

## EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifty-three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 20, 1892, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate April 19, 1892.*

## SURVEYOR OF CUSTOMS.

John R. Puryear, of Kentucky, to be surveyor of customs for the port of Paducah, in the State of Kentucky, to succeed John W. Cobbs, deceased.

## PROMOTION IN THE ARMY.

Col. Frank Wheaton, Second Infantry, to be brigadier-general, April 18, 1892, vice Kautz, retired from active service.

## HOUSE OF REPRESENTATIVES.

TUESDAY, April 19, 1892.

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.

## WHARFAGE OF MONITOR AMPHITRITE.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Navy, with its inclosures, requesting an appropriation to pay the Harlan and Hollingsworth Company, of Wilmington, Del., for wharfage, care, and protection of the monitor Amphitrite; which was referred to the Committee on Appropriations, and ordered to be printed.

## PRODUCTION OF PRECIOUS METALS IN THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the report of the Director of the Mint upon the production of the precious metals in the United States for the calendar year 1891; which, with accompanying papers, was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

## DEFICIENCIES IN APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Attorney-General, with its inclosures, submitting estimates of deficiencies, actual and estimated, on account of appropriations under the control of the Department of Justice; which, with accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

## BRIG CALLIOPE.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the French spoliation claims arising out of the seizure of the vessel Brig Calliope; which was referred to the Committee on Claims, and ordered to be printed.

## SENATE BILLS REFERRED.

The SPEAKER also laid before the House the following Senate bills; which were severally read a first and second time, referred to the committees indicated below, and ordered to be printed:

A bill (S. 2470) to amend the Articles of War, and for other purposes—to the Committee on Military Affairs.

A bill (S. 1273) to authorize the entry of lands chiefly valuable for building stone under the placer-mining laws—to the Committee on Public Lands.

A bill (S. 1504) for the relief of David Dealy and Mary Younkin—to the Committee on Private Land Claims.

A bill (S. 1486) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State—to the Committee on Education.

A bill (S. 2729) to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes"—to the Committee on the Judiciary.

A bill (S. 1797) to ratify and confirm an agreement with the Kickapoo Indians in Oklahoma Territory and to make appropriations for carrying the same into effect—to the Committee on Indian Affairs.

## REPORT OF THE COMMISSIONER OF LABOR.

The SPEAKER also laid before the House Senate concurrent resolution for the printing of the annual report of the Commissioner of Labor.

Mr. RICHARDSON. Mr. Speaker, that resolution has been reported by the Committee of Printing of the House, and I ask that it now be considered.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of the Senate resolution, which will be reported.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring). That there be printed 35,000 copies, in cloth binding, of the annual report of the Commissioner of Labor, relating to cost of production, earnings, efficiency of labor, and cost of living, 16,000 copies for use of members of the House of Representatives and 8,000 copies for the use of members of the Senate, and 11,000 copies for the use of the Department of Labor.*

Mr. RICHARDSON. This is the regular report of the Commissioner of Labor, and the resolution is simply to authorize the printing of that annual report.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

Mr. RICHARDSON. I only want to say a word. Heretofore 54,000 copies of this work have been printed, but the Joint Committee on Printing agree that 35,000 is sufficient. The resolution has passed the Senate, and I ask unanimous consent that it be agreed to by the House.

The question was taken, and the resolution was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

The joint resolution (H. Res. 29), on the same subject, was ordered to be laid on the table.

## NATIONAL BANK, BRANCH OFFICE, CHICAGO, ILL.

Mr. BACON, from the Committee on Banking and Currency, reported back favorably with amendment the bill (H. R. 8001) to authorize a national bank at Chicago, Ill., to establish a branch office upon the grounds of the World's Columbian Exposition; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

## CAPT. JOHN G. BOURKE, UNITED STATES ARMY.

Mr. WHEELER of Alabama, from the Committee on Military Affairs, reported back the resolution in regard to the alleged misconduct of Capt. John G. Bourke, United States Army; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. LESTER of Georgia, indefinitely, on account of important business.

To Mr. JOHNSON of Indiana, for ten days, on account of important business.

To Mr. BYNUM, indefinitely, on account of sickness.

## ENROLLED BILLS SIGNED.

Mr. WARWICK, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 4429) to empower the Commissioners of the District of Columbia to grant respites and pardons in certain cases;

A bill (H. R. 5978) to extend the time for making an assessment of real estate in the District of Columbia outside the cities of Washington and Georgetown; and

A bill (H. R. 6286) to amend the charter of the Rock Creek Railroad Company.

## VACATION OF LEAVE TO PRINT.

Mr. McMILLIN. Mr. Speaker, I am directed by the Committee on Rules to report the resolution which I send to the Clerk's desk, and I demand the previous question on its adoption.

The Clerk read as follows:

*Resolved*, That all orders heretofore made granting general leave to print remarks are hereby vacated and set aside.

Mr. McMILLIN. I demand the previous question on the adoption of the resolution.

The previous question was ordered.

Mr. BUCHANAN of New Jersey. Does that not leave it open for debate for thirty minutes?

The SPEAKER. It does.

Mr. BUCHANAN of New Jersey. I would like to ask the gentleman from Tennessee whether it is the intention to have that rule take effect at once?

Mr. McMILLIN. It is the purpose that it take effect at once. The effect will be to operate from now; and I will state to my

friend from New Jersey that it is a unanimous report of the committee.

Mr. BUCHANAN of New Jersey. I would like to call the attention of the gentleman from Tennessee to this fact. There are some members upon this floor who have not been transgressors in a certain line in the past, who have relied upon these leaves to print, and who have in good faith prepared matter upon the issues upon which said leaves were given to print and have not gotten that matter ready to go into the RECORD at this moment; and if it were ready, under the operation of the previous question upon this rule, this being adopted instantly, they could not get that matter into the RECORD, and in remedying an abuse which undoubtedly exists under the present arrangement, the gentleman is, unwittingly perhaps, doing injustice to gentlemen who in good faith have observed the letter and spirit of the rules of this House, and are left by the sudden change in a position which at least puts them in the attitude of having some of "love's labor lost."

Mr. MCMILLIN. In response to what has been said by the gentleman from New Jersey [Mr. BUCHANAN] I will state that it is not the purpose of the Committee on Rules by this report to do injustice to anyone or to prevent a full discussion of the pending questions that are so important to the country. I will assure him further that it is the purpose of this side of the House to have considered at as early a day as possible two other bills relating to tariff duties, bills that have been already reported, and when they are considered I suppose there will be no difficulty in members getting an opportunity to discuss them fully.

Mr. CATCHINGS. I suggest to the gentleman that this resolution reported from the Committee on Rules simply withdraws the general leave to print, but does not prevent members from obtaining special leave.

Mr. MCMILLIN. As suggested by my friend from Mississippi [Mr. CATCHINGS], this report simply withdraws the general leave, but if any gentleman desires to get individual leave to print, that is something which the House can grant without reference to this resolution. The resolution is not intended to hamper the House in the least in granting to individuals in the future leave to print, or in granting general leave, but its effect will be to make that a matter under the control of the House.

Mr. HOOKER of Mississippi. Mr. Speaker, I ask that the resolution be again reported.

The SPEAKER. The gentleman from New Jersey [Mr. BUCHANAN] has the floor; but if there be no objection the resolution will be again reported.

Mr. BUCHANAN of New Jersey. Not in my time.

The resolution was again read.

Mr. BUCHANAN of New Jersey. Now, Mr. Speaker, in response to what the gentleman from Tennessee [Mr. MCMILLIN] has said, I will admit that the situation described by him is an ideal one, but unfortunately for some gentlemen upon this floor it is purely ideal, for it is well known that it is impossible for every gentleman to obtain the floor to discuss these matters either by the grace or without the grace of the committee, and it is also well known that some of those who do obtain the floor do not succeed, I suppose from the force of circumstances, in throwing the greatest possible light upon the particular questions at issue. It is impossible for as many gentlemen to obtain the floor as desire to be heard before the country. I say before the country, because we have arrived at a stage in our legislative experience when talk in this Chamber amounts to but little; it is addressed generally to some suffering chairman of the Committee of the Whole, who can not get away, and a few unemployed pages, and a great expanse of empty seats; but it goes out through the RECORD and through the periodicals to the people of the country, and those Representatives who desire thus to reach their constituents should have the means of doing so.

I know the trouble that it is sought to cure, and I am in entire sympathy with the attempt of the Committee on Rules. I voted the other day against laying the resolution of the gentleman from Michigan [Mr. BURROWS] upon the table, because I thought this abuse should be remedied, but I was outvoted; and now I do not want, at the price of my attempt to do right upon that occasion, to be cut off from all avenues of reaching a constituency which, heretofore at least, has placed some confidence in the remarks that I have uttered. Now I will yield to the gentleman from Maine [Mr. DINGLEY] such time as he desires.

Mr. DINGLEY. Mr. Speaker, I simply desire to ask the gentleman from Tennessee whether the Committee on Rules have taken into consideration the question of framing rules or regulations covering the matter of leave to print in the RECORD. We have had printed there already several volumes, obviously in violation of the whole spirit of the leave to print and of the rules of this House. Now, it seems to me that there may be rules framed that will properly guard this matter even when leaves to print are granted, so as to restrict the matter printed to that

which is intended to be covered by the ordinary leave. Of course we all recognize the fact that there have been serious abuses of the leave to print within the last week or two, abuses which have led to the report of this order revoking the leaves that have been already granted. I concur with the committee in the desire to remedy this abuse, but I hope the matter will not be allowed to rest there, but that we shall have some system of rules and regulations framed that will serve to prevent these unexampled abuses and at the same time preserve the reasonable right of members in this matter.

Mr. BUCHANAN of New Jersey. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. BUCHANAN of New Jersey. I reserve that.

Mr. MCMILLIN. Mr. Speaker, in response—

Mr. HENDERSON of Illinois. Mr. Speaker, I wish to ask the gentleman from Tennessee a question. There are some members of the House, and I am one of them, who made some remarks in Committee of the Whole in the discussion of the free-wool bill, but whose remarks were withheld for revision and have not yet appeared in the RECORD. Now, is it intended to cut off the privilege of such members to print the remarks thus made and withheld for revision?

Mr. MCMILLIN. That question has not been discussed in the Committee on Rules, and hence I can state only my own opinion, but my opinion is that this report, if adopted, will not prevent gentlemen who have actually made remarks from revising those remarks and having them inserted in the RECORD.

In reply to the gentleman from New Jersey, I wish to state, Mr. Speaker, that it has been two weeks, if I keep the record accurately in my memory, since we voted on the wool bill, and a week from last Thursday we voted, I believe, on the other bill passed here. The committee was of the opinion that the period of two weeks during which members have had general leave to print was such as not to leave any gentleman with a grievance if the privilege were terminated now. And, as I stated, it was the intention to leave the matter with the House to grant hereafter such leave to individual members or to members in general as the House might see fit, guarding that leave in such manner as may be deemed proper.

Now, in reply to the gentleman from Maine [Mr. DINGLEY], I will state that the committee did investigate somewhat, or at least consider, the question of a rule governing this matter. But any gentleman here who will attempt to frame a rule that shall give leave to print and yet place restrictions on it will realize how difficult the task is. And the committee were of opinion that the object would be accomplished by adopting this resolution, leaving the House when other bills may be considered either to give extensive time for debate or to give such leave to print as it may see proper at that time. I think this resolution will accomplish the whole object.

Mr. DINGLEY. Will the gentleman pardon a question?

Mr. MCMILLIN. With pleasure.

Mr. DINGLEY. It is not, then, the intention of the committee to take any action respecting the large amount of matter that has been inserted in the RECORD contrary to the spirit of the rules within the last two weeks, which has been printed at the expense of the Government, and is now being distributed under the frank of members?

Mr. MCMILLIN. That is a matter upon which the committee has not yet acted; and in advance of such action I do not feel authorized to speak so as to bind the committee. That is not the question here. The question is, what shall be done with this resolution?

Mr. Speaker, I reserve whatever time I have remaining.

The SPEAKER. The gentleman has eleven minutes.

Mr. BERGEN. I would like to ask the gentleman from Tennessee a question.

Mr. MCMILLIN. Very well, I yield the gentleman one minute for that purpose.

Mr. BERGEN. I would like to know whether the gentleman does not think that this proposed resolution puts this matter in a very unfair situation—unfair to this side of the House? Of course the gentleman has known, and members of his party have probably known for some time, that such a resolution as this was contemplated; and now to bring the resolution into the House in this way at the present time without any notice at all—does not that appear to the gentleman to be taking an unfair advantage?

Mr. MCMILLIN. In reply to the gentleman, I state unhesitatingly that nothing unfair has been contemplated, and no unfairness appears to be involved in this proceeding. Both sides of the House were represented in the Committee on Rules; and this report is not the action of our side alone; it was the action as well of representatives of the gentleman's own party members of the Committee on Rules. It appears to me no injustice can re-

sult; no member can have cause to complain, if after the lapse of two weeks he has not placed in the RECORD what he wanted to put there as his remarks on the wool bill.

