor is appointed for life. Neither the President nor the Congress can remove him, except by abolishing the office. He has the power of nominating the supervisors, when, under the law, the management of a Congressional election is turned over to him in whole or in part, and this nomination is virtually the same as their appointment, which is made by the circuit court. The appointment is practically perfunctory, so as to comply with the letter of the Constitution, while its spirit and real meaning are disregarded. Three of these supervisors are to serve at each election precinct, but the chief supervisor has entire control of the whole number, except that in all not less than double the number which the district is entitled to must be appointed.

In the Congressional district where my home is there are twenty-five counties and about three hundred election precincts, and under the law there would be not less than eighteen hundred supervisors appointed, nine hundred of whom would be put on duty at a time to serve during the period covered by an election and six hundred of them would be designated to serve during the registration which precedes it. The law provides that not more than two of these supervisors at each precinct shall belong to one political party, but as the supervisors are appointed upon their own application and the nomination of the chief supervisor this provision amounts to nothing. The court appoints from those named in the chief supervisor's lists, and there is no power to revise his action. The presiding judge may even throw aside the lists furnished by the supervisor; the power to do so is reserved, but in ordinary cases where the reserved power is not exercised they all owe their appointments to their chief, so that it is enough for him to pass upon their political faith.

The provision as to making the selections from both parties may be treated as directory and there is no power of correction or appeal.

A similar provision in the impartial jury law is wholly ineffective unless the judge sees fit to regard it. The failure in that respect does not destroy a verdict, and the finding of a judge upon an applicant's own statement that such applicant for the office of supervisor holds different political views from his two fellows will be final, binding, and conclusive. In addition to these supervisors the chief supervisor can call upon the marshal of the same court to which he and the judge belong for a detail of deputy marshals to aid and assist the supervisors in their work. He has the right to designate one-third of these deputies by name and the marshal has no discretion over their appointment. These deputies are not divided between different political parties. They need possess but one qualification and that a bare educational one. The chief supervisor has entire control over the number to be appointed; they may be as numerous as the pests sent to plague the Egyptians in the days of Pharaoh.

During the period of registration and election, not to exceed twelve days in all where the service is rendered in cities or towns having 20,000 inhabitants or upwards, and not to exceed six days in smaller places where there is a registration, and not to exceed three days in places

where there is no registration, the supervisors are entitled to a per diem of $5 a day, and on the day of the election those designated to serve in the cities and towns having 500,000 inhabitants or more received $10 a day. The law seems to contemplate that three days of this time is to be expended in connection with the registration of voters. The deputy marshals are to be paid at the rate of $5 a day and for not exceeding eight days at one election. There is absolutely no limit to the number that may be appointed.

But the most dangerous feature of the proposed law is the transfer of the power of ascertaining and certifying the final result of an election of Representatives from the State canvassers and the chief executive of a State to the United States circuit and district courts and their appointees. It is hard to see how any lawyer can justify this under a constitutional power to alter the regulations prescribed by a State as to the manner of holding elections. The certifying power, the power to furnish credentials, is not derived from the clause referred to (Article I, section 4), but from section 2, paragraphs 1 and 4 of Article I, which read as follows:

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

* * * * * * *

4. When vacancies happen in the representation from any State the executive authority thereof shall issue writs of election to fill such vacancies.

It would be equally appropriate to authorize a United States court to give credentials and commissions and certificates to the President *pro tempore* of this body and the other officers inferior in rank and to determine who are the duly elected officers of the House of Representatives.

If the power to control the organization of the House through the judicial department exists is it wise to exercise it? What is there in the history of the country to justify an assumption that the judiciary is free from partisan influences? The history of the Electoral Commission, the formation and appointment of which grew out of this idea, affords no favorable precedent. The judicial members of that body were influenced by arguments and reasons similar to those which influenced their party friends. If you wish to know how those voted whose political sympathies were with the Democratic party examine the votes of Commissioners Bayard and Thurman and Payne. If you wish to know how those voted whose political sympathies were with the Republican party examine the votes of Commissioners Edmunds and Frelinghuysen and Hoar.

Why, Mr. President, the very crimes which Republican Senators have presented as affording the strongest arguments for the passage of this bill were committed by those who presided over the courts of the great State of New York, clad in the ermine of the judiciary. Judges should be kept as far as possible from the turmoil and excitement and bitterness of politics. It was nowhere contemplated in the Constitution that the Federal judiciary should ever fill the place of an appellate board of canvassers of Congressional elections. Such a position should never be filled by those who hold their offices by a life tenure and who are not accountable to that righteous public sentiment which has ever been the most potent factor among the influences that have protected and preserved our free institutions.

I submit some figures which will give an approximation of the expense of holding an election in the Congressional district in which I reside. We have a registration law there, but no cities or towns in the district having as many as twenty thousand inhabitants. We will suppose that at each precinct only the same number of deputy marshals are employed as supervisors. There will be two supervisors appointed at each precinct for three days during the period of registration and three for three days during the period of election. There will be three deputy marshals employed for eight days. The cost of the employment of these officials will be as follows:

Two supervisors for three days, at $5	$30
Three supervisors for three days, at $5	45
Three deputy marshals for eight days, at $5	120
Cost at one precinct	195
Cost at three hundred precincts	58,500

In addition to this is the cost of the canvassing board, whose salaries, personal expenses, including those of the clerk and deputy marshal, amounts to $77 per day, besides the cost of serving writs and the fees of the attending witnesses. There is no limit to the amount that may be expended for stationery, blanks, mileage, fees of the chief supervisor, etc., except the discretion of the chief himself, and he is entitled to receive fees in the double capacity of chief supervisor and commissioner. The chief supervisor has the authority to order these subalterns to any part of the district he sees fit on the day of the election. And if he chooses to have among them any of the political party to which he is opposed he can give them orders to be away from their own voting places on the day of election and thus deprive them of their votes, and there is no relief. The door of the State prison stands open if they refuse to go at his bidding.

This chief supervisor, when called upon the scene of action in the manner indicated in the bill, can open the door of the circuit court whenever he pleases, practically dictate his own appointees to judge and marshal, put himself at the head of a body of partisans and others, all under obligation to him and dependent upon him for the continuance of their employment and pay, with full authority to expend as much of the public money as he pleases. Hereafter he is to be charged with the supervision of the election of Representatives in Congress, and in addition to the enforcement of the national election laws he is clothed with a general authority unrestricted by statutory limits for the prevention of frauds and irregularities in naturalization. He can be invoked to override the regularly constituted authorities of New York or Texas or any other State of the American Union. One hundred, not citizens, residents, and qualified voters, but persons claiming to be such, in a Congressional district, no matter how irresponsible, can call this chief supervisor into the field, with all the machinery of the law, without even alleging a grievance, and there is no appeal from the action of the one hundred petitioners.

No man can safely rest upon the idea that this law is only meant for the Southern States. With such opportunity for power and pecuniary gain the chief supervisor will find his way into the field wherever he can procure a petition signed by the hundred persons claiming to be citizens, residents, and voters, to open for him the door of opportunity. The theater of action will not be confined to any section. Wherever the party in power requires the aid of a dictator armed with money and supplied with force the dictator will appear.

How convenient such an agency would have been in November when the removal of a few hundred men from one part of a State to another would have reversed a majority or where the change of a few hundred or thousand votes would have prevented the election of some wicked Democrat to the Fifty-second Congress. With the possibilities of this bill in mind how fortunate for the country that its passage was deferred to the present session. It has enabled the people to enjoy one more election under constitutional authority, free from dictation and arbitrary control, apart from the unsavory and unwholesome influences of this proposed legislation.

The recent letter from the Acting Secretary of the Treasury (Executive Document No. 11, Fifty-first Congress, first session) in reply to a resolution of the Senate introduced by the Senator from Alabama [Mr. MORGAN] to elicit the expense of the present system of supervising elections in one of the present districts gives us some idea of the amount of money these supervisors may receive in large cities under the present law, which is less expensive than the new legislation, and with such opportunity for profitable employment there is a tremendous temptation to get the law into operation. It is accompanied by a statement of the amounts paid to John I. Davenport and those serving under him, from 1871 to 1889. It gives, also, the amount of his claims which the Treasury Department was obliged to reject. I include it here for reference and examination.

I ask that it may be read at the desk.

The VICE PRESIDENT. The paper will be read by the Secretary.

The Secretary read as follows:

Statement of the amounts paid to John I. Davenport, chief supervisor, and to the supervisors of elections from 1871 *to* 1889, *inclusive.*

Year	John I. Davenport, chief supervisor of elections, southern district of New York.		Supervisors of elections southern district of New York.	
	Allowed.	Disallowed.	Allowed.	Disallowed.
1872	$18,555.35	$75.00	$23,945.00	.....
1873	1,409.75	3,402.90	.....	.....
1874	10,970.15	.....	24,660.00	.....
1876	19,383.36	4,382.60	31,780.00	.....
1878	18,904.91	2,229.85	30,125.00	.....
1879	587.69	3.75	1,335.00	.....
1880	26,398.86	3,015.15	36,000.00	.....
1881	6,381.14	83.75	11,614.00	.....
1882	21,439.92	2,236.50	33,870.00	.....
1884	25,430.96	3,430.96	38,880.00	.....
1885	2,392.61	.....	4,220.00	$100.00
1886	23,229.73	5.00	34,090.00	.....
1888	34,281.50	15.00	39,150.00	.....
1889	1,125.20	1,000.00	7,345.00	.....

Mr. PASCO. The amounts are not footed up, but are as follows:

Total allowed to Mr. Davenport personally in fourteen years, covering nine elections	$210,349.13
Amount per annum	15,024.93
Amount for each election	23,372.12
Further amounts claimed by him and disallowed	19,880.46
Total amounts allowed to supervisors in thirteen years, covering nine elections	317,009.00
Amount per annum	24,385.30
Amount per election	35,223.22
Total amount paid to chief supervisor and supervisors in nine elections	527,358.13
Amount at each election	58,595 34

But this is not the entire expense. The resolution made no inquiry as to the fees of the deputy marshals nor the office expenses attending the supervision.

The fees only of Mr. Davenport as supervisor are given, but, liberal as they are, they include but a part of his income. The law expressly allows him to collect fees and emoluments as United States commissioner as well as in his capacity as chief supervisor.

The Senate has called upon the Secretary of the Treasury for this information, but it has been given only in part, as the statements included in the Secretary's letter of December 20, 1890, show. They are here given from Executive Document No. 21.

I ask that this statement may be read from the Secretary's desk.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

Statement showing date of receipt in the Treasury Department of the accounts of John I. Davenport, chief supervisor of elections for the southern district of New York, for the years 1884, 1885, 1886, *and* 1888, *and the dates the same were certified for payment by the First Comptroller.*

Year.	Date received.	Date certified for payment
1884	Feb. 5, 1885	Feb. 12, 1885
1885	May 30, 1889	June 4, 1889
1886	June 15, 1889	July 2, 1889
1888	Oct. 29, 1889	Nov. 2, 1889
1888	Apr. 11, 1889	*May 17, 1889

* This account was for extraordinary expenses, and approved by the President under section 846, Revised Statutes.

Statement of the amount received by John I. Davenport for services rendered by him as United States commissioner for the southern district of New York for each fiscal year from 1872 *to* 1889.

Year.	Amount allowed.	Amount rejected.	Services in connection with issuing process for—
1873	$2,768.85		False registration, obstructing deputy United States marshal, etc.
1874	223.15	$2.75	Procuring fraudulent naturalization papers, inducing men to repeat at Congressional elections, etc.
1875	424.60		Perjury in naturalization proceedings.
1877	3,304.60	461.45	Illegal registration at Congressional election and unlawfully obtaining naturalization papers.
1878	756.00		Violation of sec. 5423, R. S.
1879	9,179.90	1,179.89	Do.
1881	5,972.20	96.15	Do.
1883	1,768.35		Do.
1885	2,621.25		False registration; violation of sec. 5425, R. S.

Mr. PASCO. From 1873 to 1885 the sums received by Mr. Davenport as commissioner amount to $27,018.90, but it appears that there have been other sums paid to him upon the approval of the President for 1884, 1885, 1886, and 1888; but the amount of them has been for some reason withheld, although clearly included in the inquiry.

These expenditures were made under the existing laws and cover but a part of one State; they have thus far been under the control of the Treasury Department. The present bill proposes a much more expensive system than that which it displaces, and the Auditor will not hereafter have the power to reject Mr. Davenport's charges if his bill becomes a law. Is this why the Auditor's examination is to cease and his correcting hand is to be stayed?

The disclosures contained in this official statement are sufficient to account for the zeal which this beneficiary has exhibited in his efforts to lobby the present bill through Congress which will largely increase an income in some years already greater than that which Abraham Lincoln received as President.

But whatever the real purposes of the Republican leaders who are urging the immediate passage of this bill may be, whether it is really intended to increase their political power at the North or the South, to bring about results favorable to their party in Democratic or doubtful States or in all of the States of the Union, there is no doubt as to the pleas upon which its passage is to be justified. They are clearly indicated in the President's message and in speeches made by representative men of the Republican party upon this floor and elsewhere, and I propose to state their reasons and to give them some examination.

It is assumed that no elections in the Southern States are honestly conducted; that the negro voter is not allowed to exercise his privilege as a citizen; that his vote is suppressed; that he is driven from the polls on the day of election. It is urged that the suppression of this vote gives to the Democratic States of the South a proportionately larger influence and strength in their Congressional representation and in their electoral colleges than the Republican States of the North have. Is it a fact that the Democrats have this larger Congressional representation and influence in elections? If not, the argument fails.

I gave this question some consideration in a speech which I delivered here on the 20th day of January last and which appears on page 691 of the CONGRESSIONAL RECORD, and prepared some tables to which I desire to refer in the course of my remarks, and at the request of several Senators I will here again submit them:

TABLE No. 1.

States.	No. of Representatives.	Males 21 years and more in 1880, as per census.	Total vote in Presidential election, 1880.	Number of silent voters in States having majorities as below.	
				Democratic.	Republican.
Alabama	8	259,884	151,507	108,377	
Arkansas	4	182,977	106,229	76,748	
California	4	329,392	164,166		165,226
Colorado	1	93,608	53,532		40,076
Connecticut	4	177,291	132,358	44,933	
Delaware	1	38,298	29,333	8,965	
Florida	2	61,699	51,618	10,081	
Georgia	9	321,438	158,651	165,787	
Illinois	19	796,847	621,716		175,131
Indiana	13	498,437	470,678		27,759
Iowa	9	416,658	322,076		94,582
Kansas	3	265,714	201,019		64,695
Kentucky	10	376,221	264,047	112,174	
Louisiana	6	216,787	103,743	113,044	
Maine	5	187,323	143,618		43,705
Maryland	6	232,106	173,039	59,067	
Massachusetts	11	502,648	281,713		220,935
Michigan	9	467,687	351,285		116,402
Minnesota	3	213,485	150,485		63,000
Mississippi	6	233,532	116,401	122,131	
Missouri	13	541,207	397,221	143,986	
Nebraska	1	129,042	87,355		41,687
Nevada	1	31,255	18,343		12,912
New Hampshire	3	105,138	86,174		18,964
New Jersey	7	300,635	245,737	54,898	
New York	33	1,408,751	1,102,428		306,323
North Carolina	8	294,750	241,218	53,532	
Ohio	20	826,577	722,325		104,252
Oregon	1	29,629	40,816		18,813
Pennsylvania	27	1,094,284	872,800		221,484
Rhode Island	2	76,898	29,210		47,688
South Carolina	5	205,789	170,949	34,840	
Tennessee	10	330,305	241,784	88,521	
Texas	6	380,376	241,478	138,898	
Vermont	3	95,621	64,483		31,138
Virginia	9	334,505	212,135	122,370	
West Virginia	3	139,161	112,713	26,448	
Wisconsin	8	340,482	267,011		73,471
Total	293	12,571,437	9,198,394	1,484,800	1,888,243
					1,484,800
Total silent voters					3,373,043

The following are some of the results which appear from this statement. Twenty States chose Republican electors in 1888; eighteen chose Democratic electors. The silent voters in those groups were as follows:

	No. of silent voters.
In twenty Republican States	1,888,243
In eighteen Democratic States	1,484,800
Excess in Republican States	403,443

Taking three groups of States: The New England, six in number, then with 28 Representatives; the extreme Western States, six in number, then with 11 Representatives, and eleven Southern States, not including those on the extreme border, then with 73 Representatives, we have the following results:

Groups.	Representatives.	Silent voters.
NEW ENGLAND STATES.		
Maine	5	43,705
New Hampshire	3	18,964
Vermont	3	31,138
Massachusetts	11	220,935
Rhode Island	2	47,688
Connecticut	4	44,933
Total	28	407,363
Average number to the Representative		14,548
SOUTHERN STATES.		
Virginia	9	122,370
North Carolina	8	53,532
South Carolina	5	34,840
Georgia	9	165,787
Florida	2	10,081
Alabama	8	108,377
Mississippi	6	122,131
Louisiana	6	113,044
Texas	6	138,898
Arkansas	4	76,748
Tennessee	10	88,521
Total	73	1,034,329
Average number to the Representative		14,169

Groups.	Representatives.	Silent voters.
WESTERN STATES.		
Oregon	1	18,813
California	4	165,226
Nevada	1	12,912
Colorado	1	40,076
Nebraska	1	41,687
Kansas	3	64,695
Total	11	343,409
Average number to the Representative		31,219

The second statement is based upon the census returns and estimates of population furnished by public officials of all the different States and published in the World Almanac of 1889 (page 169). It is assumed that the number of persons included in the voting population, males of twenty-one years and over, in each State, bears the same proportion to the entire population of the State as it did in 1880. The number of males of voting age is then calculated and the number of silent voters is estimated with the aid of the official returns of the Presidential election of 1888. For convenience sake, the number of Representatives in each State is also given, and in the last column the average number of silent voters in each Congressional district of every State.

TABLE No. 2.

States.	Number of Representatives.	Estimated number of males 21 and over in 1888.	Presidential vote of 1888.	Silent vote of 1888.		
				In Democratic States.	In Republican States.	Average to each Representative district.
Alabama	8	308,700	174,100	134,600		16,825
Arkansas	5	258,920	155,968	102,952		20,590
California	6	514,260	251,339		262,921	43,820
Colorado	1	168,590	91,798		76,792	76,792
Connecticut	4	190,750	153,978	36,772		9,193
Delaware	1	36,183	29,787	9,396		9,396
Florida	2	103,200	66,641	36,559		18,279
Georgia	10	365,310	142,939	222,371		22,237
Illinois	20	970,850	747,686		223,164	11,158
Indiana	13	629,880	536,949		92,931	7,148
Iowa	11	461,350	404,140		57,210	5,210
Kansas	6	405,080	331,172		73,908	10,557
Kentucky	11	502,020	344,781	157,239		14,294
Louisiana	6	253,990	115,744	138,246		23,041
Maine	4	190,550	128,250		62,300	15,575
Maryland	6	273,080	210,921	62,159		10,359
Massachusetts	12	585,960	344,448		241,512	20,126
Michigan	11	627,300	475,313		151,987	13,817
Minnesota	5	341,780	263,306		78,474	15,694
Mississippi	7	274,030	115,807	158,223		22,603
Missouri	14	686,370	523,198	163,172		11,655
Nebraska	3	399,330	202,622		196,708	65,569
Nevada	1	30,190	12,632		17,558	17,558
New Hampshire	2	104,540	90,833		13,707	6,853
New Jersey	7	388,050	303,741	84,309		12,044
New York	34	1,801,520	1,320,109		481,411	14,129
North Carolina	9	347,440	285,473	61,967		6,885
Ohio	21	1,163,070	841,941		321,129	15,291
Oregon	1	83,290	61,911		23,379	23,379
Pennsylvania	28	1,382,010	997,568		384,472	13,731
Rhode Island	2	84,600	40,766		43,834	21,917
South Carolina	7	278,100	79,561	198,539		28,362
Tennessee	10	364,060	303,736	60,324		6,032
Texas	11	492,200	357,513	134,687		12,244
Vermont	2	95,800	63,440		32,360	16,180
Virginia	10	375,900	304,093	71,807		7,180
West Virginia	4	180,010	159,188	20,822		5,205
Wisconsin	9	439,200	354,614		84,586	9,398
	325	16,162,493	11,388,006	1,854,141	2,920,343	
					1,854,144	
Total number of silent voters					4,774,487	

This statement brings us to the condition of inequality of representation existing as nearly as possible at the time when the great political parties of the country had their last contest.

One of the most unwelcome facts demonstrated by this last statement is that the silent voter is increasing in every section of the country.

The following results appear from this statement:

	No. of silent voters.
In twenty Republican States	2,920,343
In eighteen Democratic States	1,854,144
Excess in Republican States	1,066,199
Excess in Republican States in 1880	403,443
Increase in eight years	662,756

Taking the same three groups of States as before, we ascertain their condition as compared with the result in 1880:

Groups.	Representatives.	Silent voters.
NEW ENGLAND STATES.		
Maine	4	62,300
New Hampshire	2	13,707
Vermont	2	32,360
Massachusetts	12	241,512
Rhode Island	2	43,834
Connecticut	4	36,772
Total	26	430,485
Total in 1880		407,363
Increase in numbers		23,122
Average number to the Representative		16,557
Average number in each district in 1880		14,548
Increase in each district		2,009
SOUTHERN STATES.		
Virginia	10	71,807
North Carolina	9	61,967
South Carolina	7	198,539
Georgia	10	222,371
Florida	2	36,559
Alabama	8	134,600
Mississippi	7	158,223
Louisiana	6	138,246
Texas	11	134,687
Arkansas	5	102,952
Tennessee	10	60,324
Total	85	1,320,275
Total in 1880		1,034,329
Increase in numbers		285,946
Average number to the Representative		15,532
Average number in each district in 1880		14,169
Increase in each district		1,363
WESTERN STATES.		
Oregon	1	23,379
California	6	262,921
Nevada	1	17,558
Colorada	1	76,792
Nebraska	3	196,708
Kansas	7	73,908
Total	19	651,266
Total in 1880		243,409
Increase in numbers		307,857
Average number to the Representative		34,277
Average number in each district in 1880		31,219
Increase in each district		3,058

The following table exhibits the actual representation of the States in the House of Representatives as determined by the popular vote in 1888 and also the representation as it would exist had the States been divided into districts in such a way as to give the minority in every case the benefit of its proportionate voting strength. In making this estimate, where fractional results occur the preference has always been given to the largest fraction. This would be the actual representation in each State in the absence of all gerrymandering if the distribution of the population rendered it possible to construct districts absolutely fair. The result shows that the gain of Democratic votes in Republican States would exceed their loss in States in which the Democrats themselves are in the majority, and that had such a division of the votes been made upon an equal basis, giving the minority the same recognition as the majority, the Democrats would not have lost their ascendency in the House of Representatives.

TABLE No. 3.

States.	Representation of States in Fifty-first Congress.		Representation as based on Presidential vote of 1888.			
	Democrats.	Republicans.	Democrats.	Republicans.	Prohibition.	Labor.
Alabama	8		5	3		
Arkansas	5		3	2		
California	2	4	3	3		
Colorado		1		1		
Connecticut	1	3	2	2		
Delaware	1		1			
Florida	2		1	1		
Georgia	10		7	3		
Illinois	7	13	9*	10	1	
Indiana	10	3	6	7		
Iowa	1	10	5	6		
Kansas		7	2*	4		1
Kentucky	9	2	6	5		
Louisiana	5	1	4	2		

TABLE No. 3—Continued.

States.	Representation of States in Fifty-first Congress.		Representation as based on Presidential vote of 1888.			
	Democrats.	Republicans.	Democrats.	Republicans.	Prohibition.	Labor.
Maine		4	2	2		
Maryland	4	2	3	3		
Massachusetts	2	10	5	7		
Michigan	2	9	5	5*	1	
Minnesota		5	2	3		
Mississippi	7		5	2		
Missouri	10	4	7*	6		1
Nebraska		3	1	2		
Nevada		1		1		
New Hampshire		2	1	1		
New Jersey	3	4	4	3		
New York	15	19	16*	17	1	
North Carolina	6	3	5	4		
Ohio	5	16	10	10*	1	
Oregon		1		1		
Pennsylvania	7	21	12*	15	1	
Rhode Island		2	1	1		
South Carolina	7		6	1		
Tennessee	7	3	5	5		
Texas	11		7*	3		1
Vermont		2	1	1		
Virginia	8	2	5	5		
West Virginia	4		2	2		
Wisconsin	2	7	4	5		
	161	164	163	154	5	3
			6*	2*		
			169	156		

* This indicates the party to which the additional member would belong if the third-party vote is omitted and the next largest fraction taken instead.

The parties would then stand as follows upon this basis: Democratic, 163; Republican, 154; Prohibition, 5; Labor, 2.

If the third-party vote is omitted and the fractions, upon which the representation in each case is assigned to the Prohibition and Labor parties, are passed in favor of the next largest fraction, these votes will go as indicated by the mark * in the adjoining columns, and the result will be: Democratic Representatives, 169; Republican Representatives, 156.

This shows that in the division of districts the Republicans have made net gains and not losses, and that in fact they have a larger representation than they are entitled to, notwithstanding their clamor against the South and Democratic methods.

The result shows that in Maine and Massachusetts in the far East, in Ohio and Pennsylvania in the Middle, and in Iowa and Kansas in the far West the mode of dividing up States to the best advantage so as to give the greatest strength to the party in power is equally well understood. The gerrymander is an American institution; it had its birth when the country was young and has grown up with it, and it is hypocritical to attack Southern Congressional districts when like results are reached all over the country by the same means. Self-defense demands that the Democrats protect their strength against the one-sided methods of their opponents. No party has ever felt any obligation in Congressional elections to see that the minority had the benefit of its full voting strength.

One of the recognized advantages of being in power has been the opportunity so to arrange the Congressional districts as to get as large a representation as possible for the party in the majority. In some States, where the tide of victory shifts occasionally from side to side, it is no unusual thing for the districts to be changed whenever these mutations of power occur; the right to change them has been regarded and treated as among the legitimate fruits of a successful campaign.

I cite instances of marked inequalities in Republican States based upon the official figures of the last Presidential election, which will make it manifest that that party has not failed to improve its opportunities and that they are in no sense sufferers or victims under this system.

In California 117,729 Democratic voters elect 2 Representatives, while 124,816 Republicans elect 4. Average number of voters to the Representative: Democratic, 58,864; Republican, 31,204; difference, 27,660.

In Illinois 348,371 Democratic voters elect 7 Representatives, while 370,475 Republicans elect 13. Average number of voters to the Representative: Democratic, 49,767; Republican, 28,498; difference, 21,269.

In Iowa 179,877 Democratic voters elect 1 Representative, while 211,598 Republicans elect 10. Average number of votes to the Representative: Democratic, 179,877; Republican, 21,159; difference, 158,718.

In Kansas 182,904 Republicans have 7 Representatives, while 147,313 voters not belonging to that party have no representative of their political principles.

In Maine 73,734 Republican voters have 4 Representatives, while 54,516 voters not of that party have no political representation.

In Massachusetts 151,855 Democratic voters elect 2 Representatives, while 183,892 Republicans elect 10. Average number of votes to the Representative: Democrat, 75,927; Republican, 18,389; difference, 33,803.

In Michigan 213,469 Democratic voters elect 2 Representatives, while 236,387 Republicans elect 9. Average number of votes to the Representative: Democrat, 106,734; Republican, 26,265; difference, 80,469.

In Minnesota 142,492 Republican voters have 5 Representatives, while 120,793 voters not of that party have no political representation.

In Nebraska 108,425 Republican voters have 3 Representatives, while 94,228 voters not of that party have no political representation.

In the great State of New York it takes to elect a Representative: Democrats, 42,389; Republicans, 34,105; difference, 8,284.

In Ohio it is as follows: Democrats, 79,251; Republicans, 26,003; difference, 53,248.

In Pennsylvania it is as follows: Democrats, 63,805; Republicans, 25,052; difference, 38,853.

In the table marked No. 1, the States which in 1888 gave a majority of votes to the Republican Presidential electors are designated as Republican States and those giving a majority to the Democratic electors as Democratic States. The results are taken from the national election of 1880, and it is demonstrated that in the twenty Republican States there were 1,888,243 male persons of lawful age who did not vote or whose votes were not counted, while in the Democratic States there were 1,484,800, showing the whole number to be 3,373,043, and an excess in the Republican States of 403,443.

In 1888 the silent vote in the same States was as follows: In the Republican States, 2,920,343; in the Democratic States, 1,854,144, increasing the whole number to 4,774,487, and the Republican excess to 1,066,199, as appears in Table No. 2. At each election the votes of more than one-fourth of the male persons over the age of twenty-one years in the whole country do not appear in the final result.

Table No. 3 shows the actual number of Democratic and Republican Representatives elected to the Fifty-first Congress according to the list made out by the Clerk of the House of Representatives and the number that each State would have been entitled to in the absence of any gerrymandering, if the distribution of the population rendered it possible to have districts absolutely fair.

Omitting for convenience the third-party votes, and it appears that such equal and fair distribution would have changed the Democratic figures from 161 to 169 and the Republican figures from 164 to 156. Thus, instead of a Republican majority of 3 at the opening of the present Congress there should have been a Democratic majority of 13. The Republican net gain of 16 shows that the equality of representation and the parity of electors have been disturbed by them, and not by the Democrats.

But, not satisfied with this increase of representation through the forms of law and the advantages given them by being in political control of the larger States, the House, after its organization, proceeded to unseat 9 Democrats, who were declared duly elected by the constituted authorities of their several States, and to place in their seats 8 Republicans and their allies, one seat being declared vacant. Thus the Democratic representation was further reduced to 152 and the Republican increased to 172, and their total net gain was raised to 33. But the re-election of Mr. BRECKINRIDGE, of Arkansas, has reduced this gain to 32 and increased the Democratic membership to 153.

I have constructed another table giving the present representation in the House of Representatives, exclusive of the six new States not included in the apportionment of 1880, with the average number of actual voters of his own political party represented by each Representative in each State according to the Presidential vote of 1888, and the actual number of such voters not represented by any Representative from the State of their own political faith.

	No. of Representatives.*		Presidential vote of 1888.		No. of voters of his own party represented by each.		No. having no political representation.	
	Dem.	Rep.	Dem.	Rep.	Dem.	Rep.	Dem.	Rep.
Alabama	7	1	117,320	56,197	16,960	56,197		
Arkansas	4	1	85,962	58,752	21,490	58,752		
California	2	4	117,729	124,816	58,864	31,204		
Colorado		1	37,567	50,774		50,774	37,567	
Connecticut	1	3	74,920	74,584	74,920	24,861		
Delaware	1		16,414	12,973	16,414			12,973
Florida	2		39,561	26,657	19,780			26,657
Georgia	10		100,499	40,496	10,050			40,496
Illinois	7	13	348,371	370,475	49,767	28,494		
Indiana	10	3	260,961	263,361	26,096	87,787		
Iowa	1	10	179,877	211,598	179,877	21,159		
Kansas		7	102,745	182,904		26,129	102,745	
Kentucky	9	2	183,800	155,134	20,422	77,567		
Louisiana	5	1	85,032	30,663	17,006	30,663		
Maine		4	50,481	73,734		18,433	50,481	
Maryland	3	3	106,168	99,986	35,389	33,328		
Massachusetts	2	10	151,855	183,892	75,927	18,389		
Michigan	2	9	213,469	236,387	106,734	26,265		
Minnesota		5	104,385	142,492		28,498	104,385	

* In Fifty-first Congress.

	No. of Representatives.*		Presidential vote of 1888.		No. of voters of his own party represented by each.		No. having no political representation.	
	Dem.	Rep.	Dem.	Rep.	Dem.	Rep.	Dem.	Rep.
Mississippi	7	.....	85,471	30,096	12,210	.....	.....	30,096
Missouri	10	4	261,974	236,257	26,197	59,065	.....	.....
Nebraska	.....	3	80,552	108,425	.....	36,141	80,552	.....
Nevada	.....	1	5,326	7,229	.....	7,229	5,326	.....
New Hampshire	.....	2	43,456	45,728	.....	22,864	43,456	.....
New Jersey	3	4	151,493	144,344	50,497	36,086	.....	.....
New York	15	19	635,835	648,909	42,389	34,153	.....	.....
North Carolina	6	3	147,902	134,784	24,650	44,924	.....	.....
Ohio	5	16	396,455	416,054	79,291	26,003	.....	.....
Oregon	.....	1	26,522	33,291	.....	33,291	26,522	.....
Pennsylvania	7	21	446,633	526,091	63,804	25,052	.....	.....
Rhode Island	.....	2	17,530	21,968	.....	10,984	17,530	.....
South Carolina	6	1	65,825	13,736	10,970	13,736	.....	.....
Tennessee	7	3	158,779	138,988	22,682	46,329	.....	.....
Texas	11	.....	231,883	88,422	21,353	.....	.....	88,422
Vermont	.....	2	16,788	45,192	.....	22,596	16,788	.....
Virginia	6	4	151,977	150,438	25,329	37,609	.....	.....
West Virginia	2	2	78,677	78,171	39,228	39,085	.....	.....
Wisconsin	2	7	155,232	176,553	77,616	25,221	.....	.....
Total	153	172	5,538,434	5,440,551	.....	.....	485,278	198,644

* In Fifty-first Congress.

Average of voters to member with present membership, 36,198 Democratic and 31,630 Republican.

Average with original membership of 161-161, 34,400 Democratic and 33,174 Republican.

This table shows how many voters of each political party it took in each State at the national election of 1888 to elect a Representative and how many voters there were without any representation of their own party in certain States where the representation was wholly from one political party. The results are worthy of careful consideration and study.

According to the original organization of the House and the total Presidential vote of 1888, each of the 161 Democratic Representatives from the thirty-eight States included in this consideration, represented 34,400 voters and each of the 164 Republicans 33,174 voters of his own party, showing that in the entire country the equality of representation was not maintained, and that it required 1,226 more Democratic votes to elect a Democratic Representative than it did Republican votes to elect a Republican Representative.

According to the representation, as changed by the House, each of the 153 Democratic Representatives represented 36,198 voters and each of the 172 Republicans 31,630 voters, increasing the inequality until a Democrat represented 4,568 more votes than a Republican.

The six States where the Democrats were, at that time, at the greatest disadvantage, are as follows. The figures after them give the number of Democrats in each to the Representative:

Iowa	179,877
Michigan	106,731
Ohio	79,291
Wisconsin	77,616
Massachusetts	75,927
Connecticut	74,920

There were only two States in which the Republicans were at a greater disadvantage than that expressed by the lowest of these figures. They are as follows:

Indiana	87,787
Kentucky	77,567

And neither of them is among those which are so often and so unjustly abused and attacked upon this floor.

It will be seen, too, that the four States which send Representatives by the smallest average number of votes of the political party they belong to, and the only ones whose vote is less than 12,000, are equally divided between the North and the South. They are as follows:

Nevada	7,229
Georgia	10,050
South Carolina	10,970
Rhode Island	10,984

It appears further that in ten States where there are 485,278 Democratic voters there is no Democratic Representative, while this is the case as to the Republicans in five States which have only 198,644 voters.

During this debate the Senator from Iowa [Mr. WILSON] drew out a comparison between his own State and the States of Mississippi and South Carolina, with a view to showing a political advantage in favor of the two Southern States named. There are inequalities on both sides. The Democratic voters in Iowa, numbering 179,877, by some means obtained but one Representative, while the 211,598 Republicans obtained ten. If the same guiding hand had the power to control all the States and each district, according to the theory of the pending bill, the minority would be in a thoroughly hopeless condition, and the party holding the machinery of governmental affairs could only be overthrown or removed from power by a revolution or by what has been known within the past few weeks as a political cyclone.

In the different States there are different influences. In some, Republicans are in power; in others Democrats. Some have immense majorities and seldom change their political complexion. Others not infrequently shift from one side to the other in a political campaign. In some, political contention is sharp. In others the popular mind is comparatively indifferent as to politics. Under these different influences there are various courses of action, many of them operating in opposite directions. Errors, mistakes, undue advantages, unfairness, sharp practice in one State, are to some extent set off against similar acts in another, and the total result minimizes evils which would otherwise be dangerous. The general average approaches a balance that has never worked out any serious danger in the history of the Government.

The present case illustrates this. The voters in these States at the election which the Senator referred to were divided politically as follows:

States.	Democrats.	Republicans.
Iowa	179,877	211,598
Mississippi	85,471	30,096
South Carolina	65,825	13,736
Total	331,173	255,430

The 331,173 Democrats are represented in the present House by 14 Representatives, being an average of 23,655 votes to the Representative. The 255,430 Republicans are represented by 11 Representatives, being an average of 23,221 votes to the Representative. Surely the complaining Senator is without a case, for, so far as his own State is concerned, there is not enough inequality or unfairness in Mississippi and South Carolina combined, by an average of 434 to the Representative, to balance the inequality of representation which Iowa obtained and maintains in the present Congress.

It is by such means as these that some approach to an "equality of representation" and "the parity of electors," which is spoken of in the President's message, has been maintained during the first century of our Government. But it could not be maintained under any centralized system, where the errors, instead of correcting one another to some extent, would all be upon the same side. If the effort to get them all on one side, so as to strengthen and revive a defeated party, succeeds, then the result which is deplored in the message may well be apprehended: "everything that is valuable in our system of government is lost."

A similar table constructed with reference to the inequalities in our own body with the full membership to which it is now entitled shows that in the whole country a Democratic Senator represents 76,743 Democratic votes and a Republican Senator 75,130 Republican votes, and that there are 2,782,630 Democratic voters not here represented and 1,746,482 Republican voters not represented.

The whole number of Democratic votes cast in 1888 in States which have elected Democratic Senators to sit in this Congress is 2,846,890, which divided among the thirty-seven Senators makes the above average of 76,743 votes to each Senator.

The whole number of Republican votes cast in 1888 in States which have elected Republican Senators to sit in this Congress is 3,831,663, which divided among the fifty-one Senators makes the average of 75,130 to each Senator.

The following table, from which these deductions are drawn, gives the votes of the different States in the last Presidential election, grouping together the votes of States as they elected Democratic and Republican Senators, respectively; also the votes of States not here represented, with the aggregate and the averages below:

Electoral vote of 1888.

States.	Represented by—		Vote not represented.	
	Democrats.	Republicans.	Democratic.	Republican.
Alabama	117,320	.....	.....	56,197
Arkansas	85,962	.....	.....	58,752
California	117,729	124,816	.....	.....
Colorado	.....	50,774	37,567	.....
Connecticut	.....	74,584	74,920	.....
Delaware	16,414	12,973	.....	.....
Florida	39,561	.....	.....	26,657
Georgia	100,499	.....	.....	40,496
Idaho	.....	8,151	6,404	.....
Illinois	.....	370,475	348,371	.....
Indiana	260,969	.....	.....	263,361
Iowa	.....	211,598	179,877	.....
Kansas	.....	182,904	102,745	.....
Kentucky	183,800	.....	.....	155,134
Louisiana	85,032	.....	.....	30,663
Maine	.....	73,734	50,481	.....
Maryland	106,168	.....	.....	99,986
Massachusetts	.....	183,892	151,855	.....
Michigan	.....	236,387	213,469	.....
Minnesota	.....	142,492	104,385	.....

Electoral vote of 1888—Continued.

States.	Represented by—		Vote not represented.	
	Democrats.	Republicans.	Democratic.	Republican.
Mississippi	85,471			30,096
Missouri	261,974			236,257
Montana		22,486	17,360	
Nebraska		108,425	80,552	
Nevada		7,229	5,326	
New Hampshire		45,728	43,456	
New Jersey	151,493			144,344
New York		648,909	635,835	
North Carolina	147,902			134,784
North Dakota		25,310	15,801	
Ohio	396,455	415,054		
Oregon		33,291	26,522	
Pennsylvania		526,091	446,633	
Rhode Island		21,968	17,530	
South Carolina	65,825			13,736
South Dakota		44,905	25,044	
Tennessee	158,779			138,988
Texas	234,883			88,422
Vermont		45,192	16,788	
Virginia	151,977			150,438
Washington		26,291	18,920	
West Virginia	78,677			78,171
Wisconsin		176,553	155,232	
Wyoming		10,451	7,557	
Total	2,846,890	3,831,663	2,782,630	1,746,482
Average to each	76,743	75,130		

The Presidential vote in the last four Presidential elections has been as follows, according to the American Almanac:

1876.

Democratic	4,284,885
Greenback	81,740
Prohibition	9,522
Scattering	2,636
Total anti-Republican	4,378,783
Deduct Republican vote	4,033,950
Republican minority	344,833

1880.

Democratic	4,442,035
Greenback	307,306
Prohibition	10,305
American	707
Scattering	989
Total anti-Republican	4,761,342
Deduct Republican vote	4,449,053
Republican minority	312,289

1884.

Democratic	4,911,017
Prohibition	151,809
Greenback	133,825
Scattering	11,362
Total anti-Republican	5,208,013
Deduct Republican vote	4,848,334
Republican minority	359,679

1888.

Democratic	5,538,434
Prohibition	250,290
Union Labor	147,045
Scattering	10,312
Total anti-Republican	5,946,081
Deduct Republican	5,440,551
Republican minority	505,530

It will also be observed that in three out of these four elections the Democratic electors had pluralities on the popular vote as against the Republican electors, as follows:

1876, Tilden	250,935
1884, Cleveland	62,683
1888, Cleveland	97,883

Yet their candidate was declared elected by a majority of the electoral votes but once out of these three elections, and that when the popular plurality was the smallest. The plurality of the Republican electors in 1880 was but 7,018 when Garfield became President.

I have collected these figures and worked out these statistical results to present the lessons they teach. Those who study them can not escape the conclusion that all the inequality of representation is against the Democratic party, and that "a parity of electors" has no existence in the practical operation of our form of government.

The Republican elector in a Presidential, Senatorial, and Congressional result is found to have an advantage over the Democratic elector at every point. His influence and power are greater. He reaps greater results, notwithstanding his inferior numbers. Majorities do not necessarily rule in this country. Pluralities do not necessarily rule. The Democratic party, though stronger in numbers than the Republican for three-fourths of the time during the past sixteen years, has never during that period had the control of the legislation of the country. The Republican minority has practically held the supremacy in governmental affairs during the larger part of that time.

Whether this has been done by shrewder management, by taking better advantage of opportunities, by the arrangement of the apportionments, by the influence of a larger officeholding class, or by other means, matters not. The advantage is theirs. It has come to them through the machinery of our constitution and laws, and whether by fair or unequal or unjust management the result is the same. We are not here to complain of it. Our complaint is that they are not satisfied; that they desire to take from us the little remnant of local authority left to us. This legislation will make it possible to place Republican appointees around our polls so as to dominate the negro vote and attempt to check the tendency towards disintegration which has been so manifest of late years.

By an array of supervisors and armed deputy marshals at the polls it will be possible in many places to terrorize Democratic voters and keep the timid and easy-going away. And when all other hope of carrying an election has gone the machinery of the canvassing boards revives and renews the counting-out process, and when all else fails there is left the false certification, which gained the Presidency in 1876 and all the power which resulted from the four years' lease of power thus obtained, against the will of the people, who elected a majority of the Presidential electors.

The clamor against us upon the ground of an excess of representation is a false one; we are not the sinners, we are the sufferers. There is no need of further legislation to keep the Democratic party from getting more than its share of representation. The present laws have already operated against the party and the manifest tendency of the proposed legislation is to make the inequality still greater and to give its great opponent yet larger opportunities.

But the pessimist who charges all the inequalities and disparities which attend our elections and representation in Congress to irregularities and fraud has failed to give this question the full and fair consideration its importance demands. In the first place, under our system of government, representation has nothing to do with the number of votes cast. The makers of our Constitution and its revisers, with some modifications, made the whole number of the people the basis of representation. If they had thought that a full vote at every election was of prime importance they would perhaps have offered a premium for it by making the number of actual voters, and not the number of the people, the basis. There are some now who would make voting a compulsory duty, but no such idea found favor among those who achieved our independence and established our form of government. The Constitution rests upon the idea of the largest possible amount of individual liberty and discourages all unnecessary restraint.

Left to themselves the States and the voters regulate the actual voting by the individual interest and convenience of those whose privilege it is to cast a ballot and the policy of the State as to extending or restricting the right of suffrage.

Many of the Eastern States have for a long time looked with disfavor upon the idea of giving the full privileges of citizenship to all adult males. The political influence of the ignorant and of those who do not contribute to the support of Government is feared, particularly with respect to municipal and local affairs. These classes are regarded and treated as dangerous, and barriers are thrown between them and the elective franchise in the shape of educational and race qualifications, qualifications as to character, poll-tax prerequisites, and registration laws.

On the contrary, in many of the Western States the way to the polls is made easy and broad. Unnaturalized foreigners who have only given the legal notice of their intention to become citizens are allowed to vote, and immigration from other States is invited by extending the elective franchise to those who have been residents for only three, four, or six months before the day of election. This accounts, in part, for such a difference as exists between the number of silent voters in the districts of Iowa and Rhode Island. In the former they numbered, in 1888, 5,210; in the latter, 21,017.

Some of the Southern States, like Georgia, have followed the example of the less liberal of the Eastern States; while others, like North Carolina, have pursued the broader policy. Similar results have followed. In the former States there are 22,237 silent voters to the district; in the latter, 6,885.

But there is another influence far more potent. When popular interest is thoroughly aroused the vote is large. Look at the results in close States. I will compare a few which are side by side as illustrations. Compare Vermont, which never fails to give a Republican majority, with New Hampshire, where there is a political battle at every election. In the former the number of silent voters to the district in 1888 was 16,180, in the latter, 6,853. Between Illinois and Indiana a like comparison shows 11,158 in the former and 7,148 in the latter. Between Kentucky and West Virginia, 14,294 in the former and 5,205 in the latter. Between Alabama and Tennessee, 16,825 in the former and 6,032 in the latter.

The falling off of the vote when there are no Presidential electors to be chosen is regular and constant, and it is unusual for any party to get out a large percentage of its voters in those years, except here and there where some local question or contest arouses special interest or excitement. In some years the diminution of the vote is unusually large, indicating party dissatisfaction and that state of restlessness and discontent which usually precedes a change.

These are the most potent influences that keep voters away from the polls. I might pursue the inquiry further, but it is unnecessary. It is manifest that they are not sectional. They prevail in all parts of the country. They will not be remedied by the pending bill. The inequalities brought about by legislation and provisions in State constitutions are perhaps within reach of our action when an apportionment bill comes before us for consideration, but the penalties of the fourteenth article of the Constitution have never yet been inflicted upon any State and are not likely to be.

There are many that would lose a part of their representation if the article were rigidly enforced, and their united influence will be potent in the future as it has been in the past. And if this remedy is not applied to the larger and more serious causes of disparity and States are to continue to keep large classes of their people from the polls, we might as well leave to the jurisdiction and control of the States the remedy for the smaller and lesser causes of inequality, the mint and anise and cummin. The substitution of chief supervisors with autocratic powers and national returning boards with authority, express or implied, to throw out returns and include in the result votes not actually cast, in place of local control and State action with certification under the great seal of the State will not remedy existing evils but merely shift the opportunity for wrongdoing.

It may be proper to add a few more words as to improper practices at elections. Unfortunately they occur. As long as human nature remains as it is crime and wrongdoing and violations of the moral and statutory laws will exist and be committed. But offenses against the election laws are not sectional any more than murder or theft or covetousness. The Ten Commandments are needed North as well as South. Republicans require their restraining influence as well as Democrats, Prohibitionists as well as members of the Union-Labor party. There is no need of setting any partisan machinery to work to be used by the party in power against those who are opposed to them politically under the pretense of purifying elections.

It is far better to leave these offenses where other offenses are left, to the ordinary tribunals of justice, to the State authorities, to that natural sense of justice and fair-dealing which knows no sectional line, which no political party monopolizes.

The most serious crime against the elective franchise is the improper use of money. It is the general belief that even Presidential elections have been carried by the expenditure of enormous sums in illegitimate ways so as to influence and control the final result. But we may search in vain for any condemnation of such methods in the President's message and there is very little denunciation of them upon the other side of this Chamber, though much is said of violence and fraud, which it is assumed are potent influences in controlling elections all over the South.

It is said that in many Northern States there are voters who will not go to the polls unless their time is paid for; that doubtful voters are won over to a particular side by being employed on the day of election in some service about the polls, to distribute tickets, look up the absentees, or similar work; that candidates secure their nomination by the promise of appointments, places, and employment, and their election by similar acts after the nomination is won.

There has been practiced a system of paying off workmen in what are called "pay envelopes," upon which are printed persuasive arguments to vote the Republican ticket. Notices, too, have been posted in factories and workshops to the effect that work will be suspended or wages be reduced if the Republican party is defeated.

While the pending bill is full of fines and penalties against the force and fraud which are charged to be universal at the South, there are no penalties against practices such as I have described and referred to. In order to give the managers of this bill an opportunity to correct it in this particular I have prepared an amendment to the committee's substitute which has been printed. It is founded on some sections of the election law recently passed in New York upon the recommendation of the present governor. I have also proposed the feature of requiring candidates and committees to file accounts of their election expenses, believing that it will largely abate bribery and the improper use of money at and about conventions and elections.

I will ask that the proposed amendment be read at the Secretary's desk.

The VICE PRESIDENT. The proposed amendment will be read.

The Secretary read as follows:

SEC. 40. That it shall be unlawful for any person, directly or indirectly, by himself or through any other person:

First. To pay, lend, or contribute, or offer or promise to pay, lend, or contribute any money or other valuable consideration, to or for any voter, or to or for any other person, to induce such voter to vote or refrain from voting at any election for a Representative or Delegate in Congress, or to induce any voter to vote or refrain from voting at such election for any particular person or persons, or to induce such voter to come to the polls or to remain away from the polls at such election, or on account of such voter having voted or refrained from voting, or having voted or refrained from voting for any particular person, or having come to the poll, or remained away from the polls at such election,

Second. To give, offer, or promise any office, place, appointment, assignment to duty as supervisor of election, or other employment, whether in or about an election or otherwise, or to promise to procure, or to endeavor to procure any office, place, appointment, assignment to duty as supervisor of election, or other employment, to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election for Representative or Delegate in Congress, or to induce any voter to vote or refrain from voting at such election for any particular person or persons.

Third. To make any gift, loan, promise, offer, procurement, or agreement, as aforesaid, to, for, or with any person in order to induce such person to procure or endeavor to procure the election of any person as a Representative or Delegate in Congress, or the vote of any voter at any election for a Representative or Delegate in Congress.

Fourth. To procure or engage, promise, or endeavor to procure, in consequence of any such gift, loan, offer, promise, procurement, or agreement, the election of any person or the vote of any voter at such election for a Representative or Delegate in Congress.

Fifth. To advance or pay or cause to be paid any money or other valuable thing to or for the use of any other person, with the intent that the same or any part thereof shall be used in bribery at any election for a Representative or Delegate in Congress, or to knowingly pay or cause to be paid any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any such election.

Sixth. To receive, agree, or contract for, before or during an election for a Representative or Delegate in Congress, any money, gift, loan, or other valuable consideration, office, place, appointment, assignment to duty as supervisor of election, or other employment for himself or any other person, for voting or agreeing to vote at such election, or for coming or agreeing to come to the polls, or for remaining away or agreeing to remain away from the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote or refraining or agreeing to refrain from voting for any particular person or persons at any such election.

Seventh. To receive any money or other valuable thing during or after an election on account of himself or any other person having voted or refrained from voting at such election for a Representative or Delegate in Congress, or on account of himself or any other person having voted or refrained from voting for any particular person or persons at such election, or on account of himself or any other person having come to the polls or remained away from the polls at such election, or on account of having induced any other person to vote or refrain from voting, or to vote or refrain from voting for any particular person or persons at such election.

Eighth. For any employer, in paying his employés the salary or wages due them, to inclose their pay in "pay envelopes" upon which there is written or printed any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employés with reference to an election for a Representative or Delegate in Congress in the district where such act is committed.

Ninth. For any employer, within ninety days of a general election for a Representative or Delegate in Congress, or for a special election for a Representative or Delegate in Congress, in the district where the offense is committed, to put up or otherwise exhibit in his factory, workshop, or other establishment or place where his employés may be working, any handbill or placard containing any threat, notice, or information that in case any particular ticket or candidate shall be elected work in his place or establishment will cease in whole or in part, or his establishment be closed up, or the wages of his workmen be reduced, or other threats, expressed or implied, intended or calculated to influence the political opinions or actions of his employés. This and the preceding division of this section shall apply to corporations as well as to individuals, and any person or corporations violating the provisions of these divisions of the section shall be deemed guilty of a misdemeanor, and any corporation violating the same shall forfeit its charter.

Tenth. Any person who shall do, perform, or commit any of the acts declared unlawful by this section shall upon conviction be subject to a fine of not more than $500 or imprisonment for not more than one year, or both.

Eleventh. Any person offending against any provision of this section of this act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding, or investigation in the same manner as any other person. But the testimony shall not be used in any prosecution or proceeding, criminal or civil, against the person so testifying. A person so testifying shall not thereafter be liable to indictment, prosecution, or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly in bar on such an indictment or prosecution.

SEC. 41. First. Every chairman, treasurer, or other officer or member of a State, county, town, ward, precinct, district, or other political organization, and every other person who shall receive from any candidate for Representative or Delegate in Congress, voted for at any public election held for such office, any money or other valuable thing paid or contributed by any such candidate, or by any other person for him to be used in aid of the election of such candidate, or to defray the expenses of any such election or any expense of the canvass of such candidate, either before or after such election shall have taken place, shall, within thirty days after such election, or within thirty days after receiving such money or other valuable thing, in case it is not received within thirty days after the election, file an itemized statement in the office of the Clerk of the House of Representatives, which shall give the names of the various persons to whom such money or other valuable thing was paid or delivered, the amount paid to each, the specific nature of each item, and the purpose for which it was expended or paid out, which statement shall be signed by the person making it and verified by his affidavit to the effect that it is in all respects true, and that it is a full and detailed statement of all moneys or other things of value received by him of any candidate voted for at such election or of any person in behalf of such candidate to be used in aid of the election of such candidate or to defray the expenses of any such election.

Second. Every candidate for Representative or Delegate in Congress who is voted for at any public election for such office shall, within thirty days after such election, file in the office of the Clerk of the House of Representatives an itemized statement, showing in detail all the moneys contributed or expended by him, directly or indirectly, by himself or through any other person or persons, or any committee or political organization, in aid of his nomination or election to such office. Such statement shall give the names of the various persons, committees, or organizations who received such moneys, the specific nature of each item, and the purpose for which it was expended or contributed. There shall be attached to such statement an affidavit subscribed and sworn to by such candidate, setting forth in substance that the statement thus made is in all respects true, and that the same is a full and detailed statement of all moneys so contributed or expended by him, directly or indirectly, by himself or through any other person in aid of his election.

Third. Any such chairman, treasurer, officer, member, person, or candidate who refuses or neglects to make and file a statement, as prescribed in this section, shall be guilty of a misdemeanor, and shall, upon conviction, be subject to a fine of not more than $500 or imprisonment for not more than one year, or both.

Mr. PASCO. It is true that the best remedy for all these evils is by the enactment and enforcement of State laws, but if the policy of national laws against election offenses is to prevail these practices that I have spoken of should be included in the correction. Much has been accomplished by the States through the system of separating the voter from all outside influences when he casts his vote and making the ballot absolutely secret. If generally adopted, the briber, the intimidator, the ticket-changer will be powerless.

It is probable that the astonishing result of the recent election in many of the Eastern States is due more to the operation of these laws than is generally supposed.

It may not be out of place to insert here an extract from a speech recently delivered by Mr. Powderly, in Savannah, as to the way elections are influenced in one manufacturing State of the North. He is a representative man and his statements support some that I have already made upon this subject.

In speaking of the necessity of the working people taking independent action in politics Mr. Powderly said that if all things published by Republican papers about Southern election methods were true he considered the people of this section a hard crowd.

But there can be no worse intimidation practiced anywhere in the country than is practiced in Pennsylvania, the cradle of protection and the headquarters of the great party of so-called morality.

THE PENNSYLVANIA METHOD.

I have seen the mine bosses stand around the polls with cigar boxes on their arms, in which were tickets, and as an employé came along the cover was raised and a ticket handed to him. The poor workman was not told in so many words to vote the ticket, and if he failed to do so he would lose his job in about a week's time, without being told why he was discharged.

Mr. Powderly challenged any part of the country to show a worse system of refined cruelty than this.

The country has recently had an object lesson in the State of Florida, which illustrates the effect of giving political power to the officers of the United States courts.

It will be recollected that, after the adjournment of the Fiftieth Congress and the called session of the Senate, held in March, 1888, a district judge *ad interim* was appointed for the northern district of Florida, to fill a vacancy caused by the death of Judge Settle during the recess of the Fiftieth Congress the year before.

No reason appeared for an appointment so unusual, for the regular term of the court had been held and no press of business demanded a further session before the next regular term, which under the law would have been held about the time that Congress assembled. If we are at liberty to judge from what was subsequently done the purpose of those under whose advice and influence this appointment was at that time made, I can safely say it was to cause a term to be held for partisan and political purposes. In saying this I go back of the appointing power to those who suggested the action and who doubtless presented some reasons which persuaded the Executive that a necessity existed for taking this extraordinary step.

Whether these persons were disappointed candidates or officers who desired to increase their fees or politicians who looked to some future advantage is of little importance. Their views were followed, the appointment was made, the term of the court was held. The newly appointed judge had been in the State but a short time comparatively and knew but little of the condition of society, and he seems to have followed the views of his district attorney, also newly appointed, but an old resident of Florida, who thoroughly understood the politics of the State.

The nonpartisan jury law was overthrown by the removal of the Democratic jury commissioner, and in his place was appointed one who had fought and opposed the Democratic party in his county as an Independent. The divisions of the district based upon the law and fixed by a long-established rule of the court were broken down. Persons charged with offenses were haled from their homes near which courts had been formerly held at stated terms fixed by law and carried to a remote part of the State before juries not of their own vicinage, but summoned wholly from one division of the district.

The two commissioners obtained their lists of names in violation of the spirit of the law, in most, if not in all cases, from a common source. They were generally furnished by Republican county committees or their members, and in one memorable instance at the request of another officer of the court who wrote for a list of true and tried Republicans to serve as jurors to be made up in conference with a Republican State senator and to be forwarded to the Republican court commissioner, and the list so furnished to the commissioner was accepted and used by him and his associate with the full knowledge of one of them, the clerk, of its origin and composition. Under this management a grand jury packed with twenty-two Republicans in a panel of twenty-three was offered and was organized and sustained after all the facts were brought to the attention of the court.

However free from deserved censure the original appointment of these court officers may have been, the Executive must bear the responsibility of adhering to the appointments after these facts became generally known to the country and after many of them had been specially called to his attention. And their subsequent confirmation by the Senate indicates how strong and powerful is the influence of partisanship even with respect to matters judicial in their character.

This circuit court of the northern district of Florida will have within its jurisdiction if this bill becomes a law the larger part of the territory of two Congressional districts. Whether the lower officers of the court had in contemplation any future political advantage to themselves in their partisan acts I know not, but I do know that they have in some way acquired an influence which has made them masters of the political situation in Florida so far as the Republican party is concerned. The district attorney, at the recent election held since these proceedings, became the Republican candidate for Representative in Congress from his district, his assistant became the Republican candidate to fill a vacancy upon the supreme bench of the State, a commissioner of the court became the Republican candidate to fill a vacancy in the office of State comptroller (the only other State office to be filled), and a successor to the marshal was offered the Republican nomination for Representative in Congress in the other Congressional district, but it was a barren compliment and he rejected it, preferring the substance of his present position.

In addition to these honors the clerk of the court held the responsible position of treasurer of the Republican State committee and was the chief supervisor of the judicial district.

These are the natural fruits of a policy which made a United States court potential as a political factor in a single district of a single State. The control of the court is weakly surrendered to its lower officers; the laws are violated; juries are packed; partisanship prevails; justice is mocked; and the people who differ politically with the court officers are vexed and persecuted. And when the next political campaign occurs the officers of the court hold the honors and prizes.

If the system provided in the law now before the Senate were in operation, how easy it would be for a candidate thus foisted upon the party to obtain the necessary certification if the office sought was that of a Representative in Congress.

I propose now to consider in the light of past experience whether the supervision and control and certification of elections in the Southern States by Southern Republicans are likely to promote honesty and fair dealing and produce favorable results.

I shall confine my illustrations to the State I have the honor in part to represent, for I am familiar with the history of the period when the Republican party was in power there.

During that period the entire control of our elections was in the hands of Southern Republicans, with all the power and authority of the United States Government to support them, including armed troops who were conspicuous at the polls and around the canvassing boards on many occasions when elections were held. The election officers were all Republican appointees, often and generally all Republicans. The majority of every board of inspectors and every member of every board of local and State canvassers were Republicans, as well as the governor who gave the certificate of the result.

The present law is to be executed under the direction generally of Republican judges, Republican chief supervisors, supervisors the majority of them to be Republicans, Republican deputy marshals, and a canvassing board, the majority of its members to be Republicans. All are to be Republican appointees, and the appointing power passes its judgment upon the political faith of all of them and selects whom it pleases to represent the minority. If we can properly judge the future by the past, a study of the chapter of the history of that period relating to elections will enable us to determine whether it is wise and just to hand over the election machinery of Florida to the men and the party from whom it was taken in 1876, after long years of fraud and abuse of power, by the aid of an honest court whose authority was invoked because in no other way could the actual determination of the result of the election then held be obtained.

I know that in entering upon this subject I shall be charged with thrashing over the old straw, with rehearsing ancient history, with attempting to justify wrongdoing by reviving the story of older wrongs. These stock phrases are often used in lieu of arguments, and, in fact, there is no other reply when we appeal to the lessons taught by experience. I have no desire to raise the veil which time has let fall upon that dark and terrible period of the history of our country; but the great body of the people who have passed through this bitter experience believe, as I do, that one result of this legislation will be to revive and renew the history of the Southern States from 1868 to the time of their deliverance.

The Congressional elections will be carried on in those States as all elections were carried on during that period, without regard to fairness, in a purely partisan spirit, with no reference to the will of the people, under a system whose keystone is the returning board, the very name of which for years was obnoxious to the American people, a stench in their nostrils, a byword of contempt and reproach, and it is this feature which the leading and influential friends of this measure are most anxious to revive and reproduce.

I appeal then to the history of the past in my own State as instructive with regard to the effect of the present bill and the results that will flow from its enactment in future elections should it become a law.

The first general election, under the reconstruction acts enacted by the Congress, for State officers and a Representative in Congress was held in 1868. It was conducted under an ordinance framed by the constitutional convention which had been held under the authority of Congress and the direction of the military authorities. The Republican president of the convention was at the head of the canvassing board which was to determine and announce the result. The polls were kept open for three days and the inspectors had charge of the ballot boxes at night. These inspectors were all Republicans in the section where I lived, and were generally so according to my information, except in places where no Republicans could be found. There were two factions of Republicans, each with its candidates, and the Democrats had a ticket in the field. The advantage was with the faction which, with the aid of the commanding general of the district, had controlled the convention and held the machinery of the election. Their candidate for governor held an important and influential position in the postal service.

A ballot box was contrived by one who was prominent in the party and who has since held influential positions under different Republican administrations, with a false bottom which could be removed at will by those who understood how to manipulate it. It was used extensively through the black belt, where the opposition to the convention wing of the party was numerically strong. Superior numbers were not necessary to decide the result. The aperture through which the votes were passed was ostentatiously sealed each evening at the close of the polls and the key was intrusted to one who did not have the custody of the box. Although the seals were unbroken in the morning, the keeper of the box by means of the false bottom and slide had ample opportunity during the quiet of the night in the seclusion of his home to mold the majority at will.

The following slip is taken from a Republican paper at that time published in Tallahassee. It indignantly denies the integrity of the result as there declared and throws some light upon the manner in which the election was conducted.

It begins by a reference to the majority claimed for Reed, the successful Republican candidate for governor, at Tallahassee, and says:

Such a statement would belie all the facts in the case when it is known to every intelligent man who was on the ground during the three days' election, to the colored people who counted the voters as they entered the courthouse, to the registrars (one of whom, at least, often kept a tally of the votes, and who on the last day of election declared that Scott and Billings—

Scott was the Democratic candidate for governor—

were casting the solid negro vote), to the challengers who kept a correct and rigid tally sheet of the vote from day to day—when it is known to all of these that only about 2,500 votes were deposited in the ballot box, the count which represents 2,800 votes to have been cast is simply ridiculous. When it is further known and can be proven that Reed—

Reed and Billings were Republican candidates for governor, nominated by their respective factions—

did not receive near as many colored votes as Colonel Scott, the count which places him almost "neck and shoulders" with Billings (who certainly cast four to his one) exhibits a result which everybody knows to be simply impossible.

And yet we have been prepared to expect all this. Two weeks ago the writer of this (who is the editor of the Sentinel and whose name is J. B. Oliver) rode from Tallahassee to Live Oak with one A. A. K., a prominent Radical orator, so called. Just before reaching Station No. 5, the said K. said, distinctly, to the said Oliver, "Scott may poll five votes to Reed's one, throughout the State, and Reed will be elected!" K. was asked to repeat the statement, and he did so, in the presence of a witness, adding, "We've got the whole thing in our hands—the ballot boxes, the registrars, the mail agents, and all." And then, by way of more forcibly illustrating the great facilities which his party possessed, just as we reached Station 5, K. remarked, "Billings and Walker have got off here to hold a Billings meeting, called to meet here by their friend Cone. Billings wrote to Cone to assemble the meeting. Billings's letter went on the train. We (K. *et id omne scalawags*) went on the same train that carried the letter. We opened that letter and we wrote another one, saying, 'Dear Cone: There is no chance for us: go for the Reed ticket. Tell your people.' And," continued the grinning K., "we signed Liberty Billings's name to it, put it in the old envelope and sent it to Cone, and Cone, a darned fool, thought it was all hunky."

In addition to the boasts made by K. about the ballot boxes, etc., it is known that certain Radicals in this city, apt at figures (and who have been previously heard to say what could be done with the ballot boxes), reported to certain parties in Tallahassee, ten days ago, within twenty of the number of votes that would be cast here for each candidate. They had ciphered the number that they ought to have in this county to bring their ticket up to the estimated necessary figures; and now the figures tally, exactly, with their Radical arithmetic.