Mr. BERGEN. But the gentleman will bear in mind that this side of the House undertook the other day what it thought a proper thing to do in a matter of this kind—to expunge from the RECORD those things which had been put into it in violation of the spirit of the rules.

I wish to ask the gentleman another question, whether all of Henry George's book has been printed in the RECORD?

Mr. McMILLIN. I have not paid close enough attention to the matter to speak positively as to what has been already printed. So far as any complaint in this matter is concerned, I will state to the gentleman that a member of this House, sitting not 15 feet from him, has published the same matter in the RECORD twice.

Mr. Speaker, I reserve the rest of my time.

Mr. BUCHANAN of New Jersey. Mr. Speaker, I resume the floor, and yield two minutes to the gentleman from Pennsylvania [Mr. O'NEILL].

Mr. O'NEILL of Pennsylvania. Mr. Speaker, there is one thing that strikes me in reference to this question. The more matter there may be printed in the RECORD, the more time this House has in which to transact its business. [Laughter.] Gentlemen can make short speeches, and then they can have leave to print—

A MEMBER. Long ones.

Mr. O'NEILL of Pennsylvania. And we can have the pleasure of reading what they print the next day in the CONGRESSIONAL RECORD. It gives us all great pleasure to read the speeches that we have not heard pronounced on the floor. [Laughter.]

Mr. Speaker, individually I wish to state how this rule if adopted will bear upon me. I have had it in contemplation to make some remarks upon some of the appropriation bills as they may come up in their turn in this House. I have been looking for material with which to illustrate my points in an argument occupying the five or ten minutes which might be allowed me. I have carefully cut out extracts from newspapers and preserved them. I want to pay proper compliments to my constituents [applause]; and I have two articles written by particular friends of mine—men noted in the scientific world and otherwise; and my idea was that when I might get up to occupy the floor on the sundry civil bill, or the legislative appropriation bill, I might be indulged in inserting in my remarks what these gentlemen have said. But if you adopt this resolution to-day I presume I shall be deprived of that privilege, and thus be denied the opportunity of sending out to the country important matter written by men of great scientific and other attainments who are constituents of mine.

[Here the hammer fell.]

Mr. BUCHANAN of New Jersey. Mr. Speaker, after listening to the explanation of the gentleman from Tennessee [Mr. McMILLIN] I do not hesitate to say that his report does an injustice. I know he does not mean to be unfair; but such will be the effect of this action. The effect will be to let every guilty man escape, and to punish every innocent one. Those who have already transgressed the spirit of the rule by printing in the RECORD matter which had nothing, or at least very little, to do with the subject under discussion, and which was written, not by themselves but by others perhaps as distinguished, will be allowed to retain that matter in the RECORD, while others, who have not transgressed at all, will not be allowed to print even their own lucubrations in that esteemed and flourishing periodical.

Now, how will this resolution operate in my own case? As is known to some members of the House, the condition of my health during the past few weeks has been such that I have scarcely been able to keep up with my current work.

I violated this morning all sanitary precautions by arising at an usually early hour, and before 7 o'clock was sitting at my desk penning some burning words on the tariff. I know that they are burning words, at least I know they are dry enough to burn; and I want in some way or other to spread these matters before the gaze of a waiting world. [Laughter.] If I can, by permission of some gentleman, have an opportunity, when the next tariff bill is under discussion, to give forth the benefit of my observations on this question, I shall be perfectly content, so far as I am individually concerned. But if the rule be adopted in the terms proposed, it may do an aspiring youth, albeit a modest one, a great injustice. [Laughter.]

I reserve the remainder of my time.

Mr. McMILLIN. I now yield three minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER of Mississippi. Mr. Speaker, I doubt not that the rule presented to the House this morning from the Committee on Rules is the outgrowth of the fact that the RECORD, which in my judgment ought to be simply a journal of the proceedings

of this House, an accurate transcript of what actually takes place, has been filled with a great deal of extraneous matter, as the House has witnessed during the last week or two, which should not have been printed under the general leave to print. The rule reported this morning is designed to revoke the permission heretofore given to print, in order that there may be no further violation of the proper rule that should apply in reference to such matters; and as an indication to the House itself, the gentleman from Tennessee [Mr. McMILLIN] has said that at some future time the Committee on Rules will probably present another rule on this subject, although, undoubtedly, a very difficult matter to deal with.

But it is at least an indication to the House that it ought to be very chary about giving this unstinted leave to print, generally, on subjects under discussion before the House. If a gentleman is interrupted in his speech, as the gentleman from New Jersey [Mr. BUCHANAN] so eloquently explained this morning, or rather interrupted in his contemplated speech, he ought to be allowed the opportunity of submitting it in some shape to the House. But it can hardly be said that this leave to print is of any practical value in reference to legislation in the House long after a bill or resolution to which it refers has been acted upon. And in answer to my friend from Pennsylvania [Mr. O'NEILL], to whom I always listen with a great deal of pleasure, I can only say he can never apply to the House for permission to add to any remarks, which he has submitted on the floor, when it would ever be denied him for a moment.

Mr. O'NEILL of Pennsylvania. I am very much obliged to my friend from Mississippi. Thank you.

Mr. HOOKER of Mississippi. There need be no apprehension on the part of any gentleman who wants to extend legitimate remarks on a subject actually under discussion in the House as to the extension of that privilege in all proper cases.

But, I take it, Mr. Speaker, that the action in the present case has been rendered imperiously necessary by the publication in the RECORD of a vast mass of extraneous matter not at all pertinent to the subject under discussion. It would be well if this right could be protected and yet materially restricted.

Mr. MILLIKEN. Will the gentleman from Mississippi allow me to ask him a question?

Mr. HOOKER of Mississippi. Certainly.

Mr. MILLIKEN. Do you not think it would be better to have expunged from the RECORD, at the time we made a motion to that effect a few days ago, all of this extraneous matter published up to that time?

Mr. HOOKER of Mississippi. I think not, for the reason that that would have been a harsh measure in reference to gentlemen who had already printed, and I think it would have also been a great injustice to the gentleman from Maine himself, for that action would have excluded an article that he himself had published. But not having taken that action, we ought at least now to see that no further abuse of the RECORD shall be committed.

Mr. MILLIKEN. Let me state to the gentleman from Mississippi that that action would not have been an injustice to me, for my article was not published until afterwards, and was only published then in retaliation for what had been done by gentlemen on the other side of the House.

Mr. HOOKER of Mississippi. That only shows that the gentleman himself committed the same wrong that he protests against by publishing extraneous matter in the RECORD which ought not to have been published under the general leave to print, and since two wrongs do not make a right, he ought to stand corrected by this rule.

Mr. MILLIKEN. You ought to correct the rule first.

Mr. McMILLIN. I now yield three minutes to the gentleman from Michigan [Mr. BURROWS].

Mr. BURROWS. Mr. Speaker, this proposition, I desire to say, is the unanimous report of the Committee on Rules. It is made necessary by what must be apparent now to every member of the House, by the gross abuse of the general leave granted to members to print remarks in the RECORD. I sought, it will be remembered, very early to refer this infringement of our rules to the Committee on Printing, with a view to correct the abuse at the outset, when it was first discovered that some gentlemen on the other side of the House, conspiring together, had secured the printing in the public RECORD of an entire volume of Henry George.

We on this side of the House believed that the publishing of that book in the CONGRESSIONAL RECORD was the grossest violation of the privileges of this House, and that no member with any proper sense of propriety could have entered into any such conspiracy; but on a motion to refer the matter to a committee of this House to inquire into the propriety of such conduct we were voted down, and the majority of the House declared that such publication was entirely proper. That being so, there was no recourse for the minority except to meet, as we have, the ac-

tion of the majority, by publishing such documents as we saw fit in answer to the free-trade screed of Mr. George. About the only thing you have accomplished and the sum total of your achievements is to commit the Democratic party absolutely to the doctrine of free trade, bald and simple. [Laughter on the Republican side.]

In addition to that, you have committed your party, upon a yea-and-nay vote, to the monstrous doctrines of Henry George in their fullest scope, and used the public record and the money of the people to distribute that document at their expense. And not only that, but if you will examine the extracts from that book, adopted by the Democratic party, it will be found you have also committed your party to the single-tax doctrine and the abrogation of all duties; and the last chapter, published by the gentleman from Kentucky [Mr. STONE], denounces the farmer, as the owner of land, as the chief robber of all. [Laughter.] That he is the party who is robbing the people by pretending to own land, when in fact it belongs to all the people. The Democratic party having committed itself to these monstrous principles, I am not surprised, and indeed I very heartily join in the recommendation of the Committee on Rules, that it is proposed to stop the performance, with the view of saving the Democratic party from absolute annihilation. [Laughter on the Republican side.]

A MEMBER on the Republican side. From suicide.

Mr. BURROWS. And now one word. This order to print was granted on the 12th day of March. Some gentlemen on this side think we are cutting them off a little early. As I say, this order to print was made on the 12th of March, and it is now the 19th day of April. The bill passed the House and from its consideration on the 7th of April. Now, all gentlemen who desire to print have undoubtedly availed themselves of the opportunity before this time. If they have not, I am quite sure if any gentleman shall rise in the House after the adoption of this order and say that he has remarks prepared upon the wool question which he has not had the opportunity to deliver, and will satisfy the House that they are entirely proper and presented in good faith, he will have no difficulty in getting leave to print them in the RECORD.

Mr. STOCKDALE. I want to ask the gentleman from Michigan, who is a member of the Committee on Rules, a question—

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. McMILLIN. I yield to the gentleman from New York [Mr. WARNER] for one minute.

Mr. WARNER. Mr. Speaker, there may be reasons why this resolution should not be adopted, but they are not involved in the suggestions made by our friends on the other side, that the resolution is an oppression upon them. And since the wolf charged the lamb with muddying the spring, there has never been a case of greater assurance. When the gentleman from Michigan [Mr. BURROWS] called attention to the fact that the RECORD had been perverted, as he claims, he knew—because he is too well posted to give him the excuse of ignorance—that the gentleman from Iowa [Mr. DOLLIVER] had already incorporated in the RECORD column after column of the screed of Mr. Roswell G. Horr.

Mr. DOLLIVER. Two columns—

Mr. WARNER. And instead of making a motion that would have been promptly adopted by this House without any question whatever, to refer the whole matter of how far such privilege should be exercised under the leave to print, he made a special attack upon the action, under the leave to print, of certain other gentlemen, and made it in such shape that no self-respecting House could adopt the resolution.

Mr. PICKLER. I would like to ask the gentleman a question.

The SPEAKER. The time of the gentleman has expired.

Mr. McMILLIN. I will yield another minute to the gentleman from New York.

Mr. PICKLER. Will the gentleman permit a question?

Mr. WARNER. Now, sir, if there is anything that appears plainly upon the RECORD as it now stands, it is this: That the gentleman from Michigan [Mr. BURROWS], knowing the extent to which his colleagues had already abused the privilege, possibly anticipating the extent to which they were already prepared to avail themselves of it, could they get an excuse, offered this resolution in a shape which must be voted down by any self-respecting House; and we now have the results in the advantage which his colleagues on the Republican side have taken of the action of the House.

Mr. BURROWS. Will my friend state on what day the article was printed in the RECORD by the gentleman from Iowa [Mr. DOLLIVER].

Mr. BUTLER. It is dated the 11th day of April.

Mr. WARNER. I find in the debate had upon the resolution of the gentleman from Michigan [Mr. BURROWS], on the 15th

day of April, 1892, that my colleague [Mr. FITHIAN] called attention to the fact that in the daily RECORD, pages 3453 and 3454, had already appeared the letter of Mr. Horr, inserted by the gentleman from Iowa [Mr. DOLLIVER].

Here the hammer fell.

Mr. McMILLIN. I yield half a minute to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER of Alabama. Mr. Speaker, the House knows that the two best speeches made on this question, which were made by the gentleman from West Virginia [Mr. WILSON] and the gentleman from Georgia [Mr. TURNER], have not yet been printed.

Several MEMBERS. Mr. WILSON's speech has been printed.

Mr. WHEELER of Alabama. I ask, in view of this fact, that the gentleman from Tennessee [Mr. McMILLIN] will allow the amendment which I am about to offer.

The SPEAKER. The Chair will state to the gentleman that the previous question has been ordered, and that no amendment is in order.

Mr. WHEELER of Alabama. I ask unanimous consent to allow this amendment:

*Provided, That this resolution shall not be construed to prevent any member who has spoken upon any bill upon which leave to print has been granted from revising his remarks and incorporating therein tables and minor extracts explanatory of his argument.*

Mr. McMILLIN. I have already stated that it was not the purpose of the committee to prevent a gentleman from revising his own remarks heretofore made.

Mr. STOCKDALE. Would it prevent him from extending his remarks?

Mr. McMILLIN. I think not, when of his own production.

Mr. PICKLER. Does not that cut off any further discussion of the silver question?

Mr. BUCHANAN of New Jersey. I yield two minutes to the gentleman from Iowa [Mr. DOLLIVER].

Mr. DOLLIVER. I would not occupy the time of the House except for the reason that I believe my offense in no sense justifies the offense which it is cited to excuse. I printed in the RECORD, without consultation with anybody, according to the custom which has long prevailed in the House, a letter of Mr. Horr, of the New York Tribune, consisting of less than two columns; and how any man in his senses can use that performance as an excuse for the printing of a whole volume in the RECORD I do not see.

Mr. McMILLIN. Why did the gentleman print it a second time? [Laughter and applause on the Democratic side.]

Mr. DOLLIVER. I printed it a second time because the Public Printer omitted from the original publication the material part of the letter to which I desired to call the attention of the country; because by the mutilation of my first copy my original intention had been frustrated, and for the general reason that after the vote taken in the House it was evident that it was entirely indifferent to the majority what was printed or how often it was printed.

Mr. FITHIAN. That will not do. The gentleman from Iowa [Mr. DOLLIVER] printed exactly the same caption to both speeches.

Mr. JOSEPH D. TAYLOR. When we were discussing the free-coinage bill there was yielded to me a little time by my friend from Illinois [Mr. TAYLOR], who controlled the time on this side of the House, and instead of saying what I had intended to say I spent the time in replying to the remarks of the gentleman from Missouri [Mr. HATCH] in regard to who was responsible for the demonetization of silver in 1873, and finding that I had consumed my time, I took leave to extend my remarks in the RECORD, and I withheld my remarks until I could have an opportunity of seeing the remarks of the gentleman from Missouri [Mr. HATCH], which were withheld for revision, and before I had an opportunity of revising my remarks I went away and have been absent since then, and have not had an opportunity of seeing his speech or of printing my remarks. I shall therefore, at the proper time, ask unanimous consent to print my remarks, as his speech will be incomplete without my reply to it.

Mr. PICKLER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKLER. This resolution is general. I desire to inquire upon what bills this cuts off the leave to print, and whether the adoption of the resolution will permit any further debate in this House on the free coinage of silver?

The SPEAKER. The Chair can only state the substance of the resolution, which is that all general leaves to print heretofore granted are vacated and set aside.

Mr. PICKLER. Now, my question is, what questions are those?

The SPEAKER. The Chair is not informed as to any special bills.

Mr. PICKLER. We ought to make a record of that.

The SPEAKER. It covers all. [Cries of "Regular order!"] The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

INVESTIGATION OF BALTIMORE POST-OFFICE.

Mr. CATCHINGS. Mr. Speaker, I submit a report from the Committee on Rules.

Mr. BUCHANAN of New Jersey. I simply rise to make a personal request, Mr. Speaker.

The SPEAKER. Will the gentleman withhold it for a moment?

Mr. BUCHANAN of New Jersey. Yes.

Mr. CATCHINGS. I submit a report on House resolution 57. The Clerk read as follows:

The Committee on Rules, to which resolution No. 57, introduced by Mr. RICHARDSON, was referred, recommend that the accompanying amendment thereto be adopted, and that as so amended the said resolution be agreed to.

The resolution was read, as follows:

Whereas in May, 1891, Mr. Theodore Roosevelt, Civil Service Commissioner, after a careful and extensive investigation concerning political assessments, and the use of official influence in the Federal offices to control elections in Baltimore, reported to the United States Civil Service Commission the following conclusions:

1. That a number of Federal officeholders took an active part in the primary elections of the Republican party.

2. That considerable sums of money were raised by these officials, partly contributed by themselves and partly by their fellow-officials, and were spent by certain of their number chosen for the purpose in paying the political expenses in these elections.

3. That certain of these officials by their own testimony admitted that they had violated the statutes of the United States touching the civil service, the punishment, upon conviction of said violations, being dismissal from office and fine and imprisonment.

And whereas in view of these violations of law, Commissioner Roosevelt recommended the removal of certain officials specified by him as guilty of such violations of law, and his findings and recommendations were concurred in by the whole Commission in a report addressed to the President:

And whereas resolutions have recently been adopted by the Civil Service Reform Association of Maryland, calling attention to the fact that, so far as is known to the public, no official action whatever has been taken in consequence of this report:

Resolved, That the Select Committee on Reform in the Civil Service is hereby authorized to make such inquiry in regard to the matter as they may think proper, and, if necessary, to send for persons and papers, administer oaths, and report to the House.

The amendment was read, as follows:

Amend by striking out all after the word "hereby," in the resolution, and inserting the following:

"Directed to investigate and report to the House:

"First. Whether all or any of the officials found by the investigation and report of the Civil Service Commission to have violated the law are still in office.

"Second. Whether any of such officials have been indicted or proceeded against in the courts on account of such alleged violation of the law.

"The said committee shall have authority to sit during the session of the House, to send for persons and papers, to administer oaths, and to report to the House at any time.

"The expenses of this inquiry shall be paid out of the contingent fund of the House, on vouchers approved by the chairman of said committee."

Mr. CATCHINGS. Mr. Speaker, I demand the previous question on the adoption of the report.

Mr. DINGLEY. I hope the gentleman will explain the change that is made by the amendment. I believe the original resolution as introduced directed the investigation of the President of the United States, and this is a resolution of inquiry.

Mr. CATCHINGS. My friend from Maine is entirely mistaken, Mr. Speaker. The resolution does not involve an investigation of the President of the United States.

My friend from Michigan [Mr. BURROWS] was afraid that the phraseology was such that it might bear that construction, but it was not the intention that it should have any such construction. However, the proposed amendment entirely obviates that difficulty, and I think that the resolution as it has been reported from the committee is entirely free from any objection.

Mr. DINGLEY. Mr. Speaker, I ask that the resolution be again read.

The report in full was again read.

Mr. HOPKINS of Illinois. Mr. Speaker, is debate in order on this?

The SPEAKER. The gentleman from Mississippi [Mr. CATCHINGS] has demanded the previous question.

Mr. HOPKINS of Illinois. Well, that allows fifteen minutes' debate on either side, as I understand.

The SPEAKER. But there has been debate, and, that being the case, no debate is in order after the previous question is ordered.

Mr. HOPKINS of Illinois. There has been debate on this?

The SPEAKER. There has been debate.

Mr. HOPKINS of Illinois. There were some questions put, but I did not understand that that was debate.

The SPEAKER. The rules provide that where there has been no debate before the ordering of the previous question thirty minutes' debate shall be allowed afterwards, fifteen minutes on each side, but where there has been debate before the ordering of the previous question, even though limited in amount, none is in order afterwards.

Mr. HOPKINS of Illinois. If the Speaker construes the question put by the gentleman from Maine [Mr. DINGLEY] to the gentleman in charge of the resolution as debate, the rule applies; but I did not apprehend that it would be so held by the Speaker. I desire to know if it is the purpose of the committee reporting this resolution to limit the Committee on Civil Service Reform simply to the consideration of the question whether the parties reported upon by the Civil Service Commission are still in office?

I will state to the gentleman that I understand—I do not know whether I am correctly informed or not, but I understand—that an investigation has been made by the Post-Office Department and that that report does not agree with the report of the Civil Service Commission; so it seems to me that if there is to be an investigation of this matter the committee investigating ought to be clothed with power to inquire whether, in the first place, there has been in fact any violation of the civil-service law, and if so, secondly, whether the parties who have violated it are still in office. As I understand these resolutions, however, they compel us to accept the conclusion of the Civil Service Commission as correct, and, assuming their investigation to be correct, our committee are to determine whether the parties concerned are still in office.

Now, I submit that that is not just or proper. I submit that if we are to have an investigation of this subject at all the committee that is to make it ought to be clothed with authority to investigate the truth or falsity of the charge that is made by the Civil Service Commission. No wrongdoing should be charged against the authorities at Baltimore without their having an opportunity of showing that the charges against them are false and unfounded.

Mr. RAYNER. That is right.

Mr. HOPKINS of Illinois. And I appeal to the gentleman in charge of this report to modify it to the extent of allowing the committee of investigation to inquire into the correctness of the charge itself.

Mr. CATCHINGS. Mr. Speaker, I assume as a matter of course that if there has been sufficient reason for the failure to discharge these officials who have been charged by the report of the Civil Service Commission with violation of the civil-service law, the committee of this House directed to make this investigation will be very glad to have laid before them any report which may have been made to the Postmaster-General or to any other official which justifies or seems to justify the retention of these parties in office. Indeed, I think I am warranted in saying that it would be a very great satisfaction to the committee to have Mr. Wanamaker present them with a copy of the report to which the gentleman from Illinois alludes. I think the resolution as it is drawn is broad enough. The country understands very well that there has been two reports upon this subject.

The report made by Mr. Roosevelt has been published and is accessible. Any gentleman who desires to examine it can send and get a copy of it. The report made to Mr. Wanamaker seems to have been kept secret. It has never been published; it has never been given out to the country; and therefore we can not assume here that there is a report which would justify the retention of these officials. The difference between the two reports is this: The report made by Mr. Roosevelt, charging these officials with this offense, is in print as a Government document, of which any gentleman can get a copy; but if there is a report taking a position adverse to this the country has not been advised of it. There have been rumors, and I presume it is a fact, that the Postmaster-General did have a report made to him by certain officials who were sent to Baltimore to investigate this question; but, as I have said, that report has never been given to the country, and therefore, *prima facie*, the case is, that these officers who have been charged by one of the officials of the Government with repeated violations of the civil-service law remain in office to-day. Now, if there is any justification for their retention in office, it can undoubtedly be shown upon this investigation.

Mr. BOUTELLE. What is the charge? What is the offense said to have been committed by these people?

Mr. HOPKINS of Illinois. If the gentleman will allow me right there, I wish to ask him whether he sees any objection to modifying the report so as to direct the committee to investigate the truth of these allegations?

Mr. CATCHINGS. I do. I see a very serious difficulty. It is not contemplated that this committee shall be sent to Baltimore to enter upon an investigation which will take three or four weeks of their time.

We simply want to ascertain whether Mr. Roosevelt has made this report, whether there has been a contrary report, and just what the facts are. When information upon these questions has been reported to the House, it will then be in order for the House to take such steps as it may deem proper. But we certainly do not intend, if we can help it, that this committee shall now be

sent off to Baltimore to investigate all these questions which have been investigated by Mr. Roosevelt and the results submitted to the country in his published report.

Mr. BOUTELLE. Will the gentleman answer my inquiry?

Mr. CATCHINGS. I did not hear it.

Mr. BOUTELLE. I want to know what is the general charge against these officers.

Mr. CATCHINGS. Oh, Mr. Speaker, I have no time to go into that question, and I decline to do so.

Mr. BOUTELLE. I simply want to know what is the general charge against these people.

A MEMBER. Attending political "primaries."

Mr. CATCHINGS. I will send you the report, and you can examine it for yourself.

Mr. BOUTELLE. Is it the charge that they attended a political caucus?

Mr. CATCHINGS. The gentleman can read this report to-night.

Mr. BOUTELLE. I would not spend so much time over it.

Mr. HOPKINS of Illinois. Now, Mr. Speaker, it seems to me—

Mr. CATCHINGS. Mr. Speaker, I would like to know how this debate is going on.

Mr. BOWERS. It is a "go-as-you-please" debate.

The SPEAKER. The debate has been proceeding with the consent of the gentleman from Mississippi [Mr. CATCHINGS].

Mr. CATCHINGS. I never gave my consent.

The SPEAKER. Different gentlemen sought the floor, and the Chair indulged them because the gentleman from Mississippi [Mr. CATCHINGS] did not object.

Mr. CATCHINGS. That was not my understanding; or I would have taken means to close the debate.

The SPEAKER. If the gentleman from Mississippi demands the previous question the Chair will submit it.

Mr. BURROWS. If the previous question be ordered, of course debate will be cut off; therefore, before the question is put, I ask the gentleman to yield to me.

Mr. CATCHINGS. I will gladly yield if I may be permitted to do so without waiving my rights.

The SPEAKER. The Chair will recognize the gentleman from Mississippi after the gentleman from Michigan is through.

Mr. BURROWS. Mr. Speaker, I desire only to say that it was impossible for the minority of the Committee on Rules to agree with the majority in recommending the adoption of this resolution. It will be observed that it proposes to make an investigation into two things: First, whether certain officers who were alleged to have been guilty of violating some statute in connection with elections still continue in office or have been removed; and, secondly, whether those officers have been prosecuted for the offense charged. Now, Mr. Speaker, the criticism made by the gentleman from Illinois [Mr. HOPKINS] has very great force. By this resolution the committee is not called upon to inquire into the question whether these charges were true or not.

Mr. BOUTELLE. They do not care anything about that.