To say that Harrison Reed has polled such a vote in Tallahassee, where a corporal's guard could not be assembled to hear him or his satellites on the stump, is to add insult to injury, falsehood to bribery, and shame to corruption.—*Tallahassee Sentinel*, May 7, 1868.

The canvassing board announced the election of their friends and partisans, and though the public believed it to be the product of premeditated fraud they could only yield to the power of the General Government, through whose agencies this disgraceful result was reached.

Reed and Gleason became governor and lieutenant governor. Florida was indebted to her sister State in the far North, Wisconsin, for these contributions to her statesmanship, and the Senators from that State are probably familiar with their earlier record.

It was in this way that Florida was born again into the Union, and the Legislature chosen under these auspices sent appropriate representation to this Chamber and took upon themselves the choice of Presidential electors to vote for the Republican candidates for President and Vice President.

In order that it may be understood how the chief official who thus became the governor of the State conducted his administration, I will quote from a report of a committee of the Republican house of assembly appointed to examine charges against him with a view to his impeachment. The committee concluded their report as follows:

In regard to Governor Reed having received money as a consideration for calling the special session of the Legislature which convened last June, we find that George W. Swepson wrote to Governor Reed in the following words and figures, to wit:

"[Confidential.]

"RALEIGH, N. C., *May* 31, 1869.

"DEAR SIR: I regret my inability to be in your city during the extra session of the Legislature. Had it been convened on the 1st of June, as at first contemplated, I could have come. As it is, I can not. General Littlefield has the bill, etc., and will fully explain everything to you; we expect him to prevent any difficulty being made with you by Osborne's friends. I write hastily and to the point. You remember when in New York our agreement was this: You were to call the Legislature together and to use your influence to have our bills passed as drawn by us, and if you were successful in this you were to be paid $12,500 in cash, out of which amount was to be deducted the $7,500 you have heretofore received, leaving a balance of $5,000 to be paid at an early day.

"Should our bills as drawn pass, we want you to go to New York and sign and issue to us the State bonds, and receive the bonds of our road in exchange for them.

"Any arrangement General Littlefield may make in this matter will be carried out in good faith.

"Very truly,

(Signed) "GEORGE W. SWEPSON.*

"Hon. HARRISON REED,
Tallahassee, Fla."

This letter was sealed with private seal of Swepson, and was delivered by General Milton S. Littlefield to Governor Reed in Tallahassee a day or two prior to the meeting of the Legislature in June. Governor Reed did not read this letter in General Littlefield's presence. No allusion to the letter was ever made by Governor Reed to General Littlefield, until in December he said to him it was Mr. Swepson's duty to correct the vile slander of the Conant affidavits and the newspaper articles upon it.

We find that General Littlefield let Governor Reed have several sums of money during the session, but they were charged against him, and what has not been paid is now held in account against him. He further states that he knows from Governor Reed's own acknowledgment that Mr. Swepson has let Governor Reed have $7,500, $2,500 of which is secured by mortgage and the balance is the $5,000 draft alluded to. This is all we have been able to discover on this point, except that there was a duplicate original of the letter just recited, which was shown by General Littlefield to different parties at different times.

In the matter of the printing of State bonds, we find there was material difference between the cost and that of other bonds subsequently printed at the same house in New York. We find no evidence of any fraud.

Reluctantly it is that we have come to the conclusion we hold as to our duty, but, in view of the circumstances, our duty is plain, and we therefore recommend that Harrison Reed, governor of Florida, be impeached, and respectfully recommend the passage of the accompanying resolution.

JAMES D. GREEN, *Chairman.*
GEORGE P. RANEY.
JOHN SIMPSON.
H. H. FORWARD.

Resolved by the Assembly, That Harrison Reed, governor of Florida, be impeached of high crimes and misdemeanors, malfeasance, and incompetency in office.

The book which I read from was published by Hon. John Wallace, who claims to be its author. It is called Carpet-Bag Rule in Florida. But I can vouch for the correctness of this extract, for I have seen this report as published in the proceedings of the State Legislature, but do not have a copy of the proceedings here with me.

Wallace is of African descent, a lawyer by profession, bright and intelligent, well known in our State, having served many years in the two houses of the State Legislature. In consequence of his residence at Tallahassee and his influential position in the Republican party, to which he still adheres, he had the best of opportunities to become acquainted with the history of that period, and I shall have occasion to quote from his book again during the course of these remarks. The chief design of the work is shown in the following extracts from the preface:

The design of this work is to correct the settled and erroneous impression that has gone out to the world that the former slaves, when enfranchised, had no conception of good government, and therefore their chief ambition was corruption and plunder; to prove that, although they had been for more than two hundred years deprived of that training calculated to fit a people for citizenship of a great Republic like ours, yet their constant contact with a more enlightened race, though in the position of slaves, would have made them better citizens and more honest legislators if they had not been contaminated by strange white men who represented themselves to them as their saviors; that the laws of the States passed with reference to the colored people in 1865 were not enacted, as a whole, to be enforced, but to deter the colored people from revenging any real or fancied wrongs that cruel masters may have inflicted while they were slaves; that these laws and the secret leagues riveted the former slaves to these strangers, who explained them to be tenfold worse than they were; that it was white men, and not colored men, who originated corruption and enriched themselves from the earnings of the people of the State from the year 1868 to 1877; that the loss of the State to the National Republican party was not due to any unfaithfulness of the colored people to that party, but to the corruption of these strange white leaders termed "carpetbaggers:" that the colored people have done as well as any other people could have done under the same circumstances, if not better.

There were other serious charges against the governor in the impeachment proceedings which were ordered by the Assembly, and they were from time to time renewed. But he was never tried. The Legislature

*It afterwards transpired that Osborne visited Swepson at Raleigh and prepared this letter, and pledged Swepson that if he would sign it he should have all the legislation he wanted, saying, "I control two-thirds of the members, and unless you sign this you shall have nothing." Swepson had his private secretary, Rosenthal, to copy the letter in duplicate and handed one copy to Littlefield to take to Florida, where Conant was to take charge of its execution. At the same time Osborne received several thousand dollars from Swepson to insure success.

postponed the trial to a future session, and the supreme court decided that this was in effect a dismissal of the proceedings and operated as an acquittal.

The next general election was held in 1870. Gleason had been ousted from his office as lieutenant governor after a controversy which terminated in the United States Supreme Court, and the vacancy was to be filled and a Representative in the Forty-second Congress had to be chosen.

When the election closed it was evident that Bloxham, the Democratic candidate for lieutenant governor, had received a majority of the votes cast and that Day was in the minority. It was also manifest that Niblack, the Democratic candidate for Representative had defeated Walls, and in fact his majority was greater than Bloxham's. It was determined to count out the two Democrats, and the task was not difficult with the facilities in the hands of the party leaders. Besides a friendly State administration, they had the machinery of the United States courts at their command, which the lower officers, who were all Republican partisans, were able then as they now are to direct and manipulate as party necessity seemed to require. In addition to this the mail service was managed by unscrupulous hands, and its secrets were always open to those who were able to dictate the appointment of inspectors and route agents.

The returns of nine counties were held back or taken from the mails or for the time suppressed by the State officials, and their receipt at the proper offices in the State capitol was not acknowledged till after the canvass was completed and the certificates of election had been issued to the minority candidates. Eight of these counties had Democratic majorities and their suppression destroyed the total Democratic majority. When the State canvassing board, composed of the secretary of state, the comptroller, and attorney-general, met they announced their intention of going on with the canvass, although the limit of time allowed for all the county returns to come in had not arrived. An injunction was at once sued out of the circuit court of the State, in the name of Bloxham, the duly elected lieutenant governor, to restrain the members of the board from hastening the completion of the count of the vote for lieutenant governor until the missing returns had time to come in.

The legislation here enacted in 1870 ostensibly to punish and prevent frauds at elections was then fresh upon the statute books. I do not charge the members of the Congress which enacted it with a wrong purpose; there were but few Democrats here then, and the majority did not have the same opportunities for obtaining light upon the subject that our colleagues upon the other side of the Chamber now do. But the Florida carpetbagger does not seem to have been ignorant of the base uses to which this new-born legislation could be put. A complaint was at once entered against Hon. P. W. White, State circuit judge, in the United States court at Jacksonville. He was arrested, taken from the seat of justice, carried 160 miles, and arraigned for obstructing election officers in the discharge of their duty. He was placed under bond and his trial was postponed. Meanwhile, in defiance of the restraining order of the State court as to the former, Day and Walls were counted in and entered upon their respective offices.

The wronged and defrauded lieutenant governor and Representative at once entered upon a contest to secure the rights which the people had given and intrusted to them. Bloxham commenced proceedings in the supreme court of the State. He was baffled on all sides by his political opponents. Once when he was upon the threshold of victory the Legislature changed the law as to canvassing the result of an election and the court dismissed his case upon the ground that there was no power to enforce obedience to a final judgment. A longer litigation was then commenced, which came to a successful conclusion only after all the active duties of the office had been discharged by the usurper, and the Democratic lieutenant governor gained only the barren title of the high office to which he had been elected. One of these cases which set forth all the facts is reported in 13 Florida Reports.

Niblack carried his contest to the House of Representatives. The case was so clear, when all the county returns were at length produced, that he had no fear as to the result, even though his title was to be passed upon by his political opponents. He could only suffer from delay, and the records of the House of Representatives show that he obtained the seat to which he had been chosen by the people of Florida for a term of two years during the latter part of the eleventh month of the second year of his term.

It is proper to add that no attempt was ever made to bring Judge White's case to a trial. He was required to appear from time to time before the United States court, was annoyed and vexed by tedious delays and continuances till the matter became stale and the efforts of the conspirators had succeeded, and he was then discharged without ceremony or apology. The corrupt and wicked use of the law and the machinery of the national courts had wrought out the desired results.

In 1872 another general election was held for national and State officers. The previous election had demonstrated the fact that the Democrats were in the majority, and in order to render unnecessary a renewal of the scandal created by the disgraceful acts of the preceding canvass a new line of fraud was arranged. Under the State election laws the same list of voters was used at every precinct in a county. The registration in the black belt was far in excess of the actual voting population. The lists were clogged with names of dead men, persons who had removed from their counties, and convicted felons. It was no uncommon thing in the early days of freedom for the brother in black to change his name or his "entitlement," as he called it.

Thus duplicate names abounded and it was easy for the managing carpetbaggers who held the local offices to utilize these surplus and unrepresentative names by detailing their docile and obedient voters to use them after their own legal privilege had been exhausted. There was no real danger in voting in their own real names at two or more precincts, for the administration of all the laws, State and national, was in the hands of the men who planned and executed the schemes. In two counties only, the one in which I live and the adjoining one, where the State capitol is located, there was a gain in the Republican vote of more than 1,700, large enough to cover the majority which the State canvassing board announced in favor of the Republican candidates, and in these counties there had been no immigration since the preceding election, and no increase in the population upon which this enlarged vote could be plausibly based, and there were other counties in which like remarkable results occurred.

Some references to the first message of Governor Hart and some extracts from it will illustrate the condition of the State as he found it after four years of Republican rule. These extracts are taken from the governor's message as published in the Senate Journal of the State of Florida, in 1873, and read as follows, pages 26–31:

There are, and will continue to be until laws shall be made effectually to prevent them, so many difficulties and obstacles in the way of enforcing prompt and correct collections and transmissions of taxes and correct settlements with the treasury, and so little money reaches the people's treasury, as that the interest on their public debt goes unpaid; which fact alone is ruinous to the character and good name of the State. The principal is unprovided for, outstanding comptroller's warrants for current expenses are fearfully increasing at double rates, and I have reason to believe that there is no money with which to pay even expressage on books, telegraph fees, or to purchase any of the supplies most necessary for daily labor and use about the capitol, and nothing whatever with which to pay the expenses of the present session of the Legislature.

There are ample resources. The comptroller's report states that the taxes of 1871, not yet received at the treasury, amount to $180,256.25. From other sources I think it may here be safely stated that for several years previously to 1871 the amount still due for taxes will not fall short of $160,000, making $340,000 due for back taxes. Is it any wonder that the treasury is empty and comptroller's warrants generally nearly 50 per cent. below par? And that is not all. The taxes for the year 1872 are now being collected. I have no official information of the amount properly expected from that source, but if it should be half of the whole amount for 1871 it will be $218,686.42, making $598,000 now due and that should be brought into the treasury without delay.

He says further:

The people are willing that tax-collectors and their sureties shall be made to pay what has been collected from the people, but withheld from the Treasury; that assessors and collectors shall be continually compelled to do their whole duty promptly, and that whatever steps are necessary in order to perfect the financial condition of the State shall now be taken.

He again says:

The probability is that our State is without a parallel in the laxity of revenue-collectors in making returns to the treasury. I doubt if there is another State in which so great proportion of the revenues is withheld from the treasury after it has been paid to the proper officers by the taxpayers.

He says further:

It is too often said that officers are in the practice of exchanging moneys received for revenues for the depreciated warrants of the State, and making return on oath that such warrants were the identical paper received for revenues, thus setting at defiance the criminal code, cheating and thieving the public for the purpose of pocketing the difference, and adding perjury to fraud without fear of punishment. I have not heard of any attempt to punish either crime, and this leads some of our people to believe that other officers whose duty it is to protect the public are imposed upon and made to suffer in their reputation for the crimes of others.

Again he says:

If our officers and legislators are not beyond the reach of those who would tempt them from their duty to themselves, their families, and the State, then indeed have the temples of justice and law become the "dens of thieves." Let us show that all our virtue has not departed from us.

He says further in regard to the election laws during Republican rule:

The experience of the past few months has demonstrated the necessity of some changes in the laws relating to elections. It has come to be regarded as a matter of grave concern, under the law as it now stands, whether the choice of officers depends upon the voice of a majority of the people of the State or counties, or whether it depends upon the skill of a board of canvassers in receiving or rejecting upon petty and technical grounds the evidence of the result.

That, Mr. President, is the verdict of a Republican governor upon the Republican government of Florida at that period.

I give, from a volume entitled Why the Solid South? an account of an election contest from Dade County, brought by Israel M. Stewart against E. T. Sturtevant for a seat in the State senate, as an illustration of the contests which came before the State Legislature for seats in the senate and assembly in appealing from the fraudulent acts of the county and State officials. I wrote the chapter from which the account is extracted myself, and the facts were carefully taken from the published journals of the senate and other authentic sources. It is found on pages 162–164 of the volume:

One of the election contests of this session justifies the severe language already quoted from the governor's message—

Which I just read.

Dade County occupies the extreme southeastern part of the Florida peninsula. In territorial extent it contains more than 7,000 square miles, but accord-

ing to the previous census of 1870 the population was only 85. Yet it was entitled to a member of the assembly, and with the adjourning county of Brevard, with a population of 1,216, formed a senatorial district.

It was in counties like these, thinly populated and remote from communication, that the Republican workers plied their scheme to control the Legislature. Only about nine of the thirty-nine were safely Republican after the disabilities resulting from the war had been removed. Enough of the others to make the desired majority were managed or manipulated by some sharp or crooked device on the day of election, or treated by the counting-out process applied later.

The Benest contest came from this same county of Dade.

November 5, 1872, E. T. Sturtevant was judge of the county court. Gleason, who had occupied Benest's seat, was now clerk of the circuit and county courts; together they composed a majority of the board of county canvassers, and, in the absence of the third member, the entire board.

Only one precinct was opened in the county on the day of election. At that Sturtevant was one of the inspectors and Gleason was clerk. Both were candidates at the election, the former for the senate, the latter for the assembly, against J. J. Brown, the Democratic candidate. When the election closed it was regularly announced, in the presence of the voters, that the majority of the votes had been cast against Sturtevant and Gleason, who had each received 14 votes, and this result was duly certified, and the two defeated candidates signed the required certificates, acting under oath as election officers.

Before the meeting of the county board the defeated candidates prepared a petition to themselves as a county board, alleging that certain foreigners had voted without producing their naturalization papers. These were old citizens of the county who had frequently voted before, and no one at this election had challenged their right to vote or asked for their papers.

The board acted on this petition and deducted the number of votes cast by these citizens from the votes of their successful opponents without taking evidence as to how they voted, thus reversing the result, and as county canvassers certified this false result in their own behalf to the State capitol.

Israel M. Stewart, the Democratic candidate for senator, who was thus robbed of his majority in Dade, received in his own county of Brevard 39 out of the 69 votes, but none were cast there for Sturtevant. In order to complete this outrage the Brevard returns were held back by the Republican officers of election or detained by the United States mail agents till the State canvassers had met and announced the election of Sturtevant and Gleason, and they were accordingly seated upon their minority vote of 14 from the single precinct in Dade.

The majority of the committee on elections of the assembly simply reported that "we are of the opinion that William H. Gleason is entitled to his seat." They denied none of the conclusions of fact reached by the minority. Their report was adopted and Gleason retained the seat against Brown.

There was no final determination of Stewart's contest against Sturtevant during the first session of the senate. The term was for four years, and it was renewed at the second session, two years later, but without effect.

Wallace was chairman of the committee on elections which reported in favor of Gleason, and was in the senate at the next term, where he supported Sturtevant whenever action was attempted in Stewart's favor. In his book he mentions his vote in Sturtevant's behalf as one of the only two acts committed during these days of reconstruction which he regrets.

Governor Hart died in 1874, and Lieutenant Governor Stearns filled out the remainder of the term. There was a general election for Representatives in Congress and members of the State Legislature in November after he came into office. As usual the Republican candidates in both Congressional districts were declared elected, received their certificates, and took their seats. There was no contest made in the First district, but in the Second district Finley, the Democratic candidate, contested the election of Walls, who had been unseated in 1873 by a Republican House upon charges of fraud, irregular conduct of election officers, irregular counting, leaving off the registry list the names of qualified voters, and permitting minors, felons, and convicts to vote. The committee found that the charges were duly proved and that Finley had a valid majority of 343 votes. Eight of the committee joined in this report and but three dissented, and the Democratic contestant was seated by a large majority in the House. The history of this case is found in a report made in the House of Representatives of the Forty-fourth Congress.

The last election that took place in Florida under like circumstances was in 1876. I shall not go into its details; the results are well known to the country. The Republicans had, in addition to the opportunity and power to encourage and commit fraud, the authority now so much desired of certification. Through this the results of crime were crystallized into a fresh extension of national power. The American people are not desirous of seeing a repetition of this chapter in the history of our country.

I propose to give some extracts with reference to this election from the work already quoted from, Wallace's Carpetbag Rule in Florida. He is a Republican witness and shows how the groundwork of that election was prepared by the conspirators who were planning only to steal a State government, but whose work was accepted as means of reversing the result of a Presidential election.

These extracts are taken from pages 335, 336, 337, 339.

Many schemes were contrived at the executive office to put Stearns in as governor, and among the most notable were the following:

First. That the ring county officers, whose duty it was to appoint the inspectors of elections, should appoint only those, as Republican inspectors, who would commit all the fraud that possibly could be committed at the ballot box in favor of Stearns.

Second. In large Democratic precincts where the ring inspectors would be watched so closely that they could not commit frauds gross irregularities were to be committed, so that the precinct could be thrown out by the board of county canvassers.

Third. In Democratic counties having a full set of Republican officers or a majority of the board of canvassers, Democratic precincts were to be thrown out on account of these irregularities if the people would submit to it without violence.

Fourth. If the throwing out process raised too much excitement these irregularities were to be sent up to the State returning board, while the action of the county board was to be sent immediately to E. M. Cheney, chairman of the fraudulent returning board of the party at Jacksonville, who would prepare the papers for the final count.

Fifth. In the black-belt counties general repeating was to be resorted to by the freedmen, and, if detected, Stearns, the governor elect, would protect them.

The plans were so systematically laid that those leading colored men who had heretofore been lukewarm towards Stearns now came to the conclusion that he would be the next governor in spite of all opposition. The repeating part of the game, in Leon County, was placed by Stearns in the hands of W. U. Saunders, concerning whom we shall give more light hereafter. These rules were laid down by experts who had no difficulty in enforcing their strict enforcement. It will be noticed that the species of fraud contemplated in this election was of about the same order as those practiced in the election of 1870 mentioned in the ninth chapter—

Which I have already referred to—

when Bloxham ran for lieutenant governor, with the addition of repeating.

He says further on:

Two weeks before election the colored brothers in every precinct were notified by Saunders, Bowes, and other leaders that, unless they voted as many times as they could on the day of election, they would be put back into slavery. This trick had a great deal of weight with some of the colored men who, while hating Stearns, were afraid to trust the Democrats. The author of this work and W. G. Stewart advised the colored people to each cast one vote for Stearns, and if such votes would not elect him let him be defeated.

One of the most daring acts of oppression during this campaign was the conduct of Stearns in Manatee County. Capt. John F. Bartholf, Republican, clerk of court in this county, resigned the position on account of sickness. He sent his resignation immediately to the governor, and with it the name of a man whom he recommended as his successor. This was in time to have the clerk appointed before the time for the appointment of inspectors and the making other necessary arrangements for conducting the election had passed. Stearns received the resignation and the name of the man recommended; but now was the opportunity to silence a whole Democratic county, for to have no clerk made it impossible to have an election, and so he absolutely refused to make any appointment.

On the day of election the white citizens of the county showed themselves equal to the occasion. They organized in each precinct a board of inspectors and secured such papers as were necessary, polled the full Democratic vote and sent the returns to the State board of canvassers. In Leon County, on the day of election, the whites worked industriously among the colored men and secured at least 400 votes for the Democratic ticket, nine-tenths of whom were not coerced, but cast their votes against Stearns because they were disgusted with his methods.

The colored brothers, now following the instructions given them by Stearns through Saunders, began to vote early and often. From the Georgia line to the capital was a distance of 20 miles, with three or four precincts between those points. They started early in the morning and voted at every precinct on that line of march to the capital, and each time the same man would vote under an assumed name. It can be fairly estimated that at least five hundred votes were secured in Leon County alone by this method.

It will be recollected that this is Republican testimony.

How much of this repeating was done in other parts of the State we shall not attempt to say; but this was a general order to be observed throughout the State when it could be done without detection. The counties were not then divided into precincts as they are now, and therefore the voter could cast his ballot anywhere in the county. At one of the Lake Jackson polls, where Stearns had worked up considerable influence through his Government land information, the handy superintendent, Joseph Bowes, had camped all night, carrying with him a cartload of rifles. He had notified the colored people to meet him out there, which was done. He informed them that Governor Stearns had sent the rifles out there for their protection.

On the contrary, the guns were carried out for his protection in case the whites should detect him in his contemplated frauds. Bowes had prepared in the office of the Tallahassee Sentinel, the official organ of the governor, several hundred tickets with the names of the Republican candidates printed in very small type. The tickets were about an inch and a half long by an inch wide. He opened the polls on the morning of election, before the hour designated, and before the whites arrived, and deposited in the box as many of these tickets as he desired. When the whites arrived they felt confident that something was wrong, but what it was they could not exactly tell, but at the close of the polls, when the ballot box was opened, the secret was revealed. Several hundred of these "little jokers" bounced out and were counted just as though they had been honestly voted. The whites protested against counting them, but Bowes and the balance of the board said that they were in the box and must be counted. A large majority was by this means sent in for Stearns from this poll and Bowes was lionized by the governor and his managers for this heroic act.

These plans were matured and executed, but though the laws for punishing crimes against the elective franchise were upon the statute books not an indictment was ever found against any of the wrongdoers, although the story of their crimes was published all over the country. Instead of punishment the guilty men were rewarded with office and place and power. Lists of these official beneficiaries of crime have been published in Congressional reports and in speeches delivered in both Houses of Congress, but I shall not by repeating them bring them once more from the obscurity into which the kindly hand of time has conducted them and where it has left them.

I have by no means exhausted the list. The elections for members of the State Legislature afford numberless instances besides those I have given. Thirty of the thirty-nine counties were Democratic upon a fair vote, and the Legislatures elected United States Senators and made all the appropriations from the treasury. Party necessity demanded the control of the two houses, and it was always effected either by fraud at the polls or the manipulation of the ballots by the election officers or by the counting-out process, when it was the only resort. Sometimes men were called in from the lobby, who had made no contest, and sworn in as members of the Legislature in place of those who had been duly elected and so declared.

On one occasion when the senate was close, two Democratic senators, gentlemen of the very highest standing—one of them is now our secretary of state—were taken from Tallahassee to Jacksonville under a writ from the United States court; and the deputy marshal who executed the writ has since been for many years and now is the chief supervisor of the district, and will handle the machinery of this bill if it becomes a law. These gentlemen were detained a few days till the Republicans had organized the senate and decided certain contested-election cases

then pending, and were then discharged and told that it was not necessary for them to remain longer in attendance upon the court.

It is for Senators to determine whether they will vote to restore to this class of people the power which they have so shamefully abused in the past. Many of the same persons who were influential in party management during the period I have referred to are still living in Florida, and they quickly came again to the front when the present Administration came into power and asked for and received their full share of the Federal offices and appointments in the State. At their State convention in 1888, they "pointed with pride to the party of the past," showing that there has been no repentance for their misdeeds and that a renewal of their former power means a renewal of the record made from 1868 to 1876.

It is through these sources that the President gathers his ideas as to the condition of society in our section of the country, and it is to their interest to present it in an unfavorable light, and consistent with their past history and record to do so.

The statements that are so freely made with reference to the suppression of the negro vote are based not upon facts, not upon authentic testimony, but upon the utterances of disappointed men and defeated candidates and upon sensational articles in partisan newspapers. Upon the same class of testimony it would be quite possible to show that in many States of the North the dollar and not the ballot decides election contests; that in others the workman, the factory operative, the laborer, is not allowed to do his own thinking upon election day.

Many of these stories doubtless rest upon as weak a foundation as the many-tongued slanders against our States of the South. But back of all this is a foundation upon which Republican orators and newspaper writers and even those who prepare public and official communications for the American people rest; it is the assumption that the African vote belongs to the Republican party. It practically denies freedom of thought to the people of that race; it consigns them to a perpetual mental bondage. There is but one link to bind this people to the Republican party, gratitude for the emancipation act. But the politician knows that gratitude for past favors is not a strong political tie. The African, like men of other races, considers present interest and future good. He is growing in intelligence; he is doing his own thinking; he is making combinations and forming associations of his own.

The Senator from Nebraska [Mr. PADDOCK] recently presented a petition from a representative body of these people who came together a few weeks ago at Ocala, in my own State. They represented the Colored Farmers' Alliance and Co-operative Union, an organization which has its branches in many States of the Union. I do not think it has received the attention it deserves, and I will ask the Secretary to read it as part of my remarks. It is found on page 167 of the RECORD.

The Clerk read as follows:

OCALA, FLA., *December* 5, 1890.

Hon. A. S. PADDOCK,
Chairman Senate Committee on Agriculture, Washington, D. C.:

The National Colored Farmers' Alliance, representing twelve States and two million of colored farmers, in supreme council assembled at Ocala, Fla., enter their protest against the passage of what is commonly known as the Conger lard bill, which proposes to tax compound lard and depress the price of cotton seed and cotton-seed oil. No legislation ever introduced into Congress, with the exception of laws fastening slavery upon us, has been so injurious to the colored race as the so-called Conger bill.

At the beginning of the regular session of the Fifty-first Congress, one year ago, cotton seed, the colored man's crop, sold at from twelve to fourteen dollars per ton; now it brings only six to nine dollars per ton, the decrease in price commencing with the introduction of the Conger bill. Please state for us and in our behalf to your committee that with the new tariff law raising the price on our blankets, clothes, boots, shoes, hats, farming utensils, and all other necessary articles used by the colored people, and with the Conger bill depressing the price of the only articles they have to sell, their condition is not far removed from actual abject slavery. Our people believe, however, that when the situation is properly understood their appeal to the party of Garrison, Phillips, Lincoln, and Grant will not be in vain.

J. S. JACKSON,
President Colored Farmers' National Alliance and Co-operative Union.

Mr. PASCO. What do the two million farmers complain of? They denounce first the Conger lard bill, a Republican measure which was passed by the present House of Representatives at its last session, the author of which was afterwards appointed by the President to the high and honorable position of envoy extraordinary and minister plenipotentiary to Brazil. They use this emphatic language in condemning this measure:

No legislation ever introduced into Congress, with the exception of laws fastening slavery upon us, has been so injurious to the colored race as the so-called Conger bill.

The anticipation and prospect of its passage depressed the price of some of their products to an extent which meant impoverishment and suffering.

They complain of the recent Republican tariff legislation, raising, as their experience has taught them, the price of their blankets, clothes, boots, shoes, hats, farming utensils, and other necessary articles. This legislation they say reduces them to a condition "not far removed from actual abject slavery."

Is it not folly, Mr. President, for Republican Senators to try to persuade the American people that the reduction of the Republican vote at the South is entirely owing to suppression and intimidation, when this large and respectable number of farmers and representative men, and the people of their race who are behind them, are persuaded that they are wronged and injured by the legislation of this Congress and the policy of the Republican party? Why not admit that the sentiment of gratitude, now a quarter of a century old, has been gradually giving way to the promptings of self-interest, and that this class of citizens, living under the same legislation and laws as their white neighbors, will endeavor, as they do, to improve their condition, ascertain the causes of depression, and vote accordingly.

The Republican party has done two things for the black man since it made him a citizen. It established the Freedmen's Bureau and the Freedman's Savings Bank. The carpetbagger was their agent for organizing these institutions in the Southern States, and instead of contributing to the welfare and progress and advancement of the freedmen the agent only was benefited. The Freedmen's Bureau enabled the carpetbagger to win the confidence of these people. It promised him protection, advice, help, and assistance. But it was used to alienate the races, array them against one another, and organize a political party upon the color line as an annex to the Republican party at the North. The agent gained influence, power, political advancement. The supplies and provisions intrusted to him to feed the hungry and aid the destitute, according to Republican statements and charges, were sometimes sold and the money appropriated to his personal use, and sometimes used to buy votes and secure party nominations.

In my own State when they quarreled over the spoils, the party patronage, and the division of the plunder, they occasionally, in the heat of their anger, told the truth upon one another in the most uncomplimentary way, and we have a right to believe that whatever may have been the intention of its founders this bureau became a political machine, a fountain from which personal emolument flowed, and was the source of lawless gain, plunder, and corruption. The freedmen received far more injury than benefit from it, and they lost nothing by the termination of its operations.

The Freedman's Savings Bank was no doubt intended by Mr. Sumner and others who aided in obtaining its charter to teach these people habits of thrift and economy and the advantage of taking care of the fruits of their industry and saving so much as was not needed for their daily wants, with a view to its ultimate use in building homes for their families, providing against the day of adversity, and educating their children.

The lesson of saving was well taught, for large deposits were made amounting in the nine years of its existence to more than $50,000,000. But mismanagement, speculation, and robbery were at work and failure and bankruptcy were not long delayed. The crash came and spread want and poverty and suffering all over the South and it was keenly felt in the homes of these trusting and confiding depositors.

The Senators from some of the New England States are fond of spreading upon the pages of the RECORD statements as to the amounts deposited in their savings banks, and a contrast is drawn to the disadvantage of the South between the prosperity and thrift and economic management of the laboring people of the different sections. I freely admit the greater accumulations of the people of the older States, and it is no part of my present purpose to attempt to give the reasons for the difference. The object of the present bill is not to improve the laboring man in the South in this respect.

I only desire now to suggest that this rude lesson which was taught to a people on the threshold of their freedom by those claiming to be their special friends was not calculated to encourage them in efforts to better their condition by trusting their little earnings and savings to public depositories.

When the Republican party came back into power, with the present Congress, it held in its hand another promised benefaction in the enjoyment of which the black people of the South were to share.

The Senator from New Hampshire [Mr. BLAIR] again reported his educational bill, the defeat of which on former occasions had been charged against the Democratic party. This educational proposition should have been brought forward immediately after the emancipation proclamation, if its chief purpose was to prepare the negro for the proper discharge of his duties as a citizen. But late as the boon was offered, after a long and protracted discussion, it failed in a Republican Senate and the Republican House never even honored it with a favorable report.

Mr. HOAR. Mr. President, the Senator will allow me to remind him that as to that particular measure what he says is true, yet a bill appropriating a large sum for the aid of Southern education was brought forward in the House of Representatives in 1869 or 1870 and passed that House the following Congress.

Mr. PASCO. The Senator from Massachusetts does not suggest that the act of the House he refers to became a law.

Mr. HOAR. I do not mean to express any great dissent from the Senator's criticism at all.

Mr. PASCO. The Senator does not suggest that the previous legislation which he refers to resulted in a statutory enactment? It did not become a law.

Mr. HOAR. More's the pity.

Mr. PASCO. The Senator from New Hampshire [Mr. BLAIR] and

many Southern Senators presented petitions from all parts of the South in its behalf, many of them from representative men of African descent, but the Republican House offered, instead of the asked-for bread of the educational bill, this force bill, the serpent to breed contention and scatter poison, and the Senate is asked to unite in completing this substitution. The people of the South do not want this gift, and it will be infinitely worse for the freedmen than the two which have preceded it.

Mr. President, my home has been among these people for more than thirty years. I feel that I have a right to speak for them and about them. We have always been on kind and friendly terms with one another. The two races live side by side in peace and harmony in my State.

We respect their rights. They are justly treated in the courts by judge and jury, and are often defended, when under accusation, by lawyers of our race without pay or hope of reward. A higher power than man has placed them in our midst. The South is their birthplace; their fathers were there before them; their children were born there. There is no general disposition among them to go to other lands. They have a right to stay where they are. The large body of them are quiet, orderly, law-abiding citizens, and, in their way, industrious. The white people of the South understand them, are kindly disposed towards them, are forbearing with them in those respects in which they are different from our race. It is to their friends of our race that these people always go in the day of trouble and adversity.

Nearly all the strife that has ever existed between the races at the South can be traced directly or indirectly to meddling and interference and bad advice. Most of the trouble now existing and threatening would disappear at once if it was understood that the people of this race must, like all others, stand upon their own feet, rely upon their own efforts. There is no better reason for special legislation in their behalf than there is for making legislative favorites of the people of any other race. They have enjoyed the privileges of citizenship for a quarter of a century; the generation now entering upon their maturity were born free. Amendment after amendment to the Constitution, legislative enactment after legislative enactment, has been passed in their behalf, and the cry is ever for more legislation, new statutes.

Let the two races at the South realize that they must settle their own relations towards one another; the first step towards a solution of the so-called race question will then have been reached. Each will soon gravitate into his own place. The Anglo-Saxon will be true to his history. In every quarter of the world where he has been placed side by side with people of other races he has ruled; he does so in New England, in New York, in the great West. No political party in any of those parts of the country ever has or ever will place the reins of power in the hands of the Mongolian or African race.

The Anglo-Saxon race will predominate North and South. But it will be his privilege and duty and solemn obligation to see that those of the African race are protected in their rights as citizens and property-holders, aided in their efforts towards progress and advancement, and educated and trained so as to be able to manage and direct their own affairs and instruct their own people in the schoolhouse and church in religion, morality, and useful knowledge.

Great progress has already been made by them in all the elements of material prosperity since the white people have controlled the Southern State governments, and that notwithstanding the friction and bad feeling caused by the partisan efforts to keep them active as a political force.

When these efforts cease and they are left to act with reference to politics as other citizens are, each on his own account and not as a solid mass, greater progress awaits them and a larger prosperity will bless the entire South and extend through the whole country.

Mr. President, I have shown that inequalities exist in the different States so far as national representation is concerned; that this inequality has not been and is not now detrimental to the Republican party; and that members of that party have no just cause of complaint against the Democratic party of the Southern States. I have shown, too, that there is nothing in the pending bill to remedy this inequality.

I have also shown that the policy of the Government to leave the control of Congressional elections with the States, which has prevailed for a hundred years, is a wise one, and if the Constitution authorizes a change such change is inexpedient. I have also pointed out some of the objections to the pending bill which should be remedied if it is determined to legislate in this direction. The proposed legislation is harsh, unamerican, expensive, dangerous. It sets up a new class of officeholders with new and untried powers, who are to have partisan direction and control of the most precious and valuable of our free institutions.

If this new class of officers with life tenure, appointed by other officers with the same tenure, is called into existence they will be so far removed from the body of the people that they will have no sympathy with the republican form of government which is the most precious heritage of our American citizenship. The possession of such large powers will cause them to look with contempt upon our form of government. They will be our masters, and elections will be decided according to their will, and not according to the suffrages of the people. The free ballot and fair count, which every citizen prizes regardless of party, nowithstanding the Republican party falsely assumes to be its sole champion, will become a thing of the past.

The correction of the evils and inequalities which actually exist can safely be left to the people of the several States, and in many States the people have already corrected them. The gerrymander in Ohio has been reversed. The privilege of representation in the House of Representatives has been transferred from the Republicans in New Hampshire, Montana, Nebraska, and other States to those who did not before possess it. The equality of representation has been more than restored in New York, Connecticut, Illinois, and Wisconsin. In a few months these changes which the people have already decreed will be in force, and even in this body the present minority will receive accessions which will give them a greater and more just share of power, though still far short of what is due to them as representing a large majority of the American people and the citizenship of the country.

The Senator from New Jersey [Mr. MCPHERSON] in his recent speech called attention to the monumental frauds by which the Republicans have often maintained their ascendency in Philadelphia and the State of Pennsylvania. It was developed in his remarks that in the recent election there members of that party were organizing and making great and creditable efforts to correct these evils. The election of a Democratic governor was no doubt brought about, in part at least, by a conviction that he would do more to reform them than his opponent. This step towards reform has been taken, and if it is followed up by those who have inaugurated it, without regard to party, similar results will be reached as was brought about in New York when corruption became intolerable. The people of Pennsylvania can safely be trusted to go on with the work without further aid from the National Legislature.

The President in his message does not complain of the Federal election laws now in existence; he asks for but one additional feature, the removal of the power of certification from the State authorities, presumably for the purpose of conferring it upon such canvassing boards as the pending bill provides. The effect of such legislation would be to dishonor and discredit the seals of the States and the certificates and executive action of their governors, and to deny to them that full faith and credit to which they are entitled in every other State under the Constitution.

Is the Senate prepared to take such action and to frame and fashion machinery which can be set in motion in any Congressional district by a hundred irresponsible petitioners, to place the determination of a partisan returning board above the action of the State officers charged with this duty by State laws, which action is certified and established, as was each of our own certificates of election, by the signature of the governor and the broad seal of the State which we each are honored in representing?

The Senator from Illinois [Mr. CULLOM] in a recent speech gave his reluctant adhesion to the pending bill which casts this reflection upon his own State in common with the other States of the Union. But he did not always believe in surrendering the right of Illinois to hold her own elections in her own way, nor the right of ascertaining and announcing the result of her elections. He once occupied the high position of governor of that great State, and when Louisiana and Florida were being robbed of their electoral votes by piratical returning boards he had ability and courage equal to the great office he held and clearly and bravely defined the position of his State with reference to prescribing the manner of holding her elections. I quote the language used by the Senator in January, 1877. It is found in his inaugural message delivered before the Legislature of Illinois. He says:

> As citizens of the State of Illinois, we claim the right to hold our elections in our own way, giving all our people a fair and equal chance to cast their votes. We claim the right to prescribe the manner in which our polls shall be purged of fraudulent votes and how and by whom the result of our elections shall be ascertained and announced. All these things we regulate by the laws made by our State Legislature, and when the result is so ascertained and announced we expect it to be respected as well by our own citizens as by others. While we claim these rights for our own State we concede the same to every other State in the Union, and insist that when the people of any State have held an election and the result has been ascertained and announced by the persons and in the manner provided by the laws of such State that result shall be respected everywhere as the will of the people of that State.

Mr. VEST. When was that?

Mr. PASCO. In 1877.

The Senator in that inaugural address used patriotic language with reference to bayonet rule and took a position directly opposite to that recently assumed by the Senator from Maine [Mr. FRYE].

He says:

> The spirit of our institutions and the temper of our people are hostile to a standing army, and I am opposed to any policy, State or national, looking to governing the people by the bayonet.

Illinois has proved her appreciation of these words spoken in behalf of her honor and her rights by sending to this Senate for twelve years the governor who uttered them, and she has never faltered in her adherence to the Republican party till that party proposed this legislation, which is thoroughly antagonistic and hostile to the doctrine so boldly announced by her chief executive.

And, Mr. President, Illinois is not alone in approving this good old-fashioned doctrine. The people all over the country have clearly indi-

cated their will with reference to this class of legislation during the election recently held. That will should be obeyed. The theory of our government is that they are to rule when speaking through the voice of the majority. They have said to the spirit of sectionalism, "Thou shalt no longer prevail; the States North and South shall be treated alike. The memories of the war are not longer to be employed as a political force. Reason and argument and truth shall take their place and prejudice must be banished."

The closing hours of this Congress should not be employed by a majority which has lost its support in an effort to defeat the popular will and turn back the era of good feeling and returning justice.

The same spirit to suppress the will of the majority which is behind this bill is being manifested in some of the States in which the Republican party was recently defeated. Files of policemen and squads of militia are placed around the halls of legislation, and representatives of the sovereign people are required to exhibit their credentials to representatives of this physical force before they can occupy the seats to which they were elected. The present efforts may succeed for a time, but the great Democratic party can afford to wait patiently until the American people are alive to the dangerous and revolutionary tendencies of their opponents and apply a remedy which, though it may come slowly, will come surely.

During Mr. PASCO's remarks,

Mr. WOLCOTT (at 6 o'clock and 5 minutes p. m.) said: Mr. President——

Mr. PASCO. Does the Senator from Colorado wish to interrupt me temporarily?

Mr. WOLCOTT. Yes, sir. I move that the Senate do now adjourn.

The VICE PRESIDENT. The Senator from Colorado moves that the Senate do now adjourn.

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

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). I am paired with the junior Senator from Georgia [Mr. COLQUITT], otherwise I should vote "nay."

Mr. EVARTS (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN], whom I do not see in his seat. I am at liberty to vote to make a quorum.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. WALTHALL (when Mr. GEORGE'S name was called). My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. ALLEN (when Mr. SQUIRE'S name was called). My colleague [Mr. SQUIRE] is paired with the Senator from Virginia [Mr. DANIEL]. If present, my colleague would vote "nay."

Mr. BATE. Do I understand that the arrangement with the Senator from New Jersey [Mr. BLODGETT] is annulled?

Mr. ALLEN. I understand that the Senator from Oregon [Mr. DOLPH] is generally paired with the Senator from New Jersey [Mr. BLODGETT], but he has arranged to transfer the pair for to-day.

Mr. BATE. I will state that it is my understanding that the Senator from New Jersey [Mr. BLODGETT] is paired with the Senator from New Hampshire [Mr. CHANDLER] for the remainder of the day. Is that correct?

The VICE PRESIDENT. The Chair understood the Senator from Washington [Mr. ALLEN] to say that the Senator from New Jersey [Mr. BLODGETT] is paired with the Senator from Oregon [Mr. DOLPH].

Mr. ALLEN. My understanding is that, temporarily, my colleague [Mr. SQUIRE] is paired with the Senator from New Jersey [Mr. BLODGETT], the Senator from Virginia [Mr. DANIEL] and my colleague having the same views on the silver question. That question having been passed upon, the original pair between the Senator from Virginia and my colleague is restored.

Mr. DANIEL. I beg leave to state that the reason why I did not vote when my name was called is because I recognize my pair with the Senator from Washington [Mr. SQUIRE].

The roll-call was concluded.

Mr. CULLOM (after having voted in the negative). I observe that the Senator from Delaware [Mr. GRAY] is not present. I ask if his name is recorded?

The VICE PRESIDENT. It is not.

Mr. CULLOM. I am paired with the Senator from Delaware [Mr. GRAY], and I will therefore withdraw my vote, unless it be necessary to make a quorum.

Mr. CALL. I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were present, I should vote "yea."

The result was announced—yeas 27, nays 32; as follows:

YEAS—27.

Barbour,	Eustis,	McPherson,	Vance,
Bate,	Gibson,	Pasco,	Vest,
Berry,	Gorman,	Pugh,	Voorhees,
Blackburn,	Hampton,	Ransom,	Walthall,
Butler,	Harris,	Reagan,	Wilson of Md.
Cockrell,	Jones of Arkansas,	Stewart,	Wolcott.
Coke,	Kenna,	Turpie,	

NAYS—32.

Aldrich,	Edmunds,	McMillan,	Sawyer,
Allen,	Frye,	Manderson,	Sherman,
Allison,	Hale,	Mitchell,	Shoup,
Cameron,	Hawley,	Morrill,	Spooner,
Carey,	Higgins,	Paddock,	Stockbridge,
Casey,	Hiscock,	Platt,	Warren,
Davis,	Hoar,	Plumb,	Washburn,
Dixon,	McConnell,	Sanders,	Wilson of Iowa.

ABSENT—29.

Blair,	Daniel,	Hearst,	Power,
Blodgett,	Dawes,	Ingalls,	Quay,
Brown,	Dolph,	Jones of Nevada,	Squire,
Call,	Evarts,	Moody,	Stanford,
Carlisle,	Farwell,	Morgan,	Teller.
Chandler,	Faulkner,	Payne,	
Colquitt,	George,	Pettigrew,	
Cullom,	Gray,	Pierce,	

So the Senate refused to adjourn.

After Mr. PASCO's remarks,

Mr. HAMPTON said: Mr. President, I regret exceedingly that I have to tax the patience of the Senate at this late hour. I should feel under very great obligation to some of our friends, especially the Senator from Massachusetts [Mr. HOAR], if he would let us go home and let us rest to-night and commence fresh to-morrow morning upon this very important subject.

Mr. HOAR. Is the Senator prepared to fix a time for a vote? We can do that.

Mr. HAMPTON. Yes, sir; as soon as every Senator here who has anything to say upon this subject has expressed his views.

Mr. HOAR. That is not quite "a time." Mr. President, I have such very great eagerness to hear the distinguished Senator from South Carolina, who is always so eloquent and instructive and compact, that I very much hope he will not ask us to defer the pleasure of listening to him.

Mr. HARRIS. The Senator could not possibly postpone it until to-morrow, I suppose?

Mr. SPOONER. We are all ready for it now.

Mr. HAMPTON. Mr. President, unavoidable absence from the Senate for some time past has denied me the opportunity of hearing the great debate which has marked the discussion of the grave question now pending; and, whilst I feel my inability to add the slightest weight to the arguments so forcibly urged against this measure, I desire to place myself on record as opposing it. In doing this I shall not discuss the constitutional objections to which this bill is open, for they have been presented by abler opponents than myself and that branch of the subject is exhausted. It therefore seems to me that unless the advocates of this measure propose again to "camp outside of the Constitution" they have no ground upon which to stand.

But waiving discussion as to the constitutionality of the bill, even admitting for the sake of argument that it is not open to the fatal objection of its being unconstitutional, are there not other and high grounds upon which patriotic men should oppose it? I do not question the sincerity or the motives of those who advocate it, for each of us here is responsible for his actions only to the country and to his own conscience. I concur with the senior Senator from Massachusetts in the opinion that he expressed that we as Senators represented not only our respective States, but also every other State in this great Union of free States, and during my service in this body, whilst recognizing that the interests of my own State claimed of right my special attention, I have never given a vote which I believed would prove injurious to the welfare of our common country. It is to this feeling of proud patriotism which should animate all of us, to the spirit of brotherhood which should bind us together to work for the general weal, that I now appeal for aid to avert the danger threatening us by the passage of this bill, and which would surely overtake us should it become a law. Good and patriotic men of all parties have for years past devoted themselves to the noble duty of restoring harmony, of establishing honorable and lasting peace between the late contending sections of the country, of healing the wounds left by civil war, and of building up of the late discordant and hostile fragments of a broken Union, "an indissoluble union of indestructible States; States which we hope may hereafter" be

Distinct as the billows, yet one as the sea.

Is it wise, is it patriotic, is it statesmanlike to break this happy era of returning goodwill, of confidence, between those who once stood in hostile array, and to roll back with rude hand the tide of prosperity which, flowing as it now does in generous and increasing volume, promises to bless the whole land in the near future? Who can contemplate without feelings of dread and horror the possibility of rekindling the nearly extinct fires of sectional animosity?

What other possible effect could the passage of this bill have than this? The junior Senator from Colorado, to whose remarks I listened a short time since with great interest and in the main with approval, urged, with wise foresight, one objection to this bill which should cause those who profess to be the special friends of the negro to hesitate long before placing it on the statute books as the law of the land. I quote his language, for it is pregnant with wisdom:

The people of the United States want no more civil strife, and against the united opposition of the white population in the Southern States, any attempt

to enforce it would mean practically conflict between the State and national authorities. The old ill-feeling would be resumed, and while we, as a party, were fighting to protect the colored voter, the old days of terrorizing would come again and the weaker race would be the sufferer.

This utterance is marked by broad patriotism and by sound sense. Had it come from this side of the Chamber it might have been the semblance, though not the reality, of a threat; but coming as it did from one who represents truly and expresses eloquently the prevailing sentiments of the younger generation of our citizens it is full of significance and worthy of thoughtful consideration. Mr. President, as one who witnessed the horrors of civil strife, who comprehends the untold calamities it inflicted, who has felt and suffered his full share of them, I, too, pray that civil strife may never again stain with fratricidal blood the soil of this great Republic consecrated now, and I trust forever, to freedom!

God forbid that our descendants to the remotest generation should ever experience such evil times as we have known! Should this bill unfortunately become a law, the prediction of the Senator from Colorado will be surely verified, for a law as immutable as that which guides the planets in their orbits decrees that when people of different races are brought into contact or collision the weaker race is invariably the sufferer. We may deplore the existence of this inexorable law; we may seek to mitigate or to remedy it; but so long as human passions, human instincts and interest govern the conduct of mankind we shall try in vain. Recognizing this fact, would it be wise, would it be kind to enact a law which, in the judgment of many of the best friends of our colored fellow-citizens, would subject that weaker race to peril and perhaps to suffering?

I certainly am unwilling to lend my aid to a measure which, in my opinion, is fraught with evil to the whole country and which might bring innumerable woes upon our colored citizens, who have, I am sorry to confess, been too often made the victims of injustice at our hands. Many of this race have made marvelous strides on that high but rugged road which leads to prosperity, to civilization, and to happiness. I bid them God speed in their onward and upward march, and I shall always be glad to lend them a helping hand when this can properly be done. But it must be remembered that those who have conquered adverse fortune and are putting themselves on a higher plane are exceptions to the general rule. They are but the pioneers of their race, while a vast majority are still in dense ignorance, an ignorance so profound as to render them not only unfit to govern great and free States, but unfit to meet the responsibilities or to discharge the duties of citizenship. I do not say this by way of reproach, for no blame attaches to them on this account, nor do I think to us.

This unfortunate condition of things springs from circumstances beyond the ken of human foresight and above the control or direction of human hands. We of the South are confronted by the most difficult, the most momentous, and the most dangerous problem ever presented to a people for solution, and Senators on the other side of the Chamber will acquit me of unkindness, I hope, when I beg them to remember that it was by the action of their party that we now stand in the face of danger and of ruin. I shall not criticise either the motives or the conduct of those who had control of national affairs just subsequent to the close of the war, for I recognize the difficulties then surrounding them and the anomalous condition of affairs existing at that time with which they had to deal. I wish to speak only of facts, ignoring altogether the great and numerous mistakes made by both parties. Let the memory of these be buried with the dead past, or if ever revived let that be done only to put us on our guard against similar ones in the future. Our duty is to deal with the living issues of the present and to legislate wisely for the future.

I alluded a few moments ago to the difficulties and dangers surrounding us of the South, and I think that our friends of the North can scarcely understand or realize them. I recall to mind a very interesting book, the title of which was Put Yourself in His Place. Let me ask Senators on the other side to put themselves in our places and they would then perhaps judge us with a little more of that "charity which covers a multitude of sins," that charity which we are told is the greatest of all virtues.

Following out the idea suggested of an exchange of places, let me present a hypothetical case, which, wild, extravagant, and improbable as it may seem, has had, in all its essential features, its grotesque absurdity, its cruel mockery of all law and of all decency, its burlesque of every form of civilized government, and its subversion of everything which was good or high or honorable, its exact counterpart in my own State. Let us suppose, Mr. President, that by some stupendous political revolution, as sudden as hitherto unknown in the history of the world, some State in the North, the great and proud Commonwealth of Massachusetts, for instance, should be put under the absolute control of Chinese immigrants.

Imagine them dwelling there in larger numbers than the white citizens of the State, armed with the ballot and clothed with all the rights of citizenship. Follow them as they seize hold of every department of the Government, installing themselves or the mercenary renegades of our own race who had enlisted in their ranks in every office; see the Legislature, composed almost entirely of these adventurers, without owning one dollar's worth of property in the State, plundering its treasury, swelling by millions its debts, practically confiscating by unlawful taxation the property of the rightful representatives and owners of the State, and inaugurating a carnival of corruption, of vice, and of crime, at which the world would stand aghast.

Mr. President, this dark picture is painted only by fancy, but change the scene and the actors and we see portrayed in true but feeble colors the tragedy which was enacted in South Carolina a few years ago. Such a tragedy can never occur in Massachusetts, and the imaginary sketch just given is used only as an illustration from which I might draw a conclusion as to what would be the action of the citizens of that State if the condition of things suggested should ever unhappily be brought about. Would the people of that State, proud of its past history, sensitive of its honor, and zealous for its welfare, submit tamely to the rule of people of another and inferior race? Could they bear the shame, the humiliation, the degradation to which they would be subjected in seeing the heritage of their fathers wrested from them by the rude hands of an ignorant, vicious people of foreign blood? Would they surrender without one struggle the inalienable and God-given right of self-government?

Ah, no, Mr. President. Every impulse of manhood, every inspiration of liberty, every instinct of race pride, every drop of Anglo-Saxon blood in their veins would impel them to scorn the thought of such ignominy, and the true citizens of Massachusetts would assert and take their rights at whatever cost. As the Senator from Colorado declared frankly the other day, when contemplating the possibility of such a contingency as I have depicted, "Then in some way and by some method, I know not how, the white vote would govern." I venture the assertion that should such a condition of things as the Senator from Colorado alluded to, when Chinese votes threatened the supremacy of the white, ever occur in Massachusetts, even the senior Senator from that State, philanthropist as he is and firm believer in the ballot as the panacea for all political evils, would concur with the Senator from Colorado, and I feel sure that his prolific mind and his legal acumen would enable him to point out "some way, some method, I know not how, for the white vote to govern."

And, sir, in my opinion the voters who in any State represent the best elements, the capital, the intelligence, and the virtue, should govern, despite all fine-spun theories of fraternity and equality, the sacred brotherhood of mankind, and the divine right of universal suffrage! Congress has, by the enactment of the most stringent laws, not only prohibited the naturalization of the Chinese, but has excluded them from the country; and yet the civilization of these people antedates ours by centuries and is, in many respects, equal to our own. They are a peaceable, frugal, law-abiding, industrious people, superior in every respect, as laborers, to the blacks.

The national representatives from the Pacific Slope in this body, realizing the danger threatening their States by the presence of a foreign race, demanded their total exclusion. We of the South, who had experienced the evils which our friends of the Pacific merely dreaded, lent our aid to avert the threatened danger, and it is a significant fact that our warmest allies in the Republican ranks in opposition to this bill are those Senators who know from experience the constant, imminent danger of having people of diverse races living under our Government as citizens. An experiment of this kind is always full of peril, and the results following those in San Domingo and British India should stand as a perpetual warning to us.

But we have determined to try just such an experiment, whether wisely or not it is useless now to discuss, and it is the duty of every patriotic man to use every effort to protect the country from any evils which may follow it. We may be able, as I trust we shall be, to make it a success, but this never can be done if ill feeling between the two races is aroused by such unwise legislation as is contemplated by this bill.

It is difficult, Mr. President, to convince our friends of the North that we of the South cherish no animosity toward the negro. Yet this is assuredly true, especially amongst our better classes. Among them you will find as earnest a desire to do justice to the blacks and to promote their welfare as is entertained by their most zealous advocates at the North.

I admit, with infinite regret, that there have been in the South, as in the North, instances of wrongdoing and injustice towards the negro, which every right-minded man must deplore, but is it fair to hold any section of this country responsible on account of the conduct of evil, vicious, and reckless men? Should any community in the country be judged by this rule, the world would suppose we were a nation of criminals. But, Mr. President, while admitting frankly that we have in some cases been unjust to the negro and that cases have occurred which have thrown disrepute upon our civilization and shame to those of us who do not sympathize with law-breakers, I take issue with the Senator from California when he says:

Notwithstanding the elaborate evasions of Senators on the other side, there is not probably one of them who would not at once admit in private conversation, what everybody knows to be true, that wherever in the South the colored vote outnumbers the white vote the colored vote is not permitted to be cast, or if cast is not permitted to be counted.

Mr. President, I have never resorted to evasions of any sort, and I do not admit either publicly or privately that the statement of the Senator is correct. In refutation of it I need only call attention to the fact that two of the counties in my State, having large negro

majorities, have colored Republican representatives in our Legislature, and in one of these counties the sheriff and the clerk of the court are both colored. They are excellent officials, and they received the support of white as well as of colored citizens when they were elected.

In the recent election in South Carolina every negro entitled to vote could have done so had he desired. The fact is that the rank and file of the blacks there take now very little interest in elections, and many of them have lost their certificates of registration, and without one of these no citizen can vote, as I discovered in my own case at the last election. I suppose my friends on the other side would say that my vote was suppressed. We have had, Mr. President, many and almost insurmountable difficulties to encounter in the South since the close of the war, and they still face us; but our people have met them with brave and hopeful hearts. Nor need they be ashamed of what they have accomplished; indeed they may well be proud, for none but a people of heroic character could have met adverse fate with the spirit with which they did or rise as they have done from ruin to comparative prosperity. The last census shows the wonderful development of the South during the last decade, and with the permission of the Senate I shall annex as part of my remarks some striking statistics gathered from this source. At present I shall only call the attention of Senators to a few of the figures contained in the table I have here.

I do not wish to detain the Senate, but there are some very striking figures which I should like Senators to hear. The population of the South at that time had increased over 3,000,000. Persons of Northern birth now residing in the South number nearly half a million. The actual wealth of the South is nearly $10,000,000,000. The actual wealth per capita is $545.10, against $385.62 ten years ago. The capital invested in the South during the decade, and I beg Senators to remember that most of that capital came from the Northern States, is $2,339,170,000. The railroad mileage has been increased from 19,572 to 41,118. The spindles have grown from 542,048 to 1,811,791. The value of cotton produced during the decade is $8,091,933,833. The schools now in operation are 66,617 against 44,260, and the most striking and singular figure in this whole table is that the South has expended for negro education since the war $56,181,370. The table is as follows:

	For year ending June 30, 1890.	For year 1880.
Population.		
Totals	17,566,920	14,638,939
White	11,361,996	9,007,187
Colored	6,194,924	5,631,749
Immigrants from the North during the decade	297,000	Not known.
Immigrants from foreign countries during decade	378,019	Not known.
Persons of Northern birth now residing in South	475,930	240,885
Persons of foreign birth in South	680,423	420,871
Population of towns of 10,000 people	1,789,362	1,029,526
Wealth.		
Assessed wealth	$3,854,057,164	$2,164,155,795
Actual wealth	$9,751,815,635	$6,098,000,000
Assessed wealth per capita	$219.66	$147.88
Actual wealth per capita	$545.10	$385.62
Indebtedness.		
State debts (net)	$96,460,126	$118,195,252
County debts (net)	$20,511,479	$24,111,154
Municipal debts (net)	$66,800,748	$47,039,058
Total public indebtedness	$183,772,353	$189,345,414
Annual interest paid on debts	$10,863,632	$14,000,384
Taxation.		
State tax per $1,000	$4.00	$4.60
Total taxation per $1,000	$13.80	$15.40
Total State revenues	$25,533,260	$13,249,866
Capital.		
Banking capital	$171,690,670	$92,575,000
Capital invested in South during decade	$2,339,170,000	Not known.
Railroads.		
Mileage	41,118	19,572
Men employed	188,731	86,250
Locomotives	4,059	
Cars (passenger)	3,124	
Cars (freight)	103,700	
Capital stock	$765,963,221	
Bonded debt	$745,666,062	
Cost of railroad equipment, etc	$1,301,696,740	$612,000,000
Street-railroad, mileage	1,094	
Other railroad mileage	4,200	
Total railroad mileage	46,404	21,247
Manufactures.		
Number of establishments	56,714	34,563
Capital invested	$551,483,900	$179,366,230
Hands employed	537,086	215,415
Value of product	$742,865,200	$315,929,794
Water power (horse power)	20,150,000	
Cotton mills	334	161
Spindles	1,811,791	542,048
Looms	40,415	11,898
Bales cotton used	545,250	180,971
Value of products	$54,191,600	$16,356,182
Cotton seed, crushed	$1,088,200	$230,000
Cotton-seed products (value)	$21,310,836	$7,690,921
Minerals.		
Pig iron produced (tons)	1,684,663	290,772
Furnaces	117	
Steel produced (tons)	183,625	4,350
Coal produced (tons)	17,536,456	3,800,550
Coal produced (value)	$26,307,674	
Precious metals (value)	$712,789	$226,176
Total minerals (value)	$35,608,615	$3,643,020
Lumber.		
Acres in forest	196,832,000	
Pine standing (1,000 feet)	229,007,000	
Sawing capacity of mills (feet daily)	47,655,250	
Value of lumber output	$102,122,100	$35,685,161
Value of total feet products	$123,998,800	$46,979,063
Agriculture.		
Good arable lands (acres)	358,180,000	
Public lands (acres)	51,273,148	
Lands redeemed during decade	15,279,000	
Farms	2,126,000	1,551,067
Improved lands (acres)	126,812,600	
Lands under crop	75,511,429	54,679,145
Value of agricultural machinery, etc	$120,750,000	$67,372,500
Average wages paid farm labor per month	$15.82	$13.85
Cotton produced (bales)	7,776,215	5,733,675
Cotton produced (value)	$310,268,605	$256,534,911
Value of cotton produced during decade	$8,091,938,833	
Tobacco (pounds)	390,981,550	
Tobacco (value)	$31,278,524	
Hay (tons)	1,753,870	
Hay (value)	$21,014,140	
Corn (barrels)	453,969,800	
Sugar (barrels)	1,356,000	
Molasses (barrels)	516,000	
Potatoes (value)	$14,262,000	
Rice (value)	$8,438,960	
Fruit (value)	$24,620,500	$9,084,173
Total value of all farm products	$984,707,000	$611,679,145
Total value of crops produced, 1880–1891	$9,540,357,980	
Number of live stock	49,962,456	39,448,360
Live stock (value)	$555,705,108	$310,066,883
Total value of all products, agricultural, manufactures, mineral, stock, etc	$1,931,930,815	$1,084,701,383
Education.		
Schools	66,647	44,260
Teachers	74,055	49,182
Children of school age	5,891,101	4,423,620
Pupils enrolled	3,389,173	2,018,640
Attendance	2,181,108	1,391,745
School revenues	$14,767,396	$5,607,071
Amount given to negro education since the war	$56,181,370	
Negroes at school	1,012,029	

Now, sir, in the face of this marvelous exhibit of the progress made by the South in everything which tends not only to its own prosperity, but to that of the whole country, would it be well to enact a law which would demoralize our labor, shake the confidence of capitalists, retard perhaps forever the march of prosperity, diminish the wealth of the country, and above and beyond all other considerations reawaken sectional animosity, provoke strife, and lead perhaps to bloodshed? The fears that I express as to the effect the passage of this bill would have are neither idle nor groundless, and to show that they are shared by others I quote a recent utterance of a distinguished divine, and an earnest friend of the colored people, the Right Reverend Bishop Northrop, of the Catholic Church. Speaking in opposition to this bill, he uses the following language:

> The race prejudice is excessive and wrong. But prejudice is unreasoning and unreasonable. Social aversions are more likely to be obliterated by time and education than by coercion. Social affinities or antagonisms, moral, mental, or physical, can not be annulled by Federal interference. The pending bill would prove a harmful irritant, tending to solidify the South, even in the border States, where the Republican party has been gaining ground until this discussion induced the late reaction. The best men of the South are showing a growing appreciation of the schools and colleges for the colored race. Never in the history of the world did any nation have within itself the opportunity of uplifting such a mass of ignorance, so plastic, docile, and receptive, an opportunity which is more and more appreciated in the South. The whites are the natural friends and helpers of the blacks. The call of Providence now is for the South and the North heartily to co-operate in this great work. A school like that at Hampton is a splendid object lesson to the South, an institution which Virginians now commend as cordially as New Englanders. Let well enough alone!

Mr. President, these are words of soberness and of truth, and it will be well to heed them while there is yet time to do so. I concur fully in the opinions so admirably expressed by this reverend gentleman, and I trust that they may have due weight here, for he knows whereof he speaks. If the people demand the passage of this bill or one of a similar character, you may be sure, sir, that their demand will be obeyed by their Representatives. But if the statement made recently by a Republican paper is correct, of the sixteen hundred and ninety-eight petitions and memorials in relation to this bill sent to this Congress only nine have been in favor of its passage; if we are to judge of popular sentiment by these petitions we must conclude that there is an overwhelming public opinion in opposition to this measure, and I have no doubt that such is the case.

Many of my constituents have urged me in their behalf and for the

sake of peace in the State to oppose this bill. I know not, sir, if anything I have said or might say can exercise any influence on the determination of this question, but I express the fervent hope that the people of both races whom I represent here may be spared the evils which would inevitably result should the bill pass.

Mr. President, my public career will in all human probability soon close forever. During its long continuance I have never sought office. I have accepted it only when my people called on me to serve them, and I shall retire to private life without one regret, save that caused by the severance of the many ties of friendship formed here. No political ambition can animate me in the future, as none has done in the past. The sole ambition that has ever stirred my heart has been to serve faithfully the people who in that past honored me by their confidence and support, and, while doing this, to promote the welfare of our common country.

During the time I have had the honor to represent my State in this body not one word of recrimination, nor one calculated to keep alive sectional animosity, has escaped my lips. The thunders of war had scarcely ceased to reverberate when I, in opposition to the feelings and apprehensions of many of my fellow-citizens, urged them, not only to deal justly with the negroes, but to accord to them all the rights which would necessarily follow their enfranchisement. From that day to the present I have steadily and constantly advocated the same policy, not because it was politic, but because it was right. Any influence which I may be able to exercise in the future shall be exerted in the same direction, and I feel now, in appealing, as I do earnestly, to that sentiment of fraternity which should inspire all of us, to the conservatism, to the patriotism of Senators, to pause, at least until the people can again render their deliberate verdict on this bill, that I am discharging, if the last, the highest public duty I owe to my State and to my country. [Applause on the floor and in the galleries.]