Mr. BURROWS. The committee is not requested or directed to ascertain whether this report of the Civil Service Commission was true or false; but it is to accept the report as binding so far as showing that certain parties did violate the United States statutes in connection with a certain election; and then the committee is to inquire whether those officers have been dismissed or have been prosecuted.

Mr. CATCHINGS. My friend must admit that as the case now stands we are justified in assuming that—

Mr. BURROWS. I am quite sure, however, that if it should be disclosed that these parties have not been discharged from office or have not been prosecuted, the committee would come far short of its duty to the public did it not inquire into the reason why they have not been dismissed or prosecuted, and that inquiry might disclose the fact that it was discovered upon investigation that the charges were wholly unfounded and no such report as has been made was authorized by the facts.

Mr. CATCHINGS. But my friend will understand that that was not the proposition of the gentleman from Illinois. His proposition was that this committee should be required themselves to investigate these charges—

Mr. HOPKINS of Illinois. No, sir.

Mr. CATCHINGS. That was exactly what my friend from Illinois said.

Mr. HOPKINS of Illinois. Oh, no.

Mr. BURROWS. Mr. Speaker, I wish to say only this: If the only purpose be to ascertain whether certain officers named are still in office or have been dismissed, and whether they have been prosecuted or not, a simple resolution of inquiry directed to the Attorney-General would elicit the information desired. If a resolution of inquiry were directed to the head of the Department having this matter in charge, this information could

be obtained in twenty-four hours. But, of course, a formal investigation makes the matter more imposing than a simple resolution of inquiry would be.

Mr. CATCHINGS. If my friend understands this matter, he must see that this resolution does more than he states. It proposes to give this committee authority, which they have not now, to make such reasonable investigation in the general direction of this resolution as they may think proper.

Mr. BURROWS. The resolution contemplates an inquiry into only two questions—first, whether these parties are still in office—

Mr. CATCHINGS. The resolution as offered undoubtedly authorizes the committee to inquire into the fact whether the Postmaster-General has had such report made to him as appeared to justify his action in the case.

Mr. BURROWS. Allow me to make this inquiry, which perhaps will meet the difficulty; if it should be found by the committee that the parties named are still in office, or if dismissed have not been prosecuted, does my friend hold that the committee will be authorized to inquire into the reasons why they have not been dismissed or why they have not been prosecuted?

Mr. CATCHINGS. But, Mr. Speaker, unquestionably, if this report of the committee is adopted by the House, the committee would be entirely warranted in the course of their investigation of this question directly submitted, to accept from the Department any explanation they might suggest as to why they did not discharge these officers, or why, if guilty, no indictment was presented against them.

Mr. BURROWS. Then it will be understood, I presume, that the committee will be directed to inquire into the reasons why there was no prosecution?

Mr. ANDREW. From the Department.

Mr. CATCHINGS. With that limitation. But if the question of the gentleman carries the idea that this committee is expected to go to Baltimore to examine witnesses, and determine as to the truth or untruth of the charges that have been made, then I say no. But if my friend wants it understood that they shall accept such explanation as the Department may desire to give them I say yes.

Mr. ALLEN. Let me suggest to my colleague if it would not be well enough to put into the resolution the fact that if the report of the Civil Service Commission fails to inquire, it would inquire whether or not they are still in office?

Mr. BURROWS. Exactly.

Mr. CATCHINGS. I have no doubt whatever that we will get at all of the facts necessary in this investigation.

Mr. HENDERSON of Iowa. Will the gentleman from Mississippi permit me to ask this question? It can not be possible if one bureau of the Government—the Civil Service Commission—holds and has declared that the civil-service law has been violated and a great Department of the Government says that it has not been violated—

Mr. O'FERRALL. I rise to a question of order.

The SPEAKER. The gentleman from Iowa will suspend, and the gentleman from Virginia will state his question of order.

Mr. O'FERRALL. I desire to know under what rule the House is proceeding at this time?

The SPEAKER. There is no limit to this debate unless the previous question is ordered. The report of the Committee on Rules is being discussed.

Mr. CATCHINGS. In answer to the question, which I think I understand, of the gentleman from Iowa—

Mr. HENDERSON of Iowa. Permit me one moment further. I say that where two Departments of the Government—or the Civil Service Commission and a Department—have declared directly opposite things, whether that committee will accept the one which says these parties are guilty and ignore the one which says they are not guilty.

Mr. CATCHINGS. My friend must understand that that is not a question pertinent to this discussion. I have already stated to the gentleman from Michigan that so far as the public knows there has been but one report on this question, and that is the report of the Civil Service Commission, which is to the effect that the law in question has been grossly violated.

Now, if there is another report, as I said before, the country has not been advised of it. There have been, I will concede, rumors, and doubtless it is true, that there has been another report. But if there is one made by the Postmaster-General, or any other Department of the Government, which would seem to justify the retention of these employes, of course we will be glad to have it, and unquestionably the committee will ascertain and report the facts.

Mr. HENDERSON of Iowa. Then, as I understand it, the gentleman concedes that it will be the duty of the committee to inquire of the Post-Office Department touching these facts?

Mr. ANDREW. Certainly.

Mr. CATCHINGS. I have already made that statement. Now I demand the previous question.

The previous question was ordered; under the operation of which the amendment was agreed to, and the report of the committee as amended was adopted.

On motion of Mr. CATCHINGS, the motion to reconsider the last vote was laid on the table.

#### ORDER OF BUSINESS.

Mr. BACON. Mr. Speaker, I ask unanimous consent, in view of the contested-election case to be called up at this time, that gentlemen having reports from committees may hand them in at the Clerk's desk for proper reference.

There was no objection.

#### NOYES VS. ROCKWELL.

Mr. O'FERRALL. Mr. Speaker, I now call up for consideration the contested-election case of Noyes against Rockwell, from the Twenty-eighth district of the State of New York.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

*Resolved*, That Hosea H. Rockwell was not elected a Representative to the Fifty-second Congress from the Twenty-eighth Congressional district of New York and is not entitled to the seat.

*Resolved*, That Henry T. Noyes was elected a Representative to the Fifty-second Congress from the Twenty-eighth Congressional district of New York and is entitled to the seat.

Mr. O'FERRALL. Now, Mr. Speaker, I would like, if possible, to come to some arrangement with the gentleman from Alabama [Mr. COBB], who filed the minority report in this case, as to the time to be consumed. I will state that in a conversation with the gentleman from Alabama we agreed that five hours on each side would not be an unreasonable time. I ask, therefore, the unanimous consent of the House that five hours on each side be allowed for the discussion of this question. I understand that is satisfactory to the other side.

Mr. WHEELER of Alabama. Mr. Speaker, this is a matter in which the whole House takes a great interest; and while I believe that some time ago the gentleman from Alabama [Mr. COBB] felt that five hours' time would be enough, yet I am authorized to say that many gentlemen who desire to speak and to hear this case thoroughly argued feel that a greater length of time should be had, and I ask the gentleman from Alabama [Mr. COBB] to insist upon or ask for six hours on a side.

The SPEAKER. The gentleman from Virginia [Mr. O'FERRALL] submits a request that in the consideration of the pending election case debate be limited to five hours on a side.

Mr. COBB of Alabama. I agreed with the chairman of the committee that we would be content with five hours on a side; but as suggested by my colleague from Alabama [Mr. WHEELER] and by other gentlemen, that there are more gentlemen who desire to express themselves upon this case than I had any knowledge of at the time—

Mr. WHEELER of Alabama. And to hear the matter thoroughly discussed.

Mr. COBB of Alabama. The gentleman from Indiana [Mr. HOLMAN] suggests to me that we have plenty of time now, and he also suggests that we may have six hours on a side. Has the gentleman from Virginia [Mr. O'FERRALL] any objection to that, if the House will agree to it?

Mr. O'FERRALL. I have no disposition, Mr. Speaker, to cut off debate in this case. I am perfectly willing that there should be full latitude given, not only to the minority to express their views, but to the majority. So far as I am concerned, if it is the pleasure of the House to give six hours on a side, I shall not object.

Mr. CATCHINGS. Are not five hours enough?

Mr. O'FERRALL. I have thought five hours enough time. That was the understanding between the gentleman from Alabama [Mr. COBB] and myself. I have no disposition to cut off debate, or to allow any one to say that I am disposed to stifle debate upon this case.

Mr. COBB of Alabama. I do not want my colleague on the committee to understand that I am going back on any agreement. But if he is willing to have six hours on a side, under the circumstances—

Mr. O'FERRALL. I think we had better submit the original proposition to the House, for five hours on a side.

The SPEAKER. The gentleman from Virginia [Mr. O'FERRALL] asks unanimous consent that debate on the pending election case be limited to five hours on a side. Is there objection?

Mr. WHEELER of Alabama. I shall have to object.

The SPEAKER. Objection is made. The gentleman from Virginia [Mr. O'FERRALL] will proceed.

Mr. O'FERRALL. I move that the debate on this case be limited to five hours on a side.

The SPEAKER. The Chair will suggest that that motion would not be in order, but the gentleman can give notice that at

the expiration of a certain time he will move the previous question.

Mr. O'FERRALL. Then we will proceed without any limit.

Mr. WHEELER of Alabama. You had better agree to six hours, and that will settle it. I will suggest to the gentleman—

Mr. O'FERRALL. I yield to the gentleman from Georgia [Mr. LAWSON] whatever time he may desire in the opening of this case.

Mr. WHEELER of Alabama. Let me ask the gentleman to agree to six hours, so that gentlemen can arrange their argument with a view to that time.

The SPEAKER. The gentleman from Georgia [Mr. LAWSON] is recognized, and the House will be in order.

Mr. LAWSON of Georgia. Mr. Speaker, this inquiry and investigation arise out of a Congressional election held in the year 1890, in the Twenty-eighth district of New York, composed of the counties of Chemung, Seneca, Schuyler, and Tompkins. It is a judicial question, and depends for solution upon the law and the facts of the case; and I shall endeavor to present the law and the facts as briefly as I can, consistently with clearness and fullness. The committee, after a careful and painstaking investigation, decided that Mr. Noyes, the contestant, was entitled to the seat, and that Mr. Rockwell, though holding the certificate from the proper authorities of his State, is not, upon a fair investigation of the case, entitled to that certificate.

The committee at the outset of its business during this session determined that it would examine all contested cases in the spirit of fairness, of truth, and of justice, and that no man should be ousted from his office in this House arbitrarily, as has been the case in many instances heretofore.

The trouble arose out of the methods which the county canvassers of the election adopted in making their returns. In respect to the canvassing of votes and making returns, the law of New York is somewhat peculiar. I do not know of any other State that prescribes the same provisions in regard to the canvass of votes and the returns of the officers.

In order that the House may have a clear conception of the origin of this inquiry and contest, it is proper for me to explain to some extent the methods which the law of New York requires to be adopted in the canvass of votes. It is required of the election inspectors that immediately after the close of the polls the votes shall be canvassed, and that three returns shall be made of those votes, to be distributed as I shall mention hereafter, before there is an adjournment of the election officers. This must be made at once. The law requires that the returns shall be of this character: After all the votes are counted it is the duty of the election inspectors to write upon the face of the return the whole number of votes cast at that precinct, and also the number of votes received by each candidate. These must all be written fully, not in figures, but in letters.

In addition to that it is required that the election inspectors at the same time, and before adjournment, shall paste to the back of the return a sample copy of every different kind of ballot which was cast at that election. The remaining ballots are required to be immediately destroyed, and upon that sample copy they shall write out the number of ballots of the identical kinds cast at that point. The election inspectors of six election districts in the county of Chemung and the city of Elmira failed to execute this law fully in that they failed to attach and number the sample ballots.

Mr. O'FERRALL. Mr. Speaker, it has been said that this is an important question, and if it is, I trust members will preserve order and hear it discussed.

The SPEAKER. The House will be in order.

Mr. LAWSON of Georgia. I can not expect, Mr. Speaker, to interest people who have already made up their minds. I believe if there is any gentleman here who has not made up his mind on the question, who desires to consider the question fairly, honestly, and judicially, he may possibly get some information from what I shall say, and what I shall read in the course of my remarks.

As I was going on to say, the election inspectors in six precincts in the city of Elmira failed to carry out this law with reference to the canvass and return of the votes thus cast completely. They did make up the returns so far as they were required to do it on the face of them. They did count the votes and enter the number of the votes on the face of the report; but they failed to paste on the back of these returns a sample of each one of the ballots, and failed to state how many ballots of these different kinds were cast in these different polling places.

It is proper just here to say that they were voting under a new law, which was then for the first time used in the State of New York, and the election inspectors in many of the districts, being inexperienced men, did not know that regulation still prevailed. They were, in many instances, advised that it was not necessary

for them to attach these sample ballots; and in one instance, particularly, I remember, a lawyer of Elmira, a Republican watcher, or officer engaged in the election, perhaps an inspector, advised them that it was not necessary to make the return under this new law, as it had been done under the old law. However that may be, the ballots were not attached to the returns in these different places. The next day when the return was presented to the board of canvassers, the clerk refused to receive the returns because of the absence of these ballots, and then the inspectors of the district were reassembled and recounted the votes cast. In some instances they recounted all the ballots, and then attached the sample ballots on the back of the report with the necessary statement as to the numbers cast.