Mr. DIXON. Mr. President, judged by the criticisms of the opponents of this bill, any observer would naturally suppose the Republican majority in this Congress were engaged in a conspiracy to overthrow the liberties of the people and destroy the peace and prosperity of the country.

Judged by the somewhat modest and extremely virtuous claims of the minority in this body, any observer would fairly suppose the Democratic minority alone were the guardians of all that is dear to a liberty-loving, law-abiding people against the evil designs of combined disloyalty.

The whole range of political anathema has been explored to find new terms and epithets to cast against the supporters of the bill, and the Democratic tongue is too feeble and parliamentary language is inadequate to anathematize the measure; while the sacred traditions known as Senatorial courtesy are invoked to bring into a state of mesmeric sleep all the members of this body who evince restiveness under the new terms of Senatorial nomenclature.

Day after day the majority have listened to reproach. Day after day the majority here have endeavorored to advance a bill which to them, and to a great body of the people, seems necessary to protect citizens in their constitutional rights and to defend the liberties of the people. Day after day the advocates of this measure here and elsewhere have been maligned and the Representatives of free States reproached for attempting to place upon the statute book a measure intended to redress wrongs which menace the Government of the people.

The Republican party has no excuse to offer to the Democratic party on account of any disloyalty to liberty, to the protection of individual rights, or to the existence of the Federal Union. It has been, is now, and will continue to be animated with the belief that man is endowed with certain unalienable rights and "that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

It would be idle to repeat here the history of the whole country since 1860; but in order that history may not repeat itself, and that certain evils which have in the past threatened the destruction of the Government should not again gain the ascendency in any section of the country, this bill was passed by one branch of the Congress, passed in compliance with a declaration of the party to which the people by their votes intrusted the administration of their national affairs.

No man can fairly say that it is directed at any section of the country. And never could it have been considered a sectional measure had not the representatives of one section hastened with extraordinary unanimity to denounce it and its promoters while attempting to explain the reasons for committing the offenses the bill aims to correct. From the extraordinary declamations that have been made against the bill and by the admissions of the declaimers it appears that citizens in certain sections of the United States have been and still are prevented from exercising rights guarantied to all the citizens. After such admissions it is stated that this bill is aimed at the section where such offenses are committed.

> No man e'er felt the halter draw,
> With good opinion of the law.

Which I suppose might be modernized by saying:

> None bound to the electric chair,
> E'er thought electrocution fair.

Many excuses are offered for the suppression of votes and for unlawful methods in election, and no one of the excuses satisfies the makers of them, for they appreciate the fact that the liberties of the people can not survive such a menace. When the heavy hand of domineering arrogance lays hold of the freedom of the humblest citizen and deprives him of his civil rights guarantied by statute and Constitution, the Government of the people is dead. And if the time has come when a free man can not cast a free vote in any section of the country, the Government by the consent of the governed has perished.

It is unfortunate that in considering this bill the relations within the Southern States between the white people and the colored people come constantly into notice. Those relations perplex examination and present untold anxiety to the patriotic citizens of the States where the colored population is largest. What the result will be no man can now foretell; to those States alone must be left the solution of the great problem confronting them.

Mississippi has undertaken to deal with the questions within her borders, and in a manner has dealt with her own troubles.

But, sir, I have no quarrel with Mississippi on account of her constitution; it is hers, not mine.

I have the honor to represent in part on this floor a State that has ever been jealous of Federal interference within the jurisdiction of the State, holding always that to the State alone is left the limit of suffrage under the provisions of the Federal Constitution, and I revere the traditions of my native State, and I would not violate what I believe to be the right of any State to prescribe the bounds and fix the condition of the suffrage. Therefore, while Mississippi may do great wrongs and work injustice by constitutional provision, yet while within the provisions of the Federal Constitution I can only say, "Ephraim is joined to idols; let him alone."

But when schemes are devised or intimidation undertaken to prevent the humblest citizen of any State from exercising the right to vote when entitled to vote for Representatives to the Congress of the United States, then, sir, if I could I would set in motion the whole power of this great nation to demolish any obstruction to the exercise of that right by that humble citizen.

As it is admitted that in certain sections of the Union devices are framed for the avowed purpose of overcoming or rejecting the votes of citizens of the United States who are entitled to vote, and who desire to vote for Representatives to the Congress of the United States, can any man, born under and protected by the free institutions organized by the fathers and cherished by all, hesitate? Most of all, can any Representative of these free States hesitate to open an unobstructed path to an unpolluted ballot box for every citizen entitled to deposit his ballot therein?

I wish that some of the features of this bill might be eliminated from it. To some of its provisions I can not give my assent; but to the purpose of the bill no man can object.

What harm can come to any section of the country from the enactment of a constitutional bill that provides for the protection of all the citizens in the exercise of proper and legal rights and for the purpose of securing to every citizen his personal and civil rights? No Congress can render a better and more patriotic service than by placing on our statute book such laws as will insure all constitutional civil rights and perpetuate the liberties of the people.

This bill interferes with no individual right, limits no individual liberty, intrudes upon no State right or jurisdiction, but is intended to secure the very freedom for which the minority here contend.

"Be not deceived:" you can not mock the American people when you clamor for individual freedom and personal liberty while you trample upon the liberty you profess to venerate and murder the freedom you claim to protect.

The promoters of this measure intend by its provisions to secure to the people the largest freedom in their choice of Representatives; they intend to emancipate every voter from the watch of party monitors, to prevent fraud, corruption, and intimidation at the polls, and redeem the Federal elections from conditions that have been "taken up in the lips of talkers, and are an infamy of the people."

Great wrongs exist, and no comparison of conditions in different States will relieve them. Only a short time ago, compared with the brevity of what is facetiously called debate in this body—only a short time ago a genial gentleman on the other side, in calling down vengeance on this side of the Chamber, spoke of "New England Republicans who had walked into Congress over the slaughtered political rights of nearly one-half the population of their section." Why, Mr. President, if half of that is true it is time some measure was passed that will prevent the slaughter of political rights as well as of political opponents.

The bill stands in the way of important legislation, and the short session of this Congress is passing rapidly away while the minority in this body tell the majority here that no legislation can be accomplished while this bill for the preservation of the liberties of American freemen stands as a menace to white supremacy in the South. Here, sir, we know no white supremacy. Here, sir, in legislation we know no race or color; we are legislating for the people, the whole people, and we

are bound by our oaths, by all the traditions of a liberty-loving people, to guard and protect the interest, the rights, and the liberties of all.

If this were intended as a partisan measure it falls far short of its purpose, for, sir, it can not by its terms result in the advantage of any political party, except the party to which the majority of the people give their adhesion, and that party should have the advantage so long as any government exists by the consent of the governed. And, sir, I belive the time is propitious, the time to right existing wrongs is now. And if the time has come again when any lawful and constitutional authority of the Government can not be exercised in any section of this broad domain without having trouble, let the trouble begin and the great loyal heart of the Republic will throb again and the people will preserve their liberties and their Government.

I am not of those, sir, who believe or profess to believe that the colored people in any section will vote solidly for either party, for I do not believe the colored people will adhere to one party as universally as some of our population of foreign birth or lineage do. I appeal for civil rights against uncivil wrongs.

In the South the majority of the white population belong to the Democratic party. To that white population the colored people in that section look for advice and counsel and support in all matters excepting those relating to politics, and in politics the white people have always antagonized the colored. It is natural that the white should lead in all affairs, because of superior advantages and the relations that have heretofore existed between the races, and had the black citizens in the South been permitted freely to exercise their political rights I believe the result would have been an increased Democratic majority unless some of those otherwise intelligent whites had been converted from the errors of Democracy.

I do not fear the evil influence of exciting demagogues. The growing influence of intelligence and the consciousness of personal and civil freedom will overcome such pernicious control, and the old South, inspired by the elevating influences of a higher patriotism, invigorated by the observance of the individual and civil rights of every citizen, protected by that law which accords to others what it demands for itself, will rise to a higher and nobler prosperity than the brightest imagination has yet pictured in hopes. I would not see the South crushed; I would not see you laboring against any obstruction to your advancement in material prosperity. Yours is an important part and a cherished part of my country and you are my countrymen.

Your welfare is dear to the heart of every patriot, and I would not by voice or vote aid in passing any measure that I believed was intended to or would place the slightest impediment in the way of your advancement and progress. To me it seems that you have grave and great responsibilities in the solution of matters relating to your internal affairs over which the Federal Government has no control. With these matters you must be left to deal as shall seem best to you. In their solution you have the earnest and sincere sympathy of all patriots in your legitimate efforts.

But when you intrude upon the rights of any citizen in the exercise of his constitutional and lawful expression in national affairs you intrude upon the rights of every American citizen and of every free State. And if you have gained ascendency here or if you come here by the violation of the rights of American citizens, you have done much toward the destruction of our free institutions and toward the overthrow of the Government by the consent of the governed. And even now the free voice of this free people demands that this shall no longer be.

Mr. President, since the foundation of the Republic and on every page of its history one peril comes in sight to menace its existence. That peril awakened the apprehension of the founders of the Republic, has excited the solicitude of the patriots of later years, and to-day threatens the liberties of the people.

Other and great evils there may be in our system, but most, if not all, of them grow out of that supreme evil, the debasement of elections, either by personal depravity and intimidation or party corruption. Through all the years there has been a continued, steady, strong determination on the part of the people to surround the declaration of their will through the ballot box with the highest warrants of security. And now, sir, the people will make the old demand that voters shall be protected and that votes shall be counted. To their Congress they look for the redemption of party pledges and the accomplishment of their hope.

The people demand legislation that will provide for quiet and peaceful elections, and they demand the faithful administration of such legislation as will permit every man entitled to vote to cast his ballot without fear or molestation and will secure to that vote its proper weight in determining the election. They do not desire a force bill, but a bill that shall be enforced, not for the advantage of any party, nor in the interest of any section, but for the good of the whole country, that the declared result of any election shall be known to be uncontrovertibly the voice of the people; that this great nation, established for the purpose of securing those inalienable rights set forth in the declaration of the fathers, deriving its just powers from the consent of the governed, shall continue to abide, the hope of the ages, shedding its benign influence on all mankind.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from South Carolina [Mr. BUTLER].

Mr. HOAR. On that I call for the yeas and nays.

Mr. HARRIS. Let the amendment be read.

The VICE PRESIDENT. The amendment will be reported.

The SECRETARY. At the end of line 107, page 104, add the following proviso:

Provided, That the supervisors, canvassers, and all the election officers shall be regarded as ministerial and not as judicial officers.

Mr. HARRIS. I offer the following amendment as an addition to the amendment of the Senator from South Carolina——

The VICE PRESIDENT. The amendment will be reported.

The SECRETARY. At the end of the amendment just reported add:

And shall perform none other than ministerial duties.

Mr. TELLER. In what section is that?

The VICE PRESIDENT. Section 14.

Mr. TELLER. I can not find the pages in my copy of the bill.

Mr. GORMAN. What is the page? [Cries of "Vote!" "Vote!"]

Mr. BUTLER. We want to get the information before we vote, so as to know what we are voting on.

Mr. GORMAN. I should like to inquire what print of the bill is being used at the Secretary's desk, so that we may be able to follow it.

Mr. CULLOM. Is it the print of December 10, 1890?

The SECRETARY. At the end of line 107, page 104, of the original print of the bill, or at the bottom of page 73 of the reprint, it is proposed to add what has been read.

Mr. CULLOM. What is the date of the reprint?

The VICE PRESIDENT. December 10.

Mr. MORGAN. As I understand the situation, there is no perfected substitute offered by the Committee on Privileges and Elections to which this amendment can be applied. The Senator from Massachusetts, who is the chairman of that committee, brought in a number of amendments here the other day to his own substitute, and I take it that the order of proceeding would be, inasmuch as the committee have reported amendments, that the Senate should take up the committee amendments first and mature the text of the substitute, so that we may know exactly what it is we are trying to amend.

Mr. HOAR. Well, I will ask that that be done, if that be the regular way.

The VICE PRESIDENT. If the committee amendments have first to be taken up, the first amendment of the committe will be stated. What is the pleasure of the Senate? Shall the committee amendments first be taken up in order?

Mr. CULLOM. That is the regular rule.

Mr. FAULKNER. I suggest that the committee amendments be taken up.

Mr. GORMAN. I understand that there is an amendment pending, offered by the Senator from South Carolina [Mr. BUTLER] to the substitute of the committee, to which the Senator from Tennessee [Mr. HARRIS] has now offered an amendment.

Mr. HARRIS. My amendment is an amendment to the amendment proposed by the Senator from South Carolina. The committee amendment is but one amendment and these are amendments to it. Of course we shall not take a vote upon the committee amendment until we have had an opportunity to amend it.

Mr. MORGAN. It has escaped the attention of the Senator from Tennessee, and I think also the Senator from Maryland, that the committee have come in here with amendments to this substitute. They propose to amend the text of their amendments before they proceed with it. These are committee amendments to the substitute that is offered to the bill. There were several of them offered by the Senator from Massachusetts the other day just as we were about to adjourn and I asked for the reading of them. They are in the RECORD, and I suppose they have been printed.

Mr. HOAR. I shall have no objection to taking that course, and also——

Mr. ALDRICH. I suggest that the time might be shortened by having it understood by general consent that the amendments suggested by the committee be adopted.

Mr. HARRIS. I see a lot of printed amendments indicated as offered by the Senator from Massachusetts [Mr. HOAR]. It does not appear that they are committee amendments.

Mr. HOAR. They are in fact authorized by the committee.

Mr. HARRIS. I shall not object to the consideration of the amendments proposed, whether it be by the Senator or whether by the majority of the committee. I have no objection to considering them in advance.

Mr. KENNA. I have no particular desire with reference to the course to be pursued in the disposition of these amendments. It makes no difference to me whether we first consider the committee amendments as proposed by the Senator from Massachusetts or amendments as proposed after the bill has been under consideration here for the last two or three or more weeks. There is, however, this consideration: I do not want to discuss the incongruities, or, to use a stronger term, the illiteracy of this bill as originally reported to the Senate; but I do want to say, and I speak but the simple truth when I say it, that

in order to prepare a single amendment involving and covering a single, sole, separate idea, namely, the injection of the civil-service machinery in lieu of the political machinery established by this proposed Senate committee, I have had to prepare as many as eighteen or twenty amendments.

Now, if this bill is to be pressed and forced until we are called upon various amendments and upon the passage of the bill, the injection at this stage of half a dozen or even of one or two amendments, of which nobody knows anything as to the merits—and we have been notified only to-night and since the sun went down of a number of them—may require such a revision of my own proposed eighteen or twenty amendments, covering one single idea, that I may not have the opportunity to do that. I do not care very much one way or the other. The voting upon very few of the suggestions that I have made or propose to make when the time comes may cover the whole idea; but at the same time I do not think we ought to go into such a state of jumble and confusion as to leave us without some intelligent course with reference to amendments as they are considered.

Mr. DANIEL. I beg leave to inquire whether there was any committee amendment offered to the committee substitute.

Mr. HOAR. I gave notice yesterday and at an early hour to-day of certain amendments, and though the notice was given in my own name I am authorized to offer those amendments by a majority of the committee.

Mr. DANIEL. The majority of the committee belong to one political organization, or may belong to it, and what is suggested by a majority of the committee can not, of course, possess the sanction of a report from a committee. That committee has never been convened to consider and never had an opportunity to express its opinion upon the subject, and I do not see how a personal proposition of the Senator from Massachusetts can have any greater dignity in the precedence of hearing than those of any other Senator. If the committee wishes to offer its amendments there is a method for it to speak. It has not done so, I understand.

Mr. HOAR. What the Senator from Virginia said is quite true, and for that reason I made the——

Mr. DANIEL. That is the reason why I said it.

Mr. VANCE. With the permission of the Senator from Virginia, I should like to ask the Senator from Massachusetts if I understood him correctly that the amendments which were laid on our tables to-day, or on any other day, as coming from him, have ever been treated in committee.

Mr. HOAR. No, sir; they never have.

Mr. VANCE. Then I misunderstood the Senator. I know there has been no meeting of the committee since the original iniquity was perpetrated.

Mr. SPOONER. The Senator from North Carolina, who is a member of the committee, took great pains the other day to give public notice here that he had not participated with the Republican members of the committee, and that he would not do so, because he wanted the bill to come in here in all its original deformity. Has he changed his mind about that? He stated that he would not take part in the counsel of the ungodly, and we did not invite him afterwards.

Mr. VANCE. The bill is not likely to lose any of its original deformity if permitted to be manipulated in the hands into which it has fallen. I am still abundantly satisfied of its iniquity.

Mr. HOAR. If the Senator will pardon me, I will make a statement. Of course this sort of jocose exchange of compliments of the honorable Senator from North Carolina entirely relieves some of the asperities of this debate and it is very agreeable. But the Senate will understand, I think, when it hears what the amendments are that are so proposed, that they were such as would clearly, beyond any question, have the support of all the Democratic members of the committee.

They are, in the first place, a provision making the number of inspectors four instead of three, only two of whom are to be from any one political party. So if the judge does his duty they will consist of an equal number from each political party.

Then there was a suggestion which was met at the time by saying that we did not think the bill had the meaning suggested, that the provision which said that the chief supervisors of election now in office should hold as long as they behave themselves operated to give those officers a life office. That was substantially a repetition of the language of the statute of 1870, which the courts have held still leaves them removable by the courts, and it was put in in order that they might not have all to be appointed over again, as if a new office were created. The amendment proposes to add the words "unless sooner removed by the court from the office of supervisor or commissioner," so as to make that clear.

The third one is a provision similar in effect in regard to the deputy. There is a provision which has been somewhat criticised on the other side of the Chamber, that the deputy supervisor should be appointed by the court, but should have one of his associates recommended by the chief supervisor. That it is proposed to strike out, leaving the court to appoint the deputy commissioner without any power of the chief commissioner.

Then there was a provision that if the chief supervisor died or a vacancy took place by an accident the deputy should continue to perform the duties as long as he behaved himself well, and the amendment adds to that a clause, "unless a new supervisor be appointed or unless he be sooner removed by the court."

These are three of the propositions which are contained in these amendments.

The fourth has required a little more change of language than the others. The bill, as now proposed, which is now before the Senate, provides that the compensation of these commissioners or supervisors shall be determined by the judge, and that the judge's determination shall have the effect of a judgment, in substance, giving the officer a right to the fees, and fixing the fees at $5 a day, without leaving any discretion in the accounting officers of the Treasury.

Now the amendment, which is the last one that is proposed, provides that the compensation of these officers shall be the same as that allowed in the States for similar services to similar officers in the State where they perform the duty, but that in no event shall the compensation be less than $3 a day, so that if the State pays $3 a day that will be the compensation. It provides further that the judge's certificate shall only be conclusive upon the question of the necessity of the service, and in all other respects the claim goes to the accounting officer of the Treasury like other claims of public officers.

These are the amendments which are in print and are proposed. There are a number of other merely verbal amendments, which I shall propose in their order, which I have not had printed.

Now, I suppose, unless there is to be some different course as to the courtesies of the Chamber or the ordinary methods of procedure, knowing perfectly well the sentiments of the minority of that committee, no one of them would have desired its chairman to put him to the trouble of having a meeting of the committee during the session of the Senate to propose amendments which everybody knows they would all assent to when proposed.

Mr. VOORHEES. Mr. President, this is the first time in my life that I have known one member of a committee to determine in advance what the minority would agree to and without consulting them or saying one word to them.

Mr. HOAR. Will the Senator permit me?

Mr. VOORHEES. I will in a moment. It is the first time I have known one member to report what he conceives would be their conclusion and then stand up in the Senate and diagnose a case and give the Senate what he was perfectly sure the minority of the committee would have agreed to if they had had a chance.

Mr. HOAR. Will the Senator pardon me?

Mr. VOORHEES. Certainly.

Mr. HOAR. I have not made this as a report of the committee. I have made this——

Mr. VOORHEES. I understand that.

Mr. HOAR. I have made this proposed amendment——

Mr. VOORHEES. It is still worse than that. It is the report of the Senator from Massachusetts.

Mr. HOAR. Exactly.

Mr. VOORHEES. No, it is not the report of the committee.

Mr. HOAR. It is not the report of anybody.

Mr. VOORHEES. No, except yourself.

Mr. HOAR. But I stated that these proposed amendments have the assent of the majority of the committee.

Mr. VOORHEES. That was not the statement of the Senator from Massachusetts.

Mr. HOAR. Mr. President——

Mr. VOORHEES. I am on the floor.

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from Indiana decline to yield?

Mr. VOORHEES. No; I do not decline to yield.

Mr. HOAR. If the Senator will understand the fact——

Mr. VOORHEES. I do not decline to yield, but I want my share of the talk, that is all, when I am on the floor. The Senator from Massachusetts has not here stated what was the conclusion of the majority of the committee. He stated here what was the conclusion of the minority, and interjected himself into the mental processes of those on this side constituting the minority of the committee, and stated that he felt authorized to report these amendments on his own responsibility because he was quite sure that gentlemen whom he had not consulted at all would be in favor of them.

Mr. HOAR. I did not state any such thing.

Mr. VOORHEES. Now, it would have been so slight a personal exertion on his part to consult with Senators on this side and to see really whether they were in favor of these amendments, that I think he might have done so.

Mr. HOAR. Mr. President——

Mr. VOORHEES. Let me have my share.

Mr. HOAR. The Senator is proceeding under a misunderstanding.

Mr. VOORHEES. Well, the Senator had better just submit to the situation for a little while, for he had his ten or fifteen minutes awhile ago and I have only had my three or four minutes. I should be rest-

less if I were in his place, I would not be very quiet, because the Senator is in a false position—utterly false, utterly false; I repeat it. Of course he is.

The Senator introduced these amendments. I understood him perfectly well when he did so and was observing him. I saw then that his step was not consistent with his position as chairman of the Committee on Privileges and Elections. He introduced amendments, I know not how many, half a dozen or a dozen, perhaps.

Mr. VANCE. Fourteen.

Mr. VOORHEES. He introduced fourteen amendments, I am told, and without any authority at all on his part except as a Senator from Massachusetts. That I do not question. He has the authority of his State to do what he chooses to do, as we all have here, but as chairman of the Committee on Privileges and Elections he far surpassed any authority or power that had been given to him, by his own showing here to-night. No meeting of the committee whatever had taken place, and he stood here to-night for a quarter of an hour explaining those amendments.

I care not what they contain; their contents may be good or they may be bad. I hope they are good. But what was his authority to stand here and say to the Senate that he had a right to believe the minority of that committee were in favor of the provisions of these amendments? Possibly they were; possibly they were not. At any rate the chairman of that committee had no right to speak for Senators on this side of the Chamber or to act for them or to assume what they were in favor of.

The Senator from Massachusetts, in rising to interrupt me a moment ago, said he was speaking for what the majority of the committee were in favor of. He has a better right to speak for them than for the minority on this side, and yet he has no right to speak for them unless there had been meetings of that committee or a meeting passing on these fourteen amendments. I have no disposition to criticise unkindly or harshly the Senator from Massachusetts, but his position is untenable; it can not be held at all in introducing fourteen amendments to this bill without the slighest authority from his committee, either majority or minority, and standing here in a special pleading that the minority, he thought, would be in favor of the provisions of his amendments.

Mr. KENNA. The Senator from Massachusetts stated that they were committee amendments.

Mr. VOORHEES. I will not state that as a matter of fact, but I am informed by Senators around me that the Senator from Massachusetts said that they were committee amendments. That I can not state upon my own authority.

Mr. HOAR. I absolutely deny that.

Mr. VOORHEES. That I can not state upon my own recollection, of course. That may go, but I am dealing with a case that is undisputed, and that is that the Senator from Massachusetts, as an individual Senator, which he had a right to do, introduced these fourteen amendments, and then he lectures this side of the Chamber and talks to the minority of the committee that they would most likely have been in favor of these provisions, and therefore he introduced them. That position is utterly untenable. It can not be maintained for a moment. His amendments are here to be dealt with, not as the amendments of the committee, of the majority or the minority, but as simply the suggestions of the Senator's own mind and his own action.

I have dealt with this matter perfectly fairly and perfectly sincerely, and how the Senator is to answer the situation I am at a loss to discover.

Mr. HOAR. If the Senator had had the politeness to allow me to correct and state to him the fact in this matter, I think he would have saved himself a good deal of trouble. I have not heard that any member of the Committee on Privileges and Elections of either party has made any complaint; the complaint comes from somebody else.

Now, the fact about this matter is this: The House of Representatives sent up to the Senate this bill, which was referred to the Committee on Privileges and Elections. The Republican members of that committee matured a substitute for it which in many respects softened and modified the provisions of the House bill. It omitted altogether certain provisions about juries, and some other provisions which have been subjects of public comment and debate.

When we had our substitute ready we called a meeting of our committee, and the minority of the committee stated that they did not care to go over the details of the substitute. They were opposed to both, and they said that they did not care to go into the details. That was stated on the floor of the Senate. Some question coming up about it, the Senator from North Carolina [Mr. VANCE] rose in his place and said, with the good nature and wit characteristic of him, that he did not care about entering into the counsels of the ungodly.

Now, that being the condition of the bill, certain other provisions, every one of which has been condemned in debate by Senators on that side of the Chamber, are proposed to be stricken out by these amendments of mine.

We had a right to suppose two things: first, that the minority would not want to be troubled by a meeting about it to go over these details, for they had said that they did not on the floor of the Senate as well as in private, and, second, that as they had openly avowed their objection to the provisions of the bill which I now propose to amend they would not want us to consult them about a proposition striking them out.

The Senator from Indiana speaks of these as fourteen amendments. Counted technically, that is, to strike out an "and" in one line and substitute a "but," and then strike out something else in a line, they are fourteen in number, but in substance and effect they are four in number, as I have stated, and I have stated what they are.

Of course, if anybody desires to raise any possible cloud of dust at every step in this bill, it is in the power of anybody to do it, but the Senate will understand what has happened and I think they will entirely approve it. I do not think that a fair-minded man on the other side of the Chamber—I do not think the Senator from Indiana, who is a fair-minded man and a fair opponent and does not wish to put anybody in a false position, can undertake to stand upon such a position when he is conducting a debate. I do not think the Senator from Indiana, now that he knows exactly what has taken place, will withhold his approbation of every step of my conduct in that particular.

Mr. VOORHEES. Mr. President, it would afford me great pleasure to extend my approbation to any gentleman's conduct; but when the Senator from Massachusetts says that he understands nobody objects to his course connected with the Committee on Privileges and Elections, I must state that I do not consider that to be true. I heard the Senator from North Carolina a few minutes ago with great force arraign the course the Senator from Massachusetts has pursued upon this subject.

Further than that, I repeat what I said a little while ago, that the Senator from Massachusetts has exceeded his authority and transcended his duty as chairman of the committee in assuming to decide that the minority on this side of the Chamber are in favor of what he has offered here. I never heard the like before. No one else ever did. Nobody ever heard the like before, that a chairman of a committee, without any meeting of the committee, without calling it together, introduces a large number of amendments and then walks over to the aisle here and assumes to tell this side of the Chamber that he had transcribed their thoughts as a mind reader would into his amendments, and therefore he was authorized to offer them. I will say that such an exhibition has never been made on this floor or on the floor of any other legislative body since I have been connected with the legislation of this country.

That is his attitude. He can speak for his own side so far as the majority of the committee are concerned. He may deal with them; they may deal with him; but I say here that when he assumes that these amendments are in accord with the views of the minority of the committee, never called together, never considered, never passed upon, he transcends the legitimate duty of a chairman of a great committee of this body, a committee connected with the fundamental rights of members, the very organization of the body.

Mr. SHERMAN. I wish to make a suggestion merely to promote the convenience of Senators and my own as well. It seems to me it would be a great deal better for us to have the amendment now to be offered to the last print of the bill, which I have before me, the print of December 10. The Senate proposition is printed in italics and the House proposition, as a matter of course, in the usual form, stricken through. I am told by the Secretary it would be more convenient for him to keep current amendments and keep the business in order in regular routine to do that, rather than to take the original bill as presented. This is a substitute as now offered by the committee as I understand, and that would be much more convenient to the Secretary, and much more convenient to me, and I presume to every Senator.

Mr. VEST. What print has the Senator?

Mr. SHERMAN. The print of December 10.

Mr. GORMAN. I should like to say to the Senator from Ohio that the chairman of the committee has had so many prints of the bill and it is so mixed up that it would be impossible for us to follow the print of December 10. The amendments that have been heretofore offered have been offered to one of the previous prints, and there the sections and lines are referred to.

Mr. SHERMAN. You could very easily change them.

Mr. GORMAN. No, it is impossible to follow it. To show the Senator how impossible it would be to consider, at this moment, the amendments offered by the Senator from Massachusetts, if we desired to do that, I take the copy of his amendments that I find on my desk. They were offered by the Senator from Massachusetts and ordered printed to-day. His first amendment is to section 26, line 6, page 118, strike out "the" where it first occurs and insert "a." If you refer to the print which the Senator now moves, that of December 10, it is not found on that page.

Mr. HOAR. My amendments are all offered to the old print.

Mr. GORMAN. That is what I supposed, and yet I find the same difficulty the Senator from Ohio has, as we have on our desks nothing but the December print.

Mr. SHERMAN. But the Secretary can very easily in advance of the amendments transpose them to the new print. I have no desire to interfere in the matter at all except to do what is most comely and convenient.

Mr. GORMAN. But I would remind the Senator from Ohio that these amendments of the Senator from Massachusetts were laid on our desks to-day, and with them the print of the bill of December 10. I have been trying for two hours to find out what the Senator's amendments mean and where they are to come in, and I have not succeeded yet.

Mr. VEST. Let me call attention in a moment to another fact. I sent to the document room and obtained all these amendments, with the exception, I believe, of those offered by the chairman of the committee. All the amendments are offered to the print of December 10, which we ordered for the use of the Senate, and to avoid the very difficulty that is now presented. I have offered here a number of amendments, and I took as a matter of course the last print which we had for that purpose. The result of this business is inextricable confusion; we must take the old bill for one set of amendments and the new bill for another set.

Mr. SHERMAN. That is precisely what I suggested.

Mr. REAGAN. Confirmatory of the trouble which has arisen——

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. SHERMAN. I say the proposition of the Senator from Missouri is precisely what I suggested. I went to the Chief Clerk. He can not speak for himself, and I speak for him. He says he can very easily transfer the amendments offered to the original bill, and the Senator from Massachusetts says he can readily transfer them to the new bill.

Mr. HOAR. I have them all in both forms.

Mr. SHERMAN. The Senator from Massachusetts has them in both forms. I do not care which plan is adopted. I do not want to waste time on immaterial matters, because we might as well take one print as the other. I do not care which is taken; but the last print, as the Senator from Missouri says, is the proper one. Let the amendments as they are offered apply to the last print, and the Secretary says he can readily find out to what lines and pages, etc., the amendments would come in the last print of the bill.

Mr. CULLOM. As the amendments are taken up?

Mr. SHERMAN. As they are taken up.

Mr. REAGAN. I have given notice that I propose to offer twenty-seven amendments to the bill, and the text which I propose to amend is this which contains the print of both bills, printed December 6. I do not know how many prints there are, but that was the one that seemed generally in use and discussed at the time.

Mr. HARRIS. Is it the print of December 6 or December 7?

Mr. REAGAN. It is marked here "Printed December 6."

Mr. CULLOM. The print of December 10 is the right one.

Mr. REAGAN. I do not know how it is. This is a different print. It is the print of December 6.

Mr. BUTLER. I find myself in the same state of confusion that seems to have involved everybody. The amendments that I had the honor to offer—one is dated December 4, 1890, the one now under consideration is dated December 9, 1890—are to a print of the bill which I had on my table and the only print that I had at that time. Those amendments apply to a certain part of the bill which as far as I can see on the back of it is dated August 7. So the amendments which I had the honor to offer it seems apply to the right bill. I do not see how we are going to get along in that state of affairs.

Mr. HARRIS. I understand that the official copy at the Clerk's desk is of date August 7, 1890.

Mr. BUTLER. That is the bill to which my amendments were offered.

Mr. HARRIS. That is as I understand it.

Mr. GORMAN. Let the Chair decide that. Let us have a decision from the Chair.

Mr. HARRIS. Very well; let the Chair decide it. I ask the Chair what is the print of the official copy at the Clerk's desk?

The PRESIDING OFFICER. The Chair is informed that it is the print of August 7.

Mr. HARRIS. The last print is the print of December 10, 1890, I understand. I remember that at my suggestion the print of December 10, 1890, was laid upon the desk, as the print of August 7, I was informed, was exhausted in the document room and copies could not be procured. I remember to have asked that the print of December 10 be kept at the Clerk's desk for the purpose of reference, so that as amendments were offered to either the Clerk could with very little difficulty turn to the one or the other and find the part of the bill proposed to be amended. But that would consume time and probably produce some confusion.

Mr. GORMAN. I should like to ask my friend from Tennessee if that course were pursued would not we on this side who have never had an opportunity to examine it be put to a disadvantage? For instance, take the amendments offered by the Senator from Massachusetts. He has an amendment to section 26, line 6, page 118, and there is no such word on that line and page in this print, and those of us in the minority would not have an opportunity to know where the amendment was or to know what was proposed to be changed except as read by the Clerk. We would have no opportunity to follow him.

Mr. HARRIS. Of course the different prints being differently paged produces necessarily confusion. I do not see what we are to do unless the Clerks keep a copy of both bills on the table for the purpose of reference and that we decide to make an official copy of the one print or the other and have a sufficient number of that print for every Senator to be furnished with a copy.

Mr. BUTLER. The trouble about the position of the Senator from Tennessee seems to be this——

Mr. HARRIS. I have taken no position. I am just suggesting the situation and asking what the remedy is.

Mr. BUTLER. Well, the Senator suggests that the Secretary may take two copies and refer first to one and then to the other, and apply the amendments to whichever one he sees fit, I understand. But as the Senator from Maryland has suggested, those of us in the minority have not that opportunity. I do not know now to which one of these prints the amendments proposed by the Senator from Massachusetts apply, and I can not tell. I have what I supposed was the official copy of August 7, and to that print I proposed my amendments. Subsequently another print of the bill was ordered by the Senate on December 10, and it seems certain amendments apply to that.

Mr. HOAR. That is the same thing.

Mr. BUTLER. But it can not be the same thing. It has different pages, and different paragraphs, and different lines.

Mr. HOAR. Will the Senator pardon me and let me state the fact?

Mr. BUTLER. Certainly.

Mr. HOAR. The print of August 7 is the official copy of the bill, treated as such at the Clerk's desk. The print of December 10, I am informed, is simply a reprint of that, *verbatim et literatim*. There is no change in it whatever, and so far as I am aware all the amendments—will the Senator from South Carolina do me the honor to hear my statement?

Mr. BUTLER. If the Senator will just permit me to interrupt him now, I think he will be spared the necessity of making an additional statement in that line. One of the amendments that I offered comes in on page 104, after line 107, in the print of August 7. I find page 104 relates to an entirely different matter in the reprint.

Mr. HOAR. What reprint is that?

Mr. BUTLER. It is the reprint of December 10.

Mr. HARRIS. The paging is wholly different. They do not correspond at all.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Massachusetts to the fact that the print of December 10 is printed in parallel columns. That changes the pages.

Mr. BUTLER. Of course.

Mr. HOAR. I was informed at the Clerk's desk (perhaps I am in error about the date) that the print of August 7 is the official copy, and, so far as I am aware, every amendment which has been offered has been made with reference to that print. The amendments I offered, and the Senator from South Carolina says those offered by him are to the print of August 7. Then subsequently the Senate ordered the bill to be printed in parallel columns with the House bill. That print is in existence, but it was not intended by the Senate to make that an official copy of the bill.

Now, I should like to have the Chair also inquire of the Clerk if there has not been a reprint of the August 7 bill, *verbatim et literatim*, paging and all

The PRESIDING OFFICER. There has been none.

Mr. HOAR. Very well. Then all that we need to do is to stand on our August 7 print, which is the regular copy, as everybody has treated it on both sides of the Chamber.

Mr. REAGAN. All the amendments are not to the print of August 7. When the bill in parallel columns was printed that was taken up for discussion, and in preparing the amendments which I offered I made some inquiry, but was advised that that was the bill to amend. I did not know that the one of August 7 was treated as the official copy for amendments. Therefore I have prepared all my amendments, twenty-seven in number, for the print of December 6, and its paging is different from that of August 7, and I understand that the print of August 7, which I do not have before me, is different from the print in parallel columns.

Mr. HOAR. The sections and lines are the same.

Mr. REAGAN. Now, if the Senator from Massachusetts will allow me to make a suggestion——

Mr. HOAR. If the Senator will allow me, the sections and lines are the same in all the bills.

Mr. DANIEL. The paging is different.

Mr. REAGAN. I was going to make a suggestion. As we are in no haste and time is plenty before us, I suggest to the Senator from Massachusetts that we let this matter go over until Monday and print a copy of the bill and give time to put our amendments to it, so that we may know what we are doing.

Mr. PASCO. I assume that the edition of August 7 is the small edition. Am I correct?

Mr. GORMAN. No; that is still another print.

Mr. PASCO. I have taken the amendments of the Senator from Massachusetts and looked at the bill patiently, and have tried to locate them somewhere. I took the edition of August 7. I take up one of these amendments at random. It says page 82. There are but

seventy-two pages in this edition. I turn to the edition of December 6, and page 82 is a blank page; there is nothing upon it. I have spent a good deal of time in trying to locate the amendments of the Senator from Massachusetts for some days and have been unable to find them by means of any edition placed on my desk. I take this one at random. Here is a blank page 82 in one edition and the other edition has but seventy-two pages. Under these circumstances I say that it is impossible, perhaps, to make any satisfactory progress unless some official edition of the bill shall be printed that will correspond with somebody's notation. Certainly this does not correspond with that of the Senator from Massachusetts.

Mr. ALLISON. I ask the Chair to inform the Senate what print is now under consideration on the Clerk's desk?

Mr. BUTLER. There are three of them, I think, Mr. President.

Mr. ALLISON. There surely can be but one print there.

The PRESIDING OFFICER. The print of August 7 is on the table.

Mr. ALLISON. I suggest that that is the only print to which amendments can be offered, and if Senators have offered amendments having other prints before them when they were prepared, they should so adjust those amendments as to enable the clerks to take the print of August 7, if that be the one, and make all the amendments in accordance with that print. Otherwise we shall get into confusion, no matter how many prints of the bill we have.

Mr. KENNA. Will the Senator allow me to inform him that I sent to the desk only a moment ago for a copy of that print and I was informed that it is exhausted and there are none to be had? What are we to do in the effort to modify our amendments so as to adapt them to that print if the clerk is the only human being in America who has a copy?

Mr. HOAR. It is on your file at your desk.

Mr. KENNA. It is not on my file, and not on the desk, and not in the document room.

Mr. ALLISON. I regret exceedingly to hear that situation.

Mr. KENNA. I can not get hold of one; I do not know where to get it.

Mr. ALLISON. I have a copy which I will furnish the Senator.

Mr. KENNA. If the Senator will be equally as accommodating to all members on this side of the Chamber, that will satisfy our want.

Mr. ALLISON. I have but one copy; I will be glad to furnish that to the Senator. I was not aware that this particular print could not be procured, but at the same time, no matter how many times we print the bill, we must, when we consider it, act upon the original bill as sent to us from the House of Representatives and the original bill as proposed by the Senate Committee on Privileges and Elections. Otherwise the records never can be made up in any condition so as to know what the result of the deliberations may be.

Mr. HARRIS. I suggest to the Senator from Iowa that within the last ten minutes I have sent to the document room and they sent me the last copy, the official copy, to be kept in that room, with the information that it was the official copy and the only one that was obtainable there.

Mr. BUTLER. What is the date of that?

Mr. HARRIS. August 7. Some two or three weeks ago, when we ordered the print of December 10, the former print of August 7, I understood, was exhausted. I have the print of August 7 and I have the print of December 10, but I quite agree with the Senator from Iowa that the print of August 7 is the official print. It is the bill that we are to deal with; and, having so agreed, I beg to suggest that it is impossible for Senators to proceed intelligently without a copy of that print upon their desks before them. I think that some member should move for the reprint of the print of August 7.

Mr. MORGAN. I ask the Senator, as he is a very much better parliamentarian than I am, or perhaps than most of us, what is the effect of this indorsement on the back of the print of December 10?

Ordered to be reprinted in parallel pages for the use of the Senate.

What is the effect of that order?

Mr. GORMAN. Nothing.

Mr. HARRIS. I do not think it changes the official print that lies on the Clerk's desk or was intended to change it. For the convenience of Senators it was printed in parallel columns, so that open where you will you will have the House bill before you on a subject and the Senate substitute reported on the same subject.

Mr. MORGAN. But the order indorsed on this bill does not happen to be an order "for the convenience of the Senate;" it is "for the use of the Senate." That is the order on the bill. It is therefore a bill reprinted for the use of the Senate in parallel columns. On the left-hand page is found—I mean the bill of the House—is found in italics the proposed amendment of the Senate committee. Now, when that is reprinted for the use of the Senate it seems to me (and I have always so considered it) that that was an order that would cause a new paging of the bill. Of course it would not alter the sections either in the House bill or in the Senate bill, but it would alter the paging of the bill, and that, while it is for the convenience of the Senate, is also for the use of the Senate; and I understood that bill was to become thenceforth the bill upon which we would act.

Mr. RANSOM. That never was agreed to.

Mr. MORGAN. The Senator from North Carolina says that never was ageed to.

Mr. RANSOM. No, Mr. President, if the Senator from Alabama will allow me, as he very properly calls upon me in relation to what I said to him in my seat. That copy was not agreed to be the official bill. A debate very similar to this—identical, as the Senator from Iowa, in a side remark, says—a debate very similar to the one we are now having took place here about a month ago in reference to the print of the bill.

If I am wrong the clerks will remind the Chair. There was a difference, and a discussion almost in the very terms that we are now speaking as to the confusion in reference to the different pages occurred in the Senate. That difference was not determined; it was not settled. The Senate took no order in the matter. The Senator from Massachusetts, according to my recollection, had a reprint of the bill in parallel columns, but there is no order of the Senate adopting that as the official copy for the Senate.

Mr. MORGAN. That was done on the motion of the Senator from Iowa.

Mr. ALLISON. Now, if the Senator will yield to me a moment——

Mr. MORGAN. Yes, I will.

Mr. ALLISON. I can see no reason for any confusion here. As I understand it, the print alluded to by the Senator from Alabama is the print of December 10, which was not an official print in the sense that it should be used at the Clerk's desk, but was a print for the convenience of Senators, so that they might compare at a single glance of the eye the House provision and the corresponding Senate provision. I am told by the Senator from Massachusetts, and in looking hastily over the bill I think it must be true, that the print of the 10th of December is substantially the print of the 7th of August, except the paging, so that any Senator offering an amendment either to the substitute or the original bill, will offer the amendment on line so and so, and section so and so.

Mr. MORGAN. And page so and so.

Mr. SHERMAN. The sections are all the same.

Mr. ALLISON. The sections are all the same, so that page so and so might be omitted. That might create a little confusion in a Senator's mind, but it can create no confusion at the Clerk's desk. So I say Senators who have been misled by the print of December 10 can make their amendments and the clerks can easily adjust them to the only print that can be considered at that desk, whether we print the bill once, twice, or five hundred times.

Mr. MANDERSON. Mr. President——

Mr. MORGAN. I have had the floor so little in this debate that I trust I shall be allowed to proceed.

The PRESIDING OFFICER. The Senator from Alabama is entitled to the floor.

Mr. MANDERSON. I beg the Senator's pardon; I did not know that he claimed the floor.

Mr. MORGAN. The Senator from Ohio [Mr. SHERMAN] kept me off the floor two or three mornings. I thought it was a very great unkindness on his part. He did not mean anything by it, but it was a little bit hard to cut me off, particularly when I was explaining, or trying to explain, to the Senate the very trouble we are now in. I tried to get the floor and to get it in the morning hour. I wanted to get out of the way of everybody else, so that if I could possibly inform the headlong Senator from Massachusetts, who seems to be acting here with a sort of triple-expansion-engine power——

Mr. HOAR. Headlong or long-headed, which?

Mr. MORGAN. I might get him cooled down enough to look at his own bill and see what he has now seen, seventeen great broad troublesome difficulties in it, and bring in seventeen thorns that he wants extracted from this bolus that he is obliged to swallow as it is unless he can get us to take them out.

Now, the Senator from Massachusetts does not at this very moment understand this bill. That is not saying anything to his discredit, for I suppose the Senator does not understand Sanskrit and that is not to his discredit.

Mr. HOAR. I do not understand the Senator from Alabama, and that is not to my discredit. [Laughter.]

Mr. MORGAN. I am satisfied the Senator does not understand the Senator from Alabama and he will not understand me. If I could get the headlong Senator to wait a moment and reflect I could get him to understand me, but he is borne on by his zeal to rush this bill through against all opposition, not from this poor minority here, but from the people of the United States at large of all parties and all sects and all qualities and all conditions except a very few—if I could get him to pause and contemplate the great opposition and pressure that is brought against this bill from everywhere, I think he would look at it a little more quietly, a little more coolly, and he would undertake to see and would find out that he really does not understand the bill. That is the trouble with the Senator from Massachusetts.

Mr. President, this is very far from being a jest. I have employed what little of diligence I possess, patience, close inquiry, and what little knowledge of the laws I possess, to try to find out what is in this bill, and I have not been able to do it. The Senator from Massachusetts

has had various opportunities to explain it. He has spoken twice at length upon it. He has not yet explained it; and there are things in this bill that are perfectly inscrutable in the way it is presented to the Senate.

There is no man who can rise on this floor and offer an intelligent amendment to some six or seven sections of this bill, because he does not know what he is amending. He has first to organize himself into a court and pass judgment upon the meaning of words and phrases which are in conflict with each other, in contrariety, in repugnance to each other, and after he has come to a final decree in his own mind as to what he thinks is probably a fair judgment on the meaning of certain words, then he proposes to amend it. The Senator from Massachusetts would rise and say it does not mean that. Well, what does it mean? I contend that it means thus and so, and we shall have to leave that to a court.

Mr. President, you can not amend a mere imagination, or a conjecture, or an unformed or unpronounced judgment resting in the mind of a judge before whom a case is to be argued. When you want to amend a judgment or record of any kind you must put some fact into it that is tangible, something that you can get hold of, and see exactly how it changes the record. You can not do that on this bill the way it is; it is impossible. That will be demonstrated as we go along. I have besought the Senator from Massachusetts, but he would not hear me, that he would take this bill back into his committee room and look it over again and inform us what it really does mean.

Now we have got it here with all of that confusion, and the original report of the committee worse confounded by the fact that there are some three or four different prints of this bill, and they are under indorsements of this kind: "Ordered to be printed in parallel columns for the use of the Senate;" "Ordered to be printed for the use of the Senate." That is to say, the Senate ordered that the bill shall be printed in a certain form, not perhaps in the original form as to the paging and as to the collocation and arrangement of the text, but in a new form. Each one, as I understood it, was to be the bill upon which the Senators were to act, which they were to discuss, and in respect to which they were to offer amendments.

Now, the Senator from Massachusetts comes in here with a broadside of seventeen amendments this evening, all fired in at one time. It is tolerably late in this debate, I think, for the honorable Senator to make these amendments to his amendment; it is a mere confession of error, that is all. They are not to improve the bill, according to his own theory of it, as he says here to-night, but they are to try to accommodate it to the objections that have been urged against it on this side of the Chamber and make it as far as possible the bill of this side of the Chamber, not the bill of the Senator from Massachusetts or that side of the Chamber.

When we come to commence at the fountain source and run through this matter down to this evening it is a curious medley. It is a curious presentation of legislative effort. The other House sent over a bill here which was stricken out, every line and every section in it, except the enacting clause. Then the Senate, through its Committee on Privileges and Elections, brought in a substitute for every word in it. That substitute differs entirely, as I have had occasion to remark in the Senate heretofore, in the avowed purposes of the legislation.

The bill as it came from the other House was a bill to amend the existing law. The bill, as it is now before the Senate, is a bill to supplement a part of the existing law, to repeal a part of the existing law, to modify a part of the existing law, to incorporate by reference into this bill a part of the existing law, and leave another part out, and the part thus incorporated and the part that is omitted according to section 31 of the bill, if I have the numbers correctly, is a matter that is left to the imagination, or conjecture, or judgment, or whatever else you please to call it, of the Senator who happens to be discussing the matter, and after we have passed it there will be two opinions about almost every clause in five or six sections of this bill as to what we have enacted. That ought not to be in a measure of this kind.

Mr. President, the thing to do with this bill, that ought to have been done with it from the beginning, is to recommit it to the committee and ask them to bring in an intelligible report. I have tried all I could to exonerate the honorable Senator from Massachusetts, who is a great lawyer, from the responsibility of this matter, and I supposed I had found a clear door of escape for him when I suggested that Hon. John I. Davenport had drawn this bill, and the Senator with some degree of indignation, I think, called me, I do not recollect what epithet it was, an ignoramus I think; and yet I have got Davenport's deposition here, sworn to, in which he said he drew the original. He has sworn to that, and after he drew the original law which the Senator from Massachusetts has been compelled to allow to stand on the statute book to a large extent, and to modify only by raising shadows upon one part of it and lights upon another, without any distinct alterations of text, I do not think he ought to disclaim the honorable part that Mr. Davenport has had in introducing this confusion.

As the Senator will see when he comes to investigate it a little more carefully, the great drift of the bill is twofold. There are two great purposes in it. One is to have a United States returning board for members of Congress and the other is to improve John I. Davenport's prospects for getting higher fees, and getting them so that no officer of the Government can possibly avoid paying him; to get a conclusive and final judgment here, a standing order in favor of Mr. Davenport to have his fees largely increased, and yet, God knows, they are big enough to begin with.

Those are the two leading features in the bill, and the Senator from Massachusetts in his zeal to have a national returning board for members of Congress instead of the State officers, who have always made the returns to Congress, has overlooked the drift of his coadjutor in the preparation of this great measure. In Davenport's anxiety to get his fee bill secure, he looking with his face in one direction, and the honorable Senator from Massachusetts, in his anxiety to have a national returning board to supplant and destroy the States entirely in their power of certifying their members of Congress, looking in another, as a matter of course they have pulled apart from each other, and it has produced inextricable confusion.

Mr. Davenport is evidently loath to give up any of his powers under this bill that existed in the law heretofore. He wanted them all retained as they existed, and improved as far as he could get them, so as to put a little more despotic control of elections into the hands of the chief supervisors, he being the chief of all the supervisors and of this machine which is now being set up to be run by the Republican party in the United States—the chief patentee and inventor, the chief controller and engineer, the chief director, and the man who furnishes the chief motive power, provided always we will give him fuel enough in the way of contracts from the Treasury of the United States to keep him running.

Now, it is not to be wondered at at all that a bill thus circumstanced should have a contrariety and a repugnance in its provisions and great confusion and uncertainty. The Senator from Massachusetts in his eager zeal to get his returning board has not paid enough attention to Davenport; he has allowed Davenport to run off with the wagon while he was looking in a different direction, and hence it is we have this confusion in the bill.

Now, let me call the attention of the Senate to the bill for just a moment, or perhaps for a little longer.

I have a print of the bill here, and it is the parallel bill; I will turn back and look over it. I get lost in these bills every time I start to find out anything in them. The Senate will have to be a little patient, because I confess it is really a matter of the greatest difficulty in the world to find anything in the bill that you want to find. As the Senator from Ohio [Mr. SHERMAN] is not in the Chamber and I can proceed, I have no doubt, without any interruption on his part on the parliamentary question that has been concerning himself and myself several days here, I will venture to call the attention of the Senate to section 31 of this bill and then afterwards to section 32.

SEC. 31. Sections 613, 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.

Now, that is a very curious specimen of legislation. They take the sections in the Revised Statutes that are over seventeen years old, and by this sort of reference make each and every one of them a part of this proposed act. But still, while that would leave some doubt about what was left in the Revised Statutes, perhaps it would leave no doubt about what was found in the act. After you have extracted from the chapter and title which are here referred to on the subject of elections all of these sections, amounting, I think, to nineteen or twenty-one, from the Revised Statutes and put them into this proposed act and made them a part of it by this declaration, what remains in the Revised Statutes? All the remainder?

If all the remainder remain in the Revised Statutes untouched and unrepealed and unaffected what was the use of taking out these twenty-one sections—I think it is twenty-one sections—and putting them into this proposed act? Why could they not remain in the Revised Statutes as they were before? Then it is not necessary for this measure to re-enact something that is in the Revised Statutes. They are not obsolete or anything of that kind. But you, after you get them thus transferred and incorporated into this proposed act—then section 31 proceeds as follows:

and their provisions are made to refer and apply to this act.

I submit to any lawyer who ever drew a statute that there could scarcely be a greater absurdity than that, to take twenty-one sections out of the Revised Statutes, make them a part of this act, and then enact that each of those sections is made to refer and apply to this act. That is to say, you take a section out of a statute seventeen years old and you make it to apply to this act. How apply? In what does it apply?

with like force and effect as if this act were specifically mentioned or referred to therein—

Now, that is a curious state of legislative expression. They must apply with like force and effect as if this act which we are now discussing was "specifically mentioned or referred to therein." Now comes the climax of this language:

Save as such sections are in terms changed or modified by the provisions of this act.

They are all incorporated, "save as such sections are in terms changed or modified by the provisions of this act." Suppose they were repugnant to each other to a degree not absolutely, not positively, not through and through so as to have the earlier enactment repealed by the later, but they are only changed or modified, what is the effect of the change or modification? You must look through the terms of this act, take those terms and the law and apply them to the twenty-one sections that are herein incorporated, and after you have done that you have got to determine how far the terms of this act now passing change and modify that which you get into this proposed law.

Now, I respectfully submit to the honorable Senator from Massachusetts that he may take a year longer with his able pen and he can not possibly write one of these statutes in the manner in which it is required to be done in the mind of the man who reads it and in the mind of the judge who has to enforce it.

The other day, for the purpose of illustrating this, I brought into the record here the statute in regard to the bribery of officers of election as it exists in the Revised Code. That is one of the statutes that are translated into this proposed act.

In addition to that, this proposed act has an express, broad, general, comprehensive, almost universal declaration of the criminality of bribery at elections in regard to officers and voters and everybody else, and it affixes a different penalty from that that is found in the Revised Statutes, a different term of imprisonment, a different amount of fine; and yet that statute, with that difference in the punishment and in the amount of the fine, is brought bodily into this proposed statute, and the two are printed here side by side. Two statutes in the same act are printed side by side, both punishing the crime of bribery. That is only one, though. There are a number of cases of that kind, one different from the other in its language, in the penalties, and all about it.

Now, suppose that the honorable Senator from Massachusetts had written out in this bill what he proposes to bring into it by reference to the figures or the enumeration of the sections. Suppose he had written out two sections for the punishment of bribery, one punishing a man not exceeding $5,000, the other punishing him not exceeding $2,000, one imprisoning him not exceeding three years, the other imprisoning him not exceeding two years. They are both written out in this paper here. Would he expect that the Senate would pass both of those laws upon the subject of bribery? Could anybody expect the Senate to stultify itself by putting in the same act two definitions of bribery applicable to the same people and for the same offense exactly, with differing punishments in the two sections, and pass both?

Mr. HOAR. It is the commonest thing in the world in criminal legislation, as far as I know.

Mr. MORGAN. Well, Mr. President, if it is true, I have had an uncommonly bad observation of the statutes, for I never saw anything of that kind in a statute in my life. Here is a library full of books; this debate is likely to run on at least to-morrow until sunrise; the Senator from Massachusetts is a great and learned lawyer; and I challenge him on the floor of the Senate at this moment to produce one case of the kind in the world. He can not do it. Now, that is a bold speech for me to make, but still the Senator will have to produce it.

Mr. HOAR. I can do it from memory without looking into books.

Mr. MORGAN. No, sir; we will not take your memory about it; we will have the statute. If it is the commonest thing in the world the Senator from Massachusetts can go in the dark in the library down here if he wants to find a book that contains it. If he remembers it surely he can find it. If he can cite now a copy of the statutes in the world or in the United States that contains any such provision I should be very happy to have him do it. He can not do it. It does not exist, it never did exist.

No legislative body in the world has ever yet stultified itself by putting in two different sections the same crime exactly in the same act, punishing them with different punishments, where it is a statutory offense or even where it is a common-law offense. It is not done. The differing circumstances of the commission may make the lighter penalty due in one case rather than in the other, but where the language is the same, the fine is the same, and the offender the same; and you have got two sections of the statutes here that contain the same offense. You can not find it in the world, and it never was in the mind of anybody, unless it found its way into the mind of John I. Davenport.

That is only one of the difficulties. There are twenty-one of them. There are twenty-one sections which are brought in here, which are more or less modified by the terms of this proposed act. Nearly the whole body of the election laws of the United States is incorporated, translated bodily by this provision I have just read into this act with as much care and with as much certainty, this thirty-first section says, as if it was absolutely written in the very body of the law that we are now enacting.

So in each of these twenty-one sections we have a twin differing from it only in some slight complexion of the eye, or curl of the nose, or the lip, or perhaps the color of the hair, or weight of the two, and we have forty-two of these instead of twenty-one to deal with; and that is the situation; that is what this honorable Committee on Privileges and Elections has set us down to at this "feast of reason," to say nothing about the "flow of soul" that is in it.

I have been trying for days and days to get this subject to the attention of this body. I could not succeed in doing it. I do not think I am doing it now; but I shall get it to the attention of the lawyers of this country. They will see it, the judges will see it; and when you have this act finished up here, if it is finished up in the style in which it has been reported from this committee, there is not a court in the United States that can execute it.

I have had some regret in being compelled to bring this subject to the attention of the Senate, because I should have preferred to remain until the courts took into judgment this business and had read forty-two sections of law instead of twenty-one, differing from each other only in the respect herein described. The statute stands, but where you find another statute embodied in this act which in terms changes or modifies the provisions of the Revised Statutes which you translate into it then you can go to work and cogitate what it means. You have then got a case for the courts to begin with, and your offenders will run through it as minnows will run through a shad seine, and you will never catch one of them.

I do not know whether the Senator from Massachusetts wants to catch them or not. He has the reputation of being a very merciful and charitable gentleman, and he may find a way of letting somebody through these meshes without punishment; but if you have got forty-two sections of a law here, where there are only twenty-one that describe the offenses in terms in this bill, and the description of the other offenses and other powers is to be derived from the Revised Statutes so far as they are modified or changed by this act, and in no other respect, Mr. President, you have got a task before you that will defy the ingenuities and the powers of the lawyers of this country to get through it. They can not do it.

Then we come to a certain section repealing certain statutes here:

SEC. 32. Sections 2011, 2012, 2013, 2014, 2,015, 2016, 2025, 2026, 2028, 2029, and 2031 of Title XXVI of the Revised Statutes, "The elective franchise," are each and every of them repealed so far as future election at which Representatives or Delegates in Congress are to be voted for, but the repeal by this act of any specified section or part of a section of the Revised Statutes shall in no wise affect any officer or any individual, any complaint or indictment, or any trial which may be had, any right of any accused person, any verdict, sentence, or appeal therefrom, or any matter whatsoever where the right or wrong of any action taken, any duty performed, any complaint made, any indictment found, any trial had, any verdict rendered, any sentence imposed, or any appeal therefrom which has been or may be taken, or any fee, account, or compensation of any officer provided for under any of said sections.

There is where Mr. Davenport comes in. We repeal these sections because they are supposed to be repugnant to some provisions we are putting into this proposed law, or else they are useless in some way or other. We take this statute of seventeen years standing and we repeal all the list of sections in it which I have just read, but we put in a saving and excepting clause, which winds up with the proposition that the officers of the United States who have heretofore had any concern in the control of elections shall be saved and preserved in all their rights and claims and demands, notwithstanding the repeal of these statutes, and that the Government of the United States shall pay them all of those demands without hesitation or question.

In other words, the object of this saving clause in this statute, after it is to keep in the penitentiaries some persons who probably are there now, or to keep alive fines, forfeitures, and penalties which, perhaps, have already found their way into the judgments of the courts, and after they get through with that little matter concerning the public welfare and the proper and just administration of the criminal laws of the land, this section moves out into a new and extraordinary and wonderful provision in favor of saving the fees of Mr. Davenport. He comes in with his sickle and reaps a harvest out of that section by the retaining of this part of this repealing law in full force and effect until he can make his draw out of the Treasury.

At the time this bill was framed in the other House his accounts had not been paid. They were *sub judice;* they were being investigated down here at the Department. When I take the floor on this bill, as I do not propose to do to-night, I will proceed to show something about what his fees are; but now I am arguing upon the provision which he and the Senator from Massachusetts have made, so that there shall be no possible chance for him to lose one stiver of these accounts in consequence of any change in this law which might be supposed to be necessary for the promotion of the welfare of 62,000,000 of people.

There is more of John Davenport in that amendment than there is of all the balance of the 62,000,000 of people in the United States. There comes in his reward for his great services to the United States; and it is a wonderful exploit of legislation when ingrafting exceptions upon a repealing clause to get rid of certain sections of the Revised Statutes, which are supposed to be of no longer use, that two pages of a great bill like this should be devoted to the subject of the saving of scrap for Mr. Davenport.

Mr. President, we are not apt to lose sight of these things in the discussion of the bill, although, I grant you, they are very artistically covered up. I have been here all the time admonishing this Senate, and have asked it early enough to have this bill back here printed in proper form with such light upon it as the Committee on Privileges

and Elections could throw upon it. I have been at it long enough to try to get it back. I have tried faithfully and failed so far even as to call from the Senator from Massachusetts [Mr. HOAR] a response to what I have had to say about this thing, except the one he makes to-night that two sections can be found in the same act relating to the same subject and the same offense described in very nearly, if not exactly, the same terms, so nearly alike that a conviction under one would always bar a prosecution under the other. Two statutes, says the Senator, can be put into one bill, and it is a common and usual performance in legislation. That is all I have been able to get from him about that.

I insist, Mr. President—and my words will be proven by the first court that this bill ever goes before—that the twenty-one sections, if I have the number right, of the existing law found in the Revised Statutes, which are thus bodily translated into this bill by section 32 and re-enacted here, will be found to be such an embarrassment upon every matter to which those twenty-one sections relate as that no court can decide which are the operative statutes.

It is a solecism in legislation; it is one a court can not get around and can not get rid of, because where offenses themselves are purely statutory, as these offenses are all purely statutory, and where no such an offense can be found in the common law, as the courts of the United States have no common-law jurisdiction, but only statutory jurisdiction, in such cases where there are two sections in the same statute describing the same offense in different terms and with different penalties, that statute under an immutable principle of construction of statutes is a repugnant statute, and therefore it is void. That is all I want to say about this matter just at this time.

I am satisfied, Mr. President, that we can not get along with this bill as it is, and if Senators are in earnest about pressing it and feel that the demands of the people of the United States now and for all time to come require at their hands that they shall enact a body of law for the control of elections and for the punishment of men who infringe those laws, the Senate ought to take the subject into consideration in such a way as that when this law gets into form of enactment the courts, at least, can say that the twenty-one sections found in this law are not repugnant to twenty-one other sections, all of which are incorporated, for they are all incorporated just as much as if they were written out.

Mr. REAGAN. Mr. President, before the Senate proceeds with the disposition of the amendments to the bill under consideration, I desire to say a few words in reference to the position assumed yesterday by the distinguished senior Senator from New York [Mr. EVARTS].

I preface what I have to say by remarking that if we accept his hypothesis, if we accept his theory—he is able and he is a good logician—it would be difficult to answer his arguments. He made a very forcible and impressive argument in favor of law, of the paramount importance of obedience to the law, and of respect for the Constitution. He insisted that it was the duty of all good citizens to obey the Constitution and the laws. I mean this was the substance of his position. In discussing such a question with so great a lawyer as the Senator from New York one should be very sure of the ground he proposes to occupy.

I take it that that Senator has no greater desire to see the Constitution of the United States upheld and the laws of the land faithfully enforced than every other Senator on this side of the Chamber or on that. It is doubtless the conviction of that Senator that he is right in his assumption that he is serving the public in urging obedience to the law and in urging the passage of this bill. My objection to the bill is that it is itself a violation of the fundamental law of the land and that in urging its passage the appeal is made to the Senate of the United States to violate that very Constitution which we all have taken an oath to support. I know Senators will reply that the Constitution gives to Congress the power to regulate "the times, places, and manner of holding elections." Then it provides that—

Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

That clause of the Constitution should be read together, and I propose to invite attention to it, though it has been so often referred to. It reads:

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

In any interpretation of this provision we see that primarily the power of the regulation of the times, places, and manner of holding elections is to be prescribed by the States. Then, when it is said in the same paragraph that "Congress may at any time by law make or alter such regulations," we must of necessity inquire how it came that the learned, the able, and the patriotic men who framed that clause of the Constitution put two provisions in that paragraph, seemingly in conflict with each other, for they are in conflict with each other, and I venture the statement, and I believe I have made it before, that there is no other provision of the Constitution of the United States of double and doubtful construction like this. If this question, therefore, were before a court for construction of this provision, the inquiry would be instituted, how came it that these conflicting provisions were inserted in the same clause of the Constitution?

If Senators would turn to the debates of the convention which formed that Constitution and to its journals they would find the reason why the two powers were placed as they are in that clause. It would there be seen that it was intended to give the States control over the elections primarily, and the debates would show further that the question arose as to whether the States might not decline to elect Senators and Representatives, and by such declination dissolve the Union or separate themselves from it, withdraw from its authority.

That thought was doubtless prompted by the historic fact that some of the States were very slow, very tardy in sending their Representatives to the Continental Congress, and the business on that account was retarded and the powers of Congress were interfered with to some extent by the neglect of the States to be promptly represented in that Congress. That being so, not looking to what might occur in the future, which has actually occurred and which is known to us now, but looking to the experience of the past, the Congress thought is best to make provision primarily that the States should control these elections, and secondarily, if the States failed to provide for the election of Senators and Representatives, the power should be conferred upon Congress to enable the Government to perpetuate itself.

That is the line of the argument which is presented in the debates in the convention. That is what the commentators on the Constitution of the United States give as the history of the insertion of that provision.