Now, when the county canvassers—

Mr. WATSON. The great confusion seems to arise behind the seats.

The SPEAKER. The point is well taken. The House will please be in order. Gentlemen in the rear of the seats will please preserve order, or retire to the cloak room. The confusion comes largely from the rear of the seats.

Mr. LAWSON of Georgia. The county canvassers, when they came to make up their reports and to transmit their returns to the State canvassing board, made up their return from the ballots entered upon the back of the returns; and in all of those cases in which there was this apparent discrepancy between the number entered upon the face of the report, and the numbers entered upon the back of the returned ballots, the canvassers concluded that a canvass made from the face of the ballots on the back would be the more accurate method to determine who was elected.

That gave the election to Mr. Rockwell, the sitting member. Upon that being done, Mr. Noyes appealed to a special term of the supreme court of New York, sued out a writ of mandamus against the county canvassers, requiring them to again canvass the votes entered upon the face of the report and not upon the ballots on the back.

Now, lest there should be some confusion, I will explain that the supreme court is not the highest court in that State, as in many States. It is the second court from the highest, the court of appeals being the highest. The judge who gave that judgment against Mr. Rockwell was sitting in special term, and Mr. Rockwell appealed through the county canvassers to the general term of the supreme court consisting of three judges.

Upon consideration of the case in general term the three judges affirmed the judgment of the one judge who sat in special term. From this judgment there was again an appeal to the court of appeals, consisting of five Democratic and two Republican judges; and that court upon hearing affirmed the decision of the court below, and the county canvassers were peremptorily ordered to reconvene, recanvass, and retabulate the vote from the face of the report and not from the back. Upon that recanvass and recount of the vote it appears that Mr. Noyes was elected. Meanwhile, before all the courts had decided the question of appeal, the board of State canvassers had convened and issued the certificate to Mr. Rockwell.

Now, the question is, who was legally and properly entitled to the seat? The committee thought that in the beginning it was proper under the instructions of the court to consider the vote returned upon the face of the returns as the proper vote to be considered; first, because it was the decision of the State court and we thought that we could not go far wrong by considering the case as presented by that court, and that, indeed, it was proper for the committee, in the construction of a State law, to be controlled to a certain extent by the decision of the State courts, especially when that decision was made upon the specific law in question and in the case under investigation by the committee.

I will read what the court of appeals say in regard to this recount; what instructions they give to the committee, if the instructions are worth anything. I will not contend that it is absolutely binding upon us, but I say it is a proper thing to be considered. When we come to determine how these questions, originating in the State of New York, shall be decided, the question is, shall we consider them in the manner which the New York courts say is the proper method, or shall we depart from that and originate a method of our own? We thought it was safest to adhere to the method prescribed by the courts of that State as far as it would throw any light upon the subject. And in this case the court of appeals, which is the highest court of the State of New York, used these words:

In a government resting wholly on popular suffrage, few questions can ever come before the court so intimately connected with the very structure of political society, and exerting such a wide influence upon the public welfare, as those concerning the enforcement and construction of the laws relating to elections and the canvass and return of the votes. The act of the inspectors inspecting the vote in the body of the paper, the certificate that the same is correct, and the signature of each of them to the certificate is, so far as the county canvassers are concerned, fundamental, jurisdictional, and

controlling; while the words of the ballot are subordinate and incidental, and the duty of the inspectors in respect to the same is probably directory merely.

Now, that decision confronted us at the initiation of the investigation. We adopted it for what it was worth. Of course the question in the case is, who is entitled to the office? Not as to mere forms and methods of deciding how the vote should be counted, but who received the plurality or the majority of votes on that occasion. Therefore our investigation necessarily had to be extended into the manner of casting of the votes and the legality of the election and the legality of the returns themselves in order to ascertain to which of the candidates the office should be given. And after a painstaking investigation the committee was unable to find any reason to justify them in departing from the face of the return as embodying the true tabulation of the votes cast.

Why should we not take the recount as correct and controlling evidence of the number of votes cast? I state, in the first instance, that it should not be taken because it was unauthorized and contrary to law, and the law of the State of New York—I have it here if any gentleman wishes to read it—requires that immediately upon the conclusion of the canvass the inspectors shall adjourn. Their body is then dissolved. They have no further jurisdiction or authority. They are *functus officio*; and when the next day, or within the next two days, they assembled and attempted to recount the votes, they were nothing but a body of unauthorized interlopers.

Furthermore, the law requires that the ballots shall be destroyed immediately, before the adjournment of the election inspectors. Hence in contemplation of law there was nothing to be recounted. There was no legal testimony that could be resorted to in the shape of existing ballots. In the next place, in order for a recount to be of value, the ballots should have been carefully preserved; they should have been in some proper custody; they should not have been tampered with nor placed where they were liable to be tampered with by any unauthorized person. Yet the evidence is very clear that very little consideration was given to their preservation.

Mr. HOOKER of Mississippi. I desire to ask the gentleman a question for information. In speaking of the recount, does he refer alone to the five districts in the city of Elmira and in that county?

Mr. LAWSON of Georgia. Yes, sir.

Mr. HOOKER of Mississippi. And not to any other?

Mr. LAWSON of Georgia. And not to any other. But there were six districts instead of five. I do not maintain now, Mr. Speaker, that because the law authorized and required the ballots to be destroyed that therefore in the event they were not destroyed we would be prohibited from an examination of them to ascertain which candidate received the greatest number of legal ballots. This House may if it chooses go beyond that, and there is no physical limit to its prerogative. I do not maintain that. What I maintain is that the ballots had no existence in contemplation of law and that the board of inspectors had no existence in contemplation of law at the time of the recount; and, therefore, that it was unauthorized and contrary to the express provisions of the statutes of New York, under which the election was held.

But if we admit that the ballots ought to have been recounted, that they would cast any light upon this investigation, then we say they were not properly preserved. There seems to have been no purpose on the part of the election inspectors to preserve them securely and effectively. I presume they did not suppose there would ever be any occasion for a reexamination of them and hence they made no diligent effort to preserve them. I will read from page 5 of the majority report to inform the House as to the security of their preservation:

How were the ballots preserved?  
There was no safeguard whatever thrown around them; they were in the custody of no one upon whom any responsibility rested; there was no care taken of them with a view to a possible recount; they were left exposed in every instance so that they could have been despoiled by the unscrupulous without fear of punishment, for they were in law as mere worthless paper. Full and ample opportunity was given to tamper with them and to change them.

In two instances there was no evidence whatever as to how they had been preserved or where they had been kept, the parties who had taken charge of them not having been examined as witnesses. In another instance they were left overnight and for twenty-four hours in the voting booth, a frail structure, and with simply a strip of white paper pasted partly around the box with muclage, which it was not even necessary to break or tear when the box was opened. In another instance they were sealed with sealing wax, and with no stamp or mark on them, taken by one of the inspectors to his house and put in a little room, "just off from his dining room," where they remained until late in the evening of the 6th November (about forty-eight hours), when they were taken by him to the polling place and recounted. In another instance they were sealed with sealing wax, with no stamp or mark on them, and taken by one of the clerks to the house of one of the inspectors, and, according to his testimony, put in his dining room "in his writing desk" according to the testimony of his son, "on his writing desk," and on the following day they were taken to the clerk's office by him, and then back to his house by the clerks, and then recounted.

The law in regard to this question is that—

Before courts or legislative bodies can give weight to the results of a recount of ballots there must be absolute proof that the ballot box containing such ballots has been safely kept, and that the ballots are the identical ballots cast at the election.

I read this from Payne on Elections; the citation will be found in the majority report.

Another reason why we failed to give credence to the recount of the ballots was because the law of New York provides abundant and efficient machinery to make the first count a perfect one. There ought not to be any mistake about it. The report of the election inspectors, if they use the means and opportunities they have of making correct returns, ought to be absolutely perfect. There can be no error or discrepancy in the matter if the election officers do their duty, and they are presumed to have done it. The law of New York provides that there shall be in the first place five inspectors at each voting place, two of whom are to act as ballot clerks or distributors to the electors.

Mr. HOOKER of Mississippi. The gentleman will allow me to ask what length of time elapsed between the casting of the votes at the election and the recount.

Mr. LAWSON of Georgia. Some of the ballots were recounted the next morning, some the next afternoon, and I believe in one or two instances some were recounted on the second day afterward.

Mr. O'FERRALL. The evening of the second day.

Mr. LAWSON of Georgia. As I am informed by the chairman of the committee, some were recounted on the evening of the second day after the election.

As I was saying, there are five election inspectors. There are also two Federal supervisors, to act at each of the places where the votes are cast. There is also at least one election watcher belonging to each of the dominant parties. The latter are authorized to remain near the voting booth all day, are at liberty to challenge any voter, and then when the time comes for the counting and canvassing of the ballots they are permitted to go inside to witness the opening of the ballots, to examine the face of the ballots and see that the count is correctly made. The supervisors and the inspectors also have this right. You will find in all these instances, I believe, a statement by the officers that the count was carefully, though at times hurriedly, made in each instance.

Mr. HEARD. Does the law require that the inspectors shall be politically divided between the dominant parties?

Mr. LAWSON of Georgia. Three belong to one of the dominant parties and two to the other. The watchers are also divided between the parties; so are the supervisors. It is provided in the law that each of the dominant parties shall be represented in the counting of the vote, and what I mean by the dominant parties are the parties which polled the highest number of votes respectively at the next preceding election. Four different parties had candidates to be voted for on this occasion.

Mr. WHEELER of Alabama. The gentleman spoke of the length of time that elapsed after the election and before the recount. Is it not true that in the third district, Fifth ward, there never was a recount?

Mr. LAWSON of Georgia. There was one ward in which there never was a recount; but that is not one of the six in regard to which complaint is made.

Mr. WHEELER of Alabama. Is it not true that in one case the vote as recorded on the outside of the ballot after the recount showed 7 more for Rockwell than the original return?

Mr. LAWSON of Georgia. Yes, sir. I will allude to that before I conclude my argument.

Mr. WHEELER of Alabama. And if that record were correct, it would elect Mr. Rockwell?

Mr. LAWSON of Georgia. Yes, if true it would elect him. I will allude to that before concluding my argument.

Now, as I was remarking before the interruption, if the machinery provided by the law had been properly used, if the law had been in all respects complied with, it would have rendered a mistake or an error impossible; it would have rendered a discrepancy between the face of the returns and the indorsement upon the votes impossible. Now, we contend that in all these cases the canvass was done carefully. It was done in the presence of all the officers I have named. The ballots were opened and inspected by every one of these authorized individuals who desired to inspect them. The count was thus made up. The tally clerks compared their count in some instances with that of the supervisors to see that the count was perfectly correct.

In this manner the returns were made up on the night of the election, before there had been an adjournment, before other precincts could be heard from, before the state of the vote in the district as between the two candidates could possibly be known. These counts were made up before extraneous influences could have been exerted upon the inspectors, and before there was any

temptation to make a false return. I do not mean to intimate that the inspectors were influenced by any improper consideration, because I find nothing in the evidence in this case to impugn the motives or integrity of any of the inspectors, supervisors, or clerks—of any person legally connected with this business.

But I say, after the regular legal count was concluded there was opportunity for these extraneous influences; there was knowledge of how the canvass had gone; there was opportunity for people who were not inspectors and who had no legal connection with the vote to tamper with the ballots. If you will read the report you will see that very little care was taken of these ballots after they were cast and counted; they were accessible to any person who might have an interest or a purpose to tamper with them. And therefore, Mr. Speaker, the report of the majority of the committee has excluded this recount as altogether unreliable, and we do it, we think, in pursuance of the law which is applicable to the case.

As I have already said, sir, it is somewhat like a judicial investigation, involving both questions of law and fact, and it is necessary in the discussion of such a question to read principles of law here and there bearing upon particular facts at issue in the case. Here is a decision of a court bearing upon this question to the effect that—

A canvassing board, after once counting the votes and declaring the result according to law, has no power or authority to make a recount.

Mr. DICKERSON. Is that the New York law?

Mr. LAWSON of Georgia. No; this a Missouri authority.

When this duty is once duly performed it is performed once and forever, and can not be repeated.

In New York the statute is mandatory on the subject that the vote must be canvassed and the result ascertained and publicly proclaimed and the ballots destroyed before adjournment. When the adjournment occurs the board is *functus officio* for all purposes except one, the exception being that if it is found that there are clerical errors in their return they may be reconvened by the board of county canvassers to make a correction of such clerical error. But the law which provides for the reconvening of the inspectors expressly says that when they reconvene they can not change the decision which has been already made, after the count is concluded, and that their only function is to correct clerical errors; that the first decision must stand as made.