If that be accepted, I appeal to all fair-minded, all just-minded men who seek to give the Constitution a fair and reasonable interpretation, that they must concede we have no power and that Congress has no right to provide for the election of Representatives and Senators so long as the States make provision for their election, and they are in the service and in the discharge of their duties in the two Houses of Congress.

If they are there, that is all that the Constitution contemplates. It was to secure that end that that provision was alternatively inserted in the Constitution of the United States. So I repeat what I have said before, when the States have provided by law for the election of their Senators and Representatives and those Senators and Representatives are in the discharge of their duties in their places in Congress, Congress has no more right to usurp the powers of the States and attempt to discharge the duties of the States than if that provision had not been inserted in the Constitution at all.

Mr. President, I suppose, however, that it is not very useful to undertake to argue a question of constitutional right and propriety. It is hard to say that in the Senate of the United States, but the idea has become so prevalent that the war has revised the Constitution and substantially obliterated the rights of the States that we have two sets of opinions in this country upon that subject; but the Constitution stands as it did, except as to the amendments which have been ingrafted upon it. Its interpretation stands to-day as it did aforetime, except as it is qualified by the amendments to it which have been adopted. None of those amendments have taken away the tenth amendment of the Constitution, adopted a year or two after the Constitution itself was adopted, in which it was declared that—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

When we go to the Constitution for this power, we find it in the clause which I have referred to, and upon a just interpretation, upon a reasonable interpretation, I insist that we are not authorized to provide for the election of Senators and Representatives to Congress when the States have made full and ample provisions for that purpose and when those Senators and those Representatives are in the discharge of their duties in the respective Houses.

Besides this, Mr. President, all persons must see that two systems of laws providing regulations for the same election must produce jarring, inconvenience, and confusion. I know it has been said by the Supreme Court that if there is a conflict the laws of the State must yield to those of the Union. I am not going to comment upon that decision of the Supreme Court to-night. It is not necessary in the line of argument which I have in view.

A very grave consideration follows. We can not too often recur to the fact that our system of free constitutional government rests upon two principles, the sovereignty of the people and their capacity for self-government. It is these which distinguish our system of government from the systems of monarchies which prevail in other parts of the world. Under those systems it is held that sovereignty resides in the governing power; whether it be king, emperor, or parliament, whatever the ruling power may be, the sovereignty resides there; that the people are subjects, that they must be governed by a power superior to themselves, because they are incapable of self-government; they must be governed by a power capable by repression, by coercion, of preserving peace and order in society and the rights of person and property to citizens.

In the formation of our Government the great experiment was entered upon of trusting the formation of the Government to the people themselves. To that end it was held that they were sovereign, that they were the government-making power, that they had intelligence enough to enable them to organize governments, to enact laws through the proper agencies, to interpret laws through the proper agencies, to administer laws and to enforce laws through the proper agencies; and for more than one hundred years of peace and war the people of these

United States have vindicated the justice and the wisdom of the men who assumed that they were sovereign, and that they had virtue and intelligence enough to organize and administer governments such as would preserve order and peace and the rights of person and of property.

Mr. President, in the face of that, Senators propose to enact a law which assumes the fact that the people of the States of this Union are no longer capable of self-government, for, if they are capable of self-government, they may proceed as they have heretofore proceeded by enacting all the laws necessary to the public welfare, and amongst those the laws which enable them to elect their Representatives and Senators.

Are we prepared to take that step? Are we prepared to say to the American people that the people of this great, grand Republic are no longer to be trusted with the rights of self-government? Are we to say that they have to be governed by agencies from without, by a power from without superior to themselves? If we say that, we abandon the foundation principles of our Government, we repudiate the capacity of the people for self-government, we deny their right of self-government, principles as sacred as liberty itself to all true Americans.

If we are to assume that the people are no longer capable of self-government, by whom are they to be governed? We have no royalty here yet, thank God; we have no legal aristocracy here yet, thank God. Though we have a strongly intrenched moneyed aristocracy, we have no hereditary governing class here as yet. Who, then, are they, of superior wisdom and of superior virtue, who are to rule the people of the several States, who are to enact laws for them, hold elections for them, because they are no longer qualified to enact laws and enforce them for the election of their Representatives in Congress? Where are they to come from?

They must be a portion of this very class of people who, by the theory of this bill, are held to be incapable of self-government. They must come from the States of this country. What, then, is to endow them with the superior wisdom and virtue as Federal officers which it is assumed they will not have as State officers? Whence comes this superior wisdom? How is it that a Federal law or a Federal commission is to make men wiser and to make them better than when they are invested with authority by the people themselves in the exercise of their own sovereign right? Are they to be more virtuous and more wise because they are selected by some one not responsible to the people? The whole theory seems to me to be not only absurd, but appalling to the friends of liberty and to the friends of constitutional government.

The difficulty which we encounter is that Senators, like the great Senator from New York [Mr. EVARTS] yesterday and like the distinguished Senator from Rhode Island [Mr. DIXON] to-night, assume that the American people is one great aggregation, to be operated upon by acts of Congress as if there were no Constitution, no States, no State boundaries, no State laws, no State rights. It is the assumption that the Congress is responsible for the morals, the habits, the individual conduct of citizens of the United States.

Why, sir, there are long lines of decisions made by the Supreme Court of the United States showing that the individual in the State is responsible to his State for the violation of the laws of his State, and that neither Congress nor the Federal courts can take jurisdiction of him, and yet we disregard all that and assume here, by the theory of this bill and by the arguments of distinguished Senators, that the American people is one great mass to be influenced and controlled by acts of Congress, and that Congress must take cognizance of the violation of morals and of law in the several States. That is the theory. The theory is one which has been exploded over and over again by the Supreme Court of the United States. It is one that is repugnant to our common sense of right and propriety. It is one that denies the right and capacity of the people to govern themselves.

Mr. President, many crimes are committed in all the States of this Union. Murder is committed, arson, robbery, all the crimes in the catalogue. Interference with the elective franchise, bribery, and corruption in elections occur in every State in this Union, and if the theory of this bill is right the States should be wiped out and Congress should provide for the punishment of those offenses, and yet Congress, I suppose, would hesitate to take that last step.

If Senators could get their consent to recognize the Constitution which they talk so much about, to recognize its limitations, to obey its commands, and if in doing this they could forget that they have political and party ends to accomplish by violating the Constitution, we should be in a very much safer condition than I feel the American people are to-night.

Political majorities may change, and if I do not mistake the character of the American people bills like this if enacted into law will produce one of those changes such as was produced on a similar subject ninety years ago. The Federalists, under the lead of the extreme consolidationists, chose to enact what is known in the history of our Government as the alien and sedition laws, interfering with the freedom of speech, interfering with the liberty of the citizen, and in instances denying him the right of trial by jury before whom his rights ought to be determined.

That act of attempting to overthrow our system which recognized the capacity of the people for self-government and their sovereignty caused the burial in the tomb of the Capulets of the party which enacted it, to be no more resurrected by the name of Federalist. Though that attempt to subordinate the liberties of the people to the purposes of power, consolidation, and usurpation overthrew that party, Senators at this day refuse to accept its warnings, to recognize its force, and now measures looking to consolidation and centralization of all power in the Federal Government have gone far beyond what Hamilton, the elder Adams, Knox, or any Federalist of that time ever dreamed of.

Why, sir, the very atmosphere is permeated with the ideas of consolidation and of centralization to such an extent that it is hardly considered respectable to appeal to the rights of the States and the liberty of the citizen as in contrast with the powers of the Federal Government. It may go that way, Mr. President; it may grow worse, but while I am spared to live, whether in public or in private life, I do not propose to abandon the great underlying principles of our Government, and hence to sacrifice the liberties of the American people and the rights of American States to promote the fortunes of any party, much less a party which has been so overwhelmingly and instinctively repudiated by the American people at a very recent day. But that warning voice seems not to be heard, and one listening to the debates in this body has his mind involuntarily turned to what Napoleon said of the Bourbons, that they never forgot and never learned anything.

Senators go on here arguing in the same set phrase that they did fifteen years ago, when the Republicans of New England were controlling this continent; when all the powers of the Government were subordinated to their fortunes; when they held absolute political power. Some of them—one venerable Senator whom we all respect, but whom I will not now name, evidently has no conception of the march of events, of a change of conviction, of the determination of the people to resume the control of their own government, to resume control of their own interests, to defy monopoly, to strike down class legislation, to resume again the government that will protect all alike and give special and exclusive privileges to none.

The people mean this, but Senators do not seem to understand it. It seems that they can not realize this fact. I notice another venerable Senator, whom I will not name, who knows enough of events now transpiring to irritate him when he sees the grip upon power falling away. Senators may as well understand that the star of empire is on its way westward, that no section of the country, that no half-dozen States are any longer to control the destinies of this great Republic. These forty-four States have now and are in the future to have a voice in its affairs, in the shaping of its legislation, in the direction of its policy, in procuring justice to the people, in striking down the power which has been oppressing them.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. REAGAN. Yes, sir.

Mr. HOAR. The Senator has been in the minority in this country for twenty-five years. Did he abandon his political principles or any of them in consequence of that?

Mr. REAGAN. I do not know that I understand the Senator's question.

Mr. HOAR. The Senator has commented on the fact that certain Senators, as he says, do not heed the warning of a recent election. The question I put to him is this: He has been in a political minority in this country for twenty-five years. Did he change his political principles or any of them for that reason?

Mr. REAGAN. Well, I have not been in the minority for all of the twenty-five years. [Laughter.] I have never been the advocate or promoter of monopoly. I have never been the advocate or promoter of centralization. I have never been the advocate or promoter of injustice and oppression. I have advocated what I have understood to be the constitutional rules of right, and I have had no occasion to change my principles. I was trying to present the view that there were Senators upon this floor who have occasion to change their action and their principles if they mean to keep in line with the great march of American intelligence and independence.

When Senators in the name of law and in the name of our Constitution appeal to us to violate the Constitution, to trample upon the rights of the States, to deny the capacity of the people for self-government, and to deny the sovereignty of the people, ask us to assent that there is a sovereignty outside of and above them which must deal with them, it seems to me that we may well reply to them, before they upbraid us for a violation of the Constitution or a disregard of law, to take the beam out of their own eyes before they hunt for the mote in ours.

It is assumed that there have been violations of law in the suppression of the right of certain people to vote and a denial of the right to vote. It is unfortunately true that in one way or another, sometimes by force, sometimes by fraud, sometimes by bribery in every State in this Union, the elective franchise has been interfered with. It may be that there have been more disturbances on this subject in the Southern States than in other States.

If there have been, it is because the circumstances in which they are placed are different from the circumstances in which the people of the other States find themselves. It is because for political purposes the right of suffrage was conferred upon a people not capable, as a general rule, of exercising that right. That fact was known when the act was done. It was recognized by the great leaders of the Republican party. Mr. Morton and other distinguished Republicans assumed and declared

that the black people were incapable of intelligently exercising the elective franchise.

I refer not to our respected President of the Senate, but to the late Senator from Indiana. In a political exigency, in the face of law and knowledge, the great wrong was done of conferring the elective franchise upon a people the great mass of whom had no capacity for the intelligent exercise of that right, the great mass of whom did not know what the functions of public officers were and had no conception of the qualities necessary to enable persons to discharge the functions of those offices.

That being done, the people of the South who had thrust upon them a large mass of ignorant voters had the most serious and the most dangerous problem that ever fell upon a civilized and enlightened people to contend with, and they ought to have had the sympathy, the encouragement, and the support of their brethren elsewhere to solve that problem in the interests of civilization and of right. Instead of that, Mr. President, laws were passed which took from a very large class of the white people there even the right to vote. They could neither hold office nor vote.

At the same time military governments were erected and the writ of habeas corpus was struck down. Military orders were sufficient to authorize an arrest without warrant. Without a writ and without an assigned cause citizens were arrested and held indefinitely in prison. While this was going on, a set of men, such as may God protect the world from in any future time or place, followed the Army, and they with some revenue officers and military officers organized a system of what they called loyal leagues, a secret system in which the negroes were instructed that the white people were their enemies, in which the negroes were banded together in hostility to the whites and made to fear that the whites would re-enslave them, when all intelligent people knew that the day of their slavery had gone by.

They did everything they could to imbitter the feelings between the whites and the blacks, and they succeeded. At that time the white people had been overthrown in battle. Tens of thousands of their bravest and best men slept upon the field of honor where there was no waking. Society was broken up; the industrial system of the whole country was overturned; the means of the people had been exhausted in war; they were trampled under foot; they were disfranchised; they were denied the protection of the law, and the black people who lived amongst them were encouraged to distrust and to hate them.

Mr. President, it was a hard thing, and I have thought, and I think to-night, the most surprising of all the things connected with the events of that time was that a people so circumstanced, environed by such calamities, such powers, such danger, was able to preserve organized society, to reorganize their industries, to organize their governments, and to establish liberty again upon its old basis of obedience to the constitutions and laws of the States and of the United States.

I think, sir, that no part of the human race will ever be entitled to higher honors than that portion of the white race of the Southern States who, under such circumstances, restored society and government when it was supposed to be to the political interests of the dominant party in the country to force them to abandon their principles and join a new party or submit to despotism.

Why, sir, it is well known that there was no man of any respectability in that country during those days who could not have had an office if he would have sacrificed his manhood, surrendered his honor, and been willing to accept office and emoluments instead of preserving his manhood and vindicating the great character of an American citizen. We know that. That being put upon us, violence did arise, acts of violence were committed, and no doubt acts of fraud have been committed.

But, Mr. President, what I wish to say in connection with that is that year by year, as the blacks have learned, step by step, that the white people were not their enemies, but were their friends; as they have learned to unlearn the bad lessons that carpetbaggers taught them, race conflicts have subsided, conflicts of interest have subsided, conflicts of opinion have subsided, and year by year there has been less and less violence, until in the election last November, when members of Congress were to be elected, governors of States, members of State Legislatures, the elections were as quiet and as peaceable in the Southern States as they were elsewhere; and if you would let the people there alone we need not ask other help. I see the Senator from Wisconsin [Mr. SPOONER] smiles when I say "let them alone." Very well. "Nero fiddled when Rome burned."

If they would allow us to proceed it would be but a short time until what is called the "race problem," in my opinion, would settle itself. We have a great many doctrinaires who have been propounding theories for settling the race problem. The wisest theory upon that subject is for a man to attend to his own business and let the race problem alone. Let the people who have an interdependence upon each other, whites and blacks, cultivate that interdependence. The people there know, as well as the people elsewhere know, the necessity for obedience to law; they know there as well as elsewhere the necessity for preserving sound morals, a respect for the law, and authority of the courts and of the Constitution.

They are as anxious as people can be anywhere else that extraordinary exigencies such as never have attended the human race elsewhere—for such a problem never fell upon the human race elsewhere that I know of—should be justly solved. These exigencies caused attrition and trouble, but that is passing away year by year. Let us hope that this Government may be permitted to go on as it has in the past, that its people may be allowed to exercise the right which they have for more than a hundred years enjoyed here, that they may be trusted to carry on their State governments, and that they may not be held incapable of doing so.

Mr. President, suppose we do this, suppose we strike down the rights of the States, deny the sovereignty of the people, will we not have inflicted upon the whole American people a deadly wound, and upon the Constitution an evil infinitely greater than any local disturbance between whites and blacks or other kinds of people in any other part of the country? Is that to be overlooked? Are political exigencies to induce us to commit a greater crime than has ever been committed in local communities with reference to the right of suffrage by striking down the sovereignty of the States and of the people? It seems to me that we are in danger of committing the crime of crimes.

This Government is but a hundred years old, and yet it has come to be a recognized fact that money is controlling popular elections. It is alleged that members of Congress are elected by money. It is even insisted that a President has been elected by money. However this may be, the fact that money is recognized as an agency in elections by all political parties in this country is a palpable and it is a mournful fact. Rome held the name of a republic for three hundred years after liberty was dead and despotism was enthroned.

Rome reached the point where the government was put up for sale to the highest bidder. I trust we are not to have our hired legions to take charge of this Government through the instrumentality of money. If we would avoid that, we must respect the Constitution, we must prevent and punish the use of corrupting means in all elections everywhere, but not through acts of Congress. Leave the several States of this Union to do that, and they will do it. They have encountered troubles.

To-day, sir, in New Hampshire, in Nebraska, in Minnesota, in Colorado, in New Jersey, I believe, and in Connecticut, they are having political troubles. Are you going to pass a law of Congress to cure these troubles? I pray you, Mr. President, that that may not be done. Leave it to those people, and they will correct their own troubles. They will restore good and constitutional government in due time.

It seems to me that we have reached a time where the public mind as well as the political mind has been greatly debauched. We have reached a time when almost all classes of people look to Congress to legislate for the promotion of their personal fortunes. This has sprung from the fact that class legislation has enriched classes. Others have seen this, and they come in and say, "Now it is our turn to be enriched; we are in the majority." Whither are we drifting if this is to be the case? Are we to abandon the political government made for us by our fathers and establish a paternal government which shall take control of the personal fortunes of each citizen? If we are, sir, farewell to liberty, and let the greatest robber get all he can.

I do not know what is to be the fate of this bill. I pray God for the good of our country, for the good of humanity, that this great Republic, standing as the great exemplar for the lovers of liberty all over the world, may not be stricken down in the house of its friends by the passage of such a law as this, that the world is not to be taught that the Senate of the United States believes the people of the American States incapable of self-government.

I pray not, Mr. President. I suppose life is as dear to me as it is to most people and those in near relation to me are as dear to me as to most people; but, as God is my judge to-night, if I could save the American people from this act by giving up my life, I would surrender it as freely as I ever performed any act in my life. [Applause in the galleries.]

The VICE PRESIDENT. The Chair will take this occasion to notify the occupants of the galleries that they are here by the courtesy of the Senate, that he will feel obliged to execute the orders of the Senate, and, if manifestations of approbation or disapprobation are repeated, have the galleries cleared.

Mr. HOAR. I move to lay the amendment of the Senator from South Carolina [Mr. BUTLER] on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts.

Mr. FAULKNER. That is not the amendment now pending before the Senate.

The VICE PRESIDENT. The amendment pending before the Senate is the amendment offered by the Senator from Tennessee [Mr. HARRIS] to the amendment proposed by the Senator from South Carolina [Mr. BUTLER].

Mr. HOAR. My motion to lay the amendment of the Senator from South Carolina on the table carries with it the proposed amendment to the amendment.

The VICE PRESIDENT. The Senator is correct. The question is on agreeing to the motion of the Senator from Massachusetts.

Mr. GORMAN. Mr. President——

The VICE PRESIDENT. The motion is not debatable.

Mr. GORMAN. I rise to a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. GORMAN. The Senator from Massachusetts, as a matter of course, under the rule can move to lay the pending amendment on the table, but the amendment that is pending is a second amendment, an amendment offered to the amendment of the Senator from South Carolina, and I submit that it is not in order to lay both amendments on the table by one motion.

The VICE PRESIDENT. The Chair is of the opinion that the motion of the Senator from Massachusetts to lay the amendment of the Senator from South Carolina on the table carries with it the amendment to that amendment offered by the Senator from Tennessee.

Mr. GORMAN. Mr. President, I shall be compelled to appeal from the decision of the Chair.

Mr. HOAR. The rule is explicit.

Mr. GORMAN. On that appeal I demand the yeas and nays.

Mr. HOAR. I move to lay the appeal on the table.

Mr. GORMAN. I have not yielded the floor.

The VICE PRESIDENT. The Senator from Maryland is on the floor.

Mr. GORMAN. Mr. President——

Mr. EDMUNDS. The appeal is not debatable, Mr. President.

The VICE PRESIDENT. The Chair holds that it is not debatable.

Mr. GORMAN. I submit that an appeal from the decision of the Chair is debatable; and the Senator from Vermont can not find a precedent where an appeal from a decision of the Chair is not debatable on a question of this sort.

Mr. EDMUNDS. I state my point of order that the appeal is not debatable. The original motion being a nondebatable motion, an appeal from the decision of the Chair on that is not debatable. That is my point of order.

The VICE PRESIDENT. The Chair holds that the point of order is well taken by the Senator from Vermont, and that an appeal upon a question which is itself not debatable is not debatable.

Mr. GORMAN. Then I rise to a privileged question. As I understand, the bill we are considering——

Mr. EDMUNDS. Mr. President, I must object to debate.

Mr. GORMAN. I am not debating, if the Senator from Vermont will content himself.

Mr. EDMUNDS. As the Senator from Tennessee [Mr. HARRIS] stated when he was in the chair the other day, it is debate and in the nature of debate.

Mr. GORMAN. I rise to a parliamentary inquiry for the purpose of making a motion, which, I submit to the Chair, I have a perfect right to do.

Mr. HOAR. That is in the nature of debate.

Mr. GORMAN. I ask the Chair for a decision, whether we are considering the House bill, and if I have not now the right to offer an amendment to the original bill which takes precedence of all other motions.

Mr. EDMUNDS. That is not the question before the Senate. It is the motion to table the appeal.

The VICE PRESIDENT. The Chair is of the opinion that the appeal made by the Senator from Maryland is not debatable, for the reason that the primary question upon which the appeal was made was itself not debatable.

Mr. GORMAN. Now I raise a further question. I rise now for the purpose of offering an amendment.

Mr. EDMUNDS. I call the Senator to order, Mr. President. Nothing further can be done until the pending matter is disposed of.

The VICE PRESIDENT. The Chair is of opinion that the amendment is not in order at the present time. The question is on laying on the table the amendment offered by the Senator from South Carolina.

Mr. GORMAN. Do I understand the Chair to decide that an amendment to the original text of the bill is not in order as taking precedence of any other amendment?

The VICE PRESIDENT. That is not the question which the Chair decided.

Mr. GORMAN. That is the question I now raise.

Mr. EDMUNDS. The appeal is pending, and that must first be disposed of.

The VICE PRESIDENT. The appeal is pending, and that is the question before the Senate at the present moment. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

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

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. I ask the Chair, so that I may understand the question, whether the Chair rules that an amendment to the original text of the bill is not in order at this time.

The VICE PRESIDENT. The Chair has made no ruling upon that particular question.

Mr. GORMAN. Then I ask for the opinion of the Chair.

Mr. SPOONER. I make the point of order that that is a mere abstraction.

The VICE PRESIDENT. The point of order is well taken. The Secretary had commenced calling the roll and a Senator had responded to his name. The roll-call will proceed.

Mr. MORGAN. Mr. President, I was not in the Senate, and I desire to know what the appeal is about.

Mr. EDMUNDS. It is too late. Let the roll call proceed.

The Secretary resumed the call of the roll and Mr. ALLEN answered to his name.

Mr. MORGAN. Stop; that will not do.

Mr. GORMAN. We have a right to have the question stated.

Mr. MORGAN. I ask the Chair for information what the appeal is.

The VICE PRESIDENT. The appeal was made by the Senator from Maryland from the decision of the Chair that the motion made by the Senator from Massachusetts, to lay the appeal on the table is not debatable. The Chair ruled that the appeal was not debatable, for the reason that the question upon which the decision of the Chair was made was itself not debatable.

Mr. GORMAN. I trust the Chair will state this matter, as my intention was——

Mr. EDMUNDS. I object to debate, Mr. President.

Mr. BUTLER. The Senator can not object to a parliamentary inquiry.

Mr. GORMAN. I understand——

Mr. EDMUNDS. The Senator can, when a subject is not debatable, as the Senator from Tennessee [Mr. HARRIS] in the chair the other day ruled correctly on this subject, that no debate was in order, and I object to it.

Mr. BUTLER. I rose to make a parliamentary inquiry.

The VICE PRESIDENT. The roll-call will proceed.

Mr. BUTLER. I desire the Chair to state the proposition, so that we may understand it. As stated by the Chair last——

The VICE PRESIDENT. The Chair has already made the statement twice.

Mr. BUTLER. We should like to have it stated again.

Mr. GORMAN. The Chair will permit me to state what I am appealing from, and if I am wrong I shall withdraw the appeal.

Mr. EDMUNDS. I object to debate. The roll-call had commenced, Mr. President.

Mr. VANCE. Does the Senator from Vermont address the Chair? If he does, I object to his doing so in his seat. That is not according to the rules of the Senate.

Mr. MORGAN. I am acting in entire good faith about this matter. I happened to be out of the Chamber. I came here and found an appeal pending before the Senate upon some question of order. I do not know what that question is, and I have a right to ask the Chair to state what the question of order is.

The VICE PRESIDENT. The Chair will again state——

Mr. ALDRICH. I ask that the first clause of Rule XII be read and enforced.

Mr. MORGAN. I object. The Senator can not take me off the floor in that way. He is pretty smart, but that will not do.

The VICE PRESIDENT. The Chair will again state the pending question. An appeal was made by the Senator from Maryland. A motion was made by the Senator from Massachusetts to lay the appeal upon the table, and, the appeal having been made upon a question which itself is not debatable, the Chair is of the opinion that the appeal is not debatable. On the question, Shall the decision of the Chair stand as the judgment of the Senate? the yeas and nays were ordered and the first response on the roll call has been made. Therefore the Chair is of opinion that no further debate is in order.

Mr. MORGAN. I beg in my own justification to state that I made my request of the Chair before the roll-call was begun, and the Clerk pushed along very vigorously indeed to call the roll, I suppose for the purpose of cutting me off; I do not know what else. And now the Senator from Rhode Island rises with a book in his hand to do the same thing. I mean to assert my rights here; that is all there is to it.

The VICE PRESIDENT. The Clerk obeyed the direction of the Chair. The Chair was not aware that the Senator was seeking to be heard.

Mr. MORGAN. I was on the floor and addressed the Chair before the roll-call proceeded and before there was any response at all. If I understand it now——

The VICE PRESIDENT. For what object does the Senator from Alabama rise?

Mr. MORGAN. I rise to say that I understand now from the Chair (and to see if I am correct about it) that the question before the Senate is whether the appeal from his decision taken by the gentleman from Maryland is debatable.

The VICE PRESIDENT. That is the question.

Mr. MORGAN. Now I understand it.

Mr. GORMAN. Now I ask permission of the Chair——

Mr. EDMUNDS. I call the Senator to order, and I stand up to do it. There is no debate in order at all. I insist upon the Chair enforcing the rule.

The VICE PRESIDENT. The Chair has already expressed his opinion that debate is not in order at this time.

Mr. GORMAN. I do not desire to debate, but I desire to state on what I appealed from the decision of the Chair, so that the Senate may understand it.

Mr. EDMUNDS. That is debate, and I object.

The VICE PRESIDENT. The roll-call will proceed.

Mr. GORMAN. Do I understand the Chair to say that I can not have an opportunity to state what I appealed from?

Mr. SHERMAN. It is a violation of the rule.

Mr. ALDRICH. I rise to a question of order and ask for the enforcement of the twelfth rule.

Mr. GORMAN. I say the Chair has misunderstood my appeal and has not stated it correctly to the Senate as I made it. All I desire is that I may have the opportunity to state precisely what I appealed from.

Mr. ALDRICH. But the Senator must know that that is not in order at this time.

Mr. GORMAN. I understand, but I have never known a case in the Senate where there was any doubt about the exact question we were voting on that we have not been permitted to state it. All that I desire is that we shall have a vote on the exact question itself and not on one that is not raised; that is all.

Mr. HOAR. Debate is not in order.

Mr. GORMAN. I ask the Chair whether——

The VICE PRESIDENT. The Chair will again hear the statement which the Senator from Maryland desires to make.

Mr. GORMAN. Mr. President, I will state what my appeal was from. The Senator from Massachusetts rose and moved to lay the amendment of the Senator from South Carolina upon the table. I stated to the Chair that there was an amendment pending to the amendment offered by the Senator from South Carolina, and that it was impossible to lay the Senator's amendment upon the table without first disposing of the amendment to the amendment. The Chair decided that it was in order, and from that I took the appeal.

The VICE PRESIDENT. The Senator is correct.

Mr. GORMAN. Then I desire the Chair to state it so that the Senate may understand it.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The roll-call will proceed.

The Secretary resumed the call of the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "yea."

Mr. HARRIS (when his name was called). Upon this question I am paired with the Senator from Vermont [Mr. MORRILL], who is necessarily absent, and therefore I withhold my vote.

Mr. MITCHELL (when Mr. PLUMB'S name was called). I was requested by the Senator from Kansas [Mr. PLUMB] to announce that he is paired with the Senator from Missouri [Mr. VEST]. If the Senator from Kansas were here, he would vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

The roll-call was concluded.

Mr. DIXON (after having voted in the affirmative). I have a general pair with the Senator from South Carolina [Mr. HAMPTON], with the understanding that I may vote to make a quorum. If a quorum has voted without my aid I desire to withdraw my vote. Otherwise I desire my vote to stand.

Mr. MCMILLAN (after having voted in the affirmative). I am paired with the Senator from North Carolina [Mr. VANCE]. As he is not here, I withdraw my vote.

Mr. CULLOM. I have a general pair with the Senator from Delaware [Mr. GRAY], and will only vote in case my vote is needed to make a quorum.

Mr. SAWYER. There is not a quorum now.

Mr. CULLOM. I will cast my vote if it is needed to make a quorum. I vote "yea."

Mr. SPOONER. I inquire if the Senator from Mississippi [Mr. WALTHALL] is recorded.

The VICE PRESIDENT. He is not recorded.

Mr. SPOONER (after having voted in the affirmative). I have a general pair with the Senator from Mississippi [Mr. WALTHALL]. I voted inadvertently. I find he is not in the Chamber. I therefore withdraw my vote.

Mr. DAWES. I am paired for all purposes except to make a quorum with the junior Senator from Georgia [Mr. COLQUITT]. If he were present, I should vote "yea."

Mr. TELLER. I inquire whether the Senator from Arkansas [Mr. BERRY] has voted.

The VICE PRESIDENT. He is not recorded.

Mr. TELLER. I am paired with that Senator and shall not vote.

Mr. CALL. I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were here, I should vote "nay."

Mr. DANIEL. I beg leave to state that I am paired with the Senator from Washington [Mr. SQUIRE]. Otherwise I should vote "nay."

Mr. BUTLER. I wish to announce that my colleague [Mr. HAMPTON] is paired with the junior Senator from Rhode Island [Mr. DIXON]. If my colleague were present, he would vote "nay."

Mr. DIXON (after having voted in the affirmative). As the Senator from South Carolina [Mr. HAMPTON] has not voted and a quorum is present, I desire to withdraw my vote.

The result was announced—yeas 31, nays 15; as follows:

YEAS—31.

Aldrich,	Evarts,	Manderson,	Sherman,
Allen,	Frye,	Mitchell,	Shoup,
Cameron,	Hale,	Paddock,	Stewart,
Carey,	Hawley,	Platt,	Stockbridge,
Casey,	Higgins,	Power,	Warren,
Cullom,	Hiscock,	Quay,	Washburn,
Dawes,	Hoar,	Sanders,	Wilson of Iowa.
Edmunds,	McConnell,	Sawyer,	

NAYS—15.

Barbour,	Faulkner,	Kenna,	Ransom,
Bate,	Gibson,	McPherson,	Reagan,
Blackburn,	Gorman,	Morgan,	Wilson of Md.
Butler,	Jones of Arkansas,	Pugh,	

ABSENT—42.

Allison,	Daniel,	Ingalls,	Squire,
Berry,	Davis,	Jones of Nevada,	Stanford,
Blair,	Dixon,	McMillan,	Teller,
Blodgett,	Dolph,	Moody,	Turpie,
Brown,	Eustis,	Morrill,	Vance,
Call,	Farwell,	Pasco,	Vest,
Carlisle,	George,	Payne,	Voorhees,
Chandler,	Gray,	Pettigrew,	Walthall,
Cockrell,	Hampton,	Pierce,	Wolcott.
Coke,	Harris,	Plumb,	
Colquitt,	Hearst,	Spooner,	

The VICE PRESIDENT. The decision of the Chair is sustained. The Chair would state that he inadvertently referred to the motion made by the Senator from Massachusetts as one to lay the appeal on the table instead of to lay the amendment offered by the Senator from South Carolina on the table. The question now recurs on the motion made by the Senator from Massachusetts to lay the amendment offered by the Senator from South Carolina [Mr. BUTLER] on the table, which, as the Chair understands, carries with it the amendment to that amendment proposed by the Senator from Tennessee [Mr. HARRIS].

Mr. HOAR. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "yea."

Mr. DIXON (when his name was called). I again announce my pair with the Senator from South Carolina [Mr. HAMPTON], and shall withhold my vote unless it is necessary to make a quorum.

Mr. TELLER (when his name was called). I am paired with the Senator from Arkansas [Mr. BERRY].

The roll-call was concluded.

Mr. VEST. I desire to announce my pair with the Senator from Kansas [Mr. PLUMB].

Mr. CALL. I am paired with the Senator from South Dakota [Mr. PETTIGREW]. The Senator from Georgia [Mr. COLQUITT] is paired with the Senator from Massachusetts [Mr. DAWES]. As the Senator from Massachusetts has voted, I will transfer my pair with the Senator from South Dakota to the Senator from Georgia, and I vote "nay."

Mr. HARRIS (after having voted in the negative). I desire to announce that I am paired with the Senator from Vermont [Mr. MORRILL], who is necessarily absent, and therefore I withdraw my vote. I should vote "nay" if he were present.

Mr. DANIEL (after having voted in the negative). I wish to state that I voted inadvertently. I am paired with the Senator from Washington [Mr. SQUIRE]. I desire to withdraw my vote.

Mr. WALTHALL. My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR]. I desire this announcement to apply to all the votes to be taken to-night.

Mr. BATE. The Senator from New Jersey [Mr. BLODGETT] is paired with the Senator from New Hampshire [Mr. CHANDLER].

Mr. DAWES. I understand that the pair which has existed between the Senator from Georgia [Mr. COLQUITT] and myself has been so changed by the Senator from Florida [Mr. CALL] pairing him with the Senator from South Dakota [Mr. PETTIGREW] that the Senator from Florida can vote and so can I. I vote "yea."

Mr. CASEY. I wish to announce that my colleague [Mr. PIERCE] is necessarily absent, and is paired with the Senator from Kentucky [Mr. CARLISLE].

Mr. WILSON, of Iowa (after having voted in the affirmative). I wish to inquire whether the Senator from Maryland [Mr. WILSON] has voted?

The VICE PRESIDENT. He has not voted.

Mr. WILSON, of Iowa. I desire to ask further if a quorum has voted.

The VICE PRESIDENT. A quorum has voted.

Mr. WILSON, of Iowa. I am paired with the Senator from Maryland [Mr. WILSON], except when my vote may be necessary to constitute a quorum. Inasmuch as a quorum has voted, I withdraw my vote.

The VICE PRESIDENT. The Senator from Iowa withdraws his vote.

Mr. HISCOCK (after having voted in the affirmative). Has the Senator from Arkansas [Mr. JONES] voted?

The VICE PRESIDENT. He has not voted.

Mr. HISCOCK. Is there a quorum without my vote?

The VICE PRESIDENT. There is.

Mr. HISCOCK. Then I withdraw my vote.

The VICE PRESIDENT. The Senator from New York withdraws his vote.

The result was announced—yeas 30, nays 20; as follows:

YEAS—30.

Aldrich,	Evarts,	Manderson,	Sherman,
Allen,	Frye,	Mitchell,	Shoup,
Cameron,	Hale,	Paddock,	Spooner,
Carey,	Hawley,	Platt,	Stockbridge,
Casey,	Higgins,	Power,	Warren,
Cullom,	Hoar,	Quay,	Washburn.
Dawes,	McConnell,	Sanders,	
Edmunds,	McMillan,	Sawyer,	

NAYS—20.

Barbour,	Coke,	Gray,	Ransom,
Bate,	Eustis,	Kenna,	Reagan,
Blackburn,	Faulkner,	McPherson,	Vance,
Butler,	Gibson,	Pasco,	Voorhees,
Call,	Gorman,	Pugh,	Walthall.

ABSENT—38.

Allison,	Davis,	Jones of Arkansas,	Stanford,
Berry,	Dixon,	Jones of Nevada,	Stewart,
Blair,	Dolph,	Moody,	Teller,
Blodgett,	Farwell,	Morgan,	Turpie,
Brown,	George,	Morrill,	Vest,
Carlisle,	Hampton,	Payne,	Wilson of Iowa,
Chandler,	Harris,	Pettigrew,	Wilson of Md.
Cockrell,	Hearst,	Pierce,	Wolcott.
Colquitt,	Hiscock,	Plumb,	
Daniel,	Ingalls,	Squire,	

So the motion to lay Mr. BUTLER'S amendment on the table was agreed to.

The VICE PRESIDENT. The question is now, the Chair supposes, on the amendment——

Mr. FAULKNER. I desire to offer an amendment to the amendment of the Committee on Privileges and Elections, of which I gave notice some days ago and which is one of the suspended amendments.

The VICE PRESIDENT. The Chair was just on the point of presenting that as the question pending, it being the amendment of the Senator from West Virginia to strike out section 14. That is the amendment to which the Senator refers?

Mr. FAULKNER. Yes, sir; and I desire to take the floor on that amendment.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. FAULKNER. With pleasure.

Mr. HOAR. I wish to know whether the Senator objects to the arrangement suggested by the Senator from Alabama [Mr. MORGAN], that the amendments which have been offered by me with the sanction of the majority of the committee should be first proposed.

Mr. FAULKNER. I do not understand that the committee has had anything to do with the amendments submitted by the Senator from Massachusetts.

Mr. HOAR. I understand that.

Mr. FAULKNER. He stated distinctly, in reply to the Senator from Indiana [Mr. VOORHEES], that the bringing in of those amendments was his act and his volition entirely, and that it was not any act of the committee whatever. Consequently, whatever may have been the usual rule or courtesy of the Senate in reference to those questions, it is not a rule that applies under the circumstances to the amendments submitted by the Senator from Massachusetts.

Mr. HOAR. I did not speak of any committee amendments in my question. I asked whether the Senator objected to the suggestion which was made by the Senator from Alabama, that the amendments proposed by me with the sanction of the majority of the committee should be first considered.

Mr. FAULKNER. I do not know, Mr. President, whether the Senator himself would not move to lay his amendments on the table, even if we should consent that they might come before the Senate.

Mr. HOAR. The only question is whether the Senator objects.

Mr. FAULKNER. Of course he objects.

Mr. HOAR. That is all.

Mr. FAULKNER. I have not any idea of consenting that an amendment offered by any other Senator on the floor shall take precedence over an amendment which I have offered, which is pending now before the Senate for its consideration and which was offered and read to the Senate some ten days or two weeks ago.

Mr. TELLER. I ask the Senator if he will yield to me just one moment.

Mr. FAULKNER. Certainly; I yield to the Senator from Colorado.

Mr. TELLER. On the question of laying the amendment of the Senator from South Carolina [Mr. BUTLER] on the table I did not vote, being paired. If it is contended by anybody who is in favor of this bill that judicial power is given to this commission, I should have voted (had the matter been presented so that I could have done so) for the amendment of the Senator from South Carolina, because I am not in favor of giving to that body any judicial authority whatever.

Mr. HOAR. Nobody is.

Mr. TELLER. I understand that that is disclaimed by the friends of the measure. If the language is not clear, I think the friends of the bill ought to make it clear, so that there will be no necessity for an amendment like that suggested by the Senator from South Carolina.

Mr. BUTLER. If the Senator from West Virginia will yield to me for one moment, I desire to make a statement in reference to the amendment which I offered and which has just been laid on the table.

Mr. FAULKNER. Certainly.

Mr. BUTLER. I simply wish to say that the reason why I offered the amendment to the provision of the bill to which it related was because the Senator from Delaware [Mr. GRAY] and the Senator from Vermont [Mr. EDMUNDS], during the debate on the bill, differed very materially as to the meaning of the language of section 14. Both of those gentlemen are good lawyers, and, in view of that difference between two good lawyers of this body, I thought it entirely proper that the language should be made clear and that the object of the bill should be made clear. The friends of the bill assert—the Senator from Massachusetts [Mr. HOAR] among others—that it is not intended that the board of canvassers shall have judicial powers; yet, when a proposition is offered to make that perfectly clear, a majority of the Senate vote it down or lay it upon the table. I thought it was due to myself to make that statement.

Mr. EDMUNDS. If my friend from West Virginia will permit me a moment——

Mr. FAULKNER. If the purpose of the Senator from Vermont is to answer the Senator from South Carolina, I yield to him.

Mr. EDMUNDS. As I was alluded to, I thought I might ask a moment of the Senator's time.

The Senator from South Carolina I think is oversensitive on the subject of the language which he was undertaking to amend. When we pass laws authorizing the President of the United States to do this, that, or the other, we do not put in a clause that he shall only exercise a ministerial power. The relation between the executive and judicial and legislative powers is all pointed out in the Constitution, and therefore Congress could not give to any such officers a judicial power in the sense that we understand the term. Therefore I voted to lay the amendment on the table on the ground that it was entirely a piece of ingenious—I mean no offense by the word "ingenious"—superfluity, just as it would be if all the acts we are continually passing should say that the executive authority is not to exert judicial authority.

I thank the Senator from West Virginia for his courtesy.

Mr. FAULKNER addressed the Senate. After having spoken for over an hour,

Mr. PASCO (at 12 o'clock midnight) said: Mr. President——

The PRESIDING OFFICER (Mr. DOLPH in the chair). Does the Senator from West Virginia yield to the Senator from Florida?

Mr. FAULKNER. Yes, sir.

Mr. PASCO. I wish to make a suggestion. As the Senator is discussing a very important matter, as we have commenced a general debate on amendments to-night, as there seems to be great pressure on the side of the majority to get this bill through, it strikes me that it would be important that a majority of the Senate should be present and listen to the debate, and should assist us in perfecting the bill. I make the suggestion that there is no quorum present.

The PRESIDING OFFICER. The Secretary will call the roll and ascertain the presence of a quorum.

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

Aldrich,	Edmunds,	Jones of Nevada,	Reagan,
Allen,	Evarts,	Kenna,	Sanders,
Allison,	Faulkner,	McConnell,	Sawyer,
Bate,	Frye,	McMillan,	Shoup,
Cameron,	Gorman,	Manderson,	Spooner,
Carey,	Gray,	Mitchell,	Stockbridge,
Casey,	Hale,	Morrill,	Teller,
Cockrell,	Harris,	Paddock,	Warren,
Cullom,	Hawley,	Pasco,	Washburn,
Davis,	Higgins,	Platt,	Wilson of Iowa.
Dixon,	Hiscock,	Power,	
Dolph,	Hoar,	Quay,	

The VICE PRESIDENT. Forty-six Senators have responded to their names. A quorum is present. The Senator from West Virginia will proceed.

Mr. FAULKNER resumed his remarks and continued about half an hour, when,

Mr. KENNA said: I ask my colleague to yield to me for a minute in order that I may call the attention of the Senator from Massachusetts [Mr. HOAR] to a part of the record early in the proceedings this evening, relating to the authority of the committee of which he is chairman. As supplementary to the observations made by the Senator from Indiana [Mr. VOORHEES] and to be considered by anybody who may now or hereafter have occasion to refer to the record of to-day's and to-night's proceedings, I desire to read from the report of the stenographer the following paragraph:

Mr. HARRIS. I see a lot of printed amendments indicated as offered by the

Senator from Massachusetts [Mr. HOAR]. It does not appear that they are committee amendments.

Mr. HOAR. They are in fact authorized by the committee.

Now, if Senators present will recall what transpired between the Senator from Massachusetts and the Senator from Indiana with reference to those amendments, I have nothing to add by way of commentary except to requote the record of the Senate:

Mr. HOAR. They are in fact authorized by the committee.

I may add one sentence, Mr. President: that upon that statement by the Senator from Massachusetts the question as to the order in which the Senate should consider what upon that statement were considered by the Chair to be committee amendments and amendments proposed by individual Senators, a debate of fifteen or twenty minutes occurred. The statement made by the Senator from Massachusetts which I read I could have stated at the time from recollection, but to be sure that I was correct I have had the Reporter transcribe his notes, which I reread from the official notes of the Reporter of the Senate:

Mr. HOAR. They are in fact authorized by the committee.

I have no further commentary to make on the subject.

Mr. HOAR. Mr. President——

Mr. FAULKNER. I yield to the Senator from Massachusetts, as it is a personal matter.

Mr. HOAR. I do not know what the Senator from West Virginia means by this performance of his. It is of a piece with his behavior on some other occasions. I should like to ask the Senator from Delaware [Mr. GRAY], whom I see now present, whether he does not consider that I was justified in treating the amendments agreed upon by the majority of the committee under the circumstance as committee amendments.

I will add, however, that what the Senator has read was followed by a statement from me of the exact facts, which were, when the Republican members of the committee prepared this substitute they called the attention of the Democratic minority of the committee to the fact. They held a meeting of the committee, and those gentlemen said that they did not care to go into the details of this measure and they were opposed under all circumstances to any measure of this kind. That statement was repeated on the floor of the Senate by the Senator from North Carolina [Mr. VANCE], who, on the question being raised here, there being some question suggested, said that he and his associates did not care to enter into the discussion of the details of this measure with the friends, and he accompanied it with a jocose remark that he did not care about entering into the counsels of the ungodly.

When I submitted these amendments to the Senator from Colorado [Mr. TELLER] he said "You had better report them as committee amendments." I offered them, however, as individual amendments, and of course they will so stand. But I stated fully to the Senate the circumstances which attended them when the suggestion was made that they should be taken up first. Although I shall not speak of the absent members, I am very sure what they would say if they were present. I do not believe there is a Senator who will not confirm me when they come in. I do not believe there is a single member of the minority of the committee who will not confirm me in my statement that I was entirely right in treating these as committee amendments without troubling the minority of the committee to attend a committee meeting and formally submitting them. I should like to ask the Senator from Delaware whether I am right or not.

Mr. GRAY. I did not hear the colloquy——

Mr. FAULKNER. I yield to the Senator from Delaware.

Mr. GRAY. With the permission of the Senator from West Virginia, I will state to the Senator from Massachusetts that I did not hear the colloquy to which the Senator from West Virginia [Mr. KENNA] alluded. I was not in the Chamber. Nor did I hear just now the remarks which were made by him, being engaged in conversation with the Senator from Missouri [Mr. COCKRELL], but I will state that this evening the Senator from Massachusetts came to me, he came to the Senator from Alabama [Mr. PUGH], and spoke to the Senator from North Carolina [Mr. VANCE], who, with myself, are members of the Committee on Privileges and Elections, and asked us whether we were willing without a meeting of the committee that these amendments should be considered as committee amendments, and we all said yes.

Mr. KENNA. If my colleague will allow me a moment further, I will say that if the statement had been made by the Senator from Massachusetts, as it is made in the ordinary procedure of the Senate, so far as I know, in the case of every Senator who purports to act for a committee where any question of the sort is raised, that he was authorized to make a report, to move an amendment, or to do any other thing which he proposed to do in the name of a committee, I certainly for one would not have questioned it. But when this matter came up this afternoon the question was addressed directly to the Senator from Massachusetts, in the language of the Senator from Tennessee [Mr. HARRIS]:

I see a lot of printed amendments indicated as offered by the Senator from Massachusetts. It does not appear that they are committee amendments.

And the Senator from Massachusetts responded, as I have quoted:

They are in fact authorized by the committee.

Not by a majority of the committee.

Mr. HOAR. If the Senator will pardon me, I followed that directly after by stating the fact that the Republican majority only authorized me.

Mr. KENNA. After twenty-five minutes of debate, after—as the Senator from Massachusetts can not have forgotten—my colleague had taken the floor to address the Senate on the merits of his own amendment, and—if I may use the expression without offense—after the persistent importunity of the Senator from Massachusetts, he was compelled to say whether he objected to the consideration of these amendments first, and the Presiding Officer of this body, the chair being then occupied by a different gentleman from the Senator who now occupies it, was led by this statement and what followed it to address to the Senate a proposition as to whether it preferred to proceed with the committee amendments before it considered the amendments offered by individual Senators. I had offered an amendment involving the civil-service machinery, so called, as a substitute for the political machinery involved in this bill as it is drawn, and I rose in my place, uncertain as to whether I preferred that the committee amendments should first be disposed of or amendments offered by individual Senators. I preferred that the committee amendments should not disarrange the bill in the present form and so involve a new form and application of my amendment, bringing confusion, and I preferred that it should not happen. All that transpired, occupying the time of this body for more than half an hour, upon the statement of the Senator from Massachusetts that these amendments were in fact authorized by the Committee on Privileges and Elections. To my mind that settled the question, and upon that statement I acted.

Now, I have no desire to make any controversy, and I am free, I most frankly state, from any purpose to involve any one in an unpleasant situation; but upon that statement I acted, for I recollected it, and I then asked the Reporter for it. The Reporter who had taken down the statement was so engaged for quite a time that I could not secure it to use contemporaneously.

There is the fact and there is the record that the Senate so occupied this night for a full half hour or more in the consideration of the question as to whether it would proceed first with the committee amendments, upon the statement of the Senator from Massachusetts, which I had read, or individual amendments as offered in a period of two or three weeks past by different Senators.

Mr. HOAR. Mr. President, the Senator from West Virginia is entirely mistaken in that statement. The statement was made which the Senator has read, and then the Senate proceeded to a discussion which occupied it fifteen or twenty minutes about the question of the prints of the bill, and which print of the bill should be taken as the one for the Senate to act upon in regard to which the amendments were to be made. Then the colleague of the Senator from West Virginia [Mr. FAULKNER] rose and undertook to proceed with his amendment; and I then rose, coming back after that long digression in regard to the matter of the print of the bill, and inquired whether he was of the opinion the Senator from Alabama had expressed, that these committee amendments should first be proceeded with; and when they came back to that question I stated carefully and precisely to the Senate, that there might be no misunderstanding, what the exact fact was, to wit: That the amendments technically stood as offered by me; and I conceded, and now concede, that they have no other standing before the Senate.

But the committee amendments have not any really, when you come to that. But I stated that my authority was from the Republican majority of the committee only. Then the Senator from Indiana [Mr. VOORHEES] rose and began a sentence in which he undertook to discuss my attitude. I rose and appealed to him and told him that he had not got the facts correctly, but he absolutely refused to allow me to interpose and went on and made his speech, which lasted ten or fifteen minutes—I do not know how long, but it was quite a speech. When he got through I then rose and stated carefully and exactly to the Senate the position.

As I say, I conceive that I should have been entirely justified in speaking of these amendments and reporting them as committee amendments, and that every member of the Committee on Privileges and Elections, Republican and Democrat, would have confirmed and adopted what I said. The proceeding was one entirely for the comfort and convenience of the gentlemen on the other side, that they might not be compelled to attend a meeting of the committee about matters which they did not care anything for; and it was fully stated to the Senate that the statement that these were committee amendments was based upon the fact that when we prepared our substitute the minority of the committee expressly authorized us to arrange the substitute in our own way without troubling them with the details; and that authority has continued, I understand, up to the present time.

Now, that is the whole story. If the Senator from West Virginia means to make a question of my dealing with the Senate in good faith or in frankness or with ingenuousness, I beg to say to that Senator I do not propose to enter into that discussion with him or anybody else. I am willing to stand on my relations to mankind, and I intend no disrespect to any Senator when I say that I do not think I am going to trouble myself to respond to that kind of an attack.

Mr. KENNA. The Senator from Massachusetts may content himself, if my colleague will pardon me a moment further——

Mr. ALDRICH. Mr. President——

Mr. KENNA. He may content himself by the assurance that I have made no insinuation whatever——

Mr. ALDRICH. I should like to suggest a question of order. I do not think this is quite the proper way to carry on the discussion. In the first place I do not think the Senator from West Virginia [Mr. FAULKNER], who had taken the floor, has a right to farm it out and assume the functions of a presiding officer and let other matters come in, which may continue indefinitely.

Mr. KENNA. The discriminating judgment of the Senator might be better exemplified if he would wait——

Mr. ALDRICH. I maintain that the Senator from West Virginia [Mr. KENNA] is not entirely fair to interrupt his colleague when his colleague is so anxious, as he has appeared to be, and as he must be, to proceed in an orderly discussion of the bill.

Mr. FAULKNER. I have been very anxious to hear all that the Senator from Rhode Island desired to say; but I want that distinguished Senator and every other Senator on this floor to understand that as to the propriety of my act I allow no man to question it. As to the legality of that act the Presiding Officer under a call to order has a right to decide; but as to the propriety of it I do not propose to allow him or any other Senator to question it.

Mr. KENNA. If my colleague will permit a moment's further interruption——

Mr. FAULKNER. I yield if there is no objection on the part of the Chair. I yielded in the utmost good faith to my colleague from West Virginia, without thinking at all that it was out of order, as I have done to parties on both sides and in absolutely good faith. I understand it is the rule for a Senator who has the floor to do that; and in fact I have recently read a decision in which it was not only decided by the Chair, but when submitted to the Senate the right of a Senator was sustained after he had surrendered the floor for a motion. Objection was made by the distinguished Senator from Vermont [Mr. EDMUNDS], that when a motion was made with a Senator on the floor who had yielded for that purpose it took him off the floor, on which Senator Anthony, the President *pro tempore*, decided the reverse, and an appeal was sustained by the Senate by I believe almost a unanimous vote.

Mr. KENNA. If my colleague will pardon me, I am sure I have no desire to interrupt the proceedings for a moment, but I should like to state that I availed myself of the first opportunity to bring this matter before the Senate after I could get the notes of the Reporter. If the Senator from Massachusetts has any reason to feel that he is in any possible sense assailed by anything that has transpired here to-night I beg to assure him in the utmost deliberation that he is assailed solely and exclusively by a record of his own making. I have made no assault upon the Senator; I have said nothing to irritate him. I have uttered no expression to touch his sensibilities, save solely the observations which I have read from the RECORD from his own lips. I have read, as I had the right to and without imputation of any character or kind whatever, his declaration made in the earlier part of the colloquy this afternoon in response to an inquiry addressed to him by my distinguished friend, the Senator from Tennessee, with reference to the amendments which he had proposed. That inquiry I repeat, and in repeating it I read, and in reading I read from the RECORD:

> I see a lot of printed amendments indicated as offered by the Senator from Massachusetts. It does not appear that they are committee amendments.
> Mr. HOAR. They are in fact authorized by the committee.

If the Senator is in fact assailed, if the Senator in fact has found in what has transpired here to-night some cause of offense, he has found it in fact upon the reading from this record in fact, the statement from his own mouth in fact, that these amendments in fact were authorized by the Committee on Privileges and Elections, and let him make the most of it.

Mr. TELLER. If the Senator from West Virginia [Mr. FAULKNER] will yield to me a moment I should like to say a word about this matter.

The PRESIDING OFFICER (Mr. WASHBURN in the chair). Does the junior Senator from West Virginia [Mr. FAULKNER] yield to the Senator from Colorado [Mr. TELLER]?

Mr. FAULKNER. Certainly.

Mr. TELLER. Everybody, I suppose, who has given any attention to the subject understands that this bill was considered in committee by the Republican members alone; and that, as I understood, was done with the assent of the Democratic members of the committee, as they did not think the bill could be put in any shape that they would be willing to support it, and they consented that we should occupy the position we did in trying to put the bill in proper order ourselves.

The bill was submitted to the whole committee, and my recollection is that with their consent we did not go over the bill, as they said they did not care about it; and the bill was reported to the Senate. I myself was not satisfied with the amendments made to the bill, but I did not desire to put my colleagues in the position of having to make a minority report or failing in the report of the majority. I agreed that the report should be made, reserving to myself the right to make a statement, which I did at the time, that I should reserve the right to move amendments to the bill or to vote against it if not amended to suit me.

After that these amendments came before the Senate. The chairman of the committee came to me and presented the amendments. I ran over some of them. I had looked at some of them that were not printed. I had looked over some in connection with the bill. He stated to me what the other amendments were that were not in print, and it seemed to me that every one of them was in the line of improving the bill according to my notion, and I assented to them. While it might not be exactly and strictly a technical proceeding, I will say, the committee not being called formally together, yet it is very customary in the Senate to do those things; and I said to the chairman he had better report them as committee amendments, supposing they would come here to the Senate exactly as if the committee had been in the committee room assembled and had reported them. While that is not technically correct it is a very common occurrence in the Senate, and I have understood that such amendments were always treated as the action of the committee, although the committee might only be together on the floor of the Senate.

I have looked over all the amendments, I believe, and every one of them I think improves the bill, some of them very materially. Some of them I think our friends on the other side would quite cheerfully agree to if they were presented in detail, and I have no doubt they will agree to them when the amendments come before the Senate for action. I was in hopes at that time that they might be accepted as if they had been reported with the original report from the committee. However, it seems that was not agreed to, and so we are going on in this way.

So far as I am concerned the chairman had authority to treat them exactly as he did, and he might have even gone a little stronger, from what I said. The amendments offered were not all the amendments I hoped the committee would offer; and I have called the attention of members of the committee to some other things, and I think they may possibly offer some further amendments. But I do not suppose it makes very much difference whether they come from the committee or whether they come from a member of the Senate. In either case they will have to be voted on.

Mr. SPOONER. If the Senator from West Virginia will allow me a moment, I think there is not the slighest foundation for any animadversion upon the Senator from Massachusetts in connection with these amendments.

The Senator from Massachusetts told me of the conversation he had had with the Senator from Colorado, and said that the Senator from Colorado had consented that these amendments should be presented as committee amendments. He told me also that he had seen the other Republican members of the committee, and I gave my consent that he should report the amendments as committee amendments.

I felt entirely at liberty to do that under the circumstances which have attended the preparation and consideration of the substitute by the committee, because while the bill was preliminarily prepared by the majority, by the Republican members of the committee, it was the understanding, as I remember it, upon the part of the Democratic members of the committee that the bill should be so reported, they stating that it could not be put in any form which would be satisfactory to them. It was reported to the Senate with the understanding that it was to be perfected by the majority, which was to be responsible for it, on behalf of the committee, and I think my friend from Delaware [Mr. GRAY] will remember that that was the understanding.

Mr. HOAR. He said so.

Mr. SPOONER. I did not know that he said it.

Mr. KENNA. I am sure the Senate will not fail to appreciate the reason for the significance I attached to this particular matter when it recurs for a moment to what transpired this evening. If on the theory that a certain line of amendments are offered by the committee the practice of the Senate is to be invoked to have those amendments first disposed of, and after they are disposed of, in order to hurry and to rush this bill to its consummation, every other amendment is to be met with a motion to table it, which is to cut off discussion, a very significant interest attaches to the question as to whether an amendment is an individual amendment offered by a Senator or a committee amendment. That is all I have to say. I have no disposition to continue the discussion.

Mr. SPOONER. It is the general rule that the friends of a measure may perfect it before it is open to other amendments.

Mr. KENNA. But it is a general rule that the friends of a measure shall perfect it in a legitimate way.

Mr. FAULKNER. Mr. President——

Mr. GORMAN. I ask the Senator from West Virginia to yield to me a moment.

Mr. FAULKNER. Certainly.

Mr. GORMAN. I want to make a suggestion to the Senator from Massachusetts, that in view of what has occurred in regard to the condition of the prints of the bill, we may have unanimous consent to let the order go down and have, in the course of three or four hours, a reprint of the bill of August 7.

Mr. SPOONER. The bill at the desk?

Mr. GORMAN. The one at the desk. There is not a single copy left in the document room of that print.

Mr. HOAR. There is no objection to that order.

Mr. EDMUNDS. Has not every Senator a copy at his table in the bundle that is bound up?

Mr. GORMAN. No, it appears not.

Mr. HOAR. There is no objection to the request.

Mr. GORMAN. I ask that an order may be entered for a reprint of the usual number of copies of the bill which is now being used by the Secretary.

Mr. HARRIS. The print of August 7?

Mr. GORMAN. Yes.

The PRESIDING OFFICER. That order will be entered, unless objection is made. The Chair hears none.

Mr. PASCO. There are two editions of August 7. Is it the small one?

Mr. HARRIS. It is the bill edition.

Mr. GORMAN. The regular bill.

Mr. HARRIS. In bill form.

Mr. GORMAN. The print the Senator from Florida holds in his hand is the pamphlet copy, made for circulation.

Mr. PASCO. It is the only convenient form in which it has been published, and unless it is specified which edition of August 7 is meant there will still be confusion, as there has been in the past.

Mr. GORMAN. The order is for a reprint of the copy used by the Secretary.

Mr. EDMUNDS. Certainly; in bill form, the regular bill.

Mr. GORMAN. Do I understand the Chair that that order has been made?

The PRESIDING OFFICER. The order has been made.

Mr. GORMAN. Then I hope the Secretary will have it sent down at once.

Mr. FAULKNER resumed his remarks, and having spoken for some time,

Mr. SANDERS (at 1 o'clock and 20 minutes a. m., Saturday, January 17) said: I do not like to have the very able argument of the Senator from West Virginia——

The PRESIDING OFFICER. Does the Senator from West Virginia yield?

Mr. FAULKNER. For the purpose of a question?

Mr. SANDERS. For another purpose. I do not like to have the very able argument of the Senator from West Virginia——

Mr. FAULKNER. I have not yielded for anything but a question.

Mr. SANDERS. I do not like to have the very able argument of the Senator from West Virginia wasted upon empty benches, and therefore I raise the question of a quorum.

Mr. FAULKNER. I feel it my duty to yield to that question always.

The PRESIDING OFFICER. The question of the presence of a quorum being raised, the roll will be called.

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

Aldrich,	Dolph,	Jones of Nevada,	Power,
Allen,	Faulkner,	McConnell,	Quay,
Cameron,	Frye,	McMillan,	Sanders,
Carey,	Gorman,	Manderson,	Shoup,
Casey,	Hale,	Mitchell,	Spooner,
Cockrell,	Harris,	Morrill,	Teller,
Cullom,	Higgins,	Paddock,	Warren,
Davis,	Hiscock,	Pasco,	Washburn,
Dixon,	Hoar,	Platt,	Wilson of Iowa.

The PRESIDING OFFICER. Thirty-six Senators have answered to their names. There is no quorum present.

Mr. HOAR. I move that the Sergeant-at-Arms be directed to compel the attendance of absent Senators.

Mr. HARRIS. I do not think that motion is in order at this time. It is perfectly in order to move that the Sergeant-at-Arms be directed to request the attendance of absent members.

Mr. HOAR. We have our choice.

Mr. HARRIS. I think the one follows the other.

Mr. HOAR. Not at all.

Mr. HARRIS. I have never known a motion to compel attendance until there had first been a motion to request.

Mr. HOAR. I have.

Mr. HARRIS. I have not in the fourteen years I have been in the Senate.

Mr. FRYE. We must have our absent Democratic friends brought in.

Mr. COCKRELL. We ought to have some of our absent Republican friends brought in.

Mr. FRYE. Our Democratic friends are more necessary. [Laughter.]

Mr. COCKRELL. I should like to know how many Republicans are present.

Mr. FRYE. Thirty-six, I think.

Mr. ALDRICH. Debate is not in order.

Mr. ALLISON, Mr. EDMUNDS, and Mr. HAWLEY entered the Chamber and answered to their names.

The PRESIDING OFFICER. The Chair thinks the point of order taken by the Senator from Tennessee [Mr. HARRIS] is well taken under the rule, which the Chair will read:

> Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of absent Senators.

Mr. HOAR. I desire to submit to the Chair that the Senate's direction to compel involves its opinion that it is necessary. It never has been held that the Senate had not the right to compel in the first instance.

Mr. SAWYER and Mr. STOCKBRIDGE entered the Chamber and responded to their names.

Mr. HARRIS. I desire to submit to the Chair that neither the Chair nor the Senate can tell that it is necessary to undertake to compel Senators to attend until they have first been requested and that request has failed to bring them. When you have taken the first step prescribed by the rule and it has failed to accomplish the object, then the necessity is apparent. I admit a motion to compel is in order under our rules, but not till then.

Mr. ALDRICH. Does the Senator from Tennessee contend that the question of whether it is necessary or not resides in the Presiding Officer of this body, and that the Senate itself has not the right to determine whether it is necessary or not?

Mr. HARRIS. I do not. I contend that neither the Senate nor the Chair nor anybody else can assume that a compulsory process is necessary until we have exhausted the first remedy furnished by the rule; and that is, that the Sergeant-at-Arms be directed to request. When that has failed, then it is perfectly apparent that there is the necessity contemplated by the rule, and then, and not until then, the motion of the Senator from Massachusetts would be in order.

Mr. COCKRELL. Mr. President, has the motion been put to request the presence of absent Senators?

The PRESIDING OFFICER. It has not. The question is on that motion.

Mr. COCKRELL. On the point of order I think the Chair has decided correctly. I remember very well the first provision of the rule——

Mr. HOAR. The Chair has ruled the motion out of order and no appeal has been taken.

Mr. HARRIS. I did not understand the Chair to rule that the Senator's motion was in order, and I raise the question of order.

The PRESIDING OFFICER. The question of order is pending now.

Mr. HOAR. The Senator from Tennessee misunderstands me. I say, the Chair having ruled the motion out of order, I do not propose to take an appeal.

Mr. HARRIS. That ends it.

Mr. HOAR. That ends it. That is my point.

Mr. HARRIS. I did not understand the Senator from Massachusetts.

Mr. HOAR. I now move that the Sergeant-at-Arms be directed to request the attendance of absent Senators. In making this motion I wish to say to the Senator from Tennessee, who is a very skillful parliamentarian, that I trust the failure to raise this question in the Senate will not be taken as a precedent. It has been settled the other way and in a very carefully considered precedent, as I understand it, but I will not raise any point about it now.

Mr. HARRIS. I do not care to what extent it may or may not be a precedent. If it has been settled the other way, I am satisfied it was settled radically wrong under our present rules, and whenever the question comes I shall resist, to the extent of my ability, the making of the motion to compel the attendance of absent Senators until the first remedy has been exhausted.

Mr. HOAR. I have withdrawn the motion to compel and I have made the other motion that the Sergeant-at-Arms be directed to request.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. COCKRELL. Before that question is put, in view of the protest which has been made by the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Massachusetts [Mr. HOAR] in regard to the question of compelling the attendance of Senators, I desire to say that I remember very distinctly when the rules were revised in 1876 or 1877, and when for the first time the provision to compel the attendance of absent Senators was inserted in the rules, it was then discussed pretty fully. If my recollection is correct the Senator from Massachusetts was not in the Senate at that time, but was a member of the other House. I think the decision of the Chair is correct, that the first motion must be to request the attendance of absent Senators.

Mr. HOAR. I think my friend from Missouri will perhaps recall the occasion; it was when some business was going on which the Senator from Vermont [Mr. EDMUNDS] had in charge, and without previous request, and against my earnest protest, this compulsory order was made by the Senate. My colleague [Mr. DAWES] being engaged at that time in a very important cause in Berkshire, I protested against

the hardship it would be to him and to one of the Senators from California, who was absent under somewhat similar circumstances. The Senate finally, by a bare majority of one vote, excepted my colleague and the Senator from California by name from the operation of that order. That is my recollection. It is a transaction which occurred fourteen years ago, and of course I may err about it, but I am quite sure this question has come up. It came up once when I myself was in the chair.

The PRESIDING OFFICER. The Chair desires to state that he is not familiar with the rules of the Senate or the practice in this regard, but it seems to him that the position of the Senator from Massachusetts is not tenable, for, if it were, the word "request" in the rule would be entire surplusage. If you intend to direct attendance arbitrarily, why should you request it in the mean time?

Mr. HOAR. Because the Senate may take its choice. If the Senate deem it necessary it may compel or it may request. These are the only two motions, I believe, except a motion to adjourn, that are in order. If you said "compel," the Senate could not request, if it preferred, and therefore it is put in the rule that it may "direct the Sergeant-at-Arms to request, and, when necessary, to compel."

Mr. HALE. That is, where it is necessary after requesting.

The PRESIDING OFFICER. It seems to the Chair that the request should come first.

Mr. ALLISON. I desire to say a word. I do not remember an instance in the practice of the Senate where a resolution has been passed compelling the attendance of Senators under that rule.

Mr. HOAR. I do.

Mr. ALLISON. The Senator from Massachusetts says he does.

Mr. HOAR. Yes, I have just stated an instance.

Mr. ALLISON. I should be very glad to have the record produced. Certainly it must have been at some time when I was not present. I do not recollect an instance wherein a resolution has been passed by the Senate directing the Sergeant-at-Arms to compel the attendance of absent Senators, which means the arrest of Senators.

Mr. COCKRELL. I do not recall any such instance myself. What was the occasion to which the Senator from Massachusetts refers?

Mr. HOAR. I can not remember what the subject was that was up, but it was under the charge of the Senator from Vermont and it has always remained in my memory. Of course my memory is fallible, like that of other Senators, but the order was made by the Senate against the earnest protest of some Senators on the Republican side. I remember distinctly urging that my colleague [Mr. DAWES], who had gone home to try a case—I think he had a leave of absence expressly for that—would be taken from his case without any previous notice. At last the then Senator from California, Mr. Miller, procured the exemption of his colleague by name from that order, and I procured the exemption of my colleague. As I said, that is the way it lies in my memory. I do not wish to make any point on it.

Mr. HARRIS. It does not touch, if the Senator will allow me, the question raised here, because the motion would be perfectly in order, in my opinion, after you had exhausted the first remedy that the rules furnish.

Mr. HOAR. I remember also being once in the chair and Mr. Maxey, then a Senator from Texas, rose and said, "I desire to make the usual motion," and I insisted, being then in the chair, that the Senator should specify which of the two motions he desired to make, either of them being proper. Of course that was not a ruling.

I ask for a vote on the motion I have submitted.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts, that the Sergeant-at-Arms be directed to request the presence of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

Mr. PLATT. Mr. President, if I may be permitted to say one word upon the question which has been before the Senate, I find in a little book called Questions of Order and the Decisions Thereon that, in 1872, it was decided:

In the absence of a quorum the Senators present may request, but can not compel, the attendance of absent Senators.

Mr. HOAR. That was before the revision of the rules.

Mr. PLATT. That was before the revision of the rules. In the Journal of April 20, 1872, it appears that:

Mr. Howe submitted a motion that the Sergeant-at-Arms be directed to compel the attendance of such number of absent Senators as would make a quorum of the Senate.

A motion to adjourn followed, and then—

The question recurring on the motion of Mr. Howe,

Mr. Pomeroy here made a point of order, namely, that the Senate having made no provision in its rules for compelling the attendance of absent Senators, which could be made only by a quorum of the body, it was not in the power of a minority of the Senate, by adopting the proposed order, to change the existing rule on the subject, and that the motion of Mr. Howe was, therefore, not in order.

The PRESIDING OFFICER (Mr. Ferry, of Michigan, in the chair) sustained the point of order, and ruled the motion of Mr. Howe not in order.

The rules at that time, it is true, contained no provision that in any event the attendance of absent Senators might be compelled. I find that precedent in 1872 before the change of the rules.

Mr. HOAR (at 2 o'clock and 11 minutes a. m., Saturday). I inquire of the Chair if he has received any report from the Sergeant-at-Arms.

The PRESIDING OFFICER. The Sergeant-at-Arms has received a report from one Senator, the President *pro tempore* of the Senate [Mr. INGALLS], who says that he is too ill to be present this evening.

Mr. EDMUNDS. Can the Sergeant-at-Arms find no more?

The PRESIDING OFFICER. He has found one other Senator, who said he was too much fatigued to attend.

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to use all necessary means to compel the attendance of absent Senators, except those detained by sickness.

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

Mr. HARRIS. Mr. President, before the question is put I wish to inquire what report the Sergeant-at-Arms has made. The Chair, as I understood him, in response to the question propounded by the Senator from Vermont, said that the Sergeant-at-Arms had reported in respect to one Senator.

The PRESIDING OFFICER. The Sergeant-at-Arms has sent vehicles for several Senators, but has received no report from them.

Mr. SPOONER. He reported one Senator sick and another fatigued.

The PRESIDING OFFICER. Calls were made on several other Senators, but they were not found.

Mr. FAULKNER. I inquire whether there can be any report by the Sergeant-at-Arms of the Senate to the Presiding Officer and by him verbally communicated to the Senate. I ask whether it is not required that the report shall be made in writing. I think the Senator from Vermont [Mr. EDMUNDS] suggested that view the other day, and I know he is always very apt and thoroughly acquainted with the rules. I therefore make that parliamentary inquiry.

Mr. EDMUNDS. Mr. President, I ask unanimous consent to respond to my friend from West Virginia.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent to respond to the Senator from West Virginia.

Mr. FAULKNER. I object, on the ground that I do not ask the Senator for any information. I made a parliamentary inquiry of the Chair, and I desire the Chair to state whether or not what has been done is in accordance with the practice and the rule. I ask whether the report should not be in writing?

Mr. EDMUNDS. Very good. I insist on my motion.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent to make a statement——

Mr. EDMUNDS. That was objected to, and therefore I insist upon my motion.

The PRESIDING OFFICER. Does the Chair understand that the Senator from West Virginia objects?

Mr. FAULKNER. I object to the Senator from Vermont answering my question. If he desires to advise with the Chair and to suggest to the Chair any reasons for his ruling, of course I shall not object to that.

Mr. HOAR. I object to debate.

Several SENATORS. Regular order.

The PRESIDING OFFICER. Will the Senator from West Virginia state his point of order?

Mr. FAULKNER. I make the point that the Sergeant-at-Arms, as all other officers of the Senate, in obeying every order of the Senate must make report in writing and not verbally, and that the report in writing must be laid before the Senate. I understand that to be the rule.

The PRESIDING OFFICER. The Chair thinks that it is in the power of the Senate to determine when a necessity arises to compel the attendance of absent Senators. The motion of the Senator from Vermont is in order, and the question is on that motion.

The motion was agreed to.

Mr. HARRIS. In order that the Sergeant-at-Arms may be saved the trouble of going to see three Senators whom I will name, I move that they be excepted from the order. I refer to the Senator from California [Mr. HEARST], the Senator from Georgia [Mr. COLQUITT], and the Senator from Kansas [Mr. INGALLS], who I know was quite unwell this morning, for I met him in committee and he was complaining very much and disappeared from the Senate at an early hour. I take it for granted that neither of those three Senators ought to be sent for.

Mr. HOAR. And also the Senator from Georgia [Mr. BROWN].

Mr. HARRIS. Of course the Senator from Georgia should be excepted. He has been sick for two years at his home in Atlanta.

Mr. HOAR. Let those Senators be excepted by name. I suppose unanimous consent will be given that these four Senators be excepted by name.

The PRESIDING OFFICER. The Chair thinks the terms of the order would excuse them. The order reads "absent Senators, except those detained by sickness."

Mr. HOAR. It has been the custom in such cases to except Senators by name.

At 2 o'clock and 39 minutes a. m., Saturday, Mr. CALL appeared and answered to his name.

At 2 o'clock and 43 minutes a. m., Mr. DANIEL entered the Chamber.

The PRESIDING OFFICER. The name of the Senator from Virginia will be called.

The Chief Clerk called the name of Mr. DANIEL.

Mr. DANIEL. I am paired with the Senator from Washington [Mr. SQUIRE].

Mr. ALLISON. You are present all the same.

Mr. DANIEL. I am present. I answered in the way I did because I understood that amongst gentlemen on the other side who were paired with gentlemen on this side they considered that by the terms of their pairs they were permitted to vote when there were absentees on this side.

Mr. JONES, of Arkansas, at 2 o'clock and 46 minutes a. m., Saturday, entered the Chamber and responded to his name.

Mr. DAWES, at 2 o'clock and 50 minutes a. m., entered the Chamber and responded to his name.

The PRESIDING OFFICER. Forty-five Senators have responded to their names. A quorum of the Senate is now present. The Senator from West Virginia [Mr. FAULKNER] is entitled to the floor.

Mr. HARRIS. What was done with the call of the Senate? It is still going on, I suppose?

Mr. EDMUNDS. Certainly. Bring them in.

Mr. ALLISON. The order is still going on, of course.

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

The PRESIDING OFFICER. The question is on the motion of the Senator from Maryland that further proceedings under the call be dispensed with.

Mr. HARRIS. On that question I ask for a division.

The question being put, there were on a division—ayes 12, noes 10.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. DAWES (when his name was called). I am paired with the junior Senator from Georgia [Mr. COLQUITT]; otherwise I should vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN], who seems to be absent.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL].

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. If my vote be necessary to constitute a quorum I am at liberty to vote.

The roll-call was concluded.

Mr. CULLOM. In the early part of the evening I announced that I should vote if my vote was necessary to make a quorum. There seemed to be some little disposition, I thought, to criticise my action. I desire to state to the Senate now that the Senator from Delaware [Mr. GRAY] and myself have a distinct understanding that either of us may vote when his vote is necessary to make a quorum. I am informed that it is necessary now, and I vote "nay."

Mr. ALLEN. I wish to say that my colleague [Mr. SQUIRE] is paired with the Senator from Virginia [Mr. DANIEL].

Mr. MCMILLAN. I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. DOLPH. I am paired with the senior Senator from Georgia [Mr. BROWN]. An arrangement was made with his colleague [Mr. COLQUITT], who has been very liberal with me in regard to my voting. Some days since I wrote to the senior Senator from Georgia stating that I desired to modify my pair with him so that I might vote when it was necessary to make a quorum. I received an answer to that letter, and therefore I have voted to-night under the circumstances.

Mr. DIXON. I have a general pair with the Senator from South Carolina [Mr. HAMPTON]. If my vote is not necessary to make a quorum I shall withhold it, but if it is necessary I shall vote. I am informed that a quorum has not voted, and therefore I vote "nay."

Mr. HARRIS. I wish to inquire if the Senator from Vermont [Mr. MORRILL] is recorded.

The PRESIDING OFFICER. He has not voted.

Mr. HARRIS. He was in the Chamber a short time ago, and supposing he had voted I recorded my vote. I am paired with him and withdraw my vote.

Mr. ALDRICH. The Senator from Vermont has left the Chamber since then.

Mr. EDMUNDS. My colleague was not feeling well. I feel authorized to say to my friend from Tennessee that, in order to keep up a quorum, he is at liberty to vote.

Mr. HARRIS. Then I will let my vote stand.

Mr. MITCHELL. I was requested by the junior Senator from Kansas [Mr. PLUMB], who was obliged to leave the Senate early in the evening, to state that he is paired with the Senator from Missouri [Mr. VEST].

Mr. WILSON, of Iowa. If a quorum has not yet responded, I feel at liberty to vote under the arrangement I have made with the Senator from Maryland [Mr. WILSON], and I vote "nay."

The result was announced—yeas 5, nays 29; as follows:

YEAS—5.

Cockrell,	Harris,	Jones of Arkansas,	Pasco.
Gorman,			

NAYS—29.

Allen,	Dolph,	Jones of Nevada,	Shoup,
Allison,	Edmunds,	McConnell,	Stockbridge,
Cameron,	Frye,	Mitchell,	Warren,
Carey,	Hale,	Platt,	Washburn,
Casey,	Hawley,	Power,	Wilson of Iowa.
Cullom,	Higgins,	Quay,	
Dawes,	Hiscock,	Sanders,	
Dixon,	Hoar,	Sawyer,	

ABSENT—54.

Aldrich,	Daniel,	McPherson,	Spooner,
Barbour,	Davis,	Manderson,	Squire,
Bate,	Eustis,	Moody,	Stanford,
Berry,	Evarts,	Morgan,	Stewart,
Blackburn,	Farwell,	Morrill,	Teller,
Blair,	Faulkner,	Paddock,	Turpie,
Blodgett,	George,	Payne,	Vance,
Brown,	Gibson,	Pettigrew,	Vest,
Butler,	Gray,	Pierce,	Voorhees,
Call,	Hampton,	Plumb,	Walthall,
Carlisle,	Hearst,	Pugh,	Wilson of Md.
Chandler,	Ingalls,	Ransom,	Wolcott.
Coke,	Kenna,	Reagan,	
Colquitt,	McMillan,	Sherman,	

The PRESIDING OFFICER. No quorum is present.

Mr. MITCHELL. I submit to the Chair that it does not require a quorum to decide this question.

The PRESIDING OFFICER. The Chair understands the motion to dispense with further proceedings under the call does not require a quorum. There are 5 Senators in the affirmative and 29 in the negative; so the motion is lost. The Senator from West Virginia [Mr. FAULKNER] will proceed.

Mr. PASCO. Does not the roll call indicate the absence of a quorum?

The PRESIDING OFFICER. The roll call indicates the absence of a quorum.

Mr. EDMUNDS. We are executing that order now.

Mr. HARRIS. Nothing else can be done while that order is being executed.

Mr. EDMUNDS. The Senator is mistaken about that.

Mr. FAULKNER. I submit to the Chair whether it is proper for me to proceed if there is an indication that there is not a quorum present by a yea-and-nay vote. I know that it does not require a quorum to decide the question.

Mr. EDMUNDS. The Senator is not bound to proceed, of course. There is no quorum present yet.

The PRESIDING OFFICER. The vote discloses the absence of a quorum.

Mr. FAULKNER. I call for a ruling from the Chair.

Mr. HOAR. Mr. President, is a quorum recorded on the last vote?

The PRESIDING OFFICER. A quorum has not responded. There was a quorum on the call of the roll before last vote.

Mr. HOAR. Do I understand the Chair correctly that before the last roll-call on the motion to suspend the proceedings a quorum had appeared?

The PRESIDING OFFICER. A quorum had appeared.

Mr. HOAR. Then I submit to the Chair, that being so and there being now a new disclosure of the want of a quorum, there should be a new call of the roll. It does not make any difference whether it was on a motion to dispense with the proceedings or what it was.

Mr. SPOONER. You follow that up by the usual motion to request the attendance of absent Senators and then to compel.

Mr. HOAR. The rule requires that we shall ascertain who are not present.

Mr. MITCHELL. The effect is to dispense with the further call.

Mr. HOAR. The call of the roll would disclose that.

Mr. MITCHELL. That is so.

The PRESIDING OFFICER. The roll will be called.

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

Aldrich,	Dawes,	Hiscock,	Power,
Allen,	Dixon,	Hoar,	Quay,
Allison,	Dolph,	Jones of Arkansas,	Sanders,
Call,	Edmunds,	Jones of Nevada,	Sawyer,
Cameron,	Faulkner,	McConnell,	Shoup,
Carey,	Frye,	McMillan,	Spooner,
Casey,	Gorman,	Manderson,	Stockbridge,
Cockrell,	Hale,	Mitchell,	Warren,
Cullom,	Harris,	Paddock,	Washburn,
Daniel,	Hawley,	Pasco,	Wilson of Iowa.
Davis,	Higgins,	Platt,	

Mr. MITCHELL. Has the order of the Senate that members be summoned to attend been dispensed with?

The PRESIDING OFFICER. The Chair understands that the order

is being executed. It has not been dispensed with by any vote of the Senate.

Mr. COCKRELL. I understood the Chair to say that it did not require a quorum to dispense with the call.

The PRESIDING OFFICER. No. A majority vote of less than a quorum has voted against the suspension, which decides the question.

Mr. HARRIS. I understood the Senator from Massachusetts to say—I may have misunderstood him, for I did not hear him very distinctly—that the former roll-call, when it was finally concluded, showed the presence of forty-five Senators, and therefore the Senator, if I understood him aright, suggested that the last yea-and-nay vote showing less than a quorum present, a new call of the Senate must be had. Was I right in that?

Mr. HOAR. A call of the roll?

Mr. HARRIS. Yes.

Mr. HOAR. But it does not follow that any other proceedings are to be taken.

Mr. HARRIS. I understood the Senator as saying that the old call having resulted in showing a quorum in the Senate, it was at an end, and the last vote, showing less than a quorum then present, involved the necessity of a roll-call. That roll call having developed less than a quorum, the old order has answered its purpose.

Mr. HOAR. I made no such suggestion, and I entertain no such opinion. I suppose that if there were a roll-call of the Senate, in order to compel the attendance of absent Senators, the Senate might go on with its business as usual when the quorum arrived, and still the order must be executed until all the absent Senators have been brought in. They might be out days or weeks or months, possibly. In the mean time the Senate would proceed with its business, and if at any time a new absence of a quorum took place, the usual proceeding of a roll-call would follow. The Senate would not be obliged to introduce a new order.

Mr. HARRIS. Upon the very idea the Senator from Massachusetts expresses, that when the roll-call upon the motion to dispense with further proceedings develops less than a quorum, I entertain the opinion that the proceedings under the order were going on, but when the Senator suggested that a new call was necessary because of that development I wish to say it seems to me that all the consequences of a new call should follow.

Mr. EVARTS (at 3 o'clock and 10 minutes a. m. Saturday) appeared and answered to his name.

The PRESIDING OFFICER (at 3 o'clock and 20 minutes a. m. Saturday). The Sergeant-at-Arms reports that the Senator from Ohio [Mr. SHERMAN] and the Senator from Maryland [Mr. WILSON] both report themselves too ill to be present this evening.

Mr. PASCO. I move that they be excused.

The PRESIDING OFFICER. No motion is in order at the present time except a motion to adjourn.

Mr. FRYE. Mr. President, I ask unanimous consent that the Senator from West Virginia may be permitted to proceed with his speech.

Mr. FAULKNER. Mr. President, that is a question of order——

The PRESIDING OFFICER (Mr. MANDERSON in the chair). In the absence of a quorum of the Senate, the Chair can not entertain any request for unanimous consent.

At 4 o'clock and 18 minutes a. m., Saturday, Mr. COKE, Mr. BATE, and Mr. KENNA appeared and answered to their names.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum of the Senate is present.

Mr. COCKRELL. The question recurs, I suppose, on the motion to dispense with further proceedings under the call.

The PRESIDING OFFICER. That motion was disagreed to, as the Chair understands. A quorum being present, the Chair recognizes the Senator from West Virginia.

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

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. COCKRELL. My point of order is that a motion was made to dispense with further proceedings under the call, and upon that motion the yeas and nays were called on the demand of the Senator from Vermont [Mr. EDMUNDS], and no quorum voted.

The PRESIDING OFFICER. The Chair will hold that no quorum is needed to dispose of that motion, and overrules the point of order of the Senator from Missouri. The Senator from West Virginia [Mr. FAULKNER] is entitled to the floor.

Mr. FAULKNER resumed his remarks, and after having spoken for some time,

Mr. GORMAN (at 4 o'clock and 25 minutes a. m. Saturday). Will the Senator give way to me?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Maryland?

Mr. FAULKNER. I yield for a moment.

Mr. GORMAN. I desire to make a motion. We had a call of the Senate, at the request of the Senator from Montana [Mr. SANDERS], and while a quorum has appeared in the body once or twice there is no quorum here now. It is nearly half-past 4 o'clock in the morning, and I move that the Senate adjourn until 10 or 11 o'clock, whatever hour in the morning may be agreeable to the Senators present. It is impossible to go on with business in this way. There is no quorum here; and, while I myself am prepared to stay, I move that the Senate do now adjourn.

Mr. HOAR. On that motion I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE], and I withhold my vote.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], and therefore withhold my vote. I should vote "yea," if he were present.

Mr. MCMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

The PRESIDING OFFICER (Mr. MANDERSON, when his name was called). The occupant of the chair is paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

The roll-call was concluded.

Mr. DIXON. I have a general pair with the Senator from South Carolina [Mr. HAMPTON]. I suggest to the Senator from Tennessee [Mr. HARRIS] that we transfer our pairs and vote.

Mr. HARRIS. Certainly, if the Senator from Rhode Island desires it.

Mr. DIXON. I vote "nay."

Mr. HARRIS. I vote "yea."

Mr. CULLOM. I inquire if a quorum has voted.

The PRESIDING OFFICER. A quorum has not voted.

Mr. CULLOM. I vote "nay."

Mr. HALE. I have a general pair with the Senator from North Carolina [Mr. RANSOM], who is not well to-night, and therefore not here. I have a right to vote to help make a quorum, and I vote "nay."

Mr. MITCHELL. I was requested to announce that the junior Senator from Kansas [Mr. PLUMB] is paired with the junior Senator from Missouri [Mr. VEST].

Mr. SPOONER. I am paired with the Senator from Mississippi [Mr. WALTHALL].

The result was announced—yeas 6, nays 27; as follows:

YEAS—6.

Bate,	Faulkner,	Harris,	Jones of Arkansas.
Cockrell,	Gorman,		

NAYS—27.

Allen,	Dolph,	Hoar,	Sawyer,
Allison,	Edmunds,	Jones of Nevada,	Shoup,
Cameron,	Frye,	Mitchell,	Stockbridge,
Carey,	Hale,	Platt,	Warren,
Casey,	Hawley,	Power,	Washburn,
Cullom,	Higgins,	Quay,	Wilson of Iowa.
Dixon,	Hiscock,	Sanders,	

ABSENT—55.

Aldrich,	Davis,	McPherson,	Sherman,
Barbour,	Dawes,	Manderson,	Spooner,
Berry,	Eustis,	Moody,	Squire,
Blackburn,	Evarts,	Morgan,	Stanford,
Blair,	Farwell,	Morrill,	Stewart,
Blodgett,	George,	Paddock,	Teller,
Brown,	Gibson,	Pasco,	Turpie,
Butler,	Gray,	Payne,	Vance,
Call,	Hampton,	Pettigrew,	Vest,
Carlisle,	Hearst,	Pierce,	Voorhees,
Chandler,	Ingalls,	Plumb,	Walthall,
Coke,	Kenna,	Pugh,	Wilson of Md.
Colquitt,	McConnell,	Ransom,	Wolcott.
Daniel,	McMillan,	Reagan,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. A quorum not voting, the Secretary will call the roll of the Senate.

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

Allen,	Dolph,	Hoar,	Sanders,
Allison,	Edmunds,	Jones of Arkansas,	Sawyer,
Bate,	Faulkner,	Jones of Nevada,	Shoup,
Cameron,	Frye,	McMillan,	Spooner,
Carey,	Gorman,	Manderson,	Stockbridge,
Casey,	Hale,	Mitchell,	Warren,
Cockrell,	Harris,	Paddock,	Washburn,
Cullom,	Hawley,	Platt,	Wilson of Iowa.
Davis,	Higgins,	Power,	
Dixon,	Hiscock,	Quay,	

The PRESIDING OFFICER. Thirty-eight Senators have responded to their names. No quorum is present. The Sergeant-at-Arms will proceed under the former order of the Senate to request the attendance of absent Senators.

Mr. DOLPH. Has the report of the Sergeant-at-Arms been laid before the Senate?

The PRESIDING OFFICER. The report of the Sergeant-at-Arms has been made verbally to the Presiding Officer of the Senate. No report, however, has been made by him as yet on the last roll-call of the Senate. The list of absentees is now being furnished to the Sergeant-at-Arms.

Mr. DOLPH. It has been rumored that there are Senators in the building who decline to come at the call of the Sergeant-at-Arms.

The PRESIDING OFFICER. That fact is reported to the Presiding Officer by the Sergeant-at-Arms.

Mr. DOLPH. I think the rule had better be repealed or the order ought to be enforced. For my part, if it can not be enforced I shall never vote again to direct its enforcement.

Mr. FAULKNER. I suggest the point of order to the Chair that it is not proper to receive these reports verbally, and that they ought to be in writing and communicated to the Senate by the Presiding Officer when he has them in writing.

The PRESIDING OFFICER. That point being made, the Chair will so hold, that the report of the Sergeant-at-Arms shall be in writing and it will be laid before the Senate. Under the last call of the Senate the Sergeant-at-Arms has not yet been furnished with a list of absentees.

Mr. EDMUNDS. Let him report the execution of the order to bring in absentees.

The PRESIDING OFFICER. The Sergeant-at-Arms will report as soon as possible in writing, under the last order of the Senate.

After some little delay,

The PRESIDING OFFICER (at 4.54 minutes a. m. Saturday). The Sergeant-at-Arms makes a report in writing to the Senate, which will be read by the Secretary for the information of the Senate.

The Secretary read as follows:

UNITED STATES SENATE, 4.30 *a. m., January* 17, 1891.

SIR: In obedience to the following order received by me at 2.30 a. m.—

"*Ordered*, That the Sergeant-at-Arms be directed to use all necessary means to compel the attendance of absent Senators, excepting those detained on account of sickness"—

I executed the same by notifying Senators EVARTS, CALL, DAWES, DANIEL, JONES of Arkansas, GRAY, COKE, KENNA, and BATE, who responded to the same by appearing in the Senate Chamber. Senators HAMPTON, INGALLS, RANSOM, BUTLER, SHERMAN, WILSON of Maryland, and WOLCOTT reported themselves sick, and Senator BERRY answered that he was not ready to come. Could not gain entrance to the residence of Senator BARBOUR. Party responded at door of Senator STANFORD; answered "Is not in." At Senator TURPIE'S there was no response. The order is being executed by deputy sergeants-at-arms at this time.

Very respectfully,

E. K. VALENTINE, *Sergeant-at-Arms.*

To the PRESIDENT OF THE SENATE.

Mr. COCKRELL. I raise the question that that order was never issued by the Senate. I ask that it be read again.

Mr. HOAR. I object.

Mr. GORMAN. We have a right to have it read.

Mr. COCKRELL. On what ground does the Senator object?

Mr. HOAR. On the ground that no business can be transacted until a quorum appears.

Mr. COCKRELL. I state the point that there has been read a report purporting to be an order which was not made by the Senate, and perchance it is not necessary to have a quorum to transact that. It is a question of the call of the Senate under that resolution.

The PRESIDING OFFICER. It is not a resolution; it is a report of the Sergeant-at-Arms.

Mr. COCKRELL. It is the report of the Sergeant-at-Arms reciting a resolution of the Senate.

Mr. HOAR. I object, then, to any debate in the absence of a quorum.

The PRESIDING OFFICER. The Chair would hold that this being a matter incident to the call of the Senate it is properly before the body.

Mr. COCKRELL. The report reads—

In obedience to the following order received by me at 2.30 a. m.—

It is not the fault of the Sergeant-at-Arms, Mr. President—

Ordered, That the Sergeant-at-Arms be directed to use all necessary means to compel the attendance of absent Senators, excepting those detained on account of sickness.

Now, Mr. President, I say that no such order as that was made by the Senate.

The PRESIDING OFFICER. The Chair would hold that that is an immaterial question in connection with the call of the Senate. The Sergeant-at-Arms may have incorrectly recited that which will appear correctly upon the Journal of the Senate.

Mr. EDMUNDS. Let the order of the Senate be read, so as to see who is right.

Mr. COCKRELL. Yes, let the order be read.

Mr. HARRIS. The Sergeant-at-Arms ought to have been armed with the order of the Senate, certified by the Secretary of the Senate, I imagine.

Mr. EDMUNDS. Let us see if he was not.

Mr. HARRIS. Very well; I am willing to see; but I think that would be the regular method of proceeding.

Mr. EDMUNDS. Let us see.

The PRESIDING OFFICER. The order will be read.

The Secretary read as follows:

Ordered, That the Sergeant-at-Arms be directed to use all necessary means to compel the attendance of absent Senators, excepting those detained on account of sickness.

Mr. COCKRELL. That was not the order that was made. The Senator from Massachusetts submitted that order first and withdrew it.

Mr. HOAR. The Senator from Vermont afterwards moved it, and it was adopted.

Mr. COCKRELL. I beg pardon.

Mr. HOAR. On whose motion was the order made? Does it appear?

The PRESIDING OFFICER. It was made on the motion of the Senator from Vermont [Mr. EDMUNDS].

Mr. EDMUNDS. Who read it out of the Senate Journal as a precise repetition of an order made when the Democrats were in possession of this body and were trying to get a quorum—and not on a question of human rights—on the motion of the Senator from Tennessee [Mr. HARRIS], and for which every Democratic Senator but one voted, and nearly every Republican. I will add for the information of my friend from Missouri that that order having been adopted the Secretary of the Senate wrote it out, attested it, and at the foot of it the Presiding Officer entered the direction in the regular way as if a clerk of a court issuing a writ: "The Sergeant-at-Arms will execute this order;" which was signed by the Presiding Officer. I have seen it.

Mr. COCKRELL. I will ask the Senator one question. Was that order read in open Senate at to-night's session?

Mr. EDMUNDS. Certainly; read, moved, voted upon, entered up by the Secretary, attested by the Secretary, and the order of execution signed by the Presiding Officer.

Mr. COCKRELL. The Senator is referring to the old order. I refer to this order made to-night.

Mr. EDMUNDS. That is the very one I am speaking of. The Senator from Missouri, with great respect to him, is mistaken.

Mr. COCKRELL. The Senator from Iowa objected to the use of the word "compel."

Mr. HOAR. No, this took place later; twenty minutes after that roll-call.

Mr. FRYE. When the Senator from Missouri was back.

Mr. COCKRELL. No, I have not been back anywhere. I have been on the floor all the time when any business was being transacted; and I shall appeal to the notes of the stenographer who took down the proceedings.

The PRESIDING OFFICER. The Chair would state that he is inclined to hold that this is a matter which can not properly come up in the form in which the Senator states it. The report of the Sergeant-at-Arms must be received as it is written and it must be laid before the body. If there is an error in the Journal entry it can not be reached by the method suggested by the Senator from Missouri.

Mr. SPOONER. I will state to the Senator from Missouri that he is certainly mistaken, for I stood beside the Senator from Vermont when he read that order.

Mr. COCKRELL. I appreciate the fact that we can not change it until we come to the Journal.

Mr. DANIEL. I move that the report of the Sergeant-at-Arms be referred to the Committee on Privileges and Elections.

The PRESIDING OFFICER. The Chair can not entertain that motion in the absence of a quorum, it being in the nature of business before the Senate requiring its action.

Mr. EDMUNDS. It will go into the Journal just the same.

Mr. DOLPH. That, in my judgment, is a very unsatisfactory report. The Senate either has power to compel the attendance of absent members or it has not. If it has not the power, then the adoption of the rule under which the Sergeant-at-Arms might be directed to compel the attendance of absent Senators is an idle ceremony, and the sooner it is repealed the better. I do not think that under that order it would be sufficient simply for a Senator to say he is feeling too unwell to come or that he is not feeling well. I think the fact ought to be ascertained as to his condition in some manner. It appears that at least one or more Senators have not even given that excuse. Now, for one, I should like to see the order executed.

The PRESIDING OFFICER. Does the Senator from Oregon make any motion?

Mr. DOLPH. No further motion, it appears to me, is necessary. I have heard it talked on the floor of the Senate that the Senate has not the power to compel the attendance of Senators; that the Sergeant-at-Arms is not expected to use the means to compel the attendance of Senators. If that is true, it was a very foolish thing to direct him to do so. But if we expected that it should be done then it ought to be done, and Senators ought to be brought in, in accordance with the order, when it can be done.

At 5 o'clock and 5 minutes a. m., Mr. GRAY entered the Chamber and answered to his name.

The PRESIDING OFFICER. The Chair lays before the Senate a report of the Sergeant-at-Arms, which will be read.

The Secretary read, as follows:

UNITED STATES SENATE,
Washington, D. C., 5 o'clock a. m., January 17, 1891.

SIR: In obedience to the last order of the Senate, under a roll-call handed me at 4.40 a. m., I served summons on Senators COKE and VANCE, who responded by entering the Senate Chamber. Found Senator BERRY in the cloakroom of the Senate, who requested me to report to the Senate that he would come when

he got ready. Also found Senator BUTLER in the cloakroom, who refused to obey the summons.

Very respectfully,

E. K. VALENTINE,
Sergeant-at-Arms.

To the PRESIDENT OF THE SENATE.

Mr. DOLPH. I wish to inquire if it is an execution of the order to report that the Senator from Arkansas says he will come when he is ready.

Mr. HARRIS. Mr. President, I object to any debate. The Senator from Oregon has lectured the Senate once or twice already, and I object to any further lecture or any debate whatever.

Mr. DOLPH. The Senator may object, but I shall exercise my privilege to speak on a matter pertinent to the business before the Senate.

Mr. HARRIS. Unfortunately the Senator has had no privilege until the Chair decides that he has.

The PRESIDING OFFICER. The Chair understands that the Senator from Tennessee raises the point of order that the Senator from Oregon is out of order in speaking upon a question pertaining to the call of the Senate. The Chair will hold that the inquiry of the Senator from Oregon is in order and that it pertains to the conduct of the Senate in compelling, under the order of the Senate, the attendance of absent members. The Senator from Oregon will proceed.

Mr. HARRIS. As there is not a quorum present, of course I shall not appeal from the ruling of the Chair, because less than a quorum could not decide it; but I do not yield to it at all.

Mr. DOLPH. Referring to the question of order, if a minority of the Senate have power to make an order to compel the attendance of absent Senators, they have power to enforce it, and the report made by the Sergeant-at-Arms or any proposition looking to the enforcement of the order I think would be in order and be a subject of discussion. But I have nothing more to say. I simply say that the order has not been executed, and the report itself shows that it has not been.

The PRESIDING OFFICER. The Chair will ask that there be read the clause in the fifth section of the first article of the Constitution, which seems to apply to cases of this sort.

The Secretary read as follows:

A majority of each [House] shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

The PRESIDING OFFICER. The Chair is unable to find any rule of the Senate, however, which has prescribed the manner or mode of compelling the attendance of members, as required apparently by the Constitution.

Mr. GRAY. In the absence of a rule under the authority of the Constitution to prescribe the manner in which that authority should be executed, it seems to me that the Senate has not availed itself of its power under the Constitution to make such a rule. The rule merely repeats the words of the Constitution as I understand the third clause of Rule V:

Whenever upon such roll-call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators.

That is almost the precise language of the Constitution, "to compel the attendance of the absent Senators," the Constitution conferring upon the Senate the power to——

Mr. DOLPH. What more can be done?

Mr. HARRIS. I thought the Senator from Delaware was entitled to the floor.

The PRESIDING OFFICER. He took his seat, the Chair observed.

Mr. HARRIS. He was turning to find a reference. Did the Senator from Delaware yield the floor?

The PRESIDING OFFICER. The Chair begs pardon of the Senator from Delaware. Did he yield the floor?

Mr. GRAY. I did yield the floor. I could not find the clause in the Constitution.

Mr. DOLPH. With all due deference to the Chair, I can not see but that the Senate has provided the manner in which the attendance of absent Senators may be compelled. The Senate can provide the manner in which attendance may be compelled, and they have provided that upon motion the Sergeant-at-Arms may be directed to compel attendance. When the Sergeant-at-Arms takes that order it is his authority and his duty, in my opinion, to bring Senators into the Senate.

The PRESIDING OFFICER. The Senate does not seem to have prescribed the manner and to have prescribed penalties for absenteeism. The difficulty is in instructing the Sergeant-at-Arms as to his duty. The Chair is rather loath to instruct him as to what he shall do when the rules are silent upon the subject.

Mr. DOLPH. If that is the case we had better undo as quickly as we can what we have done. If we have given an order here that there is no power to enforce, the sooner we can get out of that ridiculous dilemma the better.

At 5 o'clock and 10 minutes a. m. Mr. REAGAN entered the Chamber and answered to his name.

Mr. VANCE entered the Chamber.

The PRESIDING OFFICER. The Secretary will call the name of the Senator from North Carolina.

Mr. VANCE. I do not desire recognition, sir.

Mr. DANIEL entered the Chamber and answered to his name.

The PRESIDING OFFICER. The Sergeant-at-Arms makes a further report under the orders of the Senate. The report will be read by the Secretary.

The Secretary read as follows:

UNITED STATES SENATE, *Washington, 5 o'clock a. m., January 17, 1891.*

SIR: I have the honor to further report that Senator MCPHERSON reports himself sick. Senators MORGAN, CARLISLE, and STEWART can not be found. Senators BLACKBURN and GEORGE responded that they would report at once.

Very respectfully,

E. K. VALENTINE,
Sergeant-at-Arms.

To the PRESIDENT OF THE SENATE.

Mr. DANIEL. I beg leave to suggest to the gentlemen who have discussed this matter that most of the absentees are unwell. It seems quite a hardship to compel the attendance of elderly gentlemen, and those who are ailing, and it would be very difficult to get a quorum without them. I think that is a fact it might be well to reflect on, upon the other side, before attempting to proceed further. Of course we were very glad to stay here and have this opportunity of discussion, but it is not interesting to the speakers to discuss a question with so thin a Senate, especially on the other side. Almost all the gentlemen who have been solicited to attend reply that they are unwell, and it seems a hardship upon them, especially the elder ones, to bring them in at such a late hour of the evening and during such inclement weather. I shall not make any motion, however, as I think gentlemen on the other side will see the situation for themselves.

At 5 o'clock and 16 minutes a. m. Mr. COKE entered the Chamber and answered to his name.

At 5 o'clock and 26 minutes a. m. Mr. CALL entered the Chamber and answered to his name.

At 5 o'clock and 44 minutes a. m. Mr. GEORGE entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum being present, the Chair will recognize the Senator from West Virginia [Mr. FAULKNER] on the bill.

Mr. FAULKNER resumed the floor, and having spoken for some little time,

Mr. GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Maryland?

Mr. FAULKNER. I yield to the Senator from Maryland.

Mr. GORMAN. I suggest to the Senator from West Virginia that we have tried ever since half past 12 to keep a quorum for the purpose of hearing him submit his able argument. Only fifteen Senators are present, and it is now 6 o'clock in the morning. I suggest, after the numerous reports by the Sergeant-at-Arms, we ought not to disturb the Senators who are indisposed and who are unable to remain here; I therefore move, with the Senator's permission, that all further proceedings under the call be dispensed with, so as to enable Senators to get their breakfasts and return here by 8 or 9 o'clock and not be disturbed in the mean time. Such a course would also relieve the business of the Senate in charge of its officers. I therefore move that all further proceedings under the call be dispensed with.

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

Mr. VANCE. I wish simply to supplement the statement of the Senator from Maryland by a matter of statistics. I believe I see seven Democratic and six Republican Senators present.

The PRESIDING OFFICER. The Senator from Maryland moves that further proceedings under the call be dispensed with.

Mr. VANCE. I find that there is a zeal tempered with discretion. It is a sacrifice in behalf of the public interest tempered by a very unselfish desire to promote personal comfort. Such being the case, I hope that the proceedings may be suspended under the call or else that those who have instigated and sustained the call shall be in their seats wide awake and duly sober for the transaction of public business.

Mr. GORMAN. I move that further proceedings under the call of the Senate be dispensed with.

The PRESIDING OFFICER. The Senator from Maryland moves that further proceedings under the call of the Senate be dispensed with.

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

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DANIEL (when his name was called). I am paired with the Senator from Washington [Mr. SQUIRE]; otherwise I should vote "yea."

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]; otherwise I should vote "nay."

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], and the Senator from Rhode Island [Mr. DIXON] is paired with the Senator from South Carolina

[Mr. HAMPTON]. We agreed upon the last roll-call to transfer our pairs. I vote "yea."

The PRESIDING OFFICER (Mr. MANDERSON, when his name was called). The present occupant of the chair is paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL].

Mr. ALLEN (when Mr. SQUIRE'S name was called). My colleague [Mr. SQUIRE] is paired with the Senator from Virginia [Mr. DANIEL].

The roll-call was concluded.

Mr. VANCE. I wish to announce my pair with the Senator from Michigan [Mr. MCMILLAN]. If he was present, I am rather inclined to think that I should vote "yea."

Mr. BATE. The Senator from New Jersey [Mr. BLODGETT] is paired with the Senator from New Hampshire [Mr. CHANDLER].

Mr. CULLOM. Under the terms of my pair with the Senator from Delaware [Mr. GRAY] I am at liberty to vote if my vote is necessary to make a quorum. Has a quorum voted?

The PRESIDING OFFICER. No quorum has voted.

Mr. CULLOM. There being no quorum I vote "nay."

Mr. DIXON. Under the arrangement for the transfer of pairs announced by the Senator from Tennessee [Mr. HARRIS] I am at liberty to vote. I vote "nay."

Mr. DAVIS. I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "nay."

Mr. CASEY. My colleague [Mr. PIERCE] is necessarily absent. He is paired with the Senator from Kentucky [Mr. CARLISLE].

Mr. MITCHELL. The junior Senator from Kansas [Mr. PLUMB] is detained from the Senate by indisposition. He is paired with the Senator from Missouri [Mr. VEST]. If the Senator from Kansas were here, he would vote "nay."

The result was announced—yeas 5, nays 23; as follows:

YEAS—5.

Bate,	Faulkner,	Gorman,	Harris.
Cockrell,			

NAYS—23.

Allen,	Dolph,	Hoar,	Sawyer,
Cameron,	Edmunds,	Mitchell,	Shoup,
Carey,	Frye,	Platt,	Stockbridge,
Casey,	Hawley,	Power,	Warren,
Cullom,	Higgins,	Quay,	Wilson of Iowa.
Dixon,	Hiscock,	Sanders,	

ABSENT—60.

Aldrich,	Davis,	McConnell,	Reagan,
Allison,	Dawes,	McMillan,	Sherman,
Barbour,	Eustis,	McPherson,	Spooner,
Berry,	Evarts,	Manderson,	Squire,
Blackburn,	Farwell,	Moody,	Stanford,
Blair,	George,	Morgan,	Stewart,
Blodgett,	Gibson,	Morrill,	Teller,
Brown,	Gray,	Paddock,	Turpie,
Butler,	Hale,	Pasco,	Vance,
Call,	Hampton,	Payne,	Vest,
Carlisle,	Hearst,	Pettigrew,	Voorhees,
Chandler,	Ingalls,	Pierce,	Walthall,
Coke,	Jones of Arkansas,	Plumb,	Washburn,
Colquitt,	Jones of Nevada,	Pugh,	Wilson of Md.
Daniel,	Kenna,	Ransom,	Wolcott.

The VICE PRESIDENT. On the motion to dispense with further proceedings under the call there are 5 yeas and 23 nays, less than a quorum. A quorum, however, not being necessary to decide this question, the motion is lost.

Mr. HARRIS. Was a quorum present, Mr. President?

The VICE PRESIDENT. The Chair has announced that there was not a quorum present.

Mr. HARRIS. The rule prescribes a call of the Senate.

The VICE PRESIDENT. The roll will be called.

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

Allen,	Dixon,	Hiscock,	Sawyer,
Bate,	Dolph,	Hoar,	Shoup,
Cameron,	Edmunds,	Manderson,	Spooner,
Carey,	Faulkner,	Mitchell,	Stockbridge,
Casey,	Frye,	Paddock,	Vance,
Cockrell,	Gorman,	Platt,	Warren,
Cullom,	Harris,	Power,	Wilson of Iowa.
Daniel,	Hawley,	Quay,	
Davis,	Higgins,	Sanders,	

Mr. COCKRELL. I did not notice that the senior Senator from Iowa [Mr. ALLISON] was absent at the last yea-and-nay vote. I ought not to have voted, as I am paired with him.

Mr. CULLOM. It did not make any difference in the result.

Mr. COCKRELL. I wanted to announce the fact, as he is not here.

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

Mr. MITCHELL. Mr. President, would it be in order to rise to a parliamentary inquiry?

The VICE PRESIDENT. It would.

Mr. MITCHELL. I should like to make two inquiries. The first is, whether the Senator from West Virginia [Mr. FAULKNER] has concluded his speech. The next is, if he has concluded, whether it is the intention of our Democratic friends on the other side of the Chamber to discuss this question any further.

Mr. FAULKNER. I regret to say that through the inability of our distinguished friends on the Republican side of the Chamber to be present by reason of illness I have not been able to continue my speech as promptly and as consecutively as I desired [laughter]; but I feel that I ought to indulge them under the peculiar circumstances which surround them, as I believe they have been reported ill.

The VICE PRESIDENT. The Chair lays before the Senate a further report from the Sergeant-at-Arms, which will be read.

The Chief Clerk read as follows:

UNITED STATES SENATE, 6.20 *a. m., January* 17, 1891.

SIR: I have the honor to further report that Senators REAGAN and VEST, in response to the order of the Senate, responded that they would report immediately. Senator VOORHEES reports himself sick. Senators PUGH and WALTHALL can not be found in the city of Washington. Senators BROWN, BLODGETT, CHANDLER, FARWELL, BLAIR, SQUIRE, MOODY, and PETTIGREW are absent from the District of Columbia.

Very respectfully,

E. K. VALENTINE,
Sergeant-at-Arms.

To the PRESIDENT OF THE SENATE.

At 6 o'clock and 35 minutes a. m., Saturday, Mr. BUTLER entered the Chamber.

The VICE PRESIDENT. The name of the Senator from South Carolina will be called.

Mr. BUTLER. I am present, Mr. President, but I am very sorry to observe that so many others are absent.

At 7 o'clock a. m. Mr. DAWES entered the Senate Chamber and responded to his name.

At 7 o'clock and 25 minutes a. m. Mr. CALL entered the Chamber and responded to his name.

At 7 o'clock and 29 minutes a. m. Mr. MORGAN entered the Chamber and responded to his name.

Mr. DANIEL (at 7 o'clock and 47 minutes a. m.). Mr. President, I ask the unanimous consent of Senators on the other side that we now adjourn.

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Chair understand the Senator from Virginia to make a motion to adjourn?

Mr. DANIEL. Yes, sir; I move that the Senate adjourn.

The PRESIDING OFFICER. The Chair suggests to the Senator from Virginia whether that motion is now in order. The Senate is proceeding under a call.

Mr. HARRIS. The motion to adjourn is in order. It is the only motion that is in order pending proceedings under a call in the absence of a quorum.

The PRESIDING OFFICER. Without any other business having transpired, except the call which followed?

Mr. HARRIS. It followed another motion, not a motion to adjourn.

The PRESIDING OFFICER. The call followed a motion to adjourn.

Mr. HARRIS. Even if it did it is business, and the motion to adjourn is in order.

Mr. DANIEL. I hear no objection to an adjournment from the other side. Silence gives consent.

The PRESIDING OFFICER. The Senator from Virginia [Mr. DANIEL] moves that the Senate adjourn.

Mr. HOAR. Does the Chair hold the motion to be in order?

The PRESIDING OFFICER. The Chair is inclined to think it is in order, although he suggested a doubt on that subject.

Mr. HOAR. What has happened since the last motion?

Mr. HARRIS. A call of the Senate.

Mr. HOAR. That does not make the motion in order.

Mr. FAULKNER. There has not been any motion to adjourn since the last call.

The PRESIDING OFFICER. There was a motion to adjourn, and a vote by yeas and nays disclosed the absence of a quorum, and the Chair then ordered a call of the Senate. The Chair was first in doubt as to the motion being in order. The Chair will put the question on the motion.

Mr. HOAR. We have had a speech from the Senator from West Virginia [Mr. FAULKNER], which is very weighty business.

The PRESIDING OFFICER. The question is on the motion to adjourn.

The motion was not agreed to.

After some delay, Mr. PASCO, Mr. SHERMAN, Mr. GEORGE, Mr. TELLER, Mr. MCCONNELL, Mr. VEST, and Mr. MORRILL entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. HAWLEY in the chair, at 9 o'clock and 30 minutes a. m.). Forty-five Senators have responded to the call of the Senate. A quorum is present. The Senator from West Virginia has the floor.

Mr. FAULKNER resumed the floor, and after having proceeded for thirty-five minutes,

Mr. HARRIS (at 10.05 a. m., January 17). Mr. President, if the Senator from West Virginia will yield to me a moment, I desire to make an inquiry.

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from West Virginia yield?

Mr. FAULKNER. Certainly.

Mr. HARRIS. I want to make a parliamentary inquiry. I ask whether or not our Journal will show that there was a legislative day on the 17th of January, 1891; and, if so, I want to know when that legislative day begins. The standing order, as I understand it, is that the Senate shall meet at 10 o'clock a. m. until otherwise ordered. As there has been no other order of which I know anything, I suppose that to be the standing order. It is now four or five minutes after 10 o'clock of the calendar day of January 17.

Mr. MORRILL. The 16th of January is not finished.

Mr. HARRIS. Very well; I simply desired to ask whether we shall have a legislative day on the 17th of January.

The PRESIDING OFFICER. The Chair is of opinion that there never will be any such legislative day as the 17th of January.

Mr. HARRIS. I desired the information of the Chair, so that the clerks might know how to make up the Journal.

Mr. HOAR. Mr. President, may I be permitted to make an observation? I desire to remind the honorable Senator from Tennessee that at the time of the legislation relative to the Electoral Commission the flag was kept flying and one legislative day continued a good many weeks, I think six or seven weeks—I do not know how long; and at the end of that time all the legislative days came in together like the running down of the clock.

Now, I wish to observe to the Senator from Tennessee that it is possible, and I think probable on such reflection as I can give, that that was provided for expressly by the statute creating the Electoral Commission. So it would not be strictly a parliamentary authority for the present proceeding, but I suppose it illustrates exactly what I presume would be the case if the Senate of its own volition were to sit on without an adjournment.

Mr. HARRIS. Both the Senator from Massachusetts and myself remember more instances than one, I imagine, where two and possibly three or more calendar days have been journalized as one legislative day. I simply desired to know what the purpose was, whether there would be a legislative day of the 17th of January, so that the clerks might know how to make up the Journal.

Mr. SHERMAN. I think if we were to adjourn now, under the regular order we could not meet until Monday at 10 o'clock. So I imagine yesterday's legislative day will continue over until the hour of adjournment. That is the usual way.

The PRESIDING OFFICER. The Presiding Officer noticed when the hour of 10 o'clock arrived, but did not deem it his duty to call the attention of the Senate to the fact that the hour of 10 o'clock had arrived. He understands that this is the legislative day of yesterday and will continue so. The Senator from West Virginia will proceed.

[Mr. FAULKNER concluded his speech. See Appendix.]

Mr. DANIEL. Mr. President, free speech and free elections are the very soul of republican institutions. Two false assumptions are made, as I conceive, as to the status of the advocates and the opponents of this bill. Gentlemen upon the other side say sometimes, with a little indication of superior pretension, that "We are for honest elections, and therefore advocate this bill;" and they put this question: "Are you not for honest elections?" as if this bill and honest elections were in some way identified with each other. This, Mr. President, upon the part of the advocates of this bill is pure assumption, and the notion that the advocacy of the bill and the desire for honest elections are identical sentiments is entirely confined to those who maintain a superior pretension for themselves.

Without intending to go into stricture, I point, in reply to them, to the cold fact that the country at large has not identified this bill as in any way indicating that its advocates are in favor of, or that its opponents are against, honest elections.

ADVOCATES OF THIS BILL NOT FOR HONEST ELECTIONS MORE THAN THEIR OPPONENTS.

Nay, more, Mr. President. Without going into personality on one side or another, but taking the fact in its broadcast import, it is quite evident, from the history of this country, that the peculiar advocates of this bill have never had any relation to any election or to any of the questions involved in elections, whether before the people or in the House of Representatives or in the Senate, which has in the least manifested to public comprehension that they are any more the peculiar friends of honest elections than their opponents.

In Congress and out and on all occasions in which the spirit of partisanry has been aroused, the men who stand foremost in proffering this bill to the American people and who float over it the flag inscribed "honest elections," have always exhibited just as much partisanry, just as much enthusiasm for their own side, as has ever been exhibited anywhere at any time by any other equal number of partisans.

DEMOCRACY FOR HONEST ELECTIONS.

It is not true, Mr. President, that the Democratic party or those who stand here as its representatives have ever been the advocates or maintainers of dishonest elections, and the objection that I have, more than another, to this bill is that with its passage there passes away from this country the strongest and most enduring guaranty of honest elections that it is possible for mankind to frame. The theory of political purity and of political reform can never be a theory which confines the possession of virtue to one political organization or another. It can not be a theory that assumes that the men of one section or of another, that the men of one tenet of political faith or another, that the men bound together by the ties of one political organization or another, are superior in any degree to their neighbors or to their associates and their friends in any of the elements that make the honest man.

REFORM MUST REST ON THE FRAMEWORK OF REPUBLICAN GOVERNMENT.

No theory of political purity or of reform can ever soundly rest upon any basis save that of that framework of our republican Government which has so adjusted the checks and balances of the administrative machine that in all the movements of Government one department is placed as the monitor and watch or as the check and balance upon another. And in that admirable system in which the States of the Federal Union share, each retaining a portion of the sovereignty which is residuary in them, we have constructed a machine which has now become the model of all free peoples.

In that machine there are two Houses of Congress, that there may not be hasty legislation and that the grain may be well thrashed out from the straw and the chaff; there is a judiciary department, which is to revise legislation when it is disputed by comparing its provisions with the provisions of the great fundamental law which is the foundation of the entire Republic; and there is an executive department, remote, separate, and apart from these, to execute the laws as Congress has declared them and as the judiciary has expounded them, and in these departments, operating as checks and balances upon each other, each in its appropriate sphere pursuing its fitting functions, we have done all that is within the power and wit of man to accomplish, so to play competing human passions, ambitions, and feelings and opinions with each other that they will counterbalance and tongue-and-groove together and so work out the people's will.

THE EXISTING SYSTEM THE BEST GUARANTY OF HONEST ELECTIONS.

So, Mr. President, there can never in this Government, in the very nature of things, exist a better guaranty of honest elections than that under which we have lived for over a century. Up to the present time, notwithstanding all the difficult questions which have had to be adjusted, and the sensations and excitements which they generated, here we stand to-day upon the threshold of another century looking back over one hundred years of experience, and, with all our contentions and wranglings and differences of sectional interests and otherwise, we can not see that anywhere in the history of this Government, from the day of its foundation to the present, there has ever arisen bloodshed between sections out of any dishonest election; and no election in all that time has been so tainted with force or fraud, or both, that it has not been within the power of the people, under the machinery which they now possess, to settle the question amicably without disturbing the great Republic in its onward strides and without compassing the entire issue which was presented.

Mr. President, it seems to me that this is a momentous and conspicuous fact which has been lost sight of in this debate by the gentlemen who advocate this bill, declaring that it is the necessary coincident of honest elections.

REPUBLICAN INSTITUTIONS DOOMED IF THE STATES CAN NOT SECURE HONEST ELECTIONS.

The Senator from Wisconsin [Mr. SPOONER], in the very able speech which he made some days since, conceded what most of his associates seem disposed to deny: that he had no doubt that the States could give us honest elections.

Mr. President, if I were to think otherwise than that, I should see written in my thought the death warrant of all republican institutions. I think that both parties in this country sometimes do their country injustice when they parade together the frauds, the irregularities, the deviations from right, which occur in elections, and, grouping them in an appalling picture, point to them as evidences of the utter unrighteousness and total depravity of the other political organizations. There is no manner of doubt, Mr. President, that there have been grievous frauds committed by Republican organizations and Republican partisans and no fair and candid man would deny that there have been frauds at one time or another committed by the rival organization or some of its members.

But when we remember, Mr. President, that this is a country composed of sixty millions of people, that there are fifty-four thousand precincts, that there are forty-four Commonwealths, that there are hundreds of great cities, and that this population, ever increasing, has been rushing forward with a swinging stride of progress and unparalleled advancement; when we remember how sharp have been the issues, how large have been the interests, how deeply moved have often been the passions, how acute have been at times the rivalries of sections, how rapid have been the accessions from foreign lands, instead of receiving the story of the electoral history of the United States as an indication that our people are going to the bad, I believe, upon the contrary, that no other nation traversing a similar period of time under such conditions could write in history a fairer or a purer page.

Why, Mr. President, in the mother country impure elections have far surpassed anything that can be pointed to in this country of a like character.

FEDERAL AND STATE OFFICERS SELECTED FROM THE SAME MATERIALS.

Furthermore, Mr. President, we must remember that by this bill we do not put into official position another or a superior class of people to those who now occupy official relations to elections. The American citizen of the city of New York who will be a Federal supervisor, if this bill passes, is not made by the new title which will be applied to him another or different man from what he would be if he were an election officer of the State of New York under its own system.

A man in Louisiana, or California, or in Nevada, by being appointed a deputy marshal under a political administration of the United States, in which he gathers a partisan bias to a certain degree from the sources of his appointment, who indeed will receive his appointment because of that partisan bias, is not thereby elevated upon any plane where he will breathe any purer atmosphere, where he will entertain a higher sentiment, in which his ordinary feelings and dispositions and opinions will be exorcised and he become constructed into a creature of superior mold. He will be the same citizen of New York, of Louisiana, of Nevada, or of any other State that he was before the appointing operation occurred in his case. And so all over the country.

And yet there is introduced to our minds the suggestion, in a vague way, that if you have one appointing power for all of these officers, somehow or some way or another he will become thereby purified and etherealized, and these contending passions, and instincts, and rivalries, and interests will all be abated, and the electoral wheels of our Government be oiled to run smoothly. Mr. President, it is a dream, and there is no solid fact of philosophy or of common experience upon which to expect any such reform.

IF THE COURTS BECOME POLITICAL BODIES THEY WILL HAVE POLITICAL BIAS.

Now, Mr. President, furthermore, we hear it contended that because there will be a judicial appendage to the political machinery of the United States, placed there under the architecture of this bill, introducing certain men who are called judges, we will thereby take a sponge, as it were, and absorb all the impure elements which have heretofore contaminated at one time or another the certificates of election. Mr. President, there is no man who has studied history, whether it be the history of our country or of the mother country from which we spring, or that of other nations in which similar experiments have been made, who does not know the fact, spread as it is upon many pages and handed down to us by notorious traditions, that the very moment the judicial department of any state or government has been made a political department it has partaken of the characteristic bias of political bodies. The political judge is a character as well known as any other character in the history of mankind.

Mr. President, there is nothing in our Constitution or in our practices of government that has been more wholesome than that separation of responsibility which has remitted merely political questions to those who have only a political relation to those questions. There are indeed a certain class of questions, political necessarily, in the broad sense, which must go before the courts for the determination of principles.

But, while I am no pessimist, while I do not believe in the total depravity of man, while I venerate the bench, while I respect the honest and pure and highminded judge as the finest product of a refined civilization, yet I can not blind my eyes to the fact that I see revealed in all judicial history, in all political dissertation, that whenever great political questions or issues have gone before judicial bodies for decision, those bodies (I will not say dishonestly; I will not say impurely) have with almost undeviating accuracy followed out in their decision the instinct, the prejudices, the bias, the sentiments of the political character which inhered in the very being of the judges.

Mr. President, these things about elections which honest men in this country so much condemn and which true reformers desire so much to eliminate are largely matters which can never be—certainly not entirely—done away with until that great day of the millennium when the lion and the lamb shall lie down together.

DISTRIBUTED POWERS TEND TO HONEST RESULTS MORE THAN CONSOLIDATED POWERS.

Now, Mr. President, in the system which we have now, a great guaranty of honest elections lies in the fact that our powers of government are so distributed among the States that the great result of a national election is never made the arbitrament of any one set of men or of any party of men entertaining a community of opinion.

In military affairs, Mr. President, we are told that the judicious commander, in marching his troops across a country, will always instruct his subordinates that in crossing a bridge the order shall be given "Rout step, march!" in order to break the force of the impact of that uniform step which, by throwing the weight of the whole body of men at a particular instant of time upon the structure, produces the maximum of strain on a particular point. The irregular, uneven steps counteract each other as they fall by making the movement and agitation in different directions; and so in the lack of uniformity is found that safety which uniformity would destroy.

It is precisely so, Mr. President, in this superior mechanism of government under which we live. There is an election, we will say, for Congressmen in Nebraska. One party will be in power there; in an adjoining State another party will be in power; it may be that in another State there will still be a third party (third parties seem to be not unfashionable at the present moment); and when the people have deposited their ballots and when a certain party has finished the result in one State, another party in another State, and still another, with different intent and differing combinations in another State, neither one of those bodies, so are they segregated and divided, may have such power as to control the aggregated result.

Therefore no one of them will have so great a temptation to torture the result. Therefore no one of them will have so great pressure brought upon it by alien and outside influences to pervert the result; and so each, acting within its own circle of independence, each governed by its own separate instinct and inclination, in the grand aggregate make up a result which is far more certain to indicate and reflect the true sense of the people than a result worked out all over the country under the agency and administration of a party of men who, by their decisions, may control the whole country.

THE BENCH WILL BE SUBJECTED TO PRESSURE AND TEMPTATION IF MADE A POLITICAL BODY.

Mr. President, there is another thing about the judiciary in this relation which we should not forget. The very moment that you dissociate the judge from that elevation on which he stands, apart from the contention of politics, and bring him into the arena as a factor in a political fight, that moment you make the bench the objective point of those who wish to exercise an undue and improper influence upon that fight.

Mr. President, there is an incident in the history of our country which is replete with suggestions such as I have made. I do not now refer to it in any partisan sense or with any other view than simply to hold it before the Senate as a great and conspicuous fact, to ask Senators to draw the deductions from that fact which fair and candid men may draw without impugning others. We had in the year 1876 an Electoral Commission, the evolution of a necessity to settle a threatening disputation. It was composed of statesmen selected from both parties, men who occupied high positions in the Senate and in the House of Representatives, and who were the trusted champions of those parties.

There were associated with that commission, Mr. President, five judges of the Supreme Court of the United States. Gentlemen advocated the plan of that commission and urged its adoption as a method of solving a difficulty which threatened social strife and which might possibly lead to widespread conflict. That commission was duly installed; it officiated and fulfilled its functions. Upon the eve of its organization there was uttered in these halls the very same order of sentiments which we hear gentlemen upon the other side give utterance to when they say: "Give us the courts as the capstone of our electoral system, and we will have honest elections."

The distinguished Senator from Massachusetts, who is the chairman of the Committee on Privileges and Elections [Mr. HOAR], seemed to resent with some sense of indignation the suggestion that the courts of this country would not administer the laws with absolute impartiality. I have as much respect for law and for justice as any man. I would do nothing to bring them into contempt. I would rather stimulate public respect for the character of a judge and strengthen the sentiment that leads to the better obedience of the laws.

But, Mr. President, it is useless to tell men who have observed the world in which they live, and who have read something of its story, that judges are not going to be affected by the atmosphere they breathe, like other mortals. The Senator from Massachusetts said he had contempt for the suggestion that this was a partisan measure; and from lofty heights, to which he transported himself, he seemed to look down upon smaller beings who would suggest the possibility that we might find in the experience with this bill things happening which had happened in other countries and nations and in our own.

ASSUMPTIONS OF IMPARTIALITY IN THE ELECTORAL COMMISSION.

Mr. President, that was no new attitude for the Senator from Massachusetts to assume. He perched himself upon the same lofty, ethereal height in 1876, and, looking over a troubled nation, he told us that the very suggestion that the Electoral Commission would be partisan was an offense to the whole country. And I have before me now, Mr. President, some of the consoling and reassuring words which he poured forth as oil upon the troubled waters to carry conviction to the anxious people of this country that the Electoral Commission would be entirely impartial. On that occasion the Senator from Massachusetts said:

> But it is charged that this commission is in the end to be made up of seven men who of course will decide for one party, and seven men who of course will decide for the other, and who must call in an umpire by lot, and that, therefore, you are, in substance and effect, putting the decision of this whole matter on chance. If it be true, there never was a fact so humiliating to the Republic expressed since it was inaugurated. Of the members of our national assembly, wisest and best, selected for the gravest judicial duty ever imposed upon man, under the constraint of this solemn oath, can there be found in all this Sodom not ten, not one, to obey any other mandate but that of party? But I especially repudiate—

Said the Senator from Massachusetts, assuming the same indignant air with which he still addresses himself to this subject—

But I especially repudiate this imputation when it rests upon those members of the commission who are to come from the Supreme Court. It is true there is a possibility of bias arising from old political opinions even there—

That was something for the Senator from Massachusetts to concede—

and this, however minute, the bill seeks to place in exact equilibrium; but this small inclination, if any, will in my judgment be overweighted a hundred-fold by the bias pressing them to preserve the dignity, honor, and weight of their judicial office before their countrymen and before posterity. They will not consent by a party division to have themselves or their court go down in history as incapable of the judicial functions in the presence of the disturbing elements of partisan desire for power in regard to the greatest cause ever brought into judgment.

"EIGHT TO SEVEN, SEVEN TO EIGHT."

Mr. President, the roseate vision of the Senator upon the eve of the meeting of this commission was soon dispelled. He chanced to be a member of that commission himself. Five judges of the Supreme Court sat by his side, and, Mr. President, from the beginning to the end of their judgment, I draw no line of animadversion in what I say was upon the opposing party, for there is a great deal of human nature in Democracy as well as in Republicanism, but, Mr. President, from the very beginning to the end of that commission there was a daily, an hourly, refutation of the beautiful theories which the Senator had set before the country.

There was a monotonous "eight to seven, seven to eight," "eight to seven, seven to eight," "eight to seven, seven to eight," from the beginning to the end of the chapter. And if the Senator from Massachusetts were yet in the temper to read correctly his own handwriting, he would see that he himself had written in that commission the utter negation and refutation of all such fantastic theories as those with which he is at present engaged in deluding a very small number of the American people.