I read in this connection from McCrary on the Law of Elections, section 232, the report of the Committee on Elections in the Forty-second Congress in the case of Gooding vs. Wilson:

On examination of precedents it does not appear that this House favors the setting aside of official and formal counts, made with all the safeguards required by law, on evidence only of subsequent informal and unofficial counts without such safeguards. No instance was cited at the hearing where the person entitled by the official count was deprived of his seat by a subsequent unofficial count. On the principle it would seem that if such a thing were, in the absence of fraud in the official count, in any case admissible, it should be permitted only when the ballot boxes had been so kept as to be conclusive of the identity of the ballots, and when the subsequent count was made with safeguards equivalent to those provided by law.

And that reminds me, Mr. Speaker, that I omitted to state that these recounts were not made in any instance in the presence of all of the election officers. It was made in one instance in the presence of all of the inspectors of election, but not in the presence of the supervisors. The recount was made in other instances in the presence only of a part of the inspectors. Therefore the local machinery, even if the law so provided, was not brought into action when the recounts were made.

That being the state of facts, as the committee found them, it decided that the count made as directed by the court of errors of the State of New York should stand, and that it gave a small majority or plurality, as the case may be, in favor of Mr. Noyes, and that he was therefore entitled to the seat. But Mr. Rockwell's attorneys contended that the record and evidence as then made up on the face of the return should be purged of some illegal votes, which it appeared to them had been counted in favor of Mr. Noyes. That was done by the committee. There was one unregistered voter—

Mr. COX of Tennessee. Will the gentleman permit me to ask him a question just there?

Mr. LAWSON of Georgia. Certainly.

Mr. COX of Tennessee. In the recount to which you have called attention, and for which you say there was no authority, there were tally sheets kept, were there not?

Mr. LAWSON of Georgia. The record was kept on the day of the election.

Mr. COX of Tennessee. But did that tally sheet and the name and number of electors correspond with the number of votes found in the box?

Mr. LAWSON of Georgia. It did on the first count. They did not recount and compare the tally sheets on the second day, but merely counted the ballots and pasted sample ballots on the election return, as I understand.

Mr. COBB of Alabama. And on that second count the tally

sheets tallied with the lists. It was admitted in the argument before the committee that there is no discrepancy as to the number of the ballots.

Mr. COX of Tennessee. Then the second count corresponded with the names on the tally lists?

Mr. LAWSON of Georgia. That may be. I am not clear in my recollection about that, but I can not see how the taking of a number of votes from one candidate and giving them to another would affect the total vote on tally sheet; but to pass on. We gave Mr. Rockwell a vote which had been cast in the wrong ballot box and took from Mr. Noyes two votes that had been purchased. The contention was further that there were certain marked ballots which should have been thrown out.

Mr. HERBERT. Before the gentleman passes from this point will he permit a question?

Mr. LAWSON of Georgia. Certainly.

Mr. HERBERT. Was there any difference between the number of ballots, as counted on the evening of the election, and the tally sheets themselves?

Mr. LAWSON of Georgia. There was in one instance, I remember, a difference of one vote.

Mr. HERBERT. What was that?

Mr. LAWSON of Georgia. That was in a ward that I have not spoken of yet, an election precinct that I have not mentioned at all, but which I will mention before I get through.

Mr. HERBERT. I understand you that the tally sheets and the number of votes in the second count agreed.

Mr. LAWSON of Georgia. The gentleman from Alabama [Mr. COBB] said that.

Mr. COBB of Alabama. That is admitted to be true.

Mr. LAWSON of Georgia. I am not so certain as to the second count. My impression was that in the second count there was no special attention given to the poll list. But the changes did not affect the total vote; only the number of votes received by each candidate was changed by the recount.

Mr. COBB of Alabama. If my colleague will allow me to refresh his memory, when this matter was being discussed before the committee, I put that question to the attorney for the contestant and he said expressly that there was no difference between the tally sheets and the number of ballots on the second count; the only discrepancy was as to the division of the ballots between the two contending parties here, the contestant and the contestee.

Mr. ROCKWELL. And the majority report says the same thing.

Mr. COBB of Alabama. And the majority report says the same thing.

Mr. LAWSON of Georgia. I do not deny that.

Mr. HERBERT. I understand, then, that the tally sheets and the number of votes agreed in the first count and in the second count also.

Mr. COBB of Alabama. Yes, sir.

Mr. HERBERT. And the question then really is as to the division of the votes between these two parties.

Mr. COBB of Alabama. That is the whole of it.

Mr. WHEELER of Alabama. Mr. Speaker, I rise to a question of order. I wish to call attention to the fact that there are but five Republicans listening to this argument. I presume, of course, that they are not going to vote on this question at all. [Laughter.]

Mr. LAWSON of Georgia. It was contended that there were sixteen other votes that ought to have been excluded from this count, which votes were known as the Doyle votes. In two of the precincts in Elmira the name of Judge Earl, a candidate for reelection to the court of appeals, who was on both tickets, was erased, and the name of Doyle—

Mr. TRACEY. That was in Seneca County, I think; in Waterloo.

Mr. LAWSON of Georgia. I thank the gentleman. He is correct. In the town of Waterloo and in two polling places the name of Judge Earl, who headed both tickets, was erased, and in place of his name was written the name of a fictitious person, A. Doyle, B. Doyle, C. Doyle, etc., making 16 votes, which were counted in this instance in favor of Mr. Noyes by the majority of the committee, because the committee found no good reason to cast them out. Now, it will be argued, I presume, by the minority of the committee, that those votes were bribed, purchased, and fraudulent, but there is no evidence whatever in the record as to that fact except as to one of them, and the evidence in his case is only inferential.

Mr. FELLOWS. Will the gentleman permit me to make an inquiry here?

Mr. LAWSON of Georgia. Yes, sir.

Mr. FELLOWS. Since at some point in the discussion I shall reply, I desire to ask the gentleman if it is conceded by the majority that if the 16 Doyle ballots are rejected as illegal ballots, then is it conceded that Rockwell is entitled to his seat?

Mr. LAWSON of Georgia. Certainly; there are only 6 votes difference.

Mr. O'FERRALL. Oh, no, and I have no doubt that my colleague [Mr. LAWSON] and myself agree; for if the 16 Doyle ballots are to be excluded, then there are 28 ballots that are marked for Rockwell that will come under the same rule.

Mr. LAWSON of Georgia. Now, I say at the outset that there is no evidence touching these three purchased voters which shows that they voted the Doyle ballot, except perhaps as to one, and that is shown, if shown at all, by inference. It is stated that Mr. Ferris, a man who refused to sign his affidavit upon the last examination, voted a Doyle ballot. He does say in his evidence that he voted a Doyle ballot; but when we come to see where he voted, and into what box he placed his vote, it was not in the district where the Doyle ballots were polled. The Doyle ballots were polled in the fourth and fifth districts of Waterloo. Ferris voted in the second district of Waterloo.

As to another one, Sheridan, it is alleged that he voted a Doyle ballot because he received his ballot from a man named McArthur, in whose writing the name Doyle was shown to be; but Sheridan did not vote in either one of the districts where the Doyle ballots were found. Sheridan voted in the third district, and not in the fourth or in the fifth, all of which appears from the evidence in the record. Mr. Green, another man who says he was purchased—and, by the way, he is a Republican, and was bought by a Republican to vote the Republican ticket, as he states in his evidence—did cast his vote in one of the polling places where the Doyle ballots were found; but he does not say what kind of a vote he cast, and there is not a scintilla of positive evidence to show that he voted a Doyle ballot.

We do not know anything about these Doyle ballots. They may have been innocently cast by some people, for all we know, and for an entirely different purpose to that alleged. There were several other candidates besides the candidates for Congress, and some other individual may have fixed up this scheme. We do not know whether these ballots were invalid or not. We do not know whether they were fraudulent or not. There is no evidence whatever to show that they were fraudulent; and even if they are fraudulent, we do not know in whose favor the fraud was committed, whether for the candidate for Congress or for other candidates, of whom there were many.

It is in evidence that the same people who were alleged to be trading in votes on that day, and who are said to have purchased the votes of Ferris, Sheridan, and Green were equally zealous in behalf of the entire ticket.

They were Republican committeemen and ardent and zealous on election day, and they were equally industrious and equally earnest and zealous in behalf of the entire ticket as well as the candidate for Congress [Mr. Noyes]. That is the testimony in the case, and on that kind of testimony we have no authority whatever to throw out the Doyle ballots; and it is alleged and will be contended by the minority of the committee that there was a conspiracy in which three men—Mongin, McArthur, and Harmon—were engaged for the purchase of electors on that day. Harmon had been a Democratic officeholder, but it seems that on this occasion he was an active and aggressive Republican committeeman, and was very officious, as it appears, in getting votes for the Republican party. The other two men—McArthur and Mongin—were Republicans. Now, what is the evidence that there was a conspiracy between them, if it is contended that there was a conspiracy between these three men—what is the evidence?

It was to this extent only that Mongin and Harmon met in the morning of the election in Harmon's saloon and had a short conference. The evidence further is, touching this particular question, that Harmon sometime during the day told Attingen, a voter, that there was nothing in it for him and that he could not pay him anything, but to go to the Third ward and see McArthur; and the further evidence is that Mongin placed a small roll of bills in the hands of Warren and requested him to hand them to an unknown person whom he pointed out on the street. Now, that is the sum total of the evidence that there was a conspiracy. There was no plot, no plan, no agreement, no concert of action, no cooperation, no union of purpose disclosed by the evidence save as I have stated. But suppose we assume that there was a conspiracy, what was the effect of it? The effect is only to impute turpitude and criminality to the conspirators; it does not enlarge or extend the crime.

Mr. TERRY. Will the gentleman permit me to ask him a question?

Mr. LAWSON of Georgia. Certainly.

Mr. TERRY. Do I understand the gentleman to say that there is nothing in the evidence to show that Harmon and McArthur were acting together?

Mr. LAWSON of Georgia. Harmon sent a voter to McArthur, as I before stated; that is all I remember of any kind.

Mr. TERRY. He told the voter that he could go down there where the money was to be obtained.

Mr. LAWSON of Georgia. He did not say that money could be obtained. The voter asked Harmon if there was anything in it for him, and Harmon told him that he could not give him anything, but to go to McArthur.

But suppose there was a conspiracy—I have given you all the evidence of it—does it make it any worse, in the event some voter was bribed, than if there had not been a conspiracy. The whole effect of the conspiracy, the whole substance of the evidence relating to the conspirators, amounts to this: that if there was a conspiracy it imputes the turpitude of each one to them all alike; but it does not enlarge the scope of the crime; does not increase its turpitude, nor impart to it an effect more far-reaching than if it had been committed by one man only.

To illustrate, if the voters who cast the A. Doyle ballot were bribed to do so by the conspirators, the fact that a conspiracy existed would no more infect with corrupt purpose the voters who cast the B. Doyle ballot than if there were no conspiracy. In any event each person who voted a Doyle ballot must be judged by the facts attending his own case and not by the facts connected with either of the others. We can not affirm without evidence that because one man was bribed to vote a Doyle ballot, that therefore all who voted the Doyle ballots were bribed, no more than we can affirm that because one man who voted for Noyes was bribed, therefore all who voted for Noyes were bribed. The cry of conspiracy ought not to supply the place of evidence. It seems to me that a voter suspected of receiving a bribe ought to be judged as if he were on trial for the crime in a court of justice, presumed innocent until proven guilty by evidence which leaves no reasonable doubt, or by circumstances so clear and satisfactory as to exclude every rational hypothesis of innocence.

If it is true that there was a conspiracy, and that this man Green was bribed by them, and that he voted a "Doyle" ballot, still it would not indicate that anybody else was bribed by them.

Mr. COX of Tennessee. Will the gentleman yield to me for a question?

Mr. LAWSON of Georgia. Certainly.

Mr. COX of Tennessee. As I understand, the first "Doyle" ballot commenced with the letter "A" and went on down regularly the alphabet.

Mr. LAWSON of Georgia. They commenced with "A" and went on down regularly.

Mr. COX of Tennessee. I understand you to say that in a different precinct only one such ballot was found?

Mr. LAWSON of Georgia. There were 16 voted, 5 at one and 11 at another precinct.

Mr. COX of Tennessee. Now, the point I want to ask is whether there was any such person as "Doyle"?

Mr. LAWSON of Georgia. The evidence is that Doyle was a fictitious person.

Mr. COX of Tennessee. Now, what is your solution of that word "Doyle" on the ballot?

Mr. LAWSON of Georgia. I think it identified the ballot.

Mr. COX of Tennessee. Now, why did they want to identify the ballot?

Mr. LAWSON of Georgia. I do not know. There is no evidence on that point. I can imagine many reasons why, but neither might be the correct one.

Mr. RAYNER. Will the gentleman permit me to ask him a question?

Mr. LAWSON of Georgia. Certainly.

Mr. RAYNER. If the name "A," "B," and "C." Doyle were all found upon these ballots it was for the purpose of identification.