Mr. GRAY. Mr. President, allow me to call the attention of the Senator to a very remarkable passage written by that very astute observer of our institutions, Mr. Bryce, and a nonpartisan observer, so far as the pages of our party politics are concerned, in regard to the very matter about which he is now speaking.

Mr. DANIEL. Mr. President, the Senator from Delaware [Mr. GRAY] has kindly handed me at this juncture the work of Mr. Bryce upon American Commonwealths, and pointed out a passage therein to which my mind adverted when formulating these reflections. Mr. Bryce thus comments upon the fact which I have just brought to the attention of the Senate:

The other misfortune was the interposition of the court in the Presidential electoral count dispute of 1877. Most people now admit that Mr. Tilden, and not Mr. Hayes, ought to have been declared elected in that year. But the five justices of the Supreme Court, who were included in the Electoral Commission then appointed, voted on party lines no less steadily than did the Senators and Representatives who sat on it. A function scarcely judicial, and certainly not contemplated by the Constitution, was then for the first time thrown upon the judiciary, and in discharging it the judiciary acted exactly like nonjudicial persons.

Mr. President, there is a summing up in a nutshell of the whole story, and I do not believe for one instant that the utterances of the Utopian dreams of the Senator from Massachusetts make any more impression upon the experienced and able statesmen of this body who have listened to them than does the cloud that passes over us and is remembered no more.

POLITICAL DESIGN IN REFERRING POLITICAL QUESTIONS TO JUDGES.

Mr. President, there was another distinguished statesman, who is yet in the full vigor of his faculties, upon the theater of action, who expressed himself about that time as to the Electoral Commission. It was the distinguished Senator from Vermont [Mr. EDMUNDS], and I read a very brief extract from a letter which he wrote January 27, 1877, in reference thereto. Addressing Mr. Daniel Roberts, of Burlington, Vt., the Senator assigned a variety of reasons for his support of the Electoral Commission plan. The fourteenth and fifteenth reasons he stated were these:

Fourteenth. The present bill, then, saves the Republican cause from the predetermined destruction of its hopes and fortunes being left solely in the hands of its opponents.

Fifteenth. Is there much ground, then, to condemn the action of the Senators who have striven to get the Republican cause, as well as the cause of free government under law, out of the valley of the shadow of death, and put them on ground where they can have a fair and equal contest in whatever way it may terminate?

Mr. President, I remember to have heard of a clergyman who was once traveling down the Mississippi River upon a steamboat, and who, being invited to play at a little game by other travelers, remarked that he had fifteen reasons for not acceding to their request. The first was that he had no money, whereupon the gentleman with whom he was in colloquy informed him that he might save himself the needless trouble of reciting the other fourteen; that that sufficed for them. Gentlemen who have observed the peculiarly impartial course of the Senator from Vermont [Mr. EDMUNDS] in all of these discussions I think will be disposed, when they read the reasons which are assigned in favor of the Electoral Commission, when they come to the one which suggests that it would bring the Republican party "out of the valley of the shadow of death," to vote to excuse the Senator from stating the other fourteen, and regard them as entirely superfluous.

There is some philosophy as well as some partisanship in the assignment of the reasons by the Senator from Vermont. If he be the serene, impartial judge, such as it is pretended by the advocates of this bill should determine contested elections, I will expect the argument which he used then to have the same effect upon his mind now. His objection to the then existing status without the Electoral Commission was that it left the determination of the matter in the hands of his political opponents.

Now, Mr. President, those political opponents at that particular juncture had domination over but three States which were concerned in this controversy; and may I not, in opposing this bill, say, in a larger sense, that it puts the whole electoral machinery in the hands of my political opponents? But, Mr. President, I would do injustice to myself, injustice to the country, if I were to raise opposition upon any such narrow and transient ground.

DEMOCRACY CAN NOT SUPPORT A BILL FOR CONSOLIDATED POWERS.

If the Democratic party by any means whatsoever should so far forget its duty to the country and to the liberties of the people as to maintain such a bill as this, I would not be a member of that party any longer than it would take me to shake the dust off of my shoes. I do not want to see any party in this country vested with such vast prerogatives and powers as are comprehended in this measure.

The Senator from Delaware [Mr. HIGGINS] indicated that under the operation of this bill all powers would not be absolutely reposed in one political organization, as the Democrats may elect a President who will appoint Democratic marshals. He intimated also that the Democratic party would not be so much opposed to this bill if it were to be, to the extent that the Republican party would be, the immediate recipient of its benefits. The Senator does the Democratic party and its members great injustice and much deludes himself if he really fancies this is true.

The Democratic party could never support such a bill as this, because it would disband itself and abrogate every principle that it ever professed or practiced by so doing; and, in my humble judgment, Mr. President, while I am not the adviser of the Republican party and do not utter my words to its members otherwise than from the standpoint of an opponent, I do not believe that that party in all its history ever did or could do a worse day's job for itself than by arraying itself behind this bill and proffering it as its work to the American people. Mr. President, if I were nothing but a partisan, if I had anything of that desire in my nature which would prompt me to desire to see the great ship go down at sea that as a wrecker I might gather in something of its cargo, if I were an Iago and hoped to wreak vengeance or to accomplish some evil object upon my opponent, I would pray that this bill might pass.

THE ALIEN AND SEDITION LAWS OVERTHROW THE FEDERALISTS.

In the year 1798 the old Federalist party of that day passed the alien and sedition law, a law which, as compared to this, was as a molehill to a mountain. The Democratic party opposed it, and Thomas Jefferson, who strongly opposed it, became the next President of the United States and established that long line of Democratic successors whose names and doctrines are the cherished traditions of the Democratic organization. Let the Republican party be warned by that example of history.

When we get up close together and mingle in daily intercourse we do not find that there is so much difference between the people of the different States and sections as we would imagine when reading partisan newspapers and seeing them as in "a glass darkly."

THE LOVE OF FREEDOM UNIVERSAL.

There is one thing which the people of this country cherish in common, which will be fanned into a flame in Vermont as in Louisiana, in Rhode Island as in Nevada, in Virginia as in Ohio, in New York as in Missouri, and that is, that sense of personal freedom, and of local right, and of home rule, and of State pride which lies at the foundation of this great Republic; and whenever the people by their acute instincts catch the idea and become thoroughly impressed with the conviction that here is a political party which intends to aggrandize itself by one broad sweeping plan of seizing the reins of Government, so that it will always be a matter in its own breast to determine whether or not it will lay them down, that instant you will see the Democratic squads in the New England towns and in the Western settlements widening into Democratic battalions; and if, after the test is made of the experiment, the Republican party goes down with this rotten structure devised to bridge over a depression of its fortunes, it will "fall like Lucifer, never to rise again."

THE SCHEME OF PERPETUITY OF POWER IN THE PENDING BILL.

Before I attempt to re-enforce the very able argument which the Senator from West Virginia [Mr. FAULKNER] has made on one clause of this bill, I beg leave to again set before the Senate a diagram of its general scheme of operation. In the first place, the head and front, the mainspring of the election machinery of the United States, is in this bill the President of the United States himself, and we have suggested to our minds at the starting point the utter incongruity of making the Chief Magistrate of this nation the head of the election machinery which is to be applied to his own election and to the election of Rep-

resentatives—not to his own election *co nomine*, but to his own election *ex necessitate*.

Mr. STEWART. Will the Senator yield to me?

Mr. DANIEL. Yes, sir.

Mr. STEWART. I desire to give notice of a motion and to have it read at the desk, which I shall make at the proper time.

The VICE PRESIDENT. The motion will be read.

The Chief Clerk read as follows:

I move that the bill H. R. 1045 be recommitted to the Committee on Privileges and Elections with instruction to so amend the bill as to provide for elections of members of Congress on days when no other elections are held in the several States, and so as to provide for separate and independent registration of such electors as may be qualified to vote for members of Congress.

Mr. STEWART. I now give notice that I shall offer such an amendment.

Mr. ALDRICH. Why not take it up now?

Mr. STEWART. I merely give notice of my intention to offer it. Let it be printed and lie on the table.

The VICE PRESIDENT. It will be printed and lie on the table. The Senator from Virginia will proceed.

Mr. DANIEL. Mr. President, the first step in this electoral machinery, the first link in this electoral machine, the presiding justice, so to speak, of this new national electoral commission, is the President of the United States. The next step is the circuit-court judge. Who is the circuit judge? He is the appointee of the President of the United States.

The next link in this electoral chain are the chief supervisors. Who are they? They are the appointees of the circuit judges, the political grandchildren of the President of the United States. The next link in the electoral chain are the canvassing boards. They are also the appointees of the judges. So the President first, the judge next, the supervisor and the canvassing board next. That is one-half of the circle. Then the canvassing boards appointed by the judge send up their returns to the judges from whom they received their appointment. Then the judge finally determines the manner, without other testimony than that of the partisan officers under him, and the return is made to the Secretary of State, the right-hand man appointed by the President of the United States. There is the circle of never-ending power, the endless chain of partisan perpetuity.

The ancients, as I have read, pictured perpetuity and immortality by a circle. It has no beginning; it has no end; and when they became picturesque they portrayed the circle in the form of a serpent with his tail in his mouth. Mr. President, here is the political power of the United States all engrossed in this circular chain that turns around forever and forever and forever. The common parlance of the street has sometimes designated such shapes as this as "rings," and we all know what a ring is. When there is a combine in a city and when the various officers and their outside allies combine together to touch elbows and to work out certain personal advantages to themselves by their self-supporting arrangements, the vulgar name of this perpetual circle is a ring, and this ring, constructed here under the name of having a fair and impartial election, bears upon its curve the trade-mark of its maker, "John I. Davenport *fecit*."

Mr. President, if this bill should become a law there may be political revolutions and upheavals in the United States; there may be change of opinions; Farmers' Alliances and labor organizations may form; Democratic parties may rise up; but power under the Government of the United States can never be acquired unless the rings consent thereto. The political serpent has his tail in his mouth.

INDELICACY AND IMPROPRIETY OF THIS BILL.

It will be perceived that if this bill should go into operation, a condition arises that is in itself degrading to the office of President and alike degrading to the office of judge. It is the eve of election, let us say. The storm of popular passions is raging over the land, there is a vacancy in a circuit judgship, and the President is surrounded by his political friends and he is looking around for an appointee.

Mr. A is mentioned, an able lawyer, a high-minded gentleman, a man who would dignify and adorn the bench, a man who can never be approached with the suggestion of political partiality. A Mr. B is also recommended. Mr. B is a man of affairs. He is an active politician. He will stick to his friends. If he is judge he will control the appointment of the chief supervisor of New York or some other great State, and the chief supervisor will have two or three thousand subordinate supervisors to appoint on the eve of election, and may, with the marshals, under this bill, multiply deputy marshals at $5 a day to infinity. Then the men who control the wards and run the meetings in New York or some other State, the men who are political bosses, the men who sway the masses that are formed into political organizations, send their spokesmen down to see the President and they say, "Mr. B is the man for judge. He is a very good lawyer, of tolerably fair reputation, and will see to it that the two or three thousand supervisiors will be 'on our side,' and it is a doubtful State."

Mr. President, what is going to happen? Well, I can not say what is going to happen; but I know what might happen, and I know that a free American citizen who has been taught from his infancy that self-help is the best help, that the manhood that stands on its native heath and defends its own liberty is the true manhood, that the town or county or State that can make its impress on its own institutions is the model community—I know that such citizens will say, "God deliver us from this political judge." But you will have him if this bill passes, and he will be in Massachusetts, and in New York, and in Virginia, and in Texas, and the President of the United States will be under aspersion, the judiciary will be under aspersion, all the officers that proceed from such possible combinations will be under aspersion, and, whether they be truly or not actuated by impure motives, the suggestion of impurity is so strong from the mere juxtaposition of powers that all the *prima facie* testimony repels and rebuts the idea that any man who would construct such a plan is the friend of honest elections.

NO PEOPLE'S GOVERNMENT CAN EXIST UNLESS THE PEOPLE CAN CONTROL POWER.

Mr. President, what this country is suffering from here and now, what it has been suffering from for years, and what it will continue to suffer from more and more as the days go by, is the congestion of its official arrangements, with the result of making it almost impossible that the will of the people can communicate and interpret itself and lay its hands upon official power. Do not let us deceive and mislead ourselves by the pleasing terms with which we decorate speeches on festal occasions. You can not have a people's government if you separate the government from the people so that they can not lay their hands on it. A people's government in the nature of things can never be anything else but a government in which the people as masters can lay their hands upon the agent and say "Begone!" if he does not suit them.

Under this bill there is no people's government in plan or specification, but an arrangement which has been perfected with the utmost ingenuity so to segregate and mass the powers of government away from the people that they can never get their hands on them. The Government, if this bill should become a law, stands behind a massive fortress and looks over at the people. They may surround it, but they can never enter it. And upon the eve of election does not every one know that all of these official agencies will be concentrated by the political power that manipulates them upon the weak points of its opposition?

DANGEROUS CONDITIONS GENERATED BY THIS BILL.

Now, suppose a case. The House of Representatives is very close, we will say, and it is very evident to the forecast of the sagacious politician who is overlooking the prospect and anticipating the result that ten or fifteen members will throw the majority in the House one way or another. What will be the result? Why, in that State which is doubtful, in that vicinage which, according to expectation, will have the balance of power, you will see the deputy marshals by the thousands, you will see the canvassing boards of the United States not in some novel situation such as you have never contemplated, but just in the position that the canvassing boards of Louisiana and Florida were in 1876, when the visiting statesmen swarmed around them.

Mr. President, I called the attention of the Senate and of the chairman of the Committee on Privileges and Elections to the fact that when such a thing became possible, and on one occasion actually existed, under the system of election laws which had grown up under our Constitution, he himself was the agency which eliminated it; and on the statute books of the United States for 1887 there will be found now a law providing that the determination as to who are the electors of a State shall be solely the matter of that State; that the decision of its supreme court shall not anywhere be questioned.

What was the occasion of the law which was formulated, and which passed through this body, and which I was gratified to vote for? It was a condition that existed in Louisiana and in Florida in 1876, when visiting statesmen from all over this land congregated around the electoral boards, bringing to bear upon those who were to determine the result all influences that could possibly be brought to bear upon human nature. And seeing that we should not leave our system as it stood before, upon that doubtful basis, the wise men of all political parties united to put up a fence to bar off its recurrence.

Now, in this bill as to our Congressional elections, upon which no less than upon the elections of electors, rest the stability of our institutions and the easy working of their machinery, the very agencies which employ themselves to build the fence in one case are now employed here in tearing down the fence they built; and, as under the old system, until that boundary line was thus recognized, you saw flocking upon the weak points political agents of high and low degree, and all the constraint and pressure that men could bring upon men focused upon those points. So that experience teaches us and the very nature of the case informs us that when you produce the conditions which are brought about by this bill you invite the repetition of the disgraceful scenes which contaminated the history of our country in 1876.

THE DICTATOR INVITED BY THIS BILL.

Mr. President, it is all very well for gentlemen to spurn and contemn the idea of being partisans. It is all very well for them to paint water-color frescoes such as that I read in the CONGRESSIONAL RECORD about the Electoral Commission from the Senator from Massachusetts.

Did we not see then and will we not see again, if we invite the same conditions, the executive powers of this Government brought to bear in every form to work political results as they have worked them out heretofore?

And, Mr. President, after the result desired had been obtained in 1876, what became of the canvassing board and of the various official agencies which had assisted them in the operation of their various functions? The people who had assisted did not go single file, but like misfortune went in battalions into office, offices conferred by the beneficiaries of their decision. Is human nature in 1892 going to be different from what human nature was in 1876? And does not every man know, as well as he knows anything which is not subject to the physical cognizance of his senses, that if this bill becomes a law you put it absolutely in the power of the first President who conceives the idea of making himself dictator to become so without unfurling his colors and standing in the bold garb of a manly usurper?

With the judiciary at his feet, the creatures of his appointment—and I do not use the word creature in a disreputable sense—with the supervisors and their canvassing boards as their creatures, and with their work immediately transmitted back to the Secretary of State, where the President can watch the machine as it produces the manufactured goods, does not everybody see as plainly as a pikestaff with an electric light blazing on top of it that the first bad man who becomes President of the United States and who wants to make himself dictator can do so just as easily as a little boy can put a row of dominoes together and by touching the first one knock down the whole line?

A REPUBLIC AT THE MERCY OF ONE MAN IS HOPELESS.

Mr. President, I do not think that we have had in recent years, or are likely to have in our immediate day and generation, any man who would conceive the idea of making himself the master of the country. But a republic which is willing to put its liberties at the mercy of one man, be he good, bad, or indifferent, is not worth a piece of paper or a pinch of snuff. If George Washington were alive to-day and if we had a guaranty that he would live for forty years, I should be unwilling to make him the dictator of this country, and I thank God he was a man who in peace times at least would never have desired to be; and if he were alive to-day, I believe, as firmly as I believe that I stand here as an humble disciple of Democracy to speak against this measure, that he who warned his countrymen so wisely and so justly against evil measures would give the weight of his great name and example to the opposition, and that he would shrink from himself occupying a position as Chief Magistrate of this nation if he was made himself the boss and dictator of a machine in which he could generate himself back into his position as often as he had the desire to do so.

CONSOLIDATION THE DANGER OF REPUBLICS.

Mr. President, there is a distinguished scholar in Massachusetts, that land of letters which has furnished to this country so many historians, essayists, orators, and statesmen who have adorned its history, who in one page of his admirable work, which was the fruitage of many years of study and reflection, has summed up in his judgment what has been the cause of decline in republican institutions in other lands and ages, and I commend the words which I read from the pages of Nahum Capen, of Massachusetts, to those who are willing to consider this subject with a broader gaze than that which is fastened upon a political device or opportunity. He said:

> Ancient republics failed, not because the principles of democracy lost their vitality and ceased to exist, but because society was in a consolidated condition. They died from lack of principle, or of congestion. They were theories without the means of practice, systems without the means of action. Power can not be exercised without subdivision of means. The mind has its various faculties, and each faculty has its means of manifestation, and all are governed by unalterable laws of unity.
>
> The human body has its numerous members, and each member its special function, but without completeness of parts and independence of function the animal economy would cease. So of a republic made up of separate states. Each state must have a distinct organization and growth, a defined sphere of action, and within that sphere enjoy all the prerogatives of sovereignty necessary to its independence as a state. Without such independence a state would not be prepared to make a part of a republic. It would be no part. A nominal part of a whole is an absurdity. A perfect whole can not be made of incomplete parts.

Mr. President, this keen analyst probed into and diagnosed that great disease from which republics have fallen. Thus has he pictured with a pencil of light the danger before us, to warn us against treading in those steps which have led them downward. "Congestion." What does that mean where you apply it to a nation? We know what it signifies in the individual system; it is when the blood becomes centered and ceases to circulate freely in its channels; but have we thought of it and do we sufficiently realize the danger of an attack of congestion in this nation?

We have it now; we have it here; and the only remedy which the Republican party can suggest for it is the remedy of the tyrant, the cutting of the Gordian knot. Their remedy is to ride roughshod, booted, and spurred over whosoever dares to stand in their pathway; and if I had no other objection to this bill I should look upon it with suspicion when I remember the fact that no legislative body in this land ever put their sanction to it where free speech still lived.

FREE SPEECH AND THIS BILL AT WAR WITH EACH OTHER.

Free speech and this bill are as much at war with one another as are light and darkness. It could not be born in the daytime where the free spirit of the American Representative and of the American Senator stood watch and ward and warned the people by every manner in which attention could be exerted that the very citadel of their liberties was invaded.

I will not speak, Mr. President, of what might happen in this body. I will not anticipate the possibility of an outrage which would make the nation shudder; I will refuse to believe it can contemplate the birth of this bill through such agencies as tyrants and usurpers and dictators devise where they wish to deceive, to dragoon and to destroy the people. Sufficient to the day is the evil thereof, and living in a land which always fights for to-day and hopes for sunshine on the morrow, looking to the realization and to the perfection and to the fruitage of the good, the true, the noble, and the free, I will not for a moment now distress my mind with any anticipation that this bill could possibly become a law under the auspices of parliamentary lynch law.

FREE SPEECH IN THE SENATE ESPOUSED BY THE SENATOR FROM MASSACHUSETTS IN THE YOUTH'S COMPANION.

And, Mr. President, I must render my thanks, even at this juncture, to the distinguished chairman of the Committee on Privileges and Elections who has at least given the country the assurance, and who has proffered to his associates here a guaranty, that if anyone else should attempt to destroy free speech in the Senate, those of us who advocate it may anticipate to welcome into our ranks his able assistance. I have read many articles about the Senate of the United States in law books and magazines, in newspapers and in other commentaries, and I do not remember to have read one which more distinctly and emphatically portrayed the glory of this body as resting upon its ancient prerogative of free speech than that which the distinguished Senator from Massachusetts contributed to the Youth's Companion.

That article is already upon its wings to many a hamlet and home in the United States, instructing the American youth, who used to look to the days of Hancock and Adams as fountains of American liberty, that there is still one here who is able to teach them and to guide their footsteps on those broad highways of light which lead up to the higher freedom. I know, Mr. President, that it can not be contemplated that those who sympathize with the views and hopes of that gentleman will shut off the debate, or, should they attempt to do it, they would more deeply insult him and his teachings than were they to refuse to pass this bill.

DELAYS IN THIS BILL NECESSITATED BY ITS ADVOCATES.

Mr. President, like many of us here I have regretted that this bill has occupied so much of the time which was needed to be expended upon other and more pressing measures, and if the Democratic side of this Chamber has engaged its attention longer on some days than is usual I should fail of my duty did I not call attention to the fact that the delays have been necessitated by the authors and promoters of this bill, and that they must take their full share of the responsibility.

On July 7, 1890, this bill was laid upon the table of the Senate. Not until July 23, two weeks and a half afterwards, did the chairman of the Committee on Privileges and Elections cause it even to be referred to his committee. It was not until August 7 that it was reported, and while I have no doubt that the chairman of the committee would have been glad to have an earlier hearing, I point out the fact that the Senate has on every occasion on which it has come in competition with the necessary business of the country shown its wisdom and its proper appreciation of its responsibility, which Carlyle says is a wise thing to do in life, doing the thing that lay next to it.

THE TARIFF AND CURRENCY QUESTIONS GIVEN JUST PRECEDENCE.

It was justly thought that the tariff at the last session should occupy the attention of the Senate as it was an issue which had been raised before the people, canvassed and discussed before the people, and as it was a necessary incident to our financial system. It was justly conceded, too, by the Senate some two weeks ago that the great question of currency and of free coinage should have a right of way in the Senate, and if other measures have been retarded, if there are whole sections and States, and large bodies all over this land, which are looking to Congress to address itself to those affairs upon which their interests depend, I remind them that not from this side of the Chamber has their business been delayed, not from this side of the Chamber has come objection or obstruction to the natural and just courses of legislation.

THE COMMITTEE HAS CAUSED DELAYS.

Nay, Mr. President, without seeking to make strictures upon the committee and being indisposed to indulge in any severity of criticism, it is but just to truth that I should remind them and the Senate of the fact that they seem indeed by their course to have encouraged, not to say designed, delay.

When the bill from the House was laid upon our table we found it an exceedingly voluminous measure, widespread in its provisions and far-reaching in its results. The work of the House of Representatives on this subject which came forth as the result of those business methods which have been recently applauded in certain localities was immedi-

ately repudiated and set aside by the Committee on Privileges and Elections of this body, and the details of a House bill with which members had been made somewhat familiar through the CONGRESSIONAL RECORD, the newspapers, and public speeches were instantly dismissed as obsolete information. Those who had studied the subject up to its period of introduction to our consideration found that they were somewhat like boys who having gone to an old field school and then to a city college had to learn their Latin pronunciation all over again, and while studying the same to be instructed, as is were, in a new language.

Not only did the Committee on Privileges and Elections of the Senate refuse to indorse and utterly disapprove of the workmanship on the other side of the Capitol, but they looked upon the entire structure as it was introduced from the House as so completely wrong in its architecture that, utterly refusing even to repair and amend it, they cast it out wholly, and themselves introduced and presented to the Senate a fabric of which they and their associates and advisers were the authors.

NO REPORT TO ENLIGHTEN US AS TO THE BILL.

And, although the two bills were so different from each other and although both of them were so voluminous and comprehensive, although the Committee on Privileges and Elections knew that the information as to the first would be unavailing as to the second in large measure, they brought both bills into this body without making any report in which they detailed the differences, and it is a curious thing that up to this time, now the 17th day of January, 1891, here are two measures competing for favor in the Senate which have been here for six months, and up to this time no member of the Committee on Privileges and Elections has honored the Senate, of which they are the committee assistants, by either recording in a report or expounding in a speech what are the differences between them. So that after this bill has been six months here, if we must spend our nightly toil in sitting out these voluminous statutes and deliberating over them in order to reach a conclusion as to where our judgment and conscience may repose, not as yet upon the floor of the Senate or in the archives of its literature has the committee which has this measure in charge ever so much as burned a farthing candle to indicate to us where the differences lie and what are the occasions of their preference for the one bill over the other.

Therefore, Mr. President, if at this juncture we stand at the very threshold of investigation and discussion, and if we must ascertain for ourselves facts which briefer investigation and shorter consumption of time might have done on their part, we must thank the zeal of the Committee on Privileges and Elections. I share in the regret that they have occupied so much time and zeal to get a decision when they have occupied so little time in telling us the difference between the two things that have to be heard.

Nay, more, Mr. President. I do not utter the suggestion with any reproachful sense, but I must remind the Senate that the Committee on Privileges and Elections, through one of its ablest spokesmen, has told the Senate that much of the work of this bill was very hastily done, apologizing as it were for certain lapses or mistakes which I know are incident to all legislation and of which I could not be otherwise than a lenient judge.

Furthermore, let me remind those gentlemen who may be a little impatient of the delays which they themselves have in large measure assisted that all the improvements in this bill, if such they be, for which it seems we are about to be indebted to the Committee on Privileges and Elections, are due to the Democratic patience which has addressed itself so thoughtfully to duty and to the discussion upon this floor, which has been exercised under those precious privileges and prerogatives the necessity of which this bill itself so profoundly illustrates.

Mr. President, I should also remind the Senate, in justice to those with whom I sympathize in opinion, that up to the present hour and indeed not until to-day, if yet it has happened, have we had fairly and fully before us the identical physical bill upon which we are to operate in offering our amendments. I will not go again into any detail of the incident that transpired when it was discovered that by one of those mistakes which are incidental to hasty legislation a bill appeared here which was repudiated in some of its provisions by the committee, and which the Senator from Vermont [Mr. EDMUNDS] made haste to show by his affidavit that they had prepared to be reported in a different fashion. What has become of the affidavit of the Senator from Vermont I know not, but it seems that under changes which have continued to operate in the mind of the committee it is one of those pieces of political furniture which have fallen into innocuous desuetude.

LAWS SHOULD BE CLEAR IN THEIR MEANING.

Mr. President, I turn my attention to that provision in this bill which was so ably and earnestly discussed by the Senator from West Virginia [Mr. FAULKNER]. Before I had the opportunity of conference with him my own mind had worked much in the same groove as his own, and I had myself prepared an amendment to be offered to the fourteenth section in which I would have recommended the Senate to declare that the United States boards of canvassers who may be constituted or appointed and all the supervisors and of all election officers under this act are to be deemed ministerial only, and it is not the intent of this act to confer upon them any judicial power whatsoever.

Mr. President, I do not recall another occasion in my political experience in which it has been contended on the floor of a deliberative body that the meaning and intent of the law was just that which its opponents assigned, and then that concession was accompanied with the persistent refusal to permit the law to say exactly what its authors said they meant. If I were the advocate of any law which I wished to be clearly understood and accepted, and which my political opponents interpreted as I did, but informed me that it would be more acceptable to them to say in so many words exactly what they said they meant, I should look upon it in the first place as due to courtesy and consideration, they sharing with me the responsibility of the lawmaker, to accept their advice in which I concurred, and I should look upon it as ungracious upon my part if I declined to permit a gentleman, who said there may be doubt in other minds, to let the light into my work, to do so. Any political party and any statesman and any who stand on the floor of a great legislative body and continuously and persistently refuses to allow the clearance of doubts about law which is to be put before the people, subjects himself, or themselves, to just suspicion. When we know that just such questions as those which were raised under the vague and shadowy lines of this law have been the sources of contention in many States, have led to litigation and strife, the refusal of the lawmaker to make his meaning clear is to conspire with litigation and to invite strife; and instead of being worthy of the benign benediction, "Blessed is the peacemaker," such lawmakers deserve the reprobation of the people.

Mr. President, we should remember that this is one of those laws belonging to a class of laws which of all others should be simple, plain, clear, and unambiguous. If we were making a rule for the Supreme Court of the United States we would be justified in speaking technical language of the law, for we would know that those to whom it was addressed would interpret it as they would a native or an acquired tongue; but this proposed law is not made for lawyers and judges alone; it is a law to be distributed all over this land, to go throughout the countryside, where such things as the difference between judicial and ministerial functions have never been discussed and where the untechnical mind is unprepared to discuss them.

And yet, Mr. President, when we are using in this bill the keen-edged tools of the law, which are often abused, we are told by the chairman, or at least the course of the Committee on Privileges and Elections is as much to say to us, we shall refuse to clear this pathway and will not admit this law to go forth to the people in undisputed and unquestioned form.

Mr. President, there is a great book which says there are those who love darkness better than light, and it assigns the reason, because their deeds are evil. There are those who advocate this bill who love darkness better than light and who refuse the light even when they acknowledge it. I will not venture to assign the reason.

THE SIMULACRUM OF A COURT IN THE FOURTEENTH SECTION.

Mr. President, I look now to the structure of the fourteenth section. This section of the bill is an exceedingly peculiar one. As fruitful of comment and criticism upon it as the Senator from West Virginia has been, I find in it other objectionable features than those upon which he has so powerfully commented. I call the attention of the Senator in the first place to the fact that the fourteenth section presents to the mind the simulacrum or effigy of a court. If an individual were to walk down the street dressed as that section is dressed I should at once take him for a judge. The section has a judicial atmosphere pervading it. It wears the robe of a judge. It draws into the canvassing board the furniture of court, and the only thing that it has omitted is that part which was put in by the bad artist who drew a horse. It has not written under the picture "This is a court."

But follow me for one moment now, Mr. President, and see how complete is the image of a court which is put before the public. In the first place, the United States canvassers are to meet at a certain time, and one of said three persons is to be named as chairman of the board. This is the presiding judge of the quasi court. They are to take an oath to support the constitution of the State and then the Constitution of the United States in solemn form, which is all right. Then they are to appoint a clerk. What kind of official product is this clerk to be? He can not be an officer of the United States like the clerk of a court, because no judge appoints him, and there is no authority in Congress to confer upon a canvassing board the authority to appoint an officer. So, while he is styled a clerk and is set up by the side of the canvassing board, he is not an officer of the United States. He is not invested with the dignity which all over this land, in every county, in every circuit, in every town, and in the courts of the United States and in the State courts, is always invested in that officer who handles records and who performs the ministerial duties of the court. So, while the name is the same and the function is the same, the official dignity and sanction are lacking.

WHY A SEAL AND WHAT SEAL FOR THE CANVASSING BOARD.

Then these three canvassers and this clerk of the United States canvassing board are to have a seal. What is that for, Mr. President? What on earth does the United States board of canvassers want with a seal?

The President of the United States may use the great seal of the United States, and the governor of a State the great seal of a State, and the Executive Departments have their executive seals; so the judicial department of the United States has its seal; but what on earth does the United States canvassing board want with a seal and what appropriate function is there for a seal in connection with the United States canvassing board? Mr. President, the logic that attaches a seal to the United States canvassing board is very much like the fine logic of Lord Coke when he described in very luminous language of what a seal consisted, and if I recollect aright this was his definition: *Sigillum est cera impressa, quia cera non impressa est non sigillum.* Mr. President, I must translate that for the benefit of some of my Democratic friends, and I will do it according to my best recollection. The translation of it is this: "A seal is wax impressed, because wax not impressed is not a seal."

I draw the attention of the Senate to the facility following the conclusion from the premises assumed, and this model piece of logic was evidently the logic which animated the Committee on Privileges and Elections. A United States canvassing board should have a seal, because unless the law gives them a seal they will not have a seal. Now, in both propositions I admit the premises are well taken, and the conclusion follows, but what pertinence a seal has to the election bill of the United States is an undiscovered thing which I can not conceive of. Mr. President, there was an object in it. It was to make the canvassing board look like a court; that was it.

HOW CAN A BOARD "CONTROL" ATTENDANCE OF SUPERVISORS?

Then a deputy marshal is to be detailed to wait upon this canvassing board in the attitude of sheriff. Now, I go a little further, where the game of playing court seems to meet with some little difficulty; that is, in speaking of the authority and duties of this canvassing board. Here is one of them:

It shall also be authorized and empowered to summon and compel the attendance before it of the supervisors of election who served on election day, etc.

"Summon" is a courtly word; it belongs to the language of the bench. But there is difficulty when you come to the next words, "compel the attendance" of supervisors.

Now I ask my learned friend from Wisconsin, who, able and accomplished lawyer as he is, I am sure has either overlooked this clause or can assign some reason for it, by what process can a United States canvassing board compel a man to come before it? I shall be glad if the Senator from Wisconsin would tell me how a United States canvassing board can compel a witness to come before it.

Mr. SPOONER. I have given some attention to the remarks which have just fallen from the lips of the Senator. As to the mystery which pervades in his mind the provisions and purposes of section 14 in the aspect to which he is just now alluding, the Senator insists that it is a marvelous, an astounding, and an inexplicable thing, except upon one hypothesis, that this canvassing board should have a seal. "What in the world are they to do with a seal?" he asks.

Mr. DANIEL. Mr. President, I am delighted to hear my distinguished friend argue the case, but I only asked him a question, how they could compel the attendance of a witness. My friend will not forget the question unless——

Mr. SPOONER. My friends on the other side are falling into the habit, whenever they want some information, of naming and asking me to give it, and they must not at the same time fix a limit to what I should say in reply to their questions.

The Senator said the object of providing that this canvassing board shall have a seal is to make it look like a court, as if every tribunal and every board and every institution that has a seal is therefore to look like a court. I only wanted to remind the Senator in this connection as I went along that they have a county government in the State of Wisconsin and a county board of supervisors, and they have a seal.

I am sure my friend from Virginia would not very seriously insist before a court that they were given that seal in order to make them look like a court. No more is the giving of this board of canvassers a seal to make them look like a court. They issue a paper, that is under the provisions of that section I believe to be issued in triplicate, perhaps in quadruplicate, and is to be the evidence to the Clerk of the House of Representatives of the right of a man to be placed upon the rolls and of his right everywhere until overturned by the House to sit in the House, and the object of giving to this board of canvass (and that provision came from the House, as most of these provisions did) in the House bill is to attest the certificate of election issued by that board of supervisors, which clothes the person to whom it is issued with this, I may say a *prima facie*, right to a seat as a member of the House.

In regard to this section, as I have often said, I do not feel myself charged at all with the association or the necessity for asserting that in phraseology the bill may not be improved. I never have known a bill of any consequence to be reported to the Senate and to become the subject of debate which was not in very many respects as a measure and otherwise amended in its progress through the Senate.

I do not think this board under the provisions of the bill as it is drawn has required—I am not certain for I have not looked through it within a few days and not with reference to this question—the attendance of a supervisor. Perhaps they are punished if they neglect to appear in response to a summons. But call it a summons. I know in some of the States, I do not know but in most of the State election laws, the canvassing board is authorized to send for and require the attendance of the subordinates or local canvassing officer in order that they may find perhaps a return which is defective as to figures, in order that some inconsistency may be explained, or it may be ascertained anyway whether it is an inconsistency in fact or only apparent.

I think some provision is made for requiring those officers to obey the request of the canvassing board. This bill, as I recollect it, provides in this section that they are to summon these supervisors where there is an apparent inconsistency in the returns or a conflict between those sent from the chief supervisor and those forwarded by the clerk of the circuit court in order that they may determine, just as the State canvassing boards determine, whether it is a real inconsistency which they can not correct or whether it is only apparent.

I am not certain that there is any particular point in the use of the word "compel." If there is not, it can be stricken out. The essential provision, as I understand it, is the authority to call the supervisors before them for the purpose indicated in the sections.

I took occasion to say in remarks submitted to the Senate the other day as to this section 14 that I was not by any means certain it might not be so construed, as the Senator construes it, as conferring upon this board power other than quasi-judicial or ministerial, and that if there were any doubt about that it should be excluded by amendment.

I beg the Senator's pardon for having gone beyond perhaps the strict line of his question.

Mr. DANIEL. Mr. President, I took the liberty to ask the Senator while not upon the floor this question, in the utmost good faith, for information because I knew that as a learned lawyer he would instantly apprehend the weight of the suggestion, and that with the candor which characterizes him he would give a frank answer. I am not disappointed in his response. The Senator recognizes the pertinency of the criticism. Nor is it one which in its results and effects is slight.

Here is a piece of legislation emanating originally from the Senate of the United States. It is not the bill of another body. If we send forth a piece of work which will be the laughing-stock of lawyers and tend to blind rather than to enlighten, we can not excuse ourselves. Here is a bill in which Congress is asked to give authority to a canvassing board, who it is said are merely ministerial officers, to summon and to compel the attendance of witnesses before them; and yet there is no process of compulsion.

ATTENDANCE BEFORE THE CANVASSING BOARD CAN NOT BE COMPELLED.

Mr. President, this is evil and nothing but evil in many ways. A canvassing board is organized. It does summon and it does seek to compel the appearance of people before it, and the citizen is intimidated and may be made a suppliant to persons who have no more right to order him than the Emperor of China has. You can not confer authority upon one man in this country or on any body but a court to compel men to do anything. You may give a remedy for damages for one against another if that other wrongs him, but the American citizen stands above and beyond the compelling of any other man, unless he speaks as a judge under the sanction of law. You can not say unto him as the centurion in the Scripture, "Come, and he cometh; go, and he goeth." He is master of himself, and, Mr. President, I shall never consent to write in the statutes of the United States that a board possessing no judicial functions of the law can compel men before it.

Mr. President, this is ridiculous in another aspect. You may authorize the board of canvassers to compel a citizen before it, but how can they do it after you have authorized them? "I can call spirits from the vasty deep." "Why, so can I, or so can any man; but will they come when you do call for them?" Will they come? The canvassing board orders a man to come. Suppose he does not; what is the canvassing board going to do about it? All they can do about it is to acknowledge their impotence and that the Senate has made them ridiculous by putting a cap and bells upon their brow. Mr. President, as they can not compel the man to come and none but a judge or a military officer can compel a recalcitrant person to come before him, this statute has placed them in a ridiculous attitude.

True, there is the provision:

Any supervisor of election who shall fail, neglect, or refuse, without good and sufficient excuse, to obey any summons of said board to so attend at the time and place required therein shall be liable to arrest, and upon conviction thereof pay a fine of not more than $500.

Not that he shall be guilty of an offense, not that he shall have committed a high crime or misdemeanor, but by not coming he shall be "liable to arrest, and upon conviction thereof," being liable to arrest, shall be fined. How proud Dogberry would be of such composition. If a man does not do a thing he is to be liable to arrest, and upon conviction of liability he is to be fined. What offense he has committed is not stated.

IMPERFECTIONS IN DETAILS.

But, Mr. President, I see one thing in this bill which is characteristic. It is drawn by a man who had just enough knowledge of the law to misemploy its terms, and he was looking at results, he wanted to take a bee line between refusal to obey a canvassing board and get-

ting the other fellow in jail, and he arrested him in a statute after the pattern of John I. Davenport in arresting citizens in New York; the warrants and charges are left out as things superfluous, for the procedure and the arrest and punishment are declared without a designation or description of the crime.

Then just at the end of this section there is another provision which, to say the least, is curious:

The marshal of the United States in the judicial district in which any such board of canvassers shall be convened shall detail one of his deputies to attend its session and preserve order thereat, who shall be paid $5 a day for attendance.

Preserve order! That is a sheriff's function in court; it is not any part of the business of the deputy marshal of the United States to preserve order anywhere. Under certain conditions they may stop a breach of the peace, but they are not the monitors and censors of society, to walk around to preserve order. That is the function of a sergeant-at-arms of a legislative body or a sheriff who speaks as the executing hand of a court. And, Mr. President, at the end of the section it says:

Such marshal shall, by his deputies, serve all summonses of said board.

This seems to me peculiar. The marshal is to serve the notices, not in his own person; he must do it by a deputy. Why should we deny to the principal the right to do a thing which we are compelling him to do by an agent? This is clumsy; this is awkward; this is incongruous; this is inconsistent. This must have been written in one of those hasty moments when the Committee on Privileges and Elections was in tribulation about the tariff.

JUDICIAL ASPECT GIVEN TO THE CANVASSING BOARDS.

Mr. President, what is the summing up of all these criticisms? Taking each point separately, it is a flaw in the law. The Senate will never consent to send this bill forth as its handiwork, being advised how imperfectly and how awkwardly it is constructed. But when you put all these flaws together they mean more than each one separately. They mean that you have constructed canvassing boards in the semblance of a court. Although the clerk can not be an officer you have authorized it to appoint the clerk to be the custodian of records, a function which only belongs to an officer. It means that a marshal of the United States by a deputy is to attend and be the sheriff. It means that the board is to have the power to summon witnesses, which is a judicial function; to compel attendance of witnesses, which is only a judicial function; and it is to have a seal, which imports both in common law learning upon those instruments, which are used in the country and in political and social use, that you can not go behind it.

A seal in the law is a kind of screen, a fence, and it means to say upon its face, "You can not go behind me." If a man makes a bond with a seal and a plain note, and the note is without consideration, he can plead it; but if the bond be without consideration the seal says he shall not plead it. And when you see this canvassing board having the full investiture of the paraphernalia of a court, and finally giving it a seal, it means this, that the political parties who concocted this bill meant to get the returning boards on their side, and then whatever fraud, whatever injustice, whatever wrong, whatever injury had been done on the other side, the seal was to come up and say, "You can not get behind me." It is another Louisiana and Florida case.

It is true, Mr. President, there is a court provided for elsewhere in the bill, but that court is to act only upon what these people who had the seal send them. The court itself can not go behind the seal except to sum up what was before the board. And in this creation of the court to come after the canvassing boards, the author of this bill has doubly violated the principles of law by conferring judicial functions upon a canvassing board and by leaving scarcely more than ministerial functions to be performed by the court.

Mr. President, I would not be so earnest about this matter; I might receive assertions and protestations that come up so fully from the other side that they mean these canvassing boards only to be ministerial, but, Mr. President, I have a memory of what happened here a year ago. There was a contested-election case, and when I interrogated the Senator from Massachusetts who had charge of it as to this ministerial and judicial question as applied to just such a case as will arise under this bill, though I interrogated once and invited an answer twice, the Senator never answered. He has not answered to this day. I do not think he will ever answer. He never put his answer into the RECORD when so challenged in debate, and when I see him maintaining a provision in which the same machinery is introduced which was used there and when I remember how much he has relied in his political history upon the virtue of the returning board, I insist that this law shall be made so clear that he who runs may read it, and that it may be known of all men that we are attempting to pass off this pretended and disguised ministerial board upon the ignorant or upon the skilled ingenuity of the wicked as in fact a court.

DIFFERENCES BETWEEN MINISTERIAL AND JUDICIAL OFFICERS.

Mr. President, there are broad differences between ministerial and judicial officers. The power to fine for contempt is not a power that ever resided in ministerial offices. I read from the twentieth volume of the American Law Register, new series, for 1881, page 81:

Contempt is a disobedience to the rules and orders of a court which hath power to punish for such an offense. And this word is used for a kind of misdemeanor by doing what one is forbidden or not doing what is commanded.

See Jacob's Law Dictionary, title "Contempt."

Here, Mr. President, there is an attempt in this provision of the bill to create the offense of contempt of a canvassing board, and when the statute goes on to say that if the party who is summoned to come before it does not come he shall be liable to arrest, and upon conviction shall be fined, it shows that either the designer was ignorant or that he was assimilating this process to that swift and ready action of a court when a recalcitrant witness is in contempt, and when he is liable to instant arrest upon order of the court without warrant sued out, and may be brought before it and fined without indictment or presentment.

Mr. President, this is either the astute and cunning concoction of a most ingenious lawyer or it may be the concoction of one who was just lawyer enough to know the language of the law, but not judge enough to make its appropriate application. But, whether it be so designed or whether it be from the incompetence of learning, it is a most dangerous provision, easily tortured, easily perverted, and will be the source of endless delusion, deception, and possibly oppression.

The differences between the ministerial and the judicial office are, I think, fourfold. First, there is a difference in liability. The judge is not liable as is the ministerial or executive officer. In the second place, there is a difference in the effect of their conclusions. The one may be enforced by the power that gives it; the other must rest on other powers to enforce. There is a difference as to the power to deputize. A judicial officer can make no deputies, but merely ministerial officers may in some cases have a deputy to represent them. There is a difference in power. The power rests in the judge to enforce his decree. The power does not rest with the ministerial officer to do it, and when I see that in this case there is attempted to be given to one who is not a judge the power to compel and to enforce and seemingly to arrest, fine, and imprison, I apprehend that there is danger of others mistaking whether these are in truth judicial powers or merely ministerial powers, as is professed. This is, therefore, eminently a case in which a few short simple words should inform everybody exactly what is intended. When this section is perfected I may seek to expose the crudities and objectionable features of others.

Mr. VEST. What is the question before the Senate? Is it the amendment of the Senator from West Virginia [Mr. FAULKNER]?

The PRESIDING OFFICER (Mr. DAWES in the chair). The pending question is upon the amendment submitted by the Senator from West Virginia [Mr. FAULKNER] as modified.

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

The yeas and nays were ordered.

Mr. TELLER. That is a substitute for section 14 of the committee's amendment?

The PRESIDING OFFICER. The Chair understands that that is the amendment.

Mr. FAULKNER. I will state that I have adopted the language of the original amendment of the committee eliminating those portions that could in any way give the board judicial functions.

Mr. TELLER. The amendment has been printed?

Mr. FAULKNER. It is in print.

Mr. TELLER. I understand the committee propose to offer some amendments to section 14, and I suggest that the amendment of the Senator from West Virginia be laid aside until we have a chance to look at it a little more. I want to offer some amendments to the section myself, and I should like to look at that amendment. I suggest to the Senator who has it in charge that some of the rather informal amendments be taken up and disposed of, those presented by the Senator from Massachusetts from the committee or offered as his own. Some of them are quite informal, and I suggest to let the others lie over until we have a chance to look at them a little more. I have not yet looked at the amendment of the Senator from West Virginia, and the Senator from Wisconsin desires to offer some suggestions about it.

Mr. GORMAN. I trust that unanimous consent will be given that the amendment be laid aside, not losing its place.

Mr. FAULKNER. I suggest that the amendment go over until Monday. I presume that course will be convenient for the Senator from Wisconsin, who now, I suppose, represents the committee.

Mr. SPOONER. The Senator in charge of the bill is for the moment out of the Chamber. I have no doubt that he would consent to the postponement of a vote upon this amendment until Monday. I think it would be advisable to do so. I gave notice the other day that I desired to offer an amendment to the latter part of the section, regulating the proceedings in the court. While the amendment offered by the Senator from West Virginia is not without merit by any means, I think it may be in one or two particulars considerably improved; and if it may go over until Monday we shall undoubtedly be ready then to present a carefully drawn amendment, covering the ground which he desires to cover and also that which I desire to move.

Mr. TELLER. Then I suggest to the Senator from Wisconsin, if he is in charge of the bill, that we go on with the consideration of some of the other amendments that have been offered. Some of them are merely verbal. I have no interest in the matter except to expedite

business. It seems to me we might do that by getting a vote on some of these amendments. Quite a large number were offered by the chairman of the committee a day or two since.

Mr. VEST. I offer an amendment which I send to the desk, to come in at the end of section 3.

Mr. GORMAN. I understand the amendment of the Senator from West Virginia goes over by unanimous consent without action to-day, but to be pending on Monday.

Mr. FAULKNER. It is still pending to the bill, and of course no amendment will be offered to that section as coming from the chairman of the committee or the other members of the committee until Monday.

The PRESIDING OFFICER. The Senator from West Virginia withdraws for the present his amendment.

Mr. FAULKNER. No, sir; I do not withdraw the amendment.

The PRESIDING OFFICER. Then the pending question is on the amendment proposed by the Senator from West Virginia, upon which the Senate has ordered the yeas and nays to be taken.

Mr. GORMAN. There is a request for unanimous consent that it may go over, keeping its place.

Mr. SPOONER. I ask unanimous consent that the vote on the amendment be postponed until Monday.

Mr. HARRIS. Let the Chair ask unanimous consent of the Senate that the amendment may informally go over until Monday.

The PRESIDING OFFICER. The Senator from Tennessee requests unanimous consent of the Senate that the amendment of the Senator from West Virginia may be informally laid aside for the present, until Monday.

Mr. FAULKNER. I suggest that the Chair put that as a request for unanimous consent by the Senator from Wisconsin.

The PRESIDING OFFICER. Is there objection?

Mr. EDMUNDS. I object to any amendment going over until Monday. I do not object to its being laid aside for the time being informally.

Mr. GORMAN. Let it go over for the present.

Mr. EDMUNDS. I do not object at all to its being laid aside for the time being.

Mr. GORMAN. That is all right.

Mr. FAULKNER. By unanimous consent.

The PRESIDING OFFICER. Objection is made to consent that it lie over until Monday. Is there objection to its being laid over informally for the present? The Chair hears no objection. The Senator from Missouri [Mr. VEST] has an amendment to offer.

Mr. VEST. Now I offer the amendment which I send to the desk, of which I gave notice, and I ask for its present consideration.

The PRESIDING OFFICER. The Clerk will report the amendment.

The CHIEF CLERK. Strike out all of section 1 down to the word "charged," in line 5, on page 76, in the following words:

That the chief supervisors of elections now in office, their successors, and such supervisors of elections as may hereafter be appointed under any law of the United States, are charged.

And insert:

That the circuit court of the United States for each judicial circuit shall appoint on or before the 1st day of May, 1891, and thereafter as vacancies may from any cause occur, two chief supervisors of elections for each judicial district in said circuit, who shall be citizens of the district, of good character, thirty years of age, and not members of the same political party, and who shall hold their offices for two years from the date of their appointment or until their successors are duly appointed and qualified. Before entering upon the discharge of their duties the persons so appointed shall make oath or affirmation before the judge of said circuit court that they will faithfully discharge the duties imposed upon them by law as chief supervisors, and shall be.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. VEST] to the amendment of the Committee on Privileges and Elections.

Mr. VEST. Mr. President, there are two salient features in this bill. The one is the change made from existing law as to the appointment and powers of chief supervisor. The next is in the creation of the canvassing board. If I were called upon to eliminate all unimportant or relatively unimportant features from the bill and to concentrate the essence or, as I consider it, the virus of this measure in two provisions, I should put it in the two I have mentioned.

Now, let me call the attention of Senators who feel any interest in this matter, and I am not speaking for delay, but in good faith and in order to remedy what I consider fatal objections to the bill if it is to become a law——

Mr. SPOONER. Will the Senator allow me to ask him if the amendment which he has just offered has been printed?

Mr. VEST. Oh, yes. I gave notice of it some time ago.

Now, let me call the attention of Senators on both sides of the Chamber to the existing law in order to show the importance of this amendment.

Section 2011 of the Revised Statutes, enacted February 28, 1871, provides:

SEC. 2011. Whenever, in any city or town having upward of 20,000 inhabitants, there are two citizens thereof, or whenever, in any county or parish, in any Congressional district, there are ten citizens thereof of good standing, who, prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or prior to any election at which a Representative or Delegate in Congress is to be voted for, may make known, in writing, to the judge of the circuit court of the United States for the circuit wherein such city or town, county or parish, is situated, their desire to have such registration or such election, or both, guarded and scrutinized, the judge, within not less than ten days prior to the registration, if one there be, or, if no registration be required, within not less than ten days prior to the election, shall open the circuit court at the most convenient point in the circuit.

Then section 2012 provides:

SEC. 2012. The court, when so opened by the judge, shall proceed to appoint and commission, from day to day and from time to time, and under the hand of the judge, and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the Congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election. (See sections 5521, 5522.)

Mr. President, I charge deliberately that this bill is a partisan measure, and I can show it, it seems to me, not only logically, but almost mathematically. Why is it that in the petition which sets to work the machinery of this bill the words "of good standing" are deliberately stricken out as to the petition? Why is it that, instead of two supervisors of different political parties, the bill pending before the Senate and the bill which came from the House of Representatives provide that there shall be one chief supervisor and he of the dominant political party, of course? I ask the gentlemen in charge of this bill why they keep out of their measure the character of these petitioners? Is it possible that they meant that the habitués of the slums, the political bummers, the shoulder-hitters, the men of no character, should file this petition? It is either an oversight or it is done deliberately.

What value is there to a petition except from the character of the petitioners? Who pays any attention to a petition that comes from a man without character? And here, in a measure which affects the most sacred rights of an American community and of an American citizen, the words "of good standing" are deliberately stricken out and ruffians, jail-birds, felons of the worst description, can sign this petition to the circuit court, and there is no requisite as to character.

Then, again, why is it that the only safeguard against political trickery, which was in the old law, as to these supervisors, is taken away? Under the old law there was some safety for the minority party as to this matter, because there were two supervisors, one of each party.

This is stricken out, and now there is to be one supervisor, who, of course, belongs to the dominant party, appointed by a circuit court judge upon a petition by characterless people, and presumably to do the work of his party. Under the present law there are two supervisors, divided between the parties, and they are appointed upon the petition of citizens of good standing, and they perform the functions of supervisors. Under the proposed law there is one chief supervisor; there are not two supervisors as under the present law.

Now, I want to give a practical illustration of this matter. In the course of this debate (and I shall speak as rapidly as possible; I want to vote on these amendments; I am not fighting against time) something has been said about Ex-Senator Joseph E. McDonald, of Indiana, having signed a petition to the United States circuit court in 1880 for the appointment of supervisors. In 1880 Senator McDonald was chairman of the Democratic State committee of Indiana. Col. W. W. Dudley was the United States marshal, and he appointed for the city of Indianapolis six hundred deputy marshals, twenty-five for each ward. They were his creatures; they were intended to do the political work of the Republican party under the supervision of Colonel Dudley.

Seeing the inevitable result of an election held under such auspices, Senator McDonald availed himself of the only remedy possible, and that was, under the now existing law in the Revised Statutes, to apply to the court for the appointment of supervisors. One of them, as a matter of course, had to be a Democrat, and unless he had taken that action there would have been no Democratic officer at the polls. These supervisors were appointed, which, as I say, was the only alternative for the Democratic party, or else they would have been totally unrepresented and powerless in the hands of Dudley and his satellites.

At one of the precincts or wards in the city of Indianapolis four repeaters voted. The Democratic supervisor arrested them. They were taken before a United States commissioner and committed, and that night Colonel Dudley or one of his subordinates discharged them upon straw bail. The men who were on the bail bond could never be found. The repeaters, who came from Pittsburgh, escaped; and when Dudley was appointed Commissioner of Pensions the papers were sent here, the records, in order to show this transaction and to defeat his confirmation. Some of my Southern Democratic friends who had served in the Confederate army, upon a sentimentality that Dudley was a wounded soldier, stopped the matter, and he was confirmed by the Senate.

Now, those are facts of record; and it illustrates in the most conspicuous manner the point I am asserting before the Senate. Suppose the provision in the present law be stricken out providing for tw o supervisors, one of each political party; does not every intelligent and honest man know that it puts the minority party, or the party not in power, not having influence with the judge of the circuit court, absolutely at the mercy of an unscrupulous partisan?

But more than that; I want to speak of something of which I have

personal knowledge, and with which every citizen of Missouri is familiar. In 1876 there was a gentleman in the city of St. Louis by the name of W. D. W. Bernard. He was appointed by General Grant, of whom he was a warm personal friend, national-bank examiner for the State of Missouri. He had a desk in the office of Leffingwell, the United States marshal. I knew Mr. Leffingwell very well. He was an old real-estate man and auctioneer in the city of St. Louis, rather a negative man, a reputable member of the Republican party, but conservative. He had been appointed by General Grant, who was once a citizen of St. Louis and knew him well. He was an honest man, of high character. Bernard was a determined partisan. He was what is called a "rustler" of the first class.

In 1876, when the Republicans made up their mind to carry a portion of the Missouri Congressional districts, and especially the three districts in the city of St. Louis, the largest city in the State, they applied not to the United States judge, but to the Attorney-General, Mr. Taft, of Cincinnati, to put into operation the machinery that is provided by the Revised Statutes under the act of 1871. Some of the Democrats, who were old citizens and who had known Leffingwell for years, finding that this job was about to be put up, went to Leffingwell's office and remonstrated against it and told him, as I shall proceed to show from sworn testimony, that we had never had a fraudulent election in the city of St. Louis, so far as was known; that the two parties there had fairly tested their political strength at every election; and that this proceeding would create bad blood and bitter feeling between old neighbors and friends, and therefore requested him not to put the law into effect.

Bernard swears himself, as I shall show from his own testimony, that he overheard this conversation, and immediately proceeded to threaten the United States marshal that he would use his personal influence with President Grant and put him out of office unless he obeyed the instructions from the Attorney-General of the United States and put the machinery of the law into effect in that city.

Mr. HOAR. Will the Senator be kind enough to please state again what he said? I came in while he was speaking, after he had begun his proposition about there being two chief supervisors under the old law and only one now.

Mr. VEST. I do not care about the word "chief." The present law uses the word "supervisors," and a good many of the duties devolved upon the chief supervisor under the proposed law are discharged by those supervisors under the present law.

Mr. HOAR. I thought the Senator had an idea there were two chief supervisors.

Mr. VEST. Oh, no. They are called supervisors under the present law, and a good many of the duties discharged by them will be discharged under this proposed law by the chief supervisor.

Mr. GRAY. I supposed the Senator from Missouri was speaking of the two supervisors appointed for an election precinct.

Mr. VEST. Yes, sir.

Mr. GRAY. I thought that is what he was referring to.

Mr. HOAR. The measure as reported proposes three, but two of them are to attend only to the registration. There will be three appointed, so that vacancies may be filled, but they are to be of both political parties, and when it comes to attending the election the three may attend. But the amendment which I gave notice of yesterday provides for four, so that there will be an equal number to be divided between the two political parties.

Mr. PASCO. I suppose the chief object of the Senator from Missouri was to extend this spirit of fairness as to supervisors to the chief supervisors also, so that the whole matter might not be under the direction of one man belonging to one political party, and he, under the present system of appointment, be a Republican. I suppose the true object of the Senator from Missouri is to extend the same spirit of fairness in the appointment of the chief supervisor in each judicial district.

Mr. HOAR. I understood the Senator to say that there were two supervisors under the old law. I think perhaps the Senator used a phrase which he did not intend to use when he spoke of the "chief supervisors."

Mr. VEST. I have already stated that I meant the supervisors. I call them chief supervisors because they perform under the old law the same functions and duties as the chief supervisor under this proposed law.

Mr. HOAR. I do not so understand.

Mr. VEST. They were at the polls and supervised the registration and also the election, which the chief supervisor now does under the present law.

Mr. HOAR. There is no change in that particular.

Mr. VEST. The Senator says there is no change in that particular. But what I propose to do, as the Senator from Florida [Mr. PASCO] said, is to preserve the fairness of the present laws as to these subordinate supervisors, as you might call them, by providing that there shall be two chief supervisors of different political parties, instead of one chief supervisor.

Under the law as proposed this chief supervisor is almost absolute as to the election. He canvasses the returns, he sends them up to the canvassing board, and is almost omnipotent under this bill. I propose that he shall not have that power by himself, but that both political parties shall be represented in regard to that matter.

I want to show, as illustrating the evil that will come if we put this power in the hands of one man, what was done in 1876 by Mr. Bernard, who was vested with almost absolute power in the election of that year in the city of St. Louis, by his testimony in the contested case of Frost *vs.* Metcalfe, which is found in House Miscellaneous Documents, second session, Forty-fifth Congress, volume 4. Mr. Bernard was put upon the stand under oath and testified as follows:

W. D. W. Bernard, sworn and examined on the part of the contestant, testified as follows:

By Mr. DONOVAN:

Q. Please give your name in full.
A. William D. W. Bernard.
Q. What position did you hold under the Government, Mr. Barnard, on the 3d of November, 1876?
A. I was national-bank examiner and deputy United States marshal.
Q. When did you receive your appointment of deputy United States marshal? how long prior to the 7th of November, 1876?
A. Very shortly before. I can't give you the date.
Q. A few days?
A. Yes.
Q. Under what circumstances did you obtain your appointment as deputy United States marshal?
A. Through Mr. Leffingwell, marshal.
Q. Did he ask you to serve or did you make application to him?
A. Mr. Leffingwell seemed to be in some dilemma in reference to instructions he had received from the Attorney-General.

I call attention to the fact that, under the law at that time and now in the Revised Statutes, this marshal had no authority to appoint deputies except upon the petition of two citizens of the city or town. That was the provision of the statute. But here was the Attorney-General of the United States disregarding the law and issuing his orders directly to the marshal from the city of Washington. No more glaring illustration of the operation of this bill, if it should become a law, could be found. It shows exactly the truth of what we contend here and what I absolutely believe to be the fact, that, if this proposed legislation is had, the motive power, the controlling power, will be in the city of Washington, will be in the hands of the officers of the General Government, and the State will be trampled under foot and ignored in the whole process.

Here in 1876 the Attorney-General, without any petition, without pretending to comply with the law, issues these orders like a satrap, from Washington City, "Put the law into effect and appoint your deputy marshals." That is the testimony.

I had taken some part in Mr. Leffingwell's appointment. Finding him in that condition, I suggested to him I could relieve him of his dilemma.
Q. You had succeeded in obtaining for Mr. Leffiingwell his appointment as United States marshal?
A. In part, sir.
Q. You had great influence with General Grant about that time, I believe?
A. That I can't say. General Grant and myself had been acquaintances for thirty-odd years.
Q. And great personal friends?
A. I think so, sir.
Q. What did Mr. Leffingwell say to you?
(Objected to as irrelevant.)
Q. What was the nature of Mr. Leffingwell's dilemma?
(Objected to as irrelevant and immaterial to this issue.)
A. Well, Mr. Leffingwell had been engaged in the real-estate business here for years, and a good many of his friends whom he had done business for had rather influenced him that Mr. Tilden would be the President, and if he put this law, which he was instructed to, in force, that he would make enemies, and he would go out of office, and his business would be injured by it. A committee composed of a number of very prominent Democrats waited on him, and after an interview he promised to give them an answer next day.
Q. What was the nature of the interview right there?
A. In reference to enforcing the law.
Q. Were they protesting against it?
A. Yes, so I understood. I had a desk in the office and I had overheard the conversation.
Q. You stated he would give them an answer?
A. An answer at 11 o'clock.
Q. He said he would give them an answer the next day?
A. Yes, sir.
Q. Did they call the next day?
A. They did; a portion of them called and he turned them over to me.
Q. What took place after the conversation that you had on the first day about this protesting committee?
A. Mr. Leffingwell and myself lived at Kirkwood, and on the train going there that evening he told me that he was in a great deal of trouble, and he did not know what to do. During the evening he said he didn't know what he should do, and I said "he had got his orders and instructions."

As a matter of course he got them from Washington City. He had no petitions from two citizens of St. Louis, as the law required, but he got his orders from the Attorney-General.

I said "he had got his orders and instructions." "Yes." "Well, you certainly will carry them out." He didn't know. The next morning early, quite early, he sent for me and told me he was in a good deal of trouble and didn't know what to do. I was somewhat amused at his position, and said to him after there was quite a conversation, I told him, "Leffingwell, have I had anything to do with your appointment as marshal?" "Everything; you made me marshal."
Q. He stated to you?
A. Yes. "And you have got instructions from the Attorney-General to enforce the laws of the United States?" "Yes." "And you refuse to do it?" He hesitated. "Yes," he said, he "didn't know what he should do; he never was in such a position in his life." "I then was influential in making you marshal?" "Yes." "And if you don't execute your orders I will see that you are not marshal much longer. The man that makes can unmake." Then he said to me, "What am I to do?" I said to him, "I can relieve you of that dilemma. Give me control of those marshals;" and he says, "I will do it."

Now, Mr. President, there is the whole of the operation of this bill, as we contend. It was handed over to a hustler, a man who had influence with the President, and threatened the marshal and said to him, "Who made you marshal?" "The power that makes can unmake; if you do not do this work for us out you go, off goes your head," and yet we are told that there is no danger of any partisan influence under this proposed bill, that it is to be entirely nonpartisan, all parties and all individuals and all communities will be treated alike. There can not be a more conspicuous example of the operation of it than the words I have read.

Q. Well, did he do it?
A. I think so, sir.
Q. Well, what did you proceed to do then?
A. First, to get the registration, and in the selection of marshals to divide the city into Congressional districts, and then subdivisions. These districts were put under the charge of O'Connor, of the third; Ferdinand Meier, of the second, and Mr. Soest, of the first; and as these marshals were appointed——
Q. Was not Mr. Geggie in the second? Let me call your attention to that; was not Mr. Geggie chief marshal in the second?
A. No; he was not; Ferdinand Meier was. Geggie lived in that district and had a subordinate position under Meier, but Meier was the party who reported to me. We canvassed every block, or at least that is the instructions given, to ascertain if the parties who were on the registration list were at the places designated by the city registration.
Q. Well, what was the result of the investigation by the marshals? Did it result in striking off any names?
A. About 5,700, I think.

Five thousand seven hundred, Mr. President! Permit me to say that some of the best and oldest and most reputable citizens of St. Louis were stricken off the lists, and on the day of the election there were over 2,000 voters at the polls, as well known as any men in St. Louis, demanding the right to vote, and Mr. Bernard and his satellites coolly informed them that their names had been stricken off. Men who had helped to establish the business of the city of St. Louis and had blazed the pathway of civilization in Missouri stood there powerless, and were subject to arrest without warrant by the deputy marshals if they even entered a protest!

Q. Five thousand seven hundred?
A. Illegal or at least improperly registered voters.
Q. Whom did those various marshals report to as their chief?
A. Well, I think I stated they were divided into squads of fifteen or twenty and captain for each.
Q. They reported to the captain?
A. And they reported to colonels, and the colonels, Geggie—I don't mean Geggie, but Meier, O'Connor, and Soest, and they reported to me.

In other words, he made a military organization of regiments and companies, and he was at the head and controlled the whole machinery.