Mr. LAWSON of Georgia. By no means. Conceding that they were put there for the purpose of identification by the person who put them on the ballot there is no evidence that the voter put them there or knew for what purpose they were put there. They were all in the handwriting of one man.

Mr. HOUK of Ohio. Will the gentleman yield to me for a question? Suppose a conspiracy, not for the purpose of serving their own personal interest, but for the purpose of advancing the interest of the candidate in whose employ they are, does not the guilt of conspiracy attach then to the party in whose interest they were acting and not confined to themselves personally?

Mr. LAWSON of Georgia. There is nothing in the record to warrant that assumption. I must decline to answer a question which impliedly imputes wrongdoing to persons who possibly are innocent, because in this case there is nothing to impute wrongdoing, so far as I understand the evidence, either to Mr. Noyes or Mr. Rockwell, or to any of Mr. Rockwell's friends on the day of election.

Mr. RAYNER. Let me ask the gentleman another question for information—for, of course, the gentleman's argument is an eminently fair one—if these names (indicating on the ballot) were

put here for identification, is the ballot a good ballot or a void ballot under the New York law?

Mr. LAWSON of Georgia. It is a good ballot.

Mr. RAYNER. Why?

Mr. LAWSON of Georgia. It has to be counted, and is not expressly or impliedly condemned by the New York statute.

Mr. RAYNER. If the names were put there for identification?

Mr. LAWSON of Georgia. Yes, sir.

Mr. RAYNER. Why is it a good ballot?

Mr. LAWSON of Georgia. The law of New York does not punish a man for voting a marked ballot; it punishes him for disclosing the secrecy of the ballot.

Mr. RAYNER. No, sir; it says:

No voter shall place any mark upon his ballot by means of which it can be identified as the one voted by him.

Whoever shall violate any provision of this section shall be guilty of a misdemeanor.

That is the law, and the unbending principle of law is that where the law makes an act a misdemeanor it makes that act unlawful and prohibits it. If the gentleman wants authorities upon that point, I can give him a hundred.

Mr. O'FERRALL. And I can give you a hundred to the contrary.

Mr. RAYNER. We will come to that further on. I will refer the gentleman to the law books, and I say again that the authorities all hold that where an act is made a misdemeanor the commission of that act is prohibited and is unlawful.

Mr. O'FERRALL. The authorities are precisely the other way.

Mr. HAYES of Iowa (to Mr. RAYNER). If that is not the law it ought to be.

Mr. RAYNER. It is the law.

Mr. WHEELER of Alabama and other gentlemen addressed the Chair.

Mr. O'FERRALL. Mr. Speaker, I appeal for order, and that the gentleman from Georgia be allowed to go on with his argument without interruption.

Mr. BAILEY. Will the gentleman yield to me for a question?

Mr. LAWSON of Georgia. Certainly, I will yield for a question, because I wish a thorough discussion of everything in the case.

Mr. BAILEY. I desire to ask the gentleman from Georgia how he reconciles this contradiction, that the same ballot which sends the man who voted it to prison can send the man for whom it was voted to Congress?

Mr. LAWSON of Georgia. Mr. Speaker—

Mr. COCKRAN. Will the gentleman yield to me for a question?

Mr. LAWSON of Georgia. I would like to answer first some of those that have been already asked, but I will hear the gentleman's question.

Mr. O'FERRALL. Mr. Speaker, I think it is apparent to everyone that the object and purpose of these interruptions is to interfere with the argument of the gentleman from Georgia [Mr. LAWSON].

Mr. COCKRAN. Mr. Speaker, I protest against the interruption of the gentleman from Virginia. I am dealing with the gentleman from Georgia. I have not addressed the gentleman from Virginia, and I hope the exigencies of this debate will not force me to do so.

Mr. O'FERRALL. And I am dealing with the gentleman from New York.

Mr. COCKRAN. You have no right to, for the gentleman from New York will not deal with you. I appeal to the Chair. I have asked the gentleman from Georgia whether he will yield to me for a question and he has said that he will.

The SPEAKER *pro tempore*. And when the gentleman from Georgia yields, the gentleman from New York will be recognized.

Mr. COCKRAN. He has yielded.

The SPEAKER *pro tempore*. Does the gentleman from Georgia [Mr. LAWSON] yield to the gentleman from New York?

Mr. LAWSON of Georgia. Yes, sir. I said I would hear the gentleman's question.

Mr. COCKRAN. Suppose those ballots were marked A, B, C, D, E, F, G, H, without the word "Doyle" upon them, and those marks had all been identified as being in the handwriting of one of the "workers" around the polling place, would the gentleman from Georgia then consider that they were marked ballots?

Mr. LAWSON of Georgia. I would. Any mark by which they could be identified would make them marked ballots.

Mr. COCKRAN. One more question. The report concedes that the name "Doyle" is fictitious.

Mr. LAWSON of Georgia. Yes, sir.

Mr. COCKRAN. How, then, does the name "Doyle" after these alphabetical marks render the ballots any less marked ballots?

Mr. LAWSON of Georgia. It does not make any difference whether they were marked "A," "B," "C," and so forth, or "A. Doyle," or "B. Doyle," or "C. Doyle;" the question is, were they marked for the purpose of identification, and did the man who voted them know it? The law says that no voter shall place any mark upon his ballot by which it can be identified. Now, I have said that there is no law in New York which punishes a man for voting a marked ballot. The ballot prohibited must be so marked as to distinguish it from every other ballot. Why is that prohibition made? In order that the secrecy and sanctity of the ballot box may be preserved and for no other purpose. It is also a misdemeanor for a voter to exhibit his ballot to another and thus disclose for whom he is voting. Ought that vote to be thrown out? Hence I say that the vote is a legal one, although the manner of casting it may have been illegal. The vote being merely marked does not exclude it. It has to be counted; it must be received by the inspectors and they must count it.

But if the man who votes it marks it for the purpose of identification, then he has committed a misdemeanor. But by no means do I concede that even in that event the vote itself must be cast out. The law which the gentleman on my right [Mr. RAYNER] refers me to is a law relating to contracts, not a law relating to elections. It is a law relating to contracts between parties. If a contract is such as to be *malum in se*, involving moral turpitude, it is void *ab initio*, and may be abrogated by any of the courts of the country. No rights can spring out of such contracts. There are other contracts which are prohibited by law that are not void, and a man may be punished for entering into them without the contracts themselves being void.

If you buy a horse on Sunday, it is against the law; in many of the States it is a misdemeanor; but your contract is not a void one except to this extent: that the courts withhold from you all means of enforcing the contract. The court leaves the parties to the contract where it finds them and leaves the contract as it finds it. If you can enforce it otherwise it is a good contract, binds everybody, and you obtain a good title to the horse.

Mr. RAYNER. But you can not enforce it.

Mr. LAWSON of Georgia. You can not enforce it in the courts; and to that extent only it is void. So in regard to these votes. A marked vote is not void. There is no moral turpitude in casting a marked vote; the law does not denounce a man for casting a marked vote; but if the vote is cast with the intention that it shall be identified, if it is cast for the purpose of disclosing how the party voted, that is a violation of the law. The only purpose of the law is to preserve the secrecy of the ballot inviolable, in order that the weak and humble man may be protected against the wealthy and powerful.

The law of the State of New York requires all these votes to be counted, and it nowhere invalidates them either expressly or by implication, and, with deference to the gentleman, I affirm that he can not find any law anywhere that invalidates the ballot thus cast. This is my answer to both gentlemen. In the case of these 16 Doyle ballots there is no evidence whatever that a single voter who put those tickets into the ballot box knew the mark was on them. Probably he may have known; but there is no evidence of it. The mark might have been placed there in the interest of a candidate at that election for some other office. McArthur put the marks on those ballots; there is no doubt of that; but the people who voted them may have done so in perfect innocence. McArthur may have had some ulterior reason for placing those marks on the ballots, a reason altogether unknown to the voter, who may have cast the ballot in perfect innocence, without knowing that there was any imputation to be cast upon him in that regard. So far as we know, that was the manner in which they were voted, because there is no evidence to the contrary, and we can imagine many reasons for thus marking them wholly consistent with the innocence of the voter.

Mr. HAYES of Iowa. Is it not a fact that the law of New York makes it an offense for anyone to give another one a marked ballot, no matter whether the voter himself knows that it is marked? It may be marked in order to enable a person who is buying votes to know how the elector votes; but the voter himself may not know that it is marked.

Mr. LAWSON of Georgia. If the man who casts the ballot does not know that it is marked, the vote would undoubtedly be legal. There is no penalty, as I now remember, against the person who furnishes a marked ballot.

Now, it is alleged that as this name Doyle was admittedly a fictitious one, and as 16 ballots cast were thus marked, these ballots are placed under suspicion, a suspicion of sufficient force to justify the ballot being rejected. Gentlemen have spoken about contracts. There are some contracts which always rest under suspicion whenever they are brought into question—under such

a load of suspicion as to defeat the contracts, unless the suspicion can be removed.

Contracts between a wife and an insolvent husband to the detriment of his creditors—contracts between near relatives to the detriment of anybody—contracts between people who occupy fiduciary or confidential relations are *ab initio* under suspicion—a suspicion sufficient to destroy them whenever they are called in question in any court, unless sufficient evidence be shown to remove the suspicion. The law prohibits contracts of that sort being made except upon fair, just, and equal terms, and arbitrarily denounces them as fraudulent, unless their innocence be shown.

But these votes do not come under any such rule. There is no such suspicion resting upon these votes as is calculated to invalidate them. The voter must be affirmatively shown to have been corrupted to void the ballot. To disclose for whom one voted is not a corrupt act, and can not invalidate the ballot.

If any one affirms that these votes were bought he must prove it. In an inquiry of this kind every affirmation must be proved by the person who asserts it, not by the person who denies it. Here were Harmon, McArthur, and Mongin. If there was suspicion resting upon these votes, and Mr. Rockwell wished to sift the matter to the bottom, it devolved on him to produce the proof, all other parties could rest on the presumption of innocence in their favor, he held the affirmative. He could have had these witnesses subpoenaed; he could have had their consciences sifted to ascertain the truth of this matter, and the laws of New York grant them immunity from prosecution in such cases even though they confess their own guilt. Now, I must leave the Doyle ballots. There is a good deal more that might be said upon that part of the case; but I have consumed a great deal more time than I ought to have done on account of the interruptions which have been made. I will introduce here an extract from an opinion of Judge Barnard, of the supreme court of New York, in a case that seems very like this, reported in a law journal:

As to the 18 ballots in East Fishkill, there is more cause for hesitation. Here it may be claimed that a man has gone to the voter and said: "We have designed a scheme under which we will agree to pay you for your vote if the ballot marked with this particular name on it comes out of the box." But you can not destroy 18 ballots because a man has gone to one voter and made such a proposition as that. You claim to have proof that this proposition was made to one or more parties and failed. You may surmise that in other cases it succeeded, but you can not take away these 18 votes on such surmise without a particle of proof.

I am not responsible for the enforcement of a law. To make out your case you must find the eighteen men who voted these ballots and take the list, A, B, and C, D, and E, F, each one by himself, and show he did it with evil intent. You rest your whole case on the assumption that every man is responsible for all there is on his ballot. The individual voter can not be deprived of his vote on such an assumption. There is no doubt evidence here of an illegal combination, but you can not destroy all the votes in the box on such evidence. A man may just as easily have voted one of these ballots innocently as with fraudulent intent. Suppose they tried to buy one man or two men on ballots marked in this way and failed? Suppose they bought some votes that were put in the box? That does not prove that all the votes that are alike were put there with wrong intent. These votes must be presumed to have been properly and honestly cast unless there is proof as to each voter to the contrary.

The gentleman from Alabama [Mr. WHEELER] asked me a question some time ago in reference to the vote in the third district, Fifth ward, of Elmira. Now, I ask the careful attention of those who are kind enough to listen to me. As to this particular vote in that ward there was no recount; but the statement made on the face of the returns differs from the statement upon the back of the returns—a difference of 7 votes in favor of Mr. Rockwell and against the contestant.

[Here the hammer fell.]

Mr. O'FERRALL. Mr. Speaker, there have been so many interruptions of the gentleman's remarks, I ask unanimous consent that he be allowed further time to conclude.

Mr. COBB of Alabama. I ask consent now that the time be extended so as to allow six hours on a side.

Several MEMBERS. No limit has been fixed.

Mr. COBB of Alabama. I thought there was.

Mr. O'FERRALL. Mr. Speaker, I ask the indulgence of the House for a moment in order that there may be some limit fixed to the debate, so that gentlemen may know how long they will have to stay here and when we shall come to a vote. A number of gentlemen have desired information on this point.

The SPEAKER *pro tempore*. Does the gentleman withdraw his request for unanimous consent?

Mr. O'FERRALL. I am trying now to arrive at a conclusion with the gentleman from Alabama.

Mr. COBB of Alabama. Let the debate go on.

Mr. O'FERRALL. Then I ask unanimous consent that the gentleman from Georgia may be permitted to conclude his remarks.