Q. As their chief?
A. Yes, sir.
Q. Do you know the proportion of Democrats and Republicans that were stricken off in this 5,700?
A. I do not, sir.

Mr. Bernard goes on to testify:

Q. Do you know the politics of those marshals?
A. I know how they talked.
Q. How did they talk?
A. I think about 250 or 260 were Democrats.

One thousand and twenty-eight were appointed marshals.

Q. And the balance Republicans?
A. I think so; that is, from general talk; I don't know how they voted.
Q. How long have you lived here?
A. Nearly all my life; forty-odd years.

* * * * * * *

Q. Independently of political consideration, was there any more necessity for the appointment of marshals at that election than any previous election?
(Objected to on the ground that there can be nothing connected with the election independent of political associations.)
Q. In order to be precise I will say, independently of all party consideration, was there any more necessity for the appointment of marshals for that election than for any previous election?
A. Oh, well, you gentlemen know very well that in a political struggle for party ascendency—

Said Mr. Bernard—

that it is necessary for the co-ordinate branches of the Government to be in accord, and there was an effort on the part, so I interpreted it, of the party which I acted with, to regain control of the House of Representatives.

No one pretends that there was any necessity, except a political one. Mr. Bernard swears that his only object was to increase the strength of the Republican party in the House of Representatives. It is as notorious as the existence of the State of Missouri itself that the elections there had been peaceable, that there had been no complaint of fraud, except the ordinary amount of newspaper talk in every great city after a closely contested election; yet this man, the bank examiner for the State of Missouri, the absolute controller of the whole party machinery of the State, who had taken it out of the hands of the marshal, subdivided the marshals into regiments and companies, all reporting to him, unblushingly declared that it was done in order to increase the strength of the Republican party in the National House of Representatives!

I have not the time nor the strength to read all of this testimony, but there was a contest in regard to a certain ward in the city of St. Louis as to whether the election returns from a certain ward were fraudulent. Mr. Bernard went down with one of his deputy marshals to the county clerk's office, where the canvassers under the State laws were assembled. Under our statute in Missouri the county clerk and the judges of the county court made the canvassing board who counted the votes and made the returns. Mr. Bernard was not satisfied with manipulating the elections. He was not satisfied with striking off 5,700 voters.

He was not satisfied with appointing 1,028 deputy marshals from the slums, and alleys, and saloons, and disreputable haunts of the city of St. Louis. They were receiving $5 a day for their dirty work on the day of election, when they arrested men without warrant, Democrats who came there proposing to vote, dragged them off before the commissioners and held them until after the election. After he had manipulated the whole thing and the returns had been made and the canvassing board had met the next day, consisting of the county clerk and the county judges, Mr. Bernard with one of his deputies appeared there and threatened the canvassing board of the State that he would put them all under arrest if they dared to make a return against his pleasure. He swears to it himself.

Mr. GRAY. When was that?

Mr. VEST. That was in November, 1876. Mr. Bernard says:

Q. Do you recollect of having a warrant in your pocket for the arrest of the canvassers?
A. I never had one.

He went there without a warrant.

Q. Did you not threaten to arrest them if they certified to the return or to the tally of the vote which they had made there?
A. Ask me that again.
(Question repeated.)

Then he answers:

A. I went to the county court after hearing the report of the alteration in precinct 57 of the vote, and spoke with Mr. Garesche, who was the county clerk, and who was a college-mate of mine, and our relations were most intimate. He was busy. Then I went to Mr. Schultz, presiding justice of the county court, to his store on the levee, and asked him to walk up with me to the county court, which he did, and with Judge Finney, Mr. Garesche, and Mr. Schultz—I don't recollect now whether any others were there, but I had fully made up my mind to arrest them, and under the election law no process was necessary.

He went into the county clerk's office and informed them if they did not comply with his wishes as to precinct No. 57 he would arrest them, and the county clerk, Mr. Garesche, who was of the old French blood, threw off his coat and told him to get out of that office or he would inflict upon him personal chastisement. The matter was taken into the courts and settled there according to law and without trouble.

After this matter was consummated by Mr. Bernard in the way I have stated, he then came with one of his deputies to the city of Washington in order to receive pay, and here is his account of the trip. I call attention now to the fact that all this was done under an order from Mr. Taft, the Attorney-General, without the pretense of any compliance with the statutes in regard to a petition from two citizens of St. Louis; all of it the result of political necessity; all of it the result of political arrangement in the cities of Washington and St. Louis together, and after it was done and three Republicans were returned to Congress in the city of St. Louis, two of them from absolutely certain Democratic districts, this gentleman, Mr. Bernard, national-bank examiner and deputy United States marshal, comes to Washington City with Henry Mudd, another deputy marshal, to collect his bill, which was over $21,000 for that delightful work, and here is his interview with Mr. Taft:

Q. You think those marshals did very good service in the Congressional election, do you not, Mr. Bernard?
A. When I went to Washington with Mr. Mudd, who was chief deputy marshal, for the settlement of this account, Mr. Taft asked Mr. Mudd how many marshals he had.
Mr. SHIELDS. Taft, the Attorney-General?
A. The Attorney-General.
(Counsel for contestee objected to any conversation between the witness and the Attorney-General as irrelevant, and second as hearsay, third as not involved in issues, and, fourth, it took place after the election.)
A. Mr. Taft asked Mr. Mudd how many marshals he had. Mr. Mudd referred him to me, and said I had charge of the marshals; and he turned to me, and I said "1,028." The old gentleman wheels round in his chair and says, "Were there no others out in Missouri you could have made marshals?" Says I, "Mr. Taft, we went in to win, and if it had been necessary to have had a *posse comitatus*—I think that is what you call it—and every man over fifteen years of age should have seen a fair election"—

Very fair!—

and he said, "You bring a good deal of sugar in your spade."

"You bring a good deal of sugar in your spade." In other words, Attorney-General Taft approved the account for $21,000, which was in payment for the saccharine matter politically brought to the Republican party by means of this infamous proceeding.

Mr. President, is it any wonder that Democrats object to this bill? Can Senators on the other side, I ask in all fairness and candor, blame us if we, with this experience in our own communities, are prepared here, as I tell them now, not by threat, but as an actual fact, to exhaust all honorable and parliamentary means to defeat this measure?

The PRESIDING OFFICER (Mr. STOCKBRIDGE in the chair). The question is upon the adoption of the amendment proposed by the Senator from Missouri, on which the yeas and nays have been ordered.

Mr. HOAR. I move to lay the amendment on the table.

Mr. HARRIS. On that motion I ask for the yeas and nays.

Mr. HOAR. They have already been demanded.

The yeas and nays were ordered.

Mr. DIXON. Let the amendment be reported.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 76, in the first section, it is proposed to strike out all down to and including the word "charged," in line 5, and insert in lieu thereof the following:

That the circuit court of the United States for each judicial circuit shall appoint, on or before the 1st day of May, 1891, and thereafter as vacancies may from any cause occur, two chief supervisors of elections for each judicial district in said circuit, who shall be citizens of the district, of good character, thirty years of age, and not members of the same political party, and who shall hold their offices for two years from the date of their appointment, or until their successors are duly appointed and qualified. Before entering upon the discharge of their duties the persons so appointed shall make oath or affirmation before the judge of said circuit court that they will faithfully discharge the duties imposed upon them by law as chief supervisors, and shall be.

Mr. GORMAN. Is the question on laying the amendment on the table, Mr. President?

The PRESIDING OFFICER. It is. The roll will be called on agreeing to the motion.

The Chief Clerk proceeded to call the roll.

Mr. CARLISLE (when his name was called). I am paired with the Senator from North Dakota [Mr. PIERCE]. If he were present, I should vote "nay."

Mr. BARBOUR (when Mr. DANIEL'S name was called). I desire to say that my colleague, who is temporarily absent, is paired with the Senator from Washington [Mr. SQUIRE].

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON], and therefore withhold my vote.

Mr. MITCHELL (when Mr. DOLPH'S name was called). My colleague [Mr. DOLPH] is called away from the Chamber for a little while. He is paired with the Senator from Georgia [Mr. BROWN]. He would vote "yea" but for that.

Mr. EUSTIS (when his name was called). I am paired with the Senator from Nebraska [Mr. PADDOCK]. If he were present, I should vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "nay."

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. BLAIR]. If he were present, I should vote "nay."

Mr. PASCO. I desire to state that my colleague [Mr. CALL] is temporarily absent from the Chamber and is paired with the Senator from South Dakota [Mr. PETTIGREW].

Mr. PAYNE (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. BERRY. I desire to say that my colleague [Mr. JONES, of Arkansas], who is temporarily absent, is paired with the Senator from New York [Mr. HISCOCK].

Mr. MANDERSON. My colleague [Mr. PADDOCK] has been called away from the Chamber. He is paired with the Senator from Louisiana [Mr. EUSTIS]. My colleague would vote "yea" if here.

Mr. CASEY. My colleague [Mr. PIERCE] is paired with the Senator from Kentucky [Mr. CARLISLE].

Mr. HISCOCK. I inquire if a quorum has voted.

The VICE PRESIDENT. It has.

Mr. HISCOCK. I am paired with the Senator from Arkansas [Mr. JONES], reserving the right to vote to make a quorum.

Mr. BATE. I desire to state that the Senator from New Jersey [Mr. BLODGETT] and the Senator from New Hampshire [Mr. CHANDLER] are paired.

Mr. FRYE. The Senator from Massachusetts [Mr. DAWES] is absent on committee business and is paired with the Senator from Georgia [Mr. COLQUITT].

The result was announced—yeas 32, nays 25; as follows:

YEAS—32.

Aldrich,	Frye,	Mitchell,	Spooner,
Allison,	Hale,	Morrill,	Stanford,
Cameron,	Hawley,	Platt,	Stockbridge,
Casey,	Higgins,	Plumb,	Teller,
Cullom,	Hoar,	Power,	Warren,
Dixon,	McConnell,	Sawyer,	Washburn,
Edmunds,	McMillan,	Sherman,	Wilson of Iowa,
Evarts,	Manderson,	Shoup,	Wolcott.

NAYS—25.

Barbour,	Gibson,	Morgan,	Vest,
Bate,	Gorman,	Pasco,	Voorhees,
Berry,	Gray,	Pugh,	Walthall,
Blackburn,	Hampton,	Ransom,	Wilson of Md.
Butler,	Harris,	Reagan,	
Cockrell,	Kenna,	Turpie,	
Coke,	McPherson,	Vance,	

ABSENT—31.

Allen,	Call,	Colquitt,	Dolph,
Blair,	Carey,	Daniel,	Eustis,
Blodgett,	Carlisle,	Davis,	Farwell,
Brown,	Chandler,	Dawes,	Faulkner,
George,	Jones of Arkansas,	Payne,	Sanders,
Hearst,	Jones of Nevada,	Pettigrew,	Squire,
Hiscock,	Moody,	Pierce,	Stewart.
Ingalls,	Paddock,	Quay,	

So the motion to lay the amendment to the amendment on the table was agreed to.

Mr. HOAR. I now move an amendment, on page 118, section 25, line 10, after the word "place," to insert "until a new chief supervisor shall be appointed."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 118 of the print of August 7, in line 10 of section 25, after the word "place," it is proposed to insert the words "until a new chief supervisor shall be appointed;" so as to read:

Such deputy shall perform and discharge from time to time all such duties as shall be assigned him by the chief supervisor of elections, and shall, in the absence, illness, resignation, removal, or death of the chief supervisor, act in his place until a new chief supervisor shall be appointed.

Mr. HOAR. That is to remove any claim that this new officer is appointed for life and is irremovable; merely to hold until the appointment of a new chief is provided for.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts to the amendment of the committee.

Mr. HOAR. There is no objection, I suppose, to that amendment anywhere.

The amendment to the amendment was agreed to.

Mr. HOAR. On page 118 of the print of August 7, section 25, I move to strike out all of lines 4 and 5 and the first two words in line 6.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 118, in section 25, it is proposed to strike out lines 4 and 5 and the first two words of line 6, as follows:

As such chief supervisor shall designate, unless there be some good and substantial reason why such appointment should not be made.

So as to read:

The circuit court of the United States in any judicial district may upon the request of the chief supervisor of elections appoint such one of the circuit court commissioners to be deputy chief supervisor of elections.

Mr. HOAR. The word "such," in line 3, should also be stricken out so as to make the amendment complete.

The CHIEF CLERK. So as to read:

The circuit court of the United States in any judicial district may upon the request of the chief supervisor of elections appoint one of the circuit court commissioners, etc.

The PRESIDING OFFICER. The amendment to the amendment will be so modified. The question is upon agreeing to the amendment to the amendment.

Mr. HOAR. The object of that is to have the entire power given to the court and not to give the power to the chief supervisor to designate this officer.

Mr. FAULKNER. As I understand the Senator from Massachusetts, his amendment simply transfers the appointment of the deputy to the court instead of leaving it to be suggested by the chief supervisor.

Mr. HOAR. Under the present law the court is required to appoint such officers as the chief supervisors shall designate.

Mr. TELLER. I ask the Senator who has the bill in charge, as pertinent to this amendment, why this appointment is confined to the circuit-court commissioners.

Mr. HOAR. The chief supervisor is a circuit-court commissioner.

Mr. TELLER. But why should the deputies be?

Mr. HOAR. It is intended to take them from the same class of officers. He is to succeed him in case of accidental or temporary vacancy or inability. For that reason it was supposed that the selection should be made from the same class of officers.

Mr. GRAY. I might ask, in the line of the inquiry of the Senator from Colorado, why the chief supervisor should necessarily be a circuit-court commissioner.

Mr. HOAR. I think this amendment had better be adopted if there is no objection to it. That is a broader question than is raised by the amendment. It is to put the matter more perfectly under the control of the court. He has as commissioner the power of investigation, of issuing warrants, and so on.

Mr. FAULKNER. I ask whether it is not a serious objection to making either the chief supervisor or the deputy an appointee from the commissioner of the court to give him the power of supervisor, which is given in this bill, and at the same time give him all the power of commissioner of the court.

Mr. HOAR. That has worked satisfactorily to the persons who like that law ever since 1870. It is the old law.

Mr. FAULKNER. Of course it would work very satisfactorily to the gentlemen who are appointed, as it is very satisfactory, I have no doubt, to Mr. Davenport, because, not only does he get the fees of supervisor, but he has the power to administer oaths to all the supervisors and all the deputy marshals, and is allowed a fee of 25 cents for every one he appoints and administers the oath of office to, and consequently it is an inducement for him to appoint men for the purpose of increasing his own fees.

Mr. HOAR. I have an amendment that reduces that very much, which does not seem to be germane to this amendment. Under the old law I think that is right.

Mr. FAULKNER. I do not know why we should commit two errors in order to correct both errors. Why not correct the first error that is before us and then go to work and correct the other? It strikes me that this is placing in the power of this officer an inducement to appoint additional marshals and additional supervisors to urge this matter and in his own interest in order to accumulate large amounts of fees. He does that solely by virtue of his office of commissioner.

Mr. HOAR. The amendment to the amendment which is proposed is simply to give the power to the court instead of confining it to the commissioner. I suppose there is no objection to it.

Mr. GRAY. This is an important amendment. I think that as far as it goes it improves the bill; but it is one that ought to be followed by others in order to make what I think are the necessary changes in the bill to relieve it of the charge of gross partisanship. As to the amendments which the Senator from Massachusetts has given notice that he would offer, one of which is now pending, I would ask the Senator whether, inasmuch as the print of the bill that was ordered yesterday evening—and I do not know whether it has yet been returned to us——

Mr. HOAR. It has.

Mr. GRAY. It has just come in. I ask whether he can not agree that these amendments may go over informally, without any prejudice, of course, so that we may compare them with the text of the bill as printed.

Mr. HOAR. I think it would be better to have the amendments first adopted. They are now printed separately.

Mr. GRAY. I know the amendments are printed, but I should like the opportunity of having the new print of the bill, to see how they fit to the framework, how they consist with each other.

Mr. HOAR. It seems to me the best way would be after the amendments are all made then to have the bill reprinted.

Mr. GRAY. There are some of these amendments we will not want to object to or debate at all, but there may be others that will give rise to debate unless we understand them more thoroughly.

Mr. HOAR. They are very easily understood; they are very simple.

Mr. GRAY. I have not found this bill a simple bill, or the construction of it. It is intensely important, and if we are going to amend the bill at all——

Mr. FAULKNER. If the Senator will permit me I would like to offer an amendment which is germane and in order. I have not had the opportunity, and will he allow it to go over for a half hour or so, as has been done in the case of the fourteenth section of the amendment, by unanimous consent?

Mr. HOAR. The Senator's amendment can be offered just as well after this is adopted. I do not wish to excite any anger on the other side, as I did last night, by proposing that these amendments should be accepted; but I suppose every Senator will agree that the amendments are very simple and easily understood, and I think it would be more convenient to the Senate to dispose of them now, and then the amendment indicated by the Senator just now can come in afterwards. The bill is still in Committee of the Whole, and when the bill comes into the Senate it will be open again to amendment, and the whole question of it will be open there again. I hope we may have a vote on this proposition.

Mr. GORMAN. I suggest to the Senator that it would facilitate matters by doing precisely as the Senator from West Virginia did, and let the amendment go over for awhile, and take up some of the other amendments which we have had before us for several days. There is no desire to postpone action on the amendments.

Mr. HOAR. If the Senator makes the request that the particular amendments shall go over for a short time, of course I will assent to that. I do not think there is any occasion to have the bill reprinted. If the Senator finds that it embarrasses him in offering other amendments to adopt all these amendments now, I shall agree to that course. Let me repeat, all the amendment proposed now to the text is that the deputy who is appointed, so as to be ready in case of a vacancy, death, or the inability of his chief, shall be selected by the chief supervisor.

Mr. PASCO. I ask that the amendment may be reported.

The Secretary again read the amendment.

Mr. HARRIS. I wish to suggest to the Senator from Massachusetts that there is at least one reason why I think the request made a few moments ago, that the amendment be informally laid aside, is found in the fact that if the amendment is agreed to now, while everybody may be satisfied with it as being right so far as it goes, quite a number of Senators may think that the amendment ought to be amended, but could not be amended in Committee of the Whole if it is agreed to in its present form now. When Senators have had a short time to look through the amendment, to see its connection with the text of the bill and the exact effect it will have when agreed to, then we can act intelligently in regard to it, and offer amendments to it if we deem it proper and necessary, or take the amendment as it is.

Mr. HOAR. As I said to the Senator from Maryland, if the Senator seriously makes the request I shall defer to it.

Mr. HARRIS. I beg the Senator's pardon; I did not know he had assented to the request.

Mr. HOAR. I had; but I can not conceive that Senators should want to amend this language. However, if they do, very well. Let the amendment be passed over.

Mr. HARRIS. I understood it was upon the fact that the amendment proposed to appoint the deputies from a given class of people.

Mr. HOAR. That is a part of the original text. It is not the amendment at all. I only propose to strike out of the text that which restricts the judge to the men recommended by the commissioner, leaving the rest of the text to be amended hereafter on the motion of any Senator if it is so desired. But if the Senator from Maryland prefers to have this amendment passed over, let it be so.

Mr. FAULKNER. Mr. President——

Mr. PASCO. Before we pass over the amendment offered by the Senator from Massachusetts I want to offer a substitute for it. I want to offer it now, so that it may be printed and go over with the amendment.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Florida?

Mr. FAULKNER. I yield to the Senator from Florida for that purpose.

Mr. PASCO. I wish to offer a substitute for the amendment of the Senator from Massachusetts. His amendment, as I understand it, strikes out in section 25 the words "as such chief supervisor shall designate unless there be some good substantial reason why such appointment should not be made;" so as to read:

The circuit court of the United States in any judicial district may appoint a deputy chief supervisor of elections.

The proposition which I wish to introduce there is to give the court unlimited authority in making these appointments, so that he may not be confined to the court commissioners. I do that for reasons already suggested by some of the Senators who made remarks a few minutes ago. I do not think it wise that the supervisors should hold the other office of court commissioner. There is no redress for it, except to magnify their office, because it will increase the fees unnecessarily. I think that the court should have authority to make the appointments from the entire judicial district, and that it should not be confined simply to the court commissioners.

Mr. TELLER. I should like to suggest to the Senator that this matter has gone over, and I think we had better let it go.

Mr. PASCO. I wish to offer a substitute to go with it and be printed along with it.

Mr. TELLER. But it is not well to argue that matter now. That will be very well when we get it up.

Mr. FAULKNER. Mr. President——

Mr. HOAR. Will the Senator yield to me for a moment?

Mr. FAULKNER. For a moment.

Mr. HOAR. I merely wish to comply with the request made to me in private by the Senator from Maryland [Mr. GORMAN], if the Senator from West Virginia will allow me to state it. The Senator from Maryland desires that I shall withhold the amendments which I propose to offer, and of which I had given previous notice, for the space of half an hour, so that it may be convenient to some of the Senators on that side to read them and compare them with the bill; and in accordance with that request I will adandon the floor, if I have it.

Mr. FAULKNER. I have the floor.

Mr. HOAR. If I have it not, I will not undertake to get it until that interval has elapsed, and then I give notice that if it shall be agreeable to the Senate after the space of about twenty minutes, a convenient time, I shall endeavor to ask the Senate to adopt these various amendments or reject them; but conceiving, as I do, that they are all of them amendments such as should be accepted unanimously, I hope they will be adopted.

Mr. FAULKNER. I have not any doubt that the amendment I submit now will meet the concurrence of the distinguished Senator from Massachusetts and also of the committee. I send it to the desk to be reported. I shall have a word to say about it after it is read.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In section 6 of the committee amendment, in line 16, page 83, after the word "parish," it is proposed to strike out the words "or in the same Congressional district;" so as to read:

The chief supervisor of elections may at any time transfer any supervisor from service in one election district to another in the same city or town, in the same county or parish, and upon any day other than a day of registration, etc.

Mr. FAULKNER. The amendment which I propose I think will meet the concurrence of Senators on this floor if they will pay attention to it. It simply strikes out the power given in the amendment of the committee to transfer a supervisor from one city or Congressional district to another, and limits his right to transfer a supervisor from one portion of the county to another portion.

The old law which is proposed to be repealed by this bill did not allow the supervisor to be appointed outside of the precinct in which he was to act. That is the law as it stands to-day. This committee amendment goes to the extent of enlarging that power, and it authorizes the transfer of a supervisor appointed over 300 miles from the place where he is to serve and places him in a precinct to control and supervise and guard the elections at a point where he is not known himself and where

no one can know him and where he can not know any voter who goes to the polls. In the State in which I live it really enlarges the right which now exists, because he can transfer him from any part of the county that he chooses, but under the old law he would have to transfer him and make him serve in the precinct in which he is appointed.

Mr. COCKRELL. That seems to me to be a very original amendment and a very proper one, for it certainly would work hardship and inconvenience to have these supervisors transferred from one part of a Congressional district to another. A Congressional district may be 150 miles wide.

Mr. HOAR. I shall not make any objection; let the amendment to the amendment be adopted.

Mr. PASCO. I think that the amendment to the amendment ought to go a little further. I suggest to strike out also the words "in the same county or parish." In the section of the country in which I live many of the counties are large and extend for a hundred miles. It will be in the power of the chief supervisor to remove a deputy supervisor entirely from his precinct, so that he would not have the privilege of voting on the day of the election, and carry him a hundred miles away. That would be in the power of the chief supervisor, and I do not think anything should be introduced into a bill of this character that would give the chief supervisor that great power.

The deputy supervisor is compelled to obey the orders of his chief or the doors of the penitentiary will stand open if he refuses; and he will be kept away from his precinct the whole day of the election and be deprived of his vote if the chief supervisor sees fit.

I hope the amendment will go further and strike out the words "in the same county or parish;" so that it will read:

The chief supervisor of elections may at any time transfer any supervisor from service in one election district to another in the same city or town.

That certainly ought to be power enough to be conferred upon this officer. I move that the amendment of the Senator from West Virginia be extended so as to include the words I have read.

Mr. HOAR. Let the amendment of the Senator from West Virginia be adopted, and then the amendment of the Senator from Florida will be in order. It is a separate thing.

Mr. PASCO. I wish to add to the language of the amendment of the Senator from West Virginia.

Mr. HOAR. I do not understand that that is in order. If it is an amendment to strike out some other matter than the amendment to which it is proposed strikes out, we have a right to have a division of the question, even if the Senator could make the motion.

Mr. PASCO. My motion is to amend the amendment of the Senator from West Virginia, and it is clearly in order to do it.

Mr. HOAR. This is a motion to strike out A B, and the Senator from Florida moves to strike out other additional language. The Senator can make it as a separate motion.

Mr. HARRIS. Is it an independent amendment?

Mr. PASCO. It can be offered as an independent amendment or as an amendment to the amendment. I have offered it as an amendment to the amendment.

Mr. HOAR. I object. It is not in order.

The PRESIDING OFFICER. Objection is made, and the Chair thinks it is well taken.

Mr. PASCO. A single objection will not exclude it, Mr. President. The amendment has been offered in order, and a single objection can not keep it out. I understand the Senator from Massachusetts objects. His objection can not keep my amendments out. He has no right to exclude my amendments by a simple objection.

Mr. SPOONER. The Senator's remedy is not by argument, but by appeal.

Mr. PASCO. There is nothing to appeal from. The Senator from Massachusetts has raised no point of order.

Mr. SPOONER. I thought he did.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. PASCO. The Senator from Massachusetts simply made an objection.

Mr. SPOONER. I raise the point of order.

Mr. VANCE. As pertinent to the point of order, which I suppose I can discuss, I wish to ask the Senator from Massachusetts a question.

The PRESIDING OFFICER. The Senator from Wisconsin has made a point of order. He will state his point of order.

Mr. SPOONER. I do not wish the Senator from North Carolina [Mr. VANCE] to intervene with his suggestion until I make the point of order.

Mr. PASCO. I understood the Senator from Massachusetts simply to object to my amendment. That he has no right to do.

The PRESIDING OFFICER. The Senator from Wisconsin will state his point of order.

Mr. SPOONER. The Senator from Massachusetts objected to the amendment on the ground that it was not in order, and the Chair ruled that it was not in order, and the only remedy the Senator has is by an appeal from the decision of the Chair, if he desires to pursue it.

Mr. PASCO. I should like to make a brief explanation. I understood the Senator from Massachusetts simply to say, "I object to the amendment of the Senator from Florida." If I had heard him say that he raised a point of order against it, that would have been another matter; but I do not care to have my amendment simply objected to. If he raises the point of order against it, then let the Chair decide the point. In that case I can tell whether to appeal or not. I do not wish to have my amendments simply objected to.

The PRESIDING OFFICER. The point of order raised by the Senator from Massachusetts is sustained by the Chair.

Mr. VANCE. The Senator from Massachusetts raised no point of order.

Mr. HOAR. Yes, I did.

Mr. VANCE. He said he objected because it is out of order, but he made no point.

The PRESIDING OFFICER. The Chair understood the Senator from Massachusetts to raise a point of order.

Mr. VANCE. It may be treated as a point of order to simply say it is out of order, but I did not know it was constituted a point of order by simply affirming that it was, without giving the reasons why.

The PRESIDING OFFICER. The reasons have been stated.

Mr. HOAR. I said before the Senator from West Virginia [Mr. FAULKNER] moved to strike out certain words in the bill, the Senator from Florida moved to amend that motion by adding certain other words, and I took the ground that that was out of order. I said that it was, and because it was we should be entitled to have a division on the question, and the question taken on particular words first and separately.

Mr. VANCE. Will the Senator state why it is out of order? On what ground or technical rule?

Mr. HOAR. Because it is not an amendment to an amendment. When you move to strike out a certain part of the text you may move as an amendment to amend the text to be stricken out or to strike out a smaller part, but you can not move to amend by striking out a larger part, as the Senator from North Carolina, I think, will see. Suppose you have a bill of three sections and I move to strike out section 3. It is not a legitimate amendment to move to amend the amendment by striking out sections 2 and 3.

The PRESIDING OFFICER. Does the Senator from Florida appeal from the decision of the Chair?

Mr. PASCO. The matter can be reached in another way and I shall not consume the time of the Senate. If the Senator from Massachusetts had raised the point of order I should have submitted at once to the decision of the Chair, but when he simply gets up and says "I object to the amendment," I think there is no reason or propriety in his course.

Mr. HOAR. I made no objection——

The PRESIDING OFFICER. The question is on the amendment of the Senator from West Virginia [Mr. FAULKNER].

The amendment was agreed to.

Mr. PASCO. Now, I move to strike out, in the sixteenth line, the words "in the same county or parish."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 16, section 6, page 83, it is proposed to strike out the words "in the same county or parish."

Mr. PASCO. I will briefly again state the reasons why I think that is an appropriate amendment. It will be in the power of the chief supervisor if those words remain to transfer any supervisor from service at one election district to another in the same county. In many parts of the South counties extend hundreds of miles, and it would be in the power of the chief supervisor to take from the voting place any supervisor whom he may select of the opposite political party to a distant place and deprive these men of their votes on the day of election. The orders of the chief supervisor are compulsory, and the deputy supervisor is compelled to obey them, so that the elective franchise may be taken away from him absolutely.

It can very readily be seen that the transfer of a few men from their own precincts to others, thus depriving them of their votes, may absolutely change the result of a Congressional election. The power is absolutely in the hands of the chief supervisor. A deputy supervisor is obliged to obey, and if he obeys he is taken away from his own precinct for a whole day to a distance of a hundred miles perhaps in the same county. He may lose his vote and is denied the right of suffrage, if my amendment is not adopted.

Mr. VANCE. It seems to me that there is an additional and a very strong reason why the amendment should prevail besides those given by the Senator from Florida; and that is that in those large counties, from 50 to 100 miles long, in Florida and in other States, the supervisor who is transferred from one extremity of a county to the other will not have any personal acquaintance with the citizens among whom he goes to serve. He not only loses his vote, as the Senator has well said, but his lack of acquaintance with the people, their standing, their position, their rights of voting, and so on, renders him less able intelligently to serve them in the capacity of a supervisor. He will be totally at the mercy of others. He will depend upon hearsay for all his information. Whereas we know that in voting, asin a case of the jury, which the common law provides especially shall be chosen from the vicinage, the supervisors and managers of elections ought to be well acquainted with the claim of every voter who comes to vote.

Mr. COCKRELL. I should like to suggest to the Senator from Massachusetts the propriety of this amendment. It comes in line 16, to strike out now the words "in the same county or parish." That would leave it to read right:

The chief supervisor of elections may at any time transfer any supervisor from service in any one election district to another in the same city or town.

That would make it applicable to all the larger cities where the transfer could be made; but take a large county or parish, some of which are a hundred or more miles in length, and to transfer a supervisor from one side of the county to the other would be, it seems to me, a great inconvenience and hardship, especially if there should be a difficulty between the supervisors and the chief supervisor.

He would then have the power of placing a supervisor in any part of the county where he could not vote, because in many of these counties and parishes they have to vote in the local precincts where they have resided in the township or precinct, and being required to reside there three months or six months, and in Texas, for example, in some of the counties it would be like transferring them from one State to another. The amendment would leave this power of transfer in all of the towns and cities and places where there is a dense population, where there might be some necessity for a change of supervisors from one part to another.

Mr. HOAR. The purpose, of course, of this provision is to provide for cases of the sudden failure of a supervisor at one particular place. If one supervisor was taken suddenly ill it would leave one man to exercise these duties with another of the same political faith unless the chief supervisor had this power of transfer.

There is a good deal of force, however, in the suggestions which have been made on the other side, but I think I shall not make a question on it. I think it would be better for us to have some arrangement by which this transfer may not be made in the rural districts for distances of more than a certain number of miles, so as not to prevent the opportunity of the officials voting at their own precinct; but in order not to detain the Senate to frame an exact amendment of that kind I will consent to this amendment; and if hereafter it should occur to me on reflection that I had better put in some provision of that kind I can then suggest it.

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

The amendment to the amendment was agreed to.

Mr. VEST. In section 2, line 19, page 78, of the print of August 7, I move to strike out the words "claiming to be."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 2, page 78, line 19, of the amendment proposed by the Committee on Privileges and Elections, after the word "persons," strike out the words "claiming to be;" so as to read:

Whenever the chief supervisor of elections for the judicial district in which such Congressional district or such entire city or town having 20,000 inhabitants or over is situated shall have received from such Congressional district, city, or town an application or applications from one hundred persons citizens of the United States and residents and qualified voters in the city or town or in the Congressional district above mentioned.

Mr. HOAR. I hope that amendment will not be adopted. The words were put in with great deliberation and consideration by the committee. The reason for putting them in is that the presenting of the petition by the one hundred persons is a jurisdictional fact, and, if it were necessary to make the whole proceeding valid, there should be no mistakes about the citizenship of one of the persons who petitions. It might make very important proceedings wholly illegal. We had in the Senate the other day the case of an old resident of Washington who supposed he had been a citizen for a great many years, and it turned out that he had never been naturalized. I think such a case happened in regard to a governor-elect of one of the Western States.

I may as well repeat, once for all, what I have said heretofore, that this provision of the one hundred citizens to a petition in one case and fifty citizens to a petition in another is not put in this bill with the idea that the hundred or the fifty men are to control the operations of the United States law. The idea is that this law shall go into effect uniformly throughout the United States except in those cases, which I think will be very numerous and more numerous as times go by, where there is substantially unanimous consent of the people that they do not want it, and there is no necessity for the expense or the trouble.

There are plenty of districts in my State where, I am quite sure, the Republicans would be as contented to leave their elections to Democratic election officers as they would to officers of their own faith, and I am equally sure that there are many such cases where the Democrats would leave the whole thing to the Republicans with entire satisfaction and contentment and confidence. The provision is that it shall require this number of petitioners, for it would be a very awkward thing to require proof of character of every man named in every petition.

I move to lay the amendment on the table.

Mr. VEST. Mr. President——

Mr. HOAR. I withdraw the motion if the Senator wishes to reply.

Mr. VEST. Alexander Hamilton said once, in discussing a provision of the Federal Constitution in the Federalist, that a possibility of the happening of an event was a sufficient argument to provide against it by legislation. We all know with what facility petitions can be gotten up. All of us are familiar with the facility and recklessness that attend petitions in any community, and it does seem to me that in starting the legislative machinery that affects the most sacred right of an American citizen every safeguard should be put against abuse of that machinery for partisan or corrupt purposes.

Here is a provision which says that, whenever a hundred persons claiming to be citizens in a town or city shall petition that this law shall take effect in that community, the chief supervisor shall have before him what the Senator calls a jurisdictional fact; but that jurisdictional fact, so far as this law is concerned, is conclusive, unless the chief supervisor sees proper to ignore the petition altogether. It is the beginning of this operation.

It is little enough to require in a case of this sort, in a case of jurisdictional legislation which proposes to take from the States rights which they have exercised for a hundred years, and rights about which the American people are peculiarly sensitive—is it not little enough to require that this chief supervisor shall satisfy himself that these petitioners are citizens?

Suppose one of these political managers, called bosses and hustlers, who have got to be a separate and distinct profession, unfortunately, in the United States, should conclude that he wanted this law applied for his political or personal purpose to a certain city or town. As a matter of course, the first thing he does is to go down into the most disreputable haunts and pick up a lot of people who have no interest whatever in the community, who are possibly foreigners, have never been naturalized even, but who claim to be or are willing to sign a paper claiming to be citizens of the United States, and, like the machinist who touches a knob or a button of his machinery, the whole works commence to move at once.

Can it be possible that such a thing as that is seriously defended here? It is sufficient, it seems to me, for conservative legislators to understand that the abuse is probable. I can go out into this city today and get a petition to hang any member of this Senate. I can find a hundred people in this town who will sign a petition who do not know anything about it, but who do it to oblige the man who brings the petition to them, and in that may be the allegation that they are citizens of the United States. They do not know and they do not care what is in it. They have no responsibility, nothing but to sign their names, and the whole thing is done. So far as they are concerned, the only reason they have for signing the paper is that Mr. Smith or Mr. Jones is a good fellow and he asked them to sign it, and they did it.

An abuse like that ought not to be possible. It is not imposing any extraordinary duty upon the supervisor. If he is the right sort of a man, qualified for his high position and the responsibilities attached to it, he can very easily ascertain through his deputies or even by his own personal exertions whether these petitioners are citizens of the United States or not. What would be said of putting this law into effect in a community upon the petition of a hundred people who are not citizens, or a majority of whom or even a considerable minority of whom are not citizens? Could there be conceived a greater outrage on a community?

I speak with some warmth, Mr. President, for I lived once in my life for five years in a community governed by the most irresponsible vagabonds, who did not pay one dollar taxes, but who were the refuse of society, the scum, the filth of the community, and they made the laws and controlled the policy of the State, whilst the taxpayers stood by helpless and hopeless and saw their property squandered and their dearest rights trampled under foot.

I have never heard in any instance any of these outrages defended except upon the ground that they will never happen. They have happened, they will happen as long as the mercenary instinct is found in men. As long as the desire for political supremacy is found (and that will be until the world is wrapped in millennial glory and the angel shall stand with one foot upon the land and the other foot upon the sea and proclaim that time shall be no more) these abuses will be found. No chances should be taken in a thing of this sort.

Mr. VANCE. Mr. President, I wish to ask the Senator if, under the language of the bill which it is proposed to enact into a law, the supervisor should become convinced that the petition was spurious, that the men were not citizens, were not residents of the parish or county in which they claimed to reside, whether there is power given him to refuse the petition provided it comes in the language of the bill, from one hundred persons claiming that they are such.

Mr. VEST. No; I have read this over and over. It is an awkwardly drawn provision, but I do not care about taking up the time——

Mr. WOLCOTT. What is the section?

Mr. VEST. Section 2, page 78, line 19. It is necessary, to understand it, to go back to line 14. It now reads:

Whenever the chief supervisor of elections for the judicial district in which such Congressional district or such entire city or town having 20,000 inhabitants or over is situated shall have received from such Congressional district, city, or town an application or applications from one hundred persons claiming to be citizens of the United States and residents and qualified voters in the city or town or in the Congressional district above mentioned, or whenever he shall receive from such parish, county, city, town, or precinct in any Congressional district an application or applications from fifty persons claiming to be citizens

of the United States, and residents and qualified voters in such parish, city, county, town, or election precinct, petitioning him to take such action as may be requisite to secure such supervision therein as is provided by the laws of the United States.

My amendment, let me say to the Senator from Colorado, is to strike out the words "claiming to be," in line 19, so that the supervisor before this extraordinary legislation takes effect shall satisfy himself that they are citizens. That is all of it.

The Senator from Massachusetts disposes of it by saying here is the jurisdictional fact. That is the first time I ever heard that allegation of citizenship was conclusive as a jurisdictional fact in any court. I assume that the Senator from Massachusetts would not claim any such thing as that as to the jurisdiction of the United States courts, which often depends upon citizenship. It is a question to be inquired into. If a man sues me in the United States court and says he is a citizen of another State, I can attack that jurisdictional fact, or it is rather a jurisdictional allegation, and if I show he is not a citizen of another State he is out of court and that is the end of his case.

I say, sir, in conclusion, that there should be no chances taken on a matter of this kind. It is little enough to require the chief supervisor, before he starts this extraordinary machinery in any county, city, or town, to find that the statement that the parties signing the petition are citizens is absolutely true.

Mr. HOAR. I move to lay the amendment on the table.

Mr. GRAY. If the Senator will allow me a moment.

Mr. HOAR. Certainly.

Mr. GRAY. I wish to call his attention to the fact that the jurisdictional fact or allegation applies not only to the citizen of the United States, but to the further allegation that they are residents and qualified voters of such parish, city, or town. It seems to me that if there is any safeguard, any conservatism in this provision for setting in motion this electoral machinery, it is in requiring the parties who make petition to allege that they are not only citizens, but qualified voters, and are interested in the elections thereby which they seek to have supervised. That fact ought not to be left in the air.

It ought not to be left, it seems to me, to be established by designing and corrupt men in order to obtain setting in motion this electoral machinery contrary to the intent of this act, for the Senator from Massachusetts knows, and those who advocate this bill must intend, that this setting in motion of this electoral machinery shall be bona fide, and shall have a responsible source, and shall have sponsors who are men capable of being identified and who have an interest in reality in the election which they ask shall be thus supervised, not merely claiming or alleging that they have. So that it seems to me all-important to the bona fides of this provision that we should require that the signers should be residents and bona fide voters, and not merely that they should claim to be. It seems to me immensely important.

Mr. HOAR. The criticism made on this bill and the objection to it which has come from both sides of the Chamber, and from the other side of the Chamber especially, is that it ought to apply to every district in the United States without exception if it be applied to any. That is one of the great arguments that have been brought up. If that be true, certainly this thing can do no harm, because it goes in that direction; but the committee conceived that there were a great many districts in the United States, and there would be an increasing number, probably, if this bill went into operation, in regard to which there would be a universal consent of the people that it should not be put in operation.

We suppose there will be a great many communities in which there will be no such petition, but if there be a petition you have got to have one of two things. You have either got to take the petition as evidence of the character of the petitioners themselves and their claims, which ordinarily will be put in operation unless petitioners were what they claimed to be, or you have got to provide for judicial examinations in regard to citizenship and residence and qualifications to vote of every one of these one hundred men upon oath, at least, to be taken by them with the cost of the certificate, the cost of the examination, and with all the attendant delay which would add to the expense and mechanism of the bill.

If it turned out that one of these men is mistaken, that he has signed the petition although not entitled to citizenship, all the authority to set this machinery is gone. If the supervisors have been appointed their appointment is a nullity; if they have acted, their action is a nullity; if they have arrested anybody, the arrest is wrongful, etc. So that it seems to me while this proposition may seem plausible as Senators state it, yet when you come to see what it will accomplish it is entirely dissipated.

Mr. WOLCOTT. I can readily understand that an honest mistake might be made by the petitioner, and that should not affect the validity of the proceeding; and yet there might possibly be some perambulatory petition that would cover some great section of the country signed by people who were not acting in good faith, and not in fact interested in securing honest elections, and where by petitions they would seek to have the elections law apply. Now, as I understand it, there is no penalty here against any person who claims to be a qualified voter or a citizen of the United States, if in fact he is not one; and therefore I ask the Senator from Massachusetts if he objects to appending at the end of the section a provision of this kind:

And any person falsely claiming to be a citizen of the United States, or to be a resident or qualified voter of such city or town, in any such petition, shall be punished by confinement of not less than six months nor more than two years, or by fine of not less than $100 nor more than $1,000, or by both said fine and imprisonment.

Mr. HOAR. I think that is a good idea, with one exception. The Senator from Colorado perhaps has not been a member of the Senate sufficiently long to have learned that it has been the policy of the Senate for a long time not to have included in a law a provision for a minimum punishment, because there may be cases of technical violations of the law.

Mr. WOLCOTT. I must confess that in regard to these matters I am quite unfamiliar.

Mr. HOAR. I would suggest to the Senator to strike out the words "not less than." That would be in accordance with the universal practice of the Senate now. Then it should be "falsely and willfully."

Mr. WOLCOTT. If it is false it is willful, is it not? A false claim is a willful claim.

Mr. HOAR. But let it be put in.

Mr. WOLCOTT. Very well.

Mr. SANDERS. I think the word "knowingly" would be better. This discussion reveals the fact that there are a great many certificates of naturalization that are fraudulent. If somebody should sign such a petition supposing his certificate genuine when it was fraudulent he ought not to be punished.

Mr. HOAR. Let the amendment of the Senator from Colorado be read as modified.

The CHIEF CLERK. At the end of section 2, add the following:

And any person falsely and willfully claiming to be a citizen of the United States, or to be a resident or qualified voter of such city or town, in any such petition, shall be punished by confinement of not more than two years or by a fine of not more than $1,000, or by both said fine and imprisonment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Missouri [Mr. VEST].

Mr. MORGAN. I wish to make a single suggestion, and principally to the Senator from Massachusetts, about this matter. He felicitates himself that if this bill goes into operation there will be a decrease in the number of applications for these supervisorships.

Now, Mr. President, the supervisors, under the bill, will average about $50 at each election; some of them will run very much above that. The lowest average for a supervisor will be $50 at an election. There will be three supervisors for each precinct, and that will make $150. Now, there are very few counties, I suppose, in the United States, at least in the most populous parts of the United States, where there are not as many as forty precincts.

That is a large sum of money to go into the hands of the class of people who will apply for these positions of supervisors. There are many post offices in the United States that do not pay anything like that amount of money, and yet the mails of Senators are burdened with petitions and applications for appointments to those places. There are many people in my State, without reference to color or previous condition or anything of that kind, white people and black people, too, who would be very much delighted to be appointed supervisors in a precinct where they would get $50 apiece out of the money of the United States for performing this service for, perhaps, not exceeding ten days; not so much, perhaps, as ten days.

The Senator from Massachusetts will find that this country will be swarming with these applications. It is very true that as the bill now is the chief supervisor is not bound to accept services of this kind. He nominates men for these offices, men who recommend themselves by their own affidavits and their own applications as to respectability and otherwise. He may not choose to use their services, and in that way he can cut them out; but how easy it is for a man who is disposed to make a political interference in a district, whether a Democrat or a Republican, to go out into the different precincts in the county and throughout the district and pick his men to make applications for these places, and say "Here is $50 that can be paid for a few days' service at a time of the year when you are not busy in your usual vocation" (that of a farmer or whatever it may be), "and if you receive the appointment I will put your name on the list, or take your name before the judge, and he will appoint you."

He is obliged to do it; that is a fact. Now, instead of there being a continual decrease of these applications, there will be a continual increase of these applications, and the boss politicians of a small kind throughout the United States will find themselves with convenient employment at $50 for ten days' services; and the chief supervisor will have the pick and choice of all the political tools he wants to select from, the meanest men he can think of. If he recommends them to the judge, his *imprimatur* will carry them through the court, and we shall have the elections functionaries of the United States either the miserable tools of low politicians or else we shall have them of a class of men who would corrupt the public service.

I think, Mr. President, that every guard we can put upon these men ought to be sedulously placed there. Therefore, I am in favor of the proposed amendment or any other amendment in that direction.

Mr. HOAR. I desire to ask if the amendment of the Senator from Colorado [Mr. WOLCOTT] has been adopted?

Mr. BUTLER. It has not been acted upon.

The VICE PRESIDENT. The pending question is on the amendment of the Senator from Missouri [Mr. VEST].

Mr. HOAR. I move to lay that amendment on the table.

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

The yeas and nays were ordered.

Mr. HOAR. I would like to have it understood before a vote is taken, whether there is any objection to the amendment of the Senator from Colorado [Mr. WOLCOTT].

Mr. VEST. No; I think not.

Mr. HOAR. Let that be adopted by unanimous consent.

Mr. ALLISON. On what have the yeas and nays been ordered?

The VICE PRESIDENT. On the amendment of the Senator from Missouri [Mr. VEST] to strike out the words "claiming to be," in line 19, page 78. The roll will be called.

Mr. VEST. I ask unanimous consent to withdraw my call for the yeas and nays, and let us first take a vote *viva voce*.

The VICE PRESIDENT. If there be no objection, the Chair will put the question. The question is on the motion to lay the amendment of the Senator from Missouri on the table.

Mr. HOAR. I thought the yeas and nays had been ordered.

Mr. VEST. I withdrew the call for the yeas and nays in order to save time.

Mr. HOAR. I call for the yeas and nays.

The VICE PRESIDENT. The yeas and nays have been ordered, and the roll will be called.

Mr. VANCE. Mr. President, several Senators in my vicinity, including myself, do not understand whether this is a motion to lay on the table or whether it is to be a vote on the pending amendment.

The VICE PRESIDENT. It is a motion made by the Senator from Massachusetts [Mr. HOAR] to lay the amendment offered by the Senator from Missouri [Mr. VEST] on the table.

The Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). During the absence of the Senator from Georgia [Mr. COLQUITT] on account of sickness I shall be paired with him, and therefore it is not necessary for me to repeat it every time a vote is taken. If he were present, I should vote "yea."

Mr. EUSTIS (when his name was called). I am paired with the Senator from Nebraska [Mr. PADDOCK]. If he were present, I would vote "nay."

Mr. GEORGE (when his name was called). I am generally paired with the Senator from New Hampshire [Mr. BLAIR]. If he were present, I should vote "nay."

Mr. ALLEN (when Mr. SQUIRE'S name was called). My colleague [Mr. SQUIRE] is paired with the Senator from Virginia [Mr. DANIEL]. If my colleague were present, he would vote "yea."

Mr. VEST (when his name was called). I have a general pair with the Senator from Kansas [Mr. PLUMB]. As he has not voted, I withhold my vote.

The roll-call was concluded.

Mr. HISCOCK. Has the Senator from Arkansas [Mr. JONES] voted?

The VICE PRESIDENT. He has not.

Mr. HISCOCK. Has a quorum voted?

The VICE PRESIDENT. Not yet.

Mr. HISCOCK. I am paired with the Senator from Arkansas [Mr. JONES].

Mr. BERRY. I desire to state that the Senator from Kentucky [Mr. CARLISLE] is paired with the Senator from North Dakota [Mr. PIERCE].

Mr. PASCO. I desire to have it noted that my colleague [Mr. CALL] is temporarily absent from the Chamber and is paired with the Senator from South Dakota [Mr. PETTIGREW]. If my colleague were present, he would vote "nay."

Mr. MANDERSON. My colleague [Mr. PADDOCK] is paired with the Senator from Louisiana [Mr. EUSTIS]. My colleague would vote "yea" on this question.

The result was announced—yeas 33, nays 25; as follows:

YEAS—33.

Aldrich,	Edmunds,	Manderson,	Spooner,
Allen,	Evarts,	Morrill,	Stockbridge,
Allison,	Frye,	Platt,	Teller,
Cameron,	Hale,	Power,	Warren,
Carey,	Hawley,	Quay,	Wilson of Iowa,
Casey,	Higgins,	Sanders,	Wolcott.
Cullom,	Hoar,	Sawyer,	
Davis,	McConnell,	Sherman,	
Dixon,	McMillan,	Shoup,	

NAYS—25.

Barbour,	Faulkner,	McPherson,	Vance,
Bate,	Gibson,	Morgan,	Voorhees,
Berry,	Gorman,	Pasco,	Walthall,
Blackburn,	Gray,	Pugh,	Wilson of Md.
Butler,	Hampton,	Ransom,	
Cockrell,	Harris,	Reagan,	
Coke,	Kenna,	Turpie,	

ABSENT—30.

Blair,	Dawes,	Jones of Arkansas,	Plumb,
Blodgett,	Dolph,	Jones of Nevada,	Squire,
Brown,	Eustis,	Mitchell,	Stanford,
Call,	Farwell,	Moody,	Stewart,
Carlisle,	George,	Paddock,	Vest,
Chandler,	Hearst,	Payne,	Washburn.
Colquitt,	Hiscock,	Pettigrew,	
Daniel,	Ingalls,	Pierce,	

So the amendment of Mr. VEST to the amendment of the committee was laid on the table.

The VICE PRESIDENT. Is it understood that the amendment proposed by the Senator from Colorado [Mr. WOLCOTT] is agreed to?

Mr. HOAR. That was agreed to unanimously.

The VICE PRESIDENT. The Chair did not so understand.

Mr. REAGAN. I offer a proviso to come in at the end of section 2 as amended.

Mr. HOAR. Will the Senator from Texas listen to me for a moment? I was moving some amendments as coming from the majority of the Committee on Privileges and Elections, and at the request of the Senator from Maryland [Mr. GORMAN] I deferred them for half an hour. The Senator from Maryland now informs me that he desires no further delay.

Mr. REAGAN. I prefer that the Senator be present, but I have an amendment to section 2. I do not want to consume any time.

Mr. HOAR. Very well; after that I will ask the Chair to recognize me for that purpose.

The SECRETARY. Add the following to section 2:

Provided, That the chief supervisors of elections shall keep the petitions provided for in this section, and the lists of names appended to them, open to the inspection and examination of citizens at all reasonable hours.

Mr. REAGAN. Mr. President, I have but a word to say in reference to that amendment. These election proceedings ought to be open so that they can be understood. If the chief supervisor has power to receive petitions and place them in his drawer or in his safe, without the authority or right of the citizens to inspect them, it might operate as a very serious wrong, and I think there will be no objection to requiring him to keep these petitions and the papers connected with them open to inspection, so that citizens may see who it is that makes them and whether there is any attempt at the perpetration of fraud.

Mr. HOAR. I hope the amendment will not be adopted. It is well known, I suppose, to most Senators here that there is a very considerable fear in many parts of the country that it may not be altogether safe for persons to make these petitions. The petitioners may be subject to hostile action.

Mr. VOORHEES. Let the amendment be reported again.

Mr. HOAR. I move to lay the amendment on the table.

The VICE PRESIDENT. The amendment will be again read in accordance with the request of the Senator from Indiana [Mr. VOORHEES].

The amendment was again read.

Mr. HOAR. I have moved to lay that amendment on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. HOAR] to lay the amendment proposed by the Senator from Texas [Mr. REAGAN] on the table.

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

The yeas and nays were ordered.

Mr. VOORHEES. I would like to inquire of the Senator from Massachusetts whether it is the intention of this bill to keep secret and hidden away those who are responsible for putting it in operation. I am one of the representatives from Indiana. If this bill becomes a general law, it will apply to the State that I have the honor in part to represent, as well as to the Southern States, and I would like to know from the Senator from Massachusetts whether he proposes to hide and cover up and keep secret.

Mr. WILSON, of Iowa. I desire to ask the Chair whether the pending question is debatable.

Mr. HOAR. I will answer the Senator from Indiana.

Mr. VOORHEES. I do not know whether it is debatable or not, but I will allow the Senator from Massachusetts an opportunity, and shall be glad to hear his answer.

Mr. HOAR. The matter will be in the control of those who will see that whatever is necessary for the public security is done.

Mr. VOORHEES. Then I desire it to be known abroad, throughout the country, that the methods by which this wretched piece of legislation is about to be put in operation in the various States can be hidden away——

Mr. HOAR. I object to further debate.

Mr. VOORHEES. Can be placed in the secret archives of the Federal judiciary. I wish that to be known, as well as the rest of it.

The VICE PRESIDENT. The motion to lay on the table is not debatable.

Mr. REAGAN. This does not go into the charge of the judiciary department, but will remain in charge of the chief supervisor, and the secret is his.

Mr. HOAR. I object to further debate.

Mr. GORMAN. I desire to make a suggestion to the Senator from Massachusetts.

Mr. WILSON, of Iowa. I object to debate.

The VICE PRESIDENT. The Senator from Iowa objects to debate. The roll will be called.

Mr. MCPHERSON. I would like to ask the Senator from Massachusetts a single question, if he will withdraw his motion in order to enable me to do so.

The VICE PRESIDENT. Debate is not in order now. The Secretary will proceed with the roll-call.

The Secretary proceeded to call the roll.

Mr. CASEY (when Mr. PIERCE'S name was called). My colleague [Mr. PIERCE] is paired with the Senator from Kentucky [Mr. CARLISLE].

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. CARLISLE. I am paired with the Senator from North Dakota [Mr. PIERCE]. The Senator from Louisiana [Mr. GIBSON] is temporarily absent from the Chamber, and at his request my pair is transferred to him. I vote "nay."

Mr. PASCO. I desire to announce the pair of my colleague [Mr. CALL] with the Senator from South Dakota [Mr. PETTIGREW]. If present, my colleague would vote "nay."

Mr. BATE. I desire to announce the pair of the Senator from New Jersey [Mr. BLODGETT] with the Senator from New Hampshire [Mr. CHANDLER].

Mr. WALTHALL. My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. JONES, of Arkansas. Has the Senator from New York [Mr. HISCOCK] voted?

The VICE PRESIDENT. He has not.

Mr. JONES, of Arkansas. Having a pair with him, I withhold my vote. I should vote "nay," if he were present.

Mr. MITCHELL. I desire to announce that my colleague [Mr. DOLPH] is detained from the Chamber and is paired with the Senator from Georgia [Mr. BROWN].

The result was announced—yeas 30, nays 30; as follows:

YEAS—30.

Aldrich,	Dixon,	McConnell,	Sawyer,
Allen,	Edmunds,	McMillan,	Sherman,
Allison,	Frye,	Manderson,	Shoup,
Cameron,	Hale,	Mitchell,	Stockbridge,
Carey,	Hawley,	Morrill,	Warren,
Casey,	Higgins,	Platt,	Wilson of Iowa.
Cullom,	Hiscock,	Power,	
Davis,	Hoar,	Sanders,	

NAYS—30.

Barbour,	Faulkner,	Morgan,	Turpie,
Bate,	Gorman,	Pasco,	Vance,
Berry,	Gray,	Pugh,	Voorhees,
Blackburn,	Hampton,	Quay,	Walthall,
Butler,	Harris,	Ransom,	Wilson of Md.
Carlisle,	Jones of Arkansas,	Reagan,	Wolcott.
Cockrell,	Kenna,	Stewart,	
Coke,	McPherson,	Teller,	

ABSENT—28.

Blair,	Dawes,	Hearst,	Pierce,
Blodgett,	Dolph,	Ingalls,	Plumb,
Brown,	Eustis,	Jones of Nevada,	Spooner,
Call,	Evarts,	Moody,	Squire,
Chandler,	Farwell,	Paddock,	Stanford,
Colquitt,	George,	Payne,	Vest,
Daniel,	Gibson,	Pettigrew,	Washburn.

The VICE PRESIDENT. The Senate being equally divided on this question, the Chair votes "yea."

So the amendment of the Senator from Texas [Mr. REAGAN] was laid on the table.

Mr. VANCE. I move to amend section 2 by adding, after the last word, "voter," the words "and shall be sworn to the same;" so as to read:

Every person making application for such supervision shall subscribe the same and state his citizenship, place of residence, and that he is a qualified voter, and shall be sworn to the same.

Mr. HOAR. Where will it come in?

Mr. VANCE. That will come in at the close of section 2.

Mr. HOAR. There is no objection to that.

Mr. GORMAN. I ask the Senator from North Carolina [Mr. VANCE] to yield to me a moment.

Mr. VANCE. Certainly.

Mr. GORMAN. Mr. President, we met yesterday at 12 o'clock, and until 1 or 2 o'clock to-day we have proceeded with the discussion of this bill, but were engaged in an endeavor to get a quorum the greater part of the time. This morning, after the completion of one or two speeches, there were fifty or sixty Senators present, not all of them having remained here all night. Then by common consent we began the consideration of this bill in a perfectly fair spirit, considering the amendments as they arose, with no extended discussion upon any one of them, and with no idea of going beyond legitimate bounds in the consideration of the amendments themselves.

With a view to facilitate the business of the Senate I suggested to the Senator from Massachusetts, which suggestion he afterwards accepted, to lay aside the amendments he had offered in order that we might compare them with the bill the reprint of which had only reached us this morning.

Now, Mr. President, with that condition of affairs in the body and a desire to go on, taking advantage of no technicalities whatever and consuming no more time than was absolutely necessary for the intelligent consideration of the amendments, with scarcely a roll-call unless asked for by the Senator from Massachusetts [Mr. HOAR]—but possibly asked for once or twice on this side—the Senator in charge of the bill, not appreciating the spirit with which he is met in the consideration of this measure, takes the floor before the mover of an amendment has an opportunity to explain it and proposes to lay the amendment on the table, or, if not before the mover has an opportunity to explain it, immediately afterwards.

We have just voted upon an important amendment, the proposition offered by the Senator from Texas [Mr. REAGAN], requiring that these petitions and papers shall become public property, and that citizens of the United States shall have an opportunity to see them and know who are applicants, to know whether they were proper applicants, whether they were citizens of the United States, and that within a reasonable time, as the amendment provided. That proposition, giving only that opportunity which is due to every American citizen in regard to every public act and every official, immediately the Senator proposes to lay on the table, and the Senate refuses to give consent when we simply ask it to be fairly considered.

Now, I do not want to be unkind or say disagreeable things to any Senator, but I say to the Senator from Massachusetts that he has been so exacting in every proposition which has come before us in this matter that he can not facilitate public business in that way. If he wants a fair and intelligent consideration of this bill and the amendments, he will get it with perfectly fair and frank dealing with Senators upon this side. If an amendment comes up, and it is debated beyond reasonable time, I should not complain if, under the rules, he moved to lay it on the table. But when we are going on in the manner I have described, I say to the Senator we can all of us get up conflicts and bad feeling among white men everywhere in the world; and that applies to this body.

Now, I hope and trust that the Senator will change his tactics and will permit the consideration of these amendments fairly for a proper time without any attempt to cut us off. Of course, we have our remedy. I have no right to speak for anybody but myself, but I think I voice the sentiment of everybody on this side of the Chamber when I say we do not want to resort to the practice of offering an amendment and taking the floor and then yielding to somebody else to speak upon it an undue length of time. That would be unfair to each side. It would be perfectly legitimate within the rules. But I do appeal to the Senator from Massachusetts to permit the consideration of this measure to go on as it has been going on nearly the whole day. However, I think he has made two or three motions to lay amendments upon the table when we were all ready to vote upon the direct question itself.

Now, Mr. President, there are some of these amendments that require discussion. Of the amendments offered by the Senator from Massachusetts himself, at least two are important and far-reaching. One is as to the appointment of these officers and the other opens the door of the Treasury for the expenditure of untold millions, as I understand it. Does the Senator from Massachusetts suppose that a matter such as the one presented by the Senator from Texas [Mr. REAGAN], simply giving the right to look at the papers on file in the office of these supervisors and in the court between reasonable hours, should not be discussed in this country for a moment; that the gag must be put upon that right which is due to every American citizen? Does he believe that he will facilitate the passage of his bill by making a motion to lay on the table an amendment that will close the doors of the Treasury except as they may be opened by the representatives of the people in the two Houses of Congress assembled?

Mr. President, we are in the minority in this Chamber; but I speak for the great majority of all the people in this country when I say to the Senator from Massachusetts that we shall have free discussion upon the question of the right to take the people's money from their Treasury by unknown and unauthorized agents appointed by judges who themselves have their appointments for life.

Now, sir, this bill is full of clauses which excite the partisan; but when we come to the consideration of its details I think, even extreme as the Senator from Massachusetts is and anxious as he is for the passage of this measure, he ought to concede at least the right to discuss these amendments fairly in the Senate. Nothing more is asked. Under the rules, Mr. President, we can have that. And as I said, voicing, as I know I do, the sentiments of the great majority of the people of the country, we shall never submit to anything less than that. [Manifestations of applause in the galleries.]

Mr. VANCE obtained the floor.

Mr. HOAR. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. VANCE. I will yield to the Senator from Massachusetts to make a reply to that appeal.

Mr. HOAR. Mr. President, I think this affected style comes with very singular grace from the Senator from Maryland, when we consider the history of the past two weeks. The Senator says with an air of threat that he shall know or they shall know how to secure whatever speech they desire in this body. I suppose the Senator would delay this bill by every parliamentary method, whatever course the majority of the Senate should take. Nothing has happened yet which has come from that Senator or any other on his side of the Chamber to make any man doubt that every obstruction which he or his associates can invent will be put in the way of the constitutional right of the majority of this body to express its will in legislation. That we understand. But undoubtedly, Mr. President, there ought to be a fair and reasonable opportunity for discussing these amendments and undoubtedly it can not be helped.

Mr. GORMAN. That is all we want.

Mr. HOAR. There has been no instance where I have made a motion to lay an amendment on the table where on an appeal to withdraw it I have not withdrawn it.

Mr. GORMAN. That was not the case just now.

Mr. HOAR. No, the Senator from Missouri was speaking while the motion to lay on the table was pending. He did not ask anybody to withdraw it.

Mr. VEST. I beg pardon.

Mr. REAGAN. The Senator may not have heard me, but I did ask leave to be heard.

Mr. VEST. I never spoke after the motion was pending.

Mr. HOAR. It was the Senator from Indiana [Mr. VOORHEES].

Mr. KENNA. And the Senator from Iowa rose in his place and objected.

Mr. HOAR. I am talking about myself now in regard to that matter. He was speaking out of order when the motion was made.

Mr. VOORHEES. It may be due to myself to say that I was really not aware of the shape the question was in when I arose to speak. I simply understood by the reading of the Clerk that the bill made a provision in the nature of hiding away from public observation a certain responsibility, which it was proposed to remedy, and thereupon I spoke, and I was surprised at the Senator from Iowa calling me to order on a question of debate.

Mr. HOAR. I will state for the information of the Senator from Maryland and for that of the Senate that when the Senator from North Carolina rose I sought the floor at the same time and I sought it for the purpose of stating that it seemed to me there was a good deal of force on reflection in the suggestion of the Senator from Texas, and that I thought his purpose would be met by a provision that these petitions should be returned to the files of the circuit court and be open there for the inspection of the public; and I had consulted already several Senators on this side of the Chamber with reference to proposing an amendment to that effect.

Mr. STEWART. Will the Senator from North Carolina give way to me a moment? I want to make a suggestion.

Mr. HOAR. If the Senator will pardon me, before I sit down I wish to suggest to the Senator from Maryland, and to recall to his attention the fact that some hour ago, I being on the floor and moving these amendments which had been prepared by direction of the majority of the committee, which I have spoken of as committee amendments (and I think I have a right so to speak of them), the Senator asked me to withdraw them for some time, which I did out of deference to his request, and I may have been informed by him that he desires no further delay in taking them up, and I think I should have an opportunity afforded to me by that side of the Chamber at this time.

Mr. GORMAN. I want to say to the Senator from Massachusetts that is precisely the point to what I said. When he came to his amendments this morning we had before us the amendment offered by my distinguished friend from West Virginia [Mr. FAULKNER] which was likely to lead to debate. The Senator from Wisconsin, who happened to be in the Chamber at the time in charge of the bill, I think suggested that it would be wise to lay that amendment aside temporarily for the purpose of consulting and seeing if it could not be put in shape. It was assented to on this side, although it was a matter that our friends desired to discuss; one of them was most anxious to make a speech on it. I said: "That is perfectly fair in the discussion and consideration of this bill, and we shall be glad to do it." The Senator from Massachusetts wanted to present his amendment, and very justly as he suggested, and immediately two or three of our friends, who had not had an opportunity before to compare his amendments with the bill and see precisely what they were, went to work at them and within the last half hour I informed the Senator from Massachusetts that we have been ready to proceed with them. Hence, I say it makes his action all the more pointed in cutting off debate on an amendment which he now thinks upon reflection ought to have been put in the bill.

Mr. HOAR. No, not that amendment, but something which would accomplish the purpose.

Mr. GORMAN. I hope the Senator from Massachusetts has gone so far as to agree to the amendment of the Senator from Texas. However, I will not do him any injustice about it.

Now, Mr. President, I have nothing more to say about the matter except I do trust that in this body, where during my service with it and before I became a member of it, when I have been so familiar with its proceedings, I have never seen anything but fair consideration in this body and fair dealing on both sides of the Chamber—long discussions and earnest discussions have occurred, sometimes with too much feeling I have witnessed, but in the end this body does what is right, and it can not afford to be unjust to any one of its members of either party that happens to be in the minority. What I want to see is that we may go on with this bill and act on all the amendments that are yet to be taken up only on a fair consideration of them.

Mr. STEWART. Mr. President, I desire to call the attention of the Senate to the constitutional provision under which this legislation is proposed. We have the power conferred by the Constitution to legislate as to the time, place, and manner of electing Representatives in Congress. The only provision of the Constitution that gives warrant for such legislation is found in the fourth section of the first article of the Constitution, and it reads as follows:

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

The entire warrant for any legislation on this subject must be found in this provision. I am aware of the principle of construction that when power is given to Congress by the Constitution to do a given thing that power carries with it by implication the doing of all other things necessary to accomplish that purpose. We have the power to make regulations or to alter the regulations made by the State Legislatures as to the election of Congressmen, and there our power ends. We have no power to deal with the election of State officers; we have no power to deal with the election of electors of President and Vice President except to fix the time of such election.

Now, if in exercising the power conferred to alter the State regulations as to the election of members of Congress, we interfere with powers that do not belong to Congress, but are especially reserved by the States, we are passing the bounds of our functions and violating the Constitution.

Is it true that, because members of Congress are elected at the same time with State officers and with electors of President and Vice President, therefore the Federal Government may regulate in any manner State elections, may inspect ballots for State officers, and supervise and regulate all the proceedings governing local elections? Is the power to fix the times, places, and manner of holding Congressional elections sufficient warrant for all that? Does it give that power? The answer must be in the negative.

What is the condition of the legislation of the several States with regard to the time and place and manner of holding Congressional elections? Are they not held in nearly all the States at the same time as the State elections and must they not of necessity remain so until after the next general election? If this bill in its present form should become a law, would not the Federal officers whom it creates be present, supervise, and regulate all State elections two years hence? The Presidential electors are elected, I believe, in nearly every State in the Union at the same time as Representatives in Congress are elected. Is not the machinery of this bill especially calculated to have present a horde of Federal officers, paid with Federal money, to supervise not only Congressional elections, but elections of electors of President and Vice President?

It must be remembered that Congress may fix the time of electing electors of President and Vice President, and if that time be fixed permanently on the same day when Congressmen are elected then the supervisors of elections will not only control the election of Congressmen, but will necessarily manage and control the election of electors of the President and Vice President. And for the present and until the States shall have fixed some other day for their general elections, the elections to be supervised by Federal officers under the provisions of this bill must include members of Congress, Presidential electors, and all State officers. Besides, many of the States have fixed the time for elections in their constitutions which can not be changed for many years. The practical result of this bill will be to place the control of all elections, State and national, in charge of Federal officers.

We are not children. All of us have seen elections enough to know that a horde of officers at the polls with a purpose to control elections, having the right to inspect the ballots, having the right to arrest, having the right to keep order, having the right of supervising everything, will exercise an overwhelming power at a general election and influence the result as to every officer voted for at such election. We all know that an army of officers at the polls, backed by the prestige of the General Government, must dominate local elections and affect the result of the election of State officers of every State in the Union. If this bill, which mixes the election of members of Congress with all other elections, should pass, a spectacle will be presented of the imperial power of the General Government dominating local elections throughout the United States. The elections must be commingled at the next election in every State, and inasmuch as constitutions must be amended and constitutional laws changed before the States would be able to separate them, if this bill becomes a law there is little hope that hereafter local elections will be free from Federal control.

The spectacle will be presented by the passage of this bill of a President appointing marshals and judges to assist him to a re-election to his high office. This army of officers will also be interested in retaining their places under the Executive who appointed them.

Is not the Presidential office strong enough? Has it not the veto power, expanded from a dead letter to a living power that controls at least one-third of the votes of both Houses of Congress? Is it not a living power that dispenses patronage the like of which and the extent of which were never before known on earth? Is not that patronage constantly increasing? Is there not a clamor to increase it? Is it not proposed in many quarters to give the President control of telegraphs, railroads, and many other things?

The administration through the Secretary of the Treasury already has control of the finances of the country, and under your legislation he can expand and contract the currency at pleasure. These enormous powers are in the hands of one man, and if you further put in his hands millions of Government money and an army of retainers at the polls under the pretext of controlling Congressional elections, you will have great difficulty after a time in continuing your Presidential elections unless you will continue to elect the same man.

The passage of this law will, in the next election at least and perhaps forever, place over all the local elections this supervising power with high-paid officers. That will be the beginning of the end of free government.

I protest against legislation which will change the spirit and intent of the Constitution. If this bill must be passed, if the power given by the Constitution must be exercised, exercise it by separate Congressional elections at a time when no other election is held and in a manner prescribed by the Constitution. Go no further than the letter and the spirit of that instrument. Whatever may be said of the evils that exist, you have no right to subvert the Constitution and use the authority given to fix the times, places, and manner of electing Congressmen for the purpose of controlling all other elections. If it be said that Congressional elections are held at the same time as local elections, and that they can not be regulated without also regulating the latter, and that Congress has the power of regulating Congressional elections, and therefore the regulation of local elections is but an incident of the exercise of the power given, I maintain that this is no excuse. Congress has the power to exercise the authority given in the Constitution without interfering with local elections, by fixing a separate day for Congressional elections.

When you so legislate as to exercise the power given by the Constitution to regulate the method of electing Congressmen it is your duty at the same time to see to it that you do not override other and more important provisions of the Constitution.

This bill, taking hold as it does of the whole State machinery and providing as it does for paid agents to represent partisans on the one side or the other, is dangerous, not only to the country, but to the Republican party. It is a sword that will cut both ways. It can be used by Democrats as well as by Republicans, but in each case it will be used against the liberties of the people. If the Federal authorities can have at all the polls in the United States paid retainers to govern and control the local elections, you have gone very far towards changing the form of this Government from a republic to a monarchy. There is no excuse for saying that you can manage these elections better than the people. That is always the plea of tyrants. That is the reason given by despots for the exercise of imperial power. Their excuse for governing is that they are wiser than the masses. Local self-government is the foundation of free institutions. It is the only guaranty against despotism. This bill if enacted into a law would not only violate the Constitution, but also the fundamental principles of free institutions.

The control of Congressional elections, mixed and commingled with all other elections, means that there shall be no more freedom among the people, but that the people shall be dominated by the paid agents of Federal power. I contend that if there is a necessity for any legislation of this kind the bill should be recommitted and stripped of its unconstitutional provisions. There certainly is no such evil in the United States as will warrant Congress by this indirect mode in depriving the people of the right to select their own local officers without the interference of the General Government. Evils always exist in local government, but they regulate themselves. If the General Government should attempt to remedy all the defects in local elections and such an attempt should be successful, free institutions would be at an end. Patronage and the veto power are being enlarged and expanded every day. These powers are now exercised by common consent with a freedom and extravagance that would have astonished the framers of the Constitution.

It must be remembered that it was the veto power and the dispensing power which produced the revolution in England. Our ancestors fought against such usurpations for generations, and when our Constitution was being formed there was a strong protest against the veto power and all other kingly prerogatives. Mr. Hamilton said that, as the veto power had not been exercised in England since the revolution, it would not be used in this country except to defend the Presidential office from usurpation by Congress. Under this special plea the fatal power was incorporated in the Constitution. Franklin warned them of the danger. The danger that Franklin predicted has come. No legislation can be devised in either House of Congress the promoters of which do not tremble under the cloud of the veto.

It has been so for the last eight or ten years, and that cloud is growing larger and larger; and now, with that immense power and that immense patronage that are so all-controlling, you propose to place in the hands of the Executive the further power to appoint election officers at the polls, paid by the Government, without limit as to number, to intimidate and override the people by their force of imperial power. It ought not to be done. The plea for pure Congressional elections is not a sufficient excuse.

If this bill is not to be confined to Congressional elections alone, it ought not to pass. Congressional should not be mixed with State elections. It will alarm the people to see this bill go into operation. They will rebel in the North as well as in the South when Federal officers are empowered to supervise local elections, and that rebellion will come quickly. The people will not submit to the surrender of the right of local self-government. There is no excuse for interfering with local elections. Congressional elections can and must be separated from them if it is really necessary for the Government of the United States to supervise the election of Representatives in Congress.

Let no man think that the people of this country are prepared for Federal interference in local elections. It can not be done with impunity. The States are jealous of their rights and will assert them. I remember the description of the feeling in Colorado as given us the other day by the junior Senator from that State [Mr. WOLCOTT]. He told us that although the Federal officers did not interfere with local elections, yet every citizen of Denver felt humiliated to see supervising officers placed over them. That humiliation will become a reality if this bill, with the unlimited appropriation and the unlimited army of assistants to supervise and control elections therein provided for, is passed.

I say we have no right in the exercise of the power conferred by this clause in the Constitution to go beyond its letter and spirit by any indirection, by passing legislation that interferes with any power reserved to the States.

At the proper time I shall make a motion to recommit this bill and to confine its operation to constitutional limits. [Applause in the galleries.]

Mr. VANCE. Mr. President, the provisions of this section of the bill seem to me sufficient to damn the whole scheme in the estimation of all patriotic men. Bear in mind that the professed object of the bill is to purify elections in this country and to render them fair. The assumption is made that certain States in this Union pervert the freedom of elections, turn aside the course of the majority of the popular will, and this virtuous conception is for the purpose of rectifying that wrong.

Now, the machinery is to be applied and put in motion by the application of one hundred men in any Congressional district or fifty men in any city, town, county, or parish. It does not require that they shall be even citizens of the United States and residents of the county or town or parish, or lawful voters therein, but simply that they shall claim to be such. The judgment of the Senate upon the amendment of the Senator from Missouri was that that claim was sufficient and should not be further verified or established.

Then it comes to this, taken in connection with the laying upon the table of the amendment of the Senator from Texas, that in a Congressional district, we will say, of 30,000 voters, 29,950 may be totally opposed to any Federal supervision of their Congressional election, but fifty vagabonds may get together in secret and sign a paper requesting that supervision, and the will of the 29,950 is perverted and set aside in behalf of fifty vagabonds, in consideration of whose safety, as suggested by the Senator from Massachusetts, their proceeding is to be inquisitorial and secret, and 29,950 free and qualified American citizens shall not only be deprived of their will, but they shall not know by whom and by what authority they are deprived of it.

That may be a purification of politics and a correction of the evils of corrupt elections, but it sounds to me more like being open to the objurgation of Burke, that the whole bill is musical with the patois of fraud and is redolent of the gibberish of hypocrisy. If that be freedom, then, sir, the secret accusations which were deposited in the lion's mouth of St. Mark's are more commendable than the face to face accusations commanded by St. Paul and approved and sanctioned by all children of the common law of England; then the secret trial of the Council of Ten has become the emblem of freedom and purity rather than the open trial in courts whose doors are compelled to be thrown wide to the public. If that is a purification, if that is the means of securing the liberty of the American citizen and the freedom of its suffrage, then chains are an emblem of freedom when attached to the person.

There can be no doubt now in the minds of all reasonable and thinking men what the object of this bill is, when the will of all the people of a Congressional district except fifty may be defied and set aside and no provision made whatsoever to verify the truth of the claim of the men who set it aside under the language of this law. It is true that the amendment of the Senator from Colorado was agreed to, providing

that they should be punished in case they should falsely and willfully state anything that entitled them to claim to put this law in operation, but at the same time it is true that if these proceedings are to be secret and the paper which they sign is to be deposited with the chief supervisor and no human eye is to see it, it is true, I say, that there will be no possibility of indicting them for false statements and bringing them to punishment under the law.

You may know that the chief supervisor will not do so. He is too much interested in the exercise of the functions of his office, in the gathering of the emoluments that arise therefrom, to expose the men who pander to his power, and he will keep those names secret, and the will of the people of any Congressional district, city, county, town, or parish in the United States may be thus thwarted, and all in the name of pure elections, all in the name of the freedom of the ballot.

It is true, sir, that after he had heard something drop the Senator from Massachusetts announced that on reflection he thought there was some force in the amendment of the Senator from Texas, but still whatever his reflections may be they have been passed upon by the judgment of the Senate, and the Senator from Massachusetts approved of that judgment, and his regret, his after-reflections will do no good, unless it be it shall lead him and others to a change of heart before the final iniquity is consummated.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. VOORHEES. Let the amendment be reported.

The CHIEF CLERK. On page 78, at the end of section 2, line 30, after the word "voter," insert "and shall be sworn to the same;" so as to read:

Every person making application for such supervision shall subscribe the same, and state his citizenship, place of residence, and that he is a qualified voter, and shall be sworn to the same.

Mr. VOORHEES. That, I believe, is at the end of the second section.

The VICE PRESIDENT. At the end of the second section, line 30.

Mr. REAGAN. At the end of the section, to precede the amendment of the Senator from Colorado.

The VICE PRESIDENT. That is right.

Mr. VOORHEES. There is no further amendment, I believe, at this stage in order.

Mr. HOAR. Let the amendment be reported.

The Chief Clerk stated the amendment.

Mr. HOAR. I think that was adopted sometime ago, before putting the last question. Let that be agreed to, and so announced.

Mr. VOORHEES. We did not hear the proposition.

Mr. HOAR. I said I understood that was consented to by the Senate, and was announced before the last amendment was put.

Mr. VOORHEES. The Senator from North Carolina has been speaking to it for some time past.

Mr. VANCE. I was not aware that anybody had consented to my amendment.

The VICE PRESIDENT. No announcement was made.

Mr. VEST. It was the amendment of the Senator from Colorado.

Mr. VANCE. The amendment of the Senator from Colorado was assented to.

Mr. HOAR. If there be no objection, let this amendment, that the statement shall be sworn to, be agreed to before the Senator from Delaware proceeds, and then——

The VICE PRESIDENT. The amendment will be agreed to, if there be no objection. The Chair hears none.

Mr. VOORHEES. Then, is the additional amendment which I have in my hand and desire to offer now in order?

The VICE PRESIDENT. The Senator from Delaware [Mr. HIGGINS] has been recognized.

Mr. VOORHEES. I beg pardon, of course, but I ask the privilege——

Mr. HIGGINS. I yield to the Senator from Indiana.

Mr. VOORHEES. I offer an amendment and ask to have it printed.

Mr. HOAR. I wish to say, with entire respect to my friends on the other side, that I think I am fairly entitled by the agreement to be recognized before any other amendments are put to move these amendments which I have in my possession. The Senator from Maryland will state how he understands it.

Mr. VEST. There is no objection to that.

Mr. GORMAN. No objection.

Mr. COCKRELL. The Senator is right in that.

Mr. VOORHEES. Does the Senator object to my offering this amendment for the purpose of having it printed, not to debate?

Mr. HOAR. Oh, no, not in the least.

Mr. VOORHEES. Let it be read.

The VICE PRESIDENT. The amendment will be reported and printed. Where is it to be inserted?

Mr. VOORHEES. At the end of the second section.

The CHIEF CLERK. At the end of section 2, add the following proviso:

Provided, That the application and the name signed thereto shall be published in at least two newspapers of opposite politics in the Congressional district in which such application shall be filed every day for one week preceding the election.

Mr. VEST. Does the Senator from Missouri propose to offer an amendment?

Mr. HOAR. The Senator from Delaware [Mr. HIGGINS] has the floor. With the leave of the Senator from Delaware, I move, in section 23, line 3, to strike out the words "returns of the house canvass," and then I will give way to the Senator, and let that be the pending amendment.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. On page 115, section 23, line 3, strike out the words "returns of the house canvass;" so as to read:

SEC. 23. All notices, lists, applications, appointments, oaths of office, returns of registry, reports, poll books or lists, tally sheets, verification reports, etc.

Mr. HIGGINS. Mr. President, I wish to say a word only in respect to the proposed motion, a notice of which has been given by the Senator from Nevada [Mr. STEWART]. That motion is that this bill shall be recommitted to the Committee on Privileges and Elections with a view to its being so amended that it shall provide for the election of members of Congress.

I am much surprised at the suggestion, and I am surprised at it coming from the Senator from Nevada. It would entail upon every State which now holds its election for Congressmen at the same time with the elections of State and county officers all the expense and the labor involved in such elections, thereby doubling all the trouble and labors and expense of such elections.

It was well said by the Senator from New York [Mr. EVARTS], in his speech on this bill day before yesterday, that an election throughout this Republic is a great transaction in its extent, in all the heavy labor and in all the expense in every way that is involved; and yet it is proposed by this motion or suggestion that that should be doubled for every State where elections are held at the same time under existing law.

Now, all this suggestion is made in the face of the fact that this law by which this Federal supervision has been had of elections where both members of Congress were chosen and State and county officers also has been upon the statute books for over twenty years. If there had been any inconvenience arising therefrom it would have been discovered, it would have been denounced; the remedy for it would have been asked for; something would have been put upon foot in order to have the existing law so amended as to have the days of election held differently. Nothing of the kind has been done.

On the contrary, we have had this long experience under existing statutes of Federal supervision of elections for Congressmen held at the same time with the State election, and no mischief or harm has come from it at all. It was open during all this time for the States if they had wished to do so to have got rid of the difficulties by holding their elections upon different days, but it has never been done in any State to my own knowledge; it only has been where they have fixed the election of Congressmen indifferent years from the State election and not upon different days in the same year.

The Senator from Nevada has seen proper to denounce the operation of this supervision by Federal authority as an invasion of the rights of the States and the undue magnifying of the power of the Executive; and yet it is a fact that this law, which for twenty years has authorized just such an outrage, if outrage it be, is one which was actually conducted by him through the Senate over twenty years ago, and he stands up here to-day to denounce the action of the law which he had put through the Senate and which has always been found to work well.

I think, Mr. President, that the bill as it came from the House in that regard is right; that it ought not to be amended; that however much force there might be in what was said by the Senator from Nevada, if it were a new question, it is found to be without force in view of this long experience under which that feature of the law has been found invariably to work well, and in the very reason of the thing can not do ill.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. GORMAN. I call the attention of the Senator from Delaware to this amendment.

Mr. HOAR. That should have been left out in the original report.

Mr. GORMAN. Yes. I just ask the attention of the Senator from Delaware to it.

Mr. KENNA. Let the amendment be read.

The CHIEF CLERK. Page 115, section 23, line 3, strike out the words "returns of house canvass;" so as to read:

SEC. 23. All notices, lists, applications, appointments, oaths of office, returns of registry, reports, poll books or lists, tally sheets, verification reports, etc.

Mr. COCKRELL. How does that come in? I did not catch the words.

The VICE PRESIDENT. It will be again read.

The Chief Clerk read the amendment.

Mr. COCKRELL. Wait one minute.

The VICE PRESIDENT. The amendment is on page 115, section 23, line 3.

Mr. GORMAN. It is all right.

Mr. COCKRELL. That ought to go out.

The amendment was agreed to.

Mr. HOAR. The same amendment should be made in section 19. On page 109, line 3, strike out, beginning with the word "special," down to and including the word "act," in line 6.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. On page 109, section 19, line 3, after the word "language," strike out down to and including the word "act," in line 6, the words to be stricken out being as follows:

Special deputy marshals, when required by the chief supervisor of elections, shall aid and assist the chief supervisors of elections in making the house canvass provided for in this act.

Mr. COCKRELL. That is all right.

The amendment was agreed to.

Mr. HOAR. On page 113, section 21, line 16, after the word "States," I move to insert the following, at the end of the section:

Unless sooner removed from the office of commissioner or the office of chief supervisor.

Mr. COCKRELL. That comes in after the words "United States."

Mr. HOAR. Yes.

Mr. COCKRELL. That is all right.

Mr. GRAY. Mr. President——

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. Page 113, section 21, at the end of the section, add:

Unless sooner removed from the office of commissioner or the office of chief supervisor.

Mr. HOAR. I do not conceive that that alters the meaning of the bill, but it makes clear what has been doubted by some Senators.

Mr. GRAY. I do not think it changes the scope of the section at all. The objection to the whole section there is that it provides practically for a life office. It is the only instance in the whole administrative machinery of the United States or of any State, so far as I know, save and except the judiciary, where a life office is provided for, and I can not see that this alters that feature of this section. I have an amendment which is in print, which I desire to offer as a substitute, but I suppose this would not be the proper time under the arrangement the Senator from Massachusetts has now of offering *seriatim* certain committee amendments.

Mr. HOAR. Very well. Let these be adopted, and the Senator's amendments can be offered hereafter.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. COCKRELL. What is the amendment?

The VICE PRESIDENT. The amendment which has just been read.

Mr. COCKRELL. Oh, yes; that is right.

The amendment was agreed to.

Mr. HOAR. On page 82, section 5, line 28, before the word "person," I move to strike out "three" and insert "four."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. Page 82, section 5, line 28, strike out "three" and insert "four;" so as to read:

From the appointment so made the chief supervisor shall, from time to time, select for duty and shall designate and assign for each election district or voting precinct in any such city or town, county or parish, or entire Congressional district as they shall have been appointed for, four persons, but two of whom shall be of the same political party.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. MORGAN. Mr. President——

The VICE PRESIDENT. Does the Senator rise to speak to the amendment?

Mr. MORGAN. I want to speak to the amendment. I do not know what change the Senator from Massachusetts proposes in regard to the payment of these supervisors. Is there any change proposed in his amendment as to the payment of supervisors?

Mr. HOAR. I have a change subsequently.

Mr. MORGAN. To a subsequent section?

Mr. HOAR. Yes.

Mr. MORGAN. Mr. President, I wish to make a short statement about the cost of scrutiny.

Mr. HOAR. Perhaps I had better restate what I said yesterday in the hearing of the Senate before the Senator from Alabama proceeds. The amendment which I have proposes to change the matter of pay and the accounting in these respects: The bill as reported provides for $5 a day. The amendment is that the supervisor shall receive the same pay as the officers of the States receive for similar service, being, however, not less than $3 a day, so that if the State pays $3 they get no more or if the State pays under $3 they get $3.

Then it is proposed instead of the provision which made the certificate of the court final, as if it were a judgment against the United States on the account of these officers, to provide that the decision of the judge shall be conclusive only on the question of the necessity of their appointment, but that their accounts shall be settled by the accounting officers of the Treasury as all other like accounts are settled.

Mr. MORGAN. This bill, of course, if passed by the Senate, has to go back to the House of Representatives. The House brought in a schedule of charges which the Senate committee have reported here, and from which the Senate committee under our batteries is now retiring. They are getting back upon the ground now that the States have some right to regulate somewhat the expenses of holding elections, and they do not wish the supervisors to be paid any more than the State would allow them to be paid under their laws, and not to exceed, as I understand, $3 a day for the time employed.

Mr. ALLISON. Not less?

Mr. MORGAN. Not less than $3 a day for the time employed. I have not had an opportunity to look at the language of the amendment or how it would read after incorporated in the bill. I will take occasion to do so, however, before we get through.

Now, I have made a computation of the cost of the administration of this scrutiny law upon the basis of well-ascertained facts, and I think it will be found to be a moderate and reasonable statement of what is the prospective cost. Of course I go upon the idea that $50 or thereabouts is temptation enough to cause men to apply for supervisorships in every precinct in the United States, and there are plenty of men who are respectable enough to vote either the Republican or Democratic ticket who would like to have $50, as I once before observed this evening, and with three or four supervisors, with this enormous mass of officeholders under that provision of law in the United States.

I wish to call the attention of the Senate to some of the startling results upon the basis of the House bill as it was reported to the Senate. Of course I can not make a calculation, nor can anybody else, upon the basis that the honorable Senator from Massachusetts now reports. As the report is now made the Senator from Massachusetts desires to carry into the permanent appropriations of the United States a feature that I wish to call to the attention of the chairman of the Committee on Appropriations.

The chairman of the Committee on Appropriations or somebody else will have to ascertain as these respective charges come in what are the allowances in every State in the Union for the supervision of elections and persons concerned in supervision. There ought to be an estimate now made and known of what the annual result of this permanent appropriation would be.

Permanent appropriations, Mr. President, are very dangerous things unless they are under the guide and control of settled and positive facts, facts that are known at the time the law is passed. We can not do this Government a worse service than to pass a permanent appropriation bill when we are not able to state to the country and to each other what the cost of that appropriation is going to be in any one year.

I am not willing to vote any money out of the Treasury of the United States for any purpose at all in the form of a permanent appropriation where the amount that we are to make thus permanent, and which is to be drawn without an annual appropriation from the Treasury, upon the warrant of an accounting officer, unless we know now what that amount is or so nearly an approximate sum that we can tell whether it is fifteen or fifty million dollars a year. We certainly ought to know that, and I trust that those Senators who compose the great Committee on Appropriations, led by the Senator from Iowa, will give us their views upon this method of legislation in regard to appropriations from the Treasury of the United States.

I want to know whether the Treasury of the United States has at last fallen into hands that are so slack, so indulgent, so indiscriminate, and so little under the guardianship of reason and judgment and facts as that a bill of this kind can pass, predicated upon what are the laws of all the States of this Union, in reference to the compensation of the men who shall supervise the elections. That unknown quantity, that unascertained amount that we are to put into permanent appropriations, gives letters of marque and reprisal upon the Treasury of the United States not only to the men who are accounting but to the Legislatures of the different States and if the Legislatures of the different States choose to vote $10 a day or $50 a day or $100 a day to the supervisors of their elections, the amount becomes under this bill, as it is now proposed, a permanent appropriation, and in no case can it fall to less than $3 a day.

Now, are we prepared to permit any Democratic State, if you please, to say nothing of those immaculate committees, a few of them left now which profess Republicanism in the United States—are we prepared now to admit that any Democratic State in the Union shall have the right by its laws to fix in favor of its own registrars or its own supervisors or its own election managers any fee or award they choose to fix, and that that becomes the moment the legislation of the State passes upon it a permanent setfast upon the Treasury of the United States? I suppose we shall probably have a little investigation, because that touches the pride at least and the conscientiousness also of a Senator who has long presided with great distinction over the affairs of the Treasury of the United States, and who I trust will not permit such a matter as this to go unheeded and pass through this measure.

I have made an estimate, and I want to read it, about the cost of scrutiny under the bill as reported from the House and as reported to this body by the Committee on Privileges and Elections, a list of salaries to be paid election officers under Davenport's bill, together with an estimate of the office of the chief supervisor. I beg pardon for call-

ing it the Davenport bill. I would not do it were it not that this bill is a mere emasculation of the thing Davenport had put in full vigor and force in the Revised Statutes, as he has sworn he did (and I take it for granted he swore the truth), and when I say this bill is a let-down I mean the law as it is, is deprived of its virility only in those parts where they stood in the way of his having all the money he could get out of the Treasury. That is the fact about it.

Seventy judicial districts, about 67,000 voting precincts in the United States. You will find that is very close to the fact.

Three supervisors to each at the rate of this bill	201,000
Three deputy marshals to each	201,000
One chief supervisor to each	70
United States boards of canvassers, three members each, and forty-seven boards	141
One clerk to each board	47
One deputy marshal to each	47
Total (the lowest number of officers provided for)	402,305

Salaries and fees:	
201,000 supervisors, average of seven days' service each, at $5 per day	$7,035,000
201,000 deputy marshals, eight days' service allowed to each, $5 per day	8,040,000
Expenses and fees of 70 chief supervisors, estimated on Davenport's accounts for fourteen years, which amounted to an average of $30,070 for each Congress. (As the amount of work, fees, and allowances under this bill are enormously increased, it is reasonable to suppose that the average will not fall under this estimate)	2,104,900
141 members of United States canvassing boards, say ten days' service each, at $20 per day	28,200
47 clerks of canvassing boards, at $12 per day, ten days each	5,640
47 deputy marshals to serve canvassers, at $5 each per day, ten days	2,350
Total	17,216,090

No estimate is included herein of the enormous amount of printing, stationery, office rent, etc.

Nor does it include maps which in one draught out of the Treasury cost $34,000 for maps in the city of New York, which will be furnished by the Department of Justice. This bill authorizes a map to be made of every precinct in the United States. Whoever has followed the performances of the Geological Survey in the United States and the mapping that has been done therein will have a good idea of what the cost is under this bill of the maps that are required to be provided or may be provided. The bill authorizes a map of every house in every precinct if you want it. Mr. Davenport did not intend to give up that part of his job. That is the richest part of his spoils. It will be in the power of the chief supervisor to increase this army of officeholders to more than double the estimate here made.

I submit that to Senators, and I want Senators to take it up and scrutinize it. I want to see whether it is right or wrong. That is my estimate based on facts. Suppose I am right about it—and I am sure I am—it will be $17,000,000 a year for carrying on the elections of the United States Government, in addition to the expenses that the States have to pay (probably one-half of that sum added), which would make it $20,000,000 or $25,000,000 a year for carrying on the State and Federal elections in the United States, taken together. It will be more than that, probably, but I am putting it at a very low estimate. We have not got that much surplus money in the Treasury now.

Now, while we are gratifying the honorable Senator from Massachusetts in his one idea of controlling all the balance of the world and fitting it to his shoes and his lines of morality that he thinks are right and proper in all matters, let us be a little more economical. I was glad to see that the Senator was willing to reduce it to the sum of $3 a day, provided the States did not put it up, but if the States should put it to $20 or $25 a day we are compromised by this act, and it is made a permanent appropriation, and the honorable Senator from Iowa, as long as he stays in this body—and I hope that will be just as long as Iowa is Republican—will find himself continually on a strain to find the ways and means to pay up this new set of officeholders who are bribed into the public service by these enormous charges.

If there ever was an opportunity placed in the hands of a base man to do a mean thing politically, that opportunity is placed by this bill in the hands of every villain who wants to corrupt the elections of the United States, and he has got nothing to do but to use his bribes to get his tools to surround the poll. Why, Mr. President, denunciation does not amount to anything. A mere description of things like this must shock the conscience of the whole American people.

I do not propose at this moment to go into Mr. Davenport's expenses. I have got them here, however, and if time served me I would read them. I have here all except one thing that I have not been able as yet to corkscrew out of the Treasury. I hope I shall get it after awhile. I offered a resolution a short time ago to try to get it, and I hope it will come to light after a little. The reports from the Secretary of the Treasury, as far as I have got them, are contained in two papers which have been sent me in regard to Mr. Davenport's expenses as supervisor of elections in the southern district of New York from 1872 to 1889. I read from the Washington Post, and it has also been copied in other papers, a mere résumé of these expenses, so that they will get into a little more condensed form than I should be apt to put them if I were speaking upon them item by item.

The Government has paid Davenport $210,491.13 in eighteen years. That is in addition to his fees as United States commissioner. In addition to this—

The statement has been made by Assistant Secretary Nettleton, and it is interesting. It is for payments to Davenport for personal services and for the services of his assistants for the years from 1872 to and including 1889.

Not the supervisors, not the marshals, but his clerks, and nobody but his clerks.

Statement of the amounts paid to John I. Davenport, chief supervisor, and to the supervisors of elections from 1871 *to* 1889, *inclusive.*

Year.	John I. Davenport, chief supervisor of elections, southern district of New York.		Supervisors of elections, southern district of New York.	
	Allowed.	Disallowed.	Allowed.	Disallowed.
1872	$18,555.35	$75.00	$23,945.00	
1873	1,409.75	3,402.90		
1874	10,970.15		24,660.00	
1876	19,383.36	4,382.60	31,780.00	
1878	18,904.91	2,229.85	30,125.00	
1879	587.69	3.75	1,335.00	
1880	26,398.86	3,015.15	36,000.00	
1881	6,381.14	83.75	11,614.00	
1882	21,439.92	2,236.50	33,870.00	
1884	25,430.96	3,430.96	38,880.00	
1885	2,392.61		4,220.00	$100.00
1886	23,229.73	5.00	34,090.00	
1888	34,281.50	15.00	39,150.00	
1889	1,125.20	1,000.00	7,345.00	

Then they give the allowances to the other supervisor in the southern district of New York.

The total allowed in both columns is $516,534.67. To Davenport alone there appears to have been allowed during the years for which he has served the neat little sum of $210,491.13, while only $19,880.46 was disallowed. Of the total of claims for services of supervisors, amounting to $317,024, only $100 was disallowed. This would indicate an income of about $11,000 a year for eighteen years. It is safe to assume that a partisan could be found who would occupy that place, or one like it, with a good deal of zeal at equal compensation.

The cost of supervision under Davenport has been at the rate of $28,550 per year, although there were no services performed or accounted for during the years 1875, 1877, 1883, and 1887. If the supervisor had nothing to do in the years for which no account appears to have been rendered, the supervision has cost nearly $37,000 a year, and Davenport has been paid at the rate of more than $14,000 a year. The prospect for would-be supervisors under the force bill may be agreeable to the men who hope to get places by favor of the President and his agents, but it will cost the Treasury a little penny, aside from the fees allowed under the bills. It will help to get rid of the surplus.

Mr. President, the Senator from Delaware [Mr. GRAY] thinks perhaps I ought to forbear reading these statements because after the passage of this bill there will be such a demand for these offices and so little restraint and restriction upon them that it will be a public peril. I agree with the Senator about that, but still I will try to do my duty and leave it to the men who are concerned in the destiny of this country to try to control it the best way they can.

There is a supplemental statement to be appended to that, that is to say, the fees of Mr. Davenport from 1872 to 1885. I could not get the fees allowed to Davenport since 1885, I suppose for the reason that they have not been paid. They are still under supervision, perhaps, or examination. But now notice what these are for.

Statement of the amounts received by John I. Davenport for services rendered by him as United States commissioner for the southern district of New York for each fiscal year from 1872 *to* 1889.

Year.	Amount allowed.	Amount rejected.	Services in connection with issuing process for—
1873	$2,768.85		False registration, obstructing deputy United States marshal, etc.
1874	223.15	$2.75	Procuring fraudulent naturalization papers, inducing men to repeat at Congressional elections, etc.
1875	424.60		Perjury in naturalization proceedings.
1877	3,304.60	461.45	Illegal registration at Congressional election and unlawfully obtaining naturalization papers.
1878	756.00		Violation of sec. 5425, R. S.
1879	9,179.90	1,179.80	Do.
1881	5,972.20	96.15	Do.
1883	1,768.35		Do.
1885	2,621.25		False registration; violation of sec. 5425, R. S.

Five years not included, namely, 1886, 1887, 1888, 1889, 1890.

Statement showing date of receipt in the Treasury Department of the accounts of John I. Davenport, chief supervisor of elections for the southern district of New York, for the years 1884, 1885, 1886, *and* 1888, *and the dates the same were certified for payment by the First Comptroller.*

Year.	Date received.	Date certified for payment
1884	Feb. 5, 1885	Feb. 12, 1885
1885	May 30, 1889	June 4, 1889
1886	June 15, 1889	July 2, 1889
1888	Oct. 29, 1889	Nov. 2, 1889
1888	Apr. 11, 1889	*May 17, 1889

* This account was for extraordinary expenses, and approved by the President under section 846, Revised Statutes.

The Government of the United States pays him $424.60 for issuing process for the arrest of men for perjury under the laws of the United States in connection with the election, and yet no conviction has ever been had for perjury that Mr. Davenport started out.

Now, we will take Mr. Mosher, the machine man of Davenport's office for swearing, and the reports made by a Senate committee show that in different years that man, within a few days, as fast as he could subscribe his name to affidavits, swore criminal offenses against from six to eight thousand people.

How much perjury must necessarily have been packed away in that volume of oaths! How could one man know and dare to state in the presence of Almighty God that he did know that six or eight thousand people in the State of New York had false naturalization papers or were not entitled to vote, and thereupon swear out warrants against them before they voted or attempted to vote, and put them in the custody of the deputy marshals in the city of New York for the purpose of arresting these men whenever they came in range of that battery of perjury?

Now, there is John Davenport. He has a man in his office who swears before him as United States marshal to the crimes of these six or eight thousand men in a lot, men about whose conduct he could not have known anything at all. It would be the most incredible statement that was ever made in respect of the mental powers and knowledge of a human being that any one man could know, so as to be able to affirm it before God, of the crimes of six or eight thousand men. I will get the exact figures as soon as I can lay my hands on the book showing what was done in Davenport's office.

When you come to examine Davenport's fee bill, you will find the charge for the issue of each of these oaths and the administration of them; then he has got a charge also of 10 cents an oath for the filing of each; and for issuing the writs he has got another charge, which is couched in these charges that I am now speaking of, which he brought against the Government of the United States, and which have been paid since 1873, to the amount of $25,278.66, an average of $11,000 a year for his fees as supervisor; and then, added to that, in the years that I have got on this paper, and which I will insert in the RECORD, $210,491.13, and that does not include the maps, $34,000, which were prepared by him. At all events, he made a charge against the Government for them, and in the accounts in the Treasury Department those maps do not appear as an allowance made to him, but to the marshal of the United States, and the $34,000 was paid out of a special fund appropriated for a different purpose and on the special order of the President of the United States.

When the time came for Davenport to present his charges against the Government of the United States during the recent Cleveland Administration, he kept them back, kept them in his pocket. They were not pressed upon the attention of the Government, but after Cleveland went out and Harrison came in they were pressed, and then they were allowed; and where there was any extraordinary service which could not be otherwise allowed, the alleged discretion of the President of the United States was appealed to in order to allow those charges that the auditors could not get through under the appropriation.

Mr. President, it is worth while for us in the financial view and economic view to have some consideration of this measure and its results; and, though Mr. Davenport were an angel from heaven sent down to control the elections of the United States, I should feel very loath to continue his fee bill at the extravagant sums we have been paying heretofore. Partisans and men who are willing to fix up machinery for parties are willing to spend any amount of money in controlling elections.

The subscriptions that were made in the last Presidential campaign, without saying by whom they were made or where they were made or who used them or how they were used, were the most startling evidences to my mind of corruption that I have ever heard in the United States to be boasted of publicly by the men who made the subscriptions. Tell me about a fund being raised of five or six hundred thousand dollars to be used in an election in a State without its being expected that it would be a corruption fund! No man can find an honest use to make of that money.

I thank God, Mr. President, that the South is too poor to pay it. I do not believe they would pay it if they were not so poor, for that is a system of procedure in elections that the South has never indulged in. Bribery and corruption we have not resorted to. We have not resorted to large funds for the purpose of buying up even the votes of poor negroes that we could probably buy at a dollar a head when the votes of white men of the United States in other localities command from five to twenty-five dollars a head, and many of them, I am informed and I verily believe it, are priced just like wheat in the market.

We have not resorted to this bribery and this corruption, and when I see the evil effect that has been thrown into the elections in this country of large masses of money subscribed by private individuals for electioneering and election purposes, I dread to open the doors of the Treasury of the United States to the access of John Davenport and his pimps to rob the Treasury at will and pleasure, and to fasten permanent appropriations upon the Treasury of the United States, reckoning up to sums that my statement shows we shall have to expend.

I am willing to do anything a man can do in the way of voting supplies befitting the majesty and the glory and the progress and the grandeur of this Republic; but, Mr. President, I had rather see the Treasury sunk into the Atlantic Ocean than that one dollar taxed out of the people should be corruptly and fraudulently applied to the payment of political pimps, dummies, and dogs who infest the purlieus of politics in this land.

Let Senators vote the money if they want to, let the honorable Senator who is chairman of the Committee on Appropriations face the world with an approval of this sort of legislation as a permanent appropriation in our statute books, and then we shall know whether heretofore, in ascribing to him the high character that he is so justly entitled to as a financier and a Senator, he forgets it all in the gloomy and dark clouds which hover about the political horizon. Let us stand like men and do justice to our country.

The VICE PRESIDENT. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment of the committee.

Mr. GORMAN. Let it be read.

The CHIEF CLERK. On page 82, section 5, line 28, in the amendment reported from the Committee on Privileges and Elections, it is proposed to strike out "three" and insert "four;" so as to read:

From the appointments so made the chief supervisor shall, from time to time, select for duty, and shall designate and assign for each election district or voting precinct in any such city or town, county or parish, or entire Congressional district as they shall have been appointed for, four persons, but two of whom shall be of the same political party.

Mr. HOAR. I now move——

Mr. FRYE. The vote has not been taken on the pending proposition.

The VICE PRESIDENT. The amendment to the committee amendment has not been voted on.

Mr. MORGAN. I ask for the yeas and nays on that question.

Mr. ALLISON. Before the vote is taken on the amendment I should be glad to have the Senator from Massachusetts state why the committee proposed "four" instead of "three," because the effect of this will be to increase the expenditure one-fourth. I suppose there must be some purpose.

Mr. HOAR. It is thought better to have two of each political party; but I understand that only two of the persons will be employed and draw pay.

Mr. EDMUNDS. It provides for the representation of two men, one from each party. The other two are merely supernumeraries to be drawn upon in need.

Mr. ALLISON. That is six appointees.

Mr. EDMUNDS. No; four.

Mr. ALLISON. Do I understand this to be a modification of the general plan of the bill, that the circuit court shall appoint six supervisors for each election precinct?

Mr. HOAR. Four for each precinct.

Mr. SPOONER. There are three now.

Mr. HOAR. Of those but two are to be employed.

Mr. ALLISON. Another section of this bill provides that the chief supervisor shall furnish names to the circuit judge, who shall designate twice the number required for each voting precinct, but this designation is not to take effect until these supervisors or a portion of them have been assigned.

Under this amendment, as I understand it—I may not be right about it—the circuit judge will be required to designate eight supervisors, from whom four are to be selected for each precinct, and, whilst I have not the text of the bill before me, my recollection is that one-third of these under other sections of the bill may be of one political party and two-thirds of the other. I ask the Senator if under this amendment it is proposed to make a designation of eight supervisors and if one-half of them are to be of one political party and the other half of another.

Mr. HOAR. It does not increase the number to be employed at the registry.

Mr. ALLISON. But it will increase the number at the election.

Mr. HOAR. Yes.

Mr. ALLISON. Because under the framework of the bill before it was only necessary that two should be employed at the registry.

Mr. HOAR. Yes.

Mr. ALLISON. And on election day three at least, are to be employed, two of whom may be of one political faith and the third of another political faith. This amendment will increase the number to four. So that there will be two of each political faith. It will increase the expense of course, wherever the law is applied, to the extent of one-fourth.

Mr. HOAR. That is it exactly.

Mr. ALLISON. As I understand the statement, there may be at each election precinct two Democrats and two Republicans, if they are the dominant parties.

Mr. GORMAN. Democrats only in theory.

Mr. ALLISON. Thus giving an absolute equality to the two political parties at the voting places.

Mr. GORMAN. That is the theory.

Mr. GRAY. I ask the Senator from Massachusetts, if that equipoise of political faith is the object and a fair one, why not reduce the expense and the cumbersomeness of this whole provision by fixing the number at two, just as the law now does. We have had an experience under the law with two instead of four.

Mr. HOAR. I think it has been found in experience that two are insufficient in many places.

The VICE PRESIDENT. The question is on the amendment of the Senator from Massachusetts to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HOAR. Here are a number of amendments which may be all treated as one amendment if the Senators will give their consent. The first of them is, in section 26, line 6, page 118, to insert the word "a" instead of the word "the."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 118, section 26, line 6, it is proposed, before the word "circuit," to strike out the word "the" and insert "a;" so as to read:

And when made out shall be presented to either a circuit or district judge in the district, etc.

The amendment to the amendment was agreed to.

Mr. HOAR. Before going on with that section, I am informed by the Secretary that the amendment to which I called attention earlier in the afternoon and which I thought had been adopted was not agreed to. On the same page and in the same section, I moved to strike out all of line 4, all of line 5, and the first two words, "be made," in line 6. I think the Senate understood that that was adopted.

Mr. COCKRELL. I think it was adopted.

Mr. HOAR. I think so, too, but the Secretary does not so understand it.

Mr. GORMAN. No, it was not adopted.

Mr. HOAR. Let it be understood as adopted now, if there be no objection.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 118, section 25, line 3, after the word "appoint," it is proposed to strike out the word "such," and to strike out lines 4 and 5 and the words "be made" in line 6; so as to read:

The circuit court of the United States in any judicial district may, upon the request of the chief supervisor of elections, appoint one of the circuit court commissioners to be the deputy chief supervisor of elections.

Mr. HOAR. That strikes out the restriction of such as the commissioner shall designate.

The VICE PRESIDENT. The question is on agreeing to the amendment to the committee amendment.

Mr. PASCO. Mr. President, it will be recollected that when that amendment was up before I offered a substitute for it, which was to strike out all after the word "may," in the second line, down to the word "be" in line 6, and insert in lieu thereof the words "appoint a." If so amended the clause would read:

The circuit court of the United States in any judicial district may appoint a deputy chief supervisor of elections.

The purpose and object of that amendment is to give the court wider scope, to enable him to select a supervisor not necessarily from the commissioners of the court, but to select him from any quarter the court pleased and from the whole body of the district. It is to prevent this assistant supervisor from being necessarily a court commissioner.

Mr. HOAR. I hope the Senator will not press that amendment. It would involve, in the first place, incorporating in the bill a large number of provisions about giving this officer authority, which the United States commissioners already have, to administer oaths, issue warrants, and all those things.

Mr. PASCO. I regard that as a very important amendment, because I wish before we get rid of this bill to get rid entirely of the idea that these chief supervisors must be taken from the court commissioners. I think it is a dangerous power and I think it is unwise.

Mr. HOAR. Mr. President——

Mr. PASCO. I have not surrendered the floor.

Mr. HOAR. I was going to make a suggestion to let the amendment go over.

Mr. PASCO. I will accept the suggestion if the Senator wishes it to go over.

Mr. HOAR. I was about to say, if the Senator will pardon me, that it needs but five minutes to 6 o'clock, and it has been my purpose to move an adjournment at 6.

Mr. PASCO. I suggest that the substitute which I have offered be printed and that the whole matter go over.

Mr. HOAR. I will go back, in the five minutes remaining before 6 o'clock to the amendments of section 20 already read by the Secretary and which I ask may be treated as one amendment, if there is no objection.

Mr. GORMAN. There is an amendment to section 26, on page 120, which will lead to discussion.

Mr. HOAR. If it will lead to discussion I shall not urge it now.

Mr. GORMAN. I think it will.

Mr. COCKRELL. I understand the amendment to insert the word "a" in section 26, line 6, has been agreed to.

Mr. GORMAN. No.

Mr. GRAY. That is all right; that has been adopted.

Mr. HOAR. That has been adopted. An amendment similar to the one on page 82, section 5, line 29, where I moved to strike out "three" and insert "four," should be inserted in another place. Senators will consent to that.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 82, section 5, line 29, it is proposed to strike out the word "three" and insert the word "four;" so as to read:

From the four persons so assigned, but two of them, who shall be of different political faiths, etc.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The Chair is of the impression that he announced that the amendment on page 118, substituting the word "a" for the word "the" was agreed to.

Mr. GORMAN. I think we had better agree to that. I have kept a careful memorandum of the amendments made, and that was not agreed to. Let it be agreed to now, so as to have the record right.

The VICE PRESIDENT. The amendment to the amendment will be regarded as agreed to, in the absence of objection.

LIMITATION OF DEBATE.

Mr. ALDRICH. I desire to give notice that on Tuesday next I shall ask the Senate to proceed to the consideration of a resolution to change the rules of the Senate, submitted by me on the 29th day of December last.

Mr. MORGAN. The Senator will allow me to inquire, suppose the election bill should then have the right of way, does the Senator propose to displace it with that resolution?

Mr. ALDRICH. The Senator heard my notice. I am in hopes that the election bill will have passed the Senate by that time.

Mr. MORGAN. You hope so! Therefore, of course, this resolution has not any application to this elections bill at all. It is to the appropriation bills or something like that that it applies. I see.

COMMITTEE SERVICE.

The VICE PRESIDENT. The Chair will announce the appointment of the Senator from Idaho [Mr. MCCONNELL] as a member of the Committee to Examine the Several Branches of the Civil Service in place of the Senator from Rhode Island [Mr. ALDRICH], who has resigned, and that the Senator from Montana [Mr. POWER] resigns his position as a member of the Committee on Revolutionary Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. 3957) granting an increase of pension to Mrs. Mary McIntosh;

A bill (S. 3976) granting a pension to George A. Perkins;

A bill (S. 4506) granting a pension to Frederick Slawson; and

A bill (S. 4507) granting a pension to Johanna Teubner.

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. 5319) to remove the charge of desertion from the record of Allen S. Thatcher;

A bill (H. R. 8848) for the relief of Patrick Hyland;

A bill (H. R. 11070) to correct the military record of Jesse C. Taylor, Sixth Tennessee Cavalry;

A bill (H. R. 11560) to relieve Patrick J. Bench, alias Patrick McBench, from the charge of desertion;

A bill (H. R. 12643) to remove the charge of desertion from the record of Michael Mahar; and

A bill (H. R. 12824) to remove the charge of desertion from the record of Andrew L. Grugett as a former member of Company E, Sixth Tennessee Cavalry, in the war of the rebellion, and to grant him an honorable discharge therefrom.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had

signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (S. 77) to provide for the construction of a public building at Portland, Oregon;

A bill (S. 2082) for the erection of a public building at Staunton, Va.; and

A bill (H. R. 11814) to provide the assessor of the District of Columbia with plats of subdivisions outside the cities of Washington and Georgetown.

RENTAL OF BUILDINGS BY THE GOVERNMENT.

Mr. MORRILL. I present a letter from the Secretary of the Treasury, transmitting a statement of buildings rented by the United States in the District of Columbia, including buildings rented for the use of the District government, and the amount of rental paid therefor, showing a yearly rental paid amounting to $177,698. I move it be printed as a miscellaneous document and referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate the following telegrams; which were read, and ordered to lie on the table.

NEW YORK, *January* 17, 1891.

Vice President LEVI P. MORTON,
Washington, D. C.:

In the name and by direction of the American Federation of Labor, I urge Senate to restore the old wages to Government printers.

SAMUEL GOMPERS, *President.*

INDIANAPOLIS, IND., *January* 17, 1891.

SIR: The reduction by Congress of the wages in the Government Printing Office in 1877 was, as we believe, unjust to the employés, and the International Typographical Union respectfully requests that you aid in procuring the passage by the Senate of the bill now before that body for the restoration of wages in the Government Printing Office.

EDWARD L. PLANK,
President International Typographical Union.
W. S. MCCLEARY,
Secretary and Treasurer.

Hon. LEVI P. MORTON,
Vice President, Washington, D. C.

The VICE PRESIDENT laid before the Senate a communication from the president of the New Bedford Retail Grocers' Association, embodying a protest against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. BUTLER presented resolutions of the Charleston (S. C.) Cotton Exchange, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

Mr. REAGAN presented the petition of A. J. Hoffman and 36 other citizens of Texarkana, Tex., praying for the passage of the Torrey bankrupt bill; which was ordered to lie on the table.

REPORT OF A COMMITTEE.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 12202) to place on the pension roll the name of Mrs. Caroline E. Duryee, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 4888) granting a pension to Mrs. Carrie Otis Wallace and her infant son; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HIGGINS introduced a bill (S. 4889) to incorporate the Transanacostia Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

PUBLIC BUILDING AT MANKATO, MINN.

Mr. SPOONER. I presented yesterday the report of the conference committee on the part of the Senate on the disagreeing votes of the two Houses on the bill (S. 1384) to provide for the purchase of a site and the erection of a public building thereon at Mankato, in the State of Minnesota. The report had been prepared by the clerk of the Committee on Public Buildings and Grounds by cutting from the RECORD a certain formula which has been employed in all the public building bills. The House report is entirely correct, but I find that in the Senate report a provision has been repeated which ought to be eliminated from the report. I ask unanimous consent that the vote by which the report was adopted by the Senate be reconsidered.

The VICE PRESIDENT. Is there objection to the request made by the Senator from Wisconsin? The Chair hears none. The vote will be regarded as having been reconsidered.

Mr. SPOONER. I ask leave to withdraw the report.

The VICE PRESIDENT. The report will be withdrawn, 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 passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1196) granting a pension to Ellen E. Truex;

A bill (H. R. 5093) for the relief of Margaret A. Myers;

A bill (H. R. 5546) granting a pension to H. W. Goodnight;

A bill (H. R. 6259) granting a pension to Henry A. Hoar;

A bill (H. R. 6262) granting a pension to John W. Bussabarger;

A bill (H. R. 6516) authorizing an increase of invalid pension to William H. Morse, of Lawrence, Mass;

A bill (H. R. 7147) granting a pension to B. Jones;

A bill (H. R. 7327) for the relief of the heirs of A. L. Schuyler, deceased;

A bill (H. R. 7394) granting a pension to Caroline E. Gray;

A bill (H. R. 7789) to increase the pension of Mrs. Mary A. McCulloch;

A bill (H. R. 7880) granting a pension to Mrs. G. W. Griffith;

A bill (H. R. 7924) granting a pension to Christian C. Whistler;

A bill (H. R. 8125) granting a pension to Frederick B. Sells;

A bill (H. R. 9575) granting a pension to Dr. Francis Lambert;

A bill (H. R. 9616) granting increase of pension to Georgianna C. Hall, widow of William Hall;

A bill (H. R. 9668) granting a pension to Elizabeth P. Satterfield;

A bill (H. R. 9948) granting a pension to Mrs. Matilda Kent;

A bill (H. R. 10873) to increase the pension of Robert Hall;

A bill (H. R. 10990) granting a pension to Sarah A. Phelps;

A bill (H. R. 10992) granting a pension to Mrs. Mary B. Floyd;

A bill (H. R. 11244) for the relief of Frances T. Dana;

A bill (H. R. 11311) granting an increase of pension to Eugene A. Osborn;

A bill (H. R. 11350) for the relief of Mary B. Clayton;

A bill (H. R. 11513) for the relief of Mrs. Sallie E. Willis;

A bill (H. R. 11582) granting a pension to Mrs. Elizabeth M. Hollingsworth;

A bill (H. R. 11792) for the relief of Dennis Kelly;

A bill (H. R. 11877) for the relief of Jane Branigan;

A bill (H. R. 11972) for the relief of Montgomery Geiger;

A bill (H. R. 12094) for the relief of John M. Wright, of Audrain County, Missouri;

A bill (H. R. 12113) granting a pension to Theressa D. Doubles;

A bill (H. R. 12118) granting a pension to Eliza Jane Saunders;

A bill (H. R. 12147) to grant a pension to Elender Johnston;

A bill (H. R. 12195) to pension Hannah C. Reid;

A bill (H. R. 12244) granting a pension to Annie B. Pettigrew;

A bill (H. R. 12293) to grant a pension to Maj. Gen. Franz Sigel;

A bill (H. R. 12307) granting a pension to Margaret Proctor Noyes;

A bill (H. R. 12319) granting a pension to Mrs. K. S. Sutliff, widow of John D. Sutliff;

A bill (H. R. 12386) granting a pension to Mary S. Wheeler;

A bill (H. R. 12478) granting a pension to Jane Falk;

A bill (H. R. 12583) granting a pension to Lorain McCook;

A bill (H. R. 12603) granting a pension to Lucy J. Blanchard, late a volunteer nurse in the United States military service;

A bill (H. R. 12614) granting a pension to Mary Williams;

A bill (H. R. 12639) granting a pension to Mary A. McKee;

A bill (H. R. 12640) to pension Sarah Thomasson;

A bill (H. R. 12647) granting a pension to Susan Wood;

A bill (H. R. 12704) granting a pension to Lewis D. Terry;

A bill (H. R. 12714) granting a pension to Charles D. Hanscom;

A bill (H. R. 12793) granting a pension to Capt. Andrew J. Briscoe;

A bill (H. R. 12797) granting a pension to Hannah L. Palmer;

A bill (H. R. 12835) granting a pension to Ann Maria Bullock Schram;

A bill (H. R. 12841) granting an increase of pension to General Isaac F. Quinby;

A bill (H. R. 12946) granting a pension to Lydia P. Holmes;

A bill (H. R. 12984) granting a pension to George W. Bryant;

A bill (H. R. 12998) granting an increase of pension to Joseph J. Bartlett;

A bill (H. R. 13023) granting a pension to Mary E. Armstrong;

A bill (H. R. 13060) to grant a pension to General Nathaniel Prentiss Banks; and

A bill (H. R. 13080) to grant a pension to Nancy Jane Knetsar.

The above bills were subsequently severally read twice by their titles, and referred to the Committee on Pensions.

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 Military Affairs:

A bill (H. R. 5319) to remove the charge of desertion from the record of Allen S. Thatcher;

A bill (H. R. 8848) for the relief of Patrick Hyland;

A bill (H. R. 11070) to correct the military record of Jesse C. Taylor, Sixth Tennessee Cavalry;

A bill (H. R. 12643) to remove the charge of desertion from the record of Michael Mahar; and

A bill (H. R. 12824) to remove the charge of desertion from the record of Andrew L. Grugett as a former member of Company E, Sixth Tennessee Cavalry, in the war of the rebellion, and to grant him an honorable discharge therefrom.

The bill (H. R. 11560) to relieve Patrick J. Bench, alias Patrick McBench, from the charge of desertion, was read twice by its title, and referred to the Committee on Naval Affairs.

ACCOUNTS OF JOHN I. DAVENPORT.

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

Resolved, That the Secretary of the Treasury is directed to send to the Senate copies of the accounts of John I. Davenport as a commissioner of the circuit court of the United States for the southern district of New York for the years 1886, 1887, 1888, 1889, and in 1890, as the same are on file in any bureau of the Treasury Department.

Mr. HOAR. I move that the Senate adjourn to meet at 11 o'clock on Monday.

The motion was agreed to; and (at 6 o'clock p. m., Saturday, January 17) the Senate adjourned until Monday, January 19, 1891, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 16, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

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

ORDER OF BUSINESS.

Mr. DINGLEY. I offer a privileged resolution.

ORDER OF BUSINESS.

Mr. McCOMAS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. DINGLEY. Will the gentleman from Maryland permit me to have action taken on a resolution to further the business of the committee appointed yesterday?

Mr. McCOMAS. Very well.

SILVER-POOL INVESTIGATION.

Mr. DINGLEY. By instruction of the special committee appointed yesterday relating to the investigation of silver pools, I offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Special Committee to Investigate the Alleged Silver Pools be authorized to sit during the sessions of the House, and to pursue their investigations either by the entire committee or by a subcommittee at any place outside of Washington, as well as at the Capitol, in case they regard it desirable to further that investigation; and also to employ a clerk, if deemed necessary, at the same per diem compensation as session clerks.

The SPEAKER. The question is on the adoption of the resolution.

Mr. DOCKERY. The gentleman should have it provided that the clerk of the committee be paid out of the contingent fund.

Mr. DINGLEY. That amendment could be made.

The SPEAKER. That is fixed by law already.

Mr. RICHARDSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. My inquiry is whether, if the House votes down the motion the gentleman from Maryland has made, it will then be in order to move to go into Committee of the Whole on the Private Calendar.

The SPEAKER. It will.

Mr. RICHARDSON. I hope, then, it will be done.

The SPEAKER. The question is on the adoption of the resolution.

Mr. RICHARDSON. Do I understand the Chair to be submitting the motion of the gentleman from Maryland?

The SPEAKER. The Chair is submitting the motion of the gentleman from Maine [Mr. DINGLEY] on the adoption of the resolution.

The resolution was adopted.

ORDER OF BUSINESS.

Mr. McCOMAS. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the Senate bill for the free coinage of silver be ordered printed, so that every member can have a copy.

The SPEAKER. The bill is printed under the rules.

Mr. BLAND. Are Senate bills printed under the rules?

The SPEAKER. They are printed under the rules.

Mr. McCOMAS. I move that the House resolve itself into a Committee of the Whole.

Mr. SPRINGER. I rise to a question of order on that motion. I make the point that the motion of the gentleman from Maryland is not in order.

The SPEAKER. It has repeatedly been decided that it was in order.

Mr. SPRINGER. That is true; but only after private business has been dispensed with, Mr. Speaker.

The SPEAKER. It has been decided on many occasions.

The question was put.

Mr. SPRINGER. Will the Speaker entertain my point of order? This day was set apart for the consideration of private business, and until private business has been disposed of that motion is not in order.

The SPEAKER. The Chair will state that it has been repeatedly decided that the motion of the gentleman from Maryland is in order.

Mr. SPRINGER. When was it decided?

The SPEAKER. It was decided last session.

Mr. SPRINGER. Then it is part of the Reed code. I did not know that it was part of the rules of the House.

Mr. McCOMAS. My motion is not debatable, Mr. Speaker.

The question was put; and the Speaker announced that the noes seemed to have it.

Mr. McCOMAS. Division.

The House divided; and there were—ayes 66, noes 78.

Mr. McCOMAS. I ask for the yeas and nays. [Cries of "Oh, no!" on the Democratic side.]

The question was taken on ordering the yeas and nays; and the Speaker announced that fifty-eight gentlemen had risen in support of the demand—more than a sufficient number—and the yeas and nays were ordered.

Mr. WHEELER, of Alabama. The other side. [Laughter.]

The question was taken; and there were—yeas 121, nays 117, not voting 93; as follows:

YEAS—121.

Allen, Mich.	Darlington,	Lind,	Simonds,
Anderson, Kans.	Dingley,	Mason,	Smith, Ill.
Arnold,	Dolliver,	McComas,	Smith, W. Va.
Atkinson, Pa.	Dunnell,	McDuffie,	Smyser,
Baker,	Evans,	McKenna,	Spooner,
Banks,	Farquhar,	McKinley,	Stephenson,
Bartine,	Finley,	Miles,	Stivers,
Bayne,	Flick,	Moffitt,	Stockbridge,
Beckwith,	Flood,	Moore, N. H.	Stone, Pa.
Belknap,	Frank,	Morey,	Struble,
Bergen,	Funston,	Morrill,	Sweet,
Bliss,	Gear,	Morrow,	Taylor, E. B.
Boutelle,	Gest,	Morse,	Taylor, Ill.
Brewer,	Greenhalge,	Mudd,	Taylor, J. D.
Brosius,	Grosvenor,	Niedringhaus,	Taylor, Tenn.
Buchanan, N. J.	Grout,	Nute,	Townsend, Colo.
Burrows,	Hall,	O'Donnell,	Vandever,
Burton,	Haugen,	O'Neill, Pa.	Van Schaick,
Butterworth,	Henderson, Ill.	Payne,	Vaux,
Caldwell,	Hermann,	Perkins,	Wade,
Candler, Mass.	Hill,	Post,	Walker,
Cannon,	Hopkins,	Quackenbush,	Wallace, Mass.
Carter,	Kerr, Iowa	Randall,	Wallace, N. Y.
Caswell,	Ketcham,	Raines,	Wheeler, Mich.
Cheatham,	Kinsey,	Ray,	Williams, Ohio
Clark, Wis.	Lacey,	Reed, Iowa	Wilson, Ky.
Clark, Wyo.	Laidlaw,	Rockwell,	Wilson, Wash.
Cogswell,	Langston,	Rowell,	Wright.
Craig,	Lansing,	Sawyer,	
Culbertson, Pa.	Laws,	Scull,	
Cutcheon,	Lehlbach,	Sherman,	

NAYS—117.

Abbott,	Culberson, Tex.	Lee,	Richardson,
Alderson,	Cummings,	Lester, Ga.	Robertson,
Allen, Miss.	Davidson,	Lewis,	Rogers,
Anderson, Miss.	Dibble,	Martin, Ind.	Sayers,
Andrew,	Dickerson,	Martin, Tex.	Shively,
Barnes,	Dockery,	McAdoo,	Spinola,
Biggs,	Dunphy,	McClammy,	Springer,
Blanchard,	Edmunds,	McClellan,	Stewart, Ga.
Bland,	Ellis,	McCreary,	Stewart, Tex.
Boatner,	Enloe,	McMillin,	Stockdale,
Breckinridge, Ark.	Fitch,	Meltac,	Stone, Ky.
Breckinridge, Ky.	Flower,	Milliken,	Stone, Mo.
Brickner,	Forman,	Montgomery,	Tarsney,
Brookshire,	Forney,	Moore, Tex.	Tillman,
Brown, J. B.	Geissenhainer,	Mutchler,	Tracey,
Buchanan, Va.	Grimes,	Norton,	Tucker,
Bynum,	Hatch,	Oates,	Turner, Ga.
Campbell,	Hayes, W. I.	O'Ferrall,	Washington,
Candler, Ga.	Haynes,	O'Neall, Ind.	Wheeler, Ala.
Caruth,	Heard,	O'Neil, Mass.	Whitelaw,
Catchings,	Hemphill,	Outhwaite,	Whiting,
Cheadle,	Henderson, N. C.	Owens, Ohio	Wike,
Chipman,	Herbert,	Parrett,	Willcox,
Clancy,	Holman,	Paynter,	Williams, Ill.
Clarke, Ala.	Hooker,	Peel,	Wilson, Mo.
Clements,	Kerr, Pa.	Penington,	Wilson, W. Va.
Cobb,	Kilgore,	Perry,	Yoder.
Covert,	Lane,	Pierce,	
Crain,	Lanham,	Pindar,	
Crisp,	Lawler,	Quinn,	

NOT VOTING—93.

Adams,	Coleman,	Goodnight,	McCord,
Atkinson, W. Va.	Comstock,	Hansbrough,	McCormick,
Bankhead,	Connell,	Hare,	Miller,
Barwig,	Cooper, Ind.	Harmer,	Mills,
Belden,	Cooper, Ohio	Hays, E. R.	Morgan,
Bingham,	Cothran,	Henderson, Iowa	Osborne,
Blount,	Cowles,	Hitt,	Owen, Ind.
Boothman,	Dalzell,	Houk,	Payson,
Bowden,	Dargan,	Kelley,	Peters,
Brower,	De Lano,	Kennedy,	Phelan,
Browne, T. M.	Dorsey,	Knapp,	Pickler,
Browne, Va.	Ewart,	La Follette,	Price,
Brunner,	Featherston,	Lester, Va.	Pugsley,
Buckalew,	Fithian,	Lodge,	Reilly,
Bullock,	Fowler,	Magner,	Reyburn,
Bunn,	Geary,	Maish,	Rife,
Carlton,	Gibson,	Mansur,	Rowland,
Clunie,	Gifford,	McCarthy,	Rusk,