There was no objection.

Mr. COBB of Alabama. Now, will my colleague permit me to ask him a question which may shorten my own argument?

Mr. LAWSON of Georgia. Certainly.

Mr. COBB of Alabama. Do you admit that if the 7 ballots to

which you are about to refer are given to Rockwell they will seat him in this House?

Mr. LAWSON of Georgia. I think so. That is my own opinion. It makes a difference of 14 votes in the count.

Mr. WHEELER of Alabama. You are referring now to the third district, Fifth ward?

Mr. LAWSON of Georgia. Yes; the same district to which you referred in your question a short time ago.

Now, in the Fifth ward and third district of the city of Elmira the votes were canvassed in due form, and there was no recount after the adjournment of the election inspectors. One of the papers which they were required to make out was made out—was made out according to law—and that is the return of the election, which was completely made out. The sample ballots were pasted to the back of the return and the numbers marked on them. But there was a discrepancy between the face of the return and the numbers written on the sample ballots which was not discovered until the following day. It was not discovered the night after the count was made and when the work was done, and was not discovered until the next day, when the returns were made to the clerk of the court of Chemung County.

What are the facts? On the first count—but, Mr. Speaker, it is best in this case to read the evidence, because I think I can show from that that this return was made and that the ballots were entered on the back during the following night, and I think the evidence becomes clear, at least to my own mind, that these ballots were tampered with, and that a change was made after the day of the election and before this subsequent transaction. Now, if you will give me your attention I will explain why I think so. It will be found on page 141 of the record in this case, about the middle of the page, what the testimony is bearing upon this point. This is the testimony of one of the inspectors of election. He says that the face of the returns showed 87 for Rockwell and 73 for Noyes, but that on the back of the sheet it showed 94 for Rockwell and 66 for Noyes, and that he thinks that the back of the return was correct and that the mistake was on the face.

Mr. COBB of Alabama. And that is the testimony of a Republican inspector?

Mr. LAWSON of Georgia. He was a Republican inspector.

Another witness testifies to the same thing. Another witness, an election inspector, states the same; that in his judgment the back of the return was correct and that the face was not correct.

Mr. COX of New York. Did the county canvassers canvass the votes—the ballots themselves, or the face of the return?

Mr. LAWSON of Georgia. They canvassed from the ballots.

Mr. COX of New York. Did they claim to do it in the other case?

Mr. LAWSON of Georgia. They counted from the ballots in every case.

Mr. COX of New York. As ordered by the court?

Mr. LAWSON of Georgia. They counted from the ballots in every case until ordered to do otherwise by the court, and then they counted from the face of the returns.

It will be seen that that would make a difference of 14 votes, taking seven from one and giving them to the other, on the returns. Now, what is the fact about the result? These two gentlemen whose testimony I have referred to, think the ballots as numbered were correct. The discrepancy was not discovered until the next day, and the ballots were never recounted to discover where errors occurred. They left the polling place that afternoon supposing the vote was correct and that the face of the returns and the back agreed, but they ascertained the next day that they did not agree. Now, what is the truth about it?

Mr. TRACEY. Will the gentleman permit me to ask him a question?

Mr. LAWSON of Georgia. Yes, sir.

Mr. TRACEY. I would like to have it clearly stated for my own information what the effect would be, taking the face of the returns alone in this particular case?

Mr. LAWSON of Georgia. It would seat Mr. Noyes.

Mr. TRACEY. I remember in the other case the court of appeals decided that the face of the returns should be taken.

Mr. LAWSON of Georgia. Yes, sir.

Mr. COBB of Alabama. And in this too.

Mr. LAWSON of Georgia. Yes.

Mr. TRACEY. And it would be necessary to take the back of the returns in this case to give the seat to the sitting member?

Mr. COBB of Alabama. That is if you leave the Doyle ballots in.

Mr. O'NEILL of Missouri. If you leave all the fraudulent ballots in.

Mr. LAWSON of Georgia. Now let us see how the votes were counted. I read from the testimony in this case on page 140:

Q. Did any of the inspectors recount any of the votes that were counted by another?

A. Yes, sir.

Q. Well, was that done with all the ballots?

A. Well, I couldn't say.

Q. You recollect it was done to some extent?

A. Yes, sir.

Q. But you can't say whether that was done with all the ballots or not?

A. No, sir.

Mr. COBB of Alabama. Will my colleague permit me, that was on the first count, on the night of the election.

Mr. LAWSON of Georgia. Oh, yes; there was but one count of these ballots, and this was on that one count.

Q. After the ballots had been counted, were the returns made out then?

A. Yes, sir.

Q. And signed?

A. Yes, sir.

Q. Any sample ballots annexed to the returns pasted on in any way that night?

A. Yes, sir; there was one; one return; we had to make out three; we only made out one with sample ballots on.

Q. Now, was there indorsed on the back of each of the sample ballots the number of that kind that had been cast?

A. Yes, sir.

I now read from page 142, about the middle, being from the cross-examination of the same witness, further to show the accuracy of the count.

Q. And different ones, while that count was proceeding, had and kept different tally sheets?

A. Yes, sir.

Q. Several different ones?

A. Yes, sir.

Q. And as the count was announced by the different members of the board, these different persons put it down and footed it up?

A. Yes, sir.

Q. And no count of any new name was proceeded with until all these persons had agreed that the count tallied, was it?

A. No, I wouldn't say that they all agreed.

Q. Well, whether they all agreed or not, they agreed that some certain count was correct, didn't they?

A. Yes, sir.

Q. Then isn't it true that if, at the outset, they found a discrepancy, they sought to adjust that and find where the discrepancy was and get it correct?

A. Yes, sir.

Q. And that would be done?

A. Yes, quite naturally.

Now, from another witness the statement is substantially the same as the last. From this it appears satisfactorily to my mind that when the counting was so carefully done on that evening, there being only about 175 or 180 votes to count for the different candidates, it being done with the particularity and carefulness indicated, there being a recount, a tally kept, a checking from one to the other during the entire count, the count when they completed it was obliged to be correct. There were five inspectors, two supervisors, two election watchers, and, I think, two tally clerks, all engaged in that particular count; and as it appears from the evidence in the case, all earnestly endeavoring to have the count made correct. It was correct. I have no doubt of its correctness; and when made correct it was put in the face of those returns, 87 for Rockwell and 73 for Noyes.

Now when they put the ballots on the back of this return they had not aggregated them to ascertain whether they agreed in number with the numbers on the tally sheet or face of the return. All that was necessary for the inspectors to do when pasting sample ballots on the back of the return was to say so many votes were cast like this one, so many votes cast like this, and so on as to every sample. There was no necessity to name the person for whom the ballots were cast, the face of the ballots disclosed that fact, and to name all the candidates would have imposed onerous labor on the officers. They did not aggregate them that night, or else they would have discovered the discrepancy; nor was it their duty to aggregate the numbers on the sample ballots at any time.

What transpired after that? You see from the particularity and from the carefulness of the inspectors of election, tally clerks, and all, that it is incredible that there was a mistake in it on that evening. It is impossible that there should have been a mistake made in that count on that evening. When, therefore, did the mistake arise, and how did it arise? The evidence is that the votes that were polled at that precinct were put in a ballot box that was left in the polling booth unlocked.

The evidence further is that the returns made by the inspectors were put in a different ballot box, and that ballot box was locked. The evidence further shows—and I will not take the time to read it now, but gentlemen can correct me if I mistake it, and I hope they will—that both these ballot boxes were left in the voting place, which was a skating rink, being a part of a livery stable.

The evidence further is that they remained there over night, until the next day, and that a gentleman came along by the inspector's house the next day and told him that that booth was open. The inspector went and found the booth open, found the ballot box opened, and the box containing the returns, which he had locked the evening before, unlocked.

Mr. COBB of Alabama. And Stapleton swears he unlocked it.

Mr. LAWSON of Georgia. Oh, no; the gentleman is mis-

taken. Mr. Stapleton did not swear to that. I know my friend does not mean to misstate the testimony, but he is mistaken about it. Stapleton was not present. No one was present but Davis and Westbrook. That is the condition in which they were found the next day. The ballots which had been voted, all but the sample ballots which were pasted on the returns, were in a box left there unlocked the evening before.

Mr. TERRY. Were these Doyle ballots where they could have been reached in the same way?

Mr. LAWSON of Georgia. I do not know.

Mr. TERRY. I understand the question narrows down to the Doyle ballots.

Mr. LAWSON of Georgia. I do not know whether you are going to narrow it down to that or not.

Mr. TERRY. I understand from the report of the committee that it turns on them.

Mr. COBB of Alabama. The gentleman is mistaken.

Mr. WHEELER of Alabama. The other point is just as strong in favor of Mr. Rockwell.

Mr. COBB of Alabama. If the gentleman will wait until the minority have a chance on this he will see that it does not turn on the Doyle ballots at all.

Mr. LAWSON of Georgia. I knew the gentleman would come to that after awhile. That is the reason I was so particular to examine the evidence. To recapitulate, the evidence shows that the election inspector, in whose charge the ballots were, left the ballots in that voting place in a ballot box unlocked. He left the returns at the same place in a ballot box that he locked.

Mr. BUSHNELL. In whose custody were they left?

Mr. LAWSON of Georgia. It was said they were left in the custody of Mr. Miller, because Mr. Miller owned the livery stable. It was not a dwelling house. No one lived in it at all, but Mr. Miller occupied this building as a livery stable, and the ballots were supposed to be left in his custody. He was not an election officer and had no right to their custody.

Mr. WHEELER of Alabama. The evidence shows, on page 141, that Mr. Davis took them.

Mr. LAWSON of Georgia. Mr. Davis did take them, but the question now is, what he did with them afterward. He left them in that polling place in that way, and some time the next day a man by the name of Westbrook came to his residence and told him that the voting place where he had left these ballots was open.

He went there, found that it was open, found not only that the ballot box which he left unlocked the night before was still unlocked, but he found also that the ballot box in which he left the returns was unlocked. Somebody had tampered with those ballots, somebody knew where they were, and what was necessary to be done in this election. It was the day following the election and everybody knew about how the vote had been cast.

I have no doubt many of you will ask how could the ballots constituting a part of the return have been changed in the event they were tampered with? I will read on that matter from the clerk who did the writing. Here is what he says, on page 145, in cross-examination. This is the man who wrote upon the ballots and made out the return. He was one of the clerks of election:

Q. In writing what you did on the back of the ballots there was nothing whatever, was there, to prevent the putting on of a paster or the changing of a name by erasure and by writing; it wouldn't interfere with you writing in any way, would it?

A. No, sir.

Mr. COX of New York. What ballot was this?

Mr. LAWSON of Georgia. These are simply the ballots he was asked about, and which were pasted to the back of the return.

Q. You wouldn't be able by your having written on it to detect that in any way?

A. Well, if there was a paster over the writing I could tell it, of course.

Q. But your writing is up at the top of the ticket, ordinarily, above where the printing or the pasters come?

A. Yes, sir.

Q. That was almost, if not entirely, so in every case?

A. Yes, sir.

Now, another witness on the same point says, on page 154:

Q. There are a great many varieties of tickets pasted on that original return?

A. Yes, sir.

Q. So many it would be simply impossible to recognize and identify every one?

A. Yes, sir.

Q. And you would not be able even the next day to recite or remember all of the different combinations of names on the tickets, would you?

A. No, sir.

Q. If pasters had been put on some of the tickets there would not be any way of your detecting it, would there?

A. No, sir.

Q. And then when you came to make up the copies, those copies were made after this one that you had completed on election night?

A. Yes, sir.

Q. And those copies were made from those tickets without any recounting or any tally or any checking?

A. No, sir.

Q. You simply followed what you found, in making those two returns, upon the original return?

A. Yes, sir.

Mr. COX of New York. He would know what existed on the body of the paster—on the back?

Mr. LAWSON of Georgia. Oh, no; the votes must appear on the face of the canvass, and nothing appears in the report but the number of the ballots cast.

Mr. COX of New York. Cast like this?

Mr. LAWSON of Georgia. And you must aggregate these ballots in order to find out, because there were other ballots. There were split ballots.

Mr. COX of New York. But the primary paster shows that kind of ballot; so many cast, and then of another kind, and these must equal the number on the face of the return.

Mr. LAWSON of Georgia. He must show how many of them there were, and how they got there. That is the way these tickets are made up. The gentleman who did the writing says that after the writing was done the tickets could have been changed, that a change or erasure might have been made on the tickets without his being able to detect it, because the writing was on the top of the ticket, and the change would have occurred below; and therefore it could have been done without his being able to detect it. So great was the difference and variety of tickets, he could not tell whether they had been changed or not. Now, what was necessary to make this change? It was the easiest matter imaginable. The man who found and unlocked the ballot box containing the returns, and who wanted to make the change, had nothing to do but to look on the back of the report, and he would find, possibly, 7 split ballots for Noyes, and all that he had to do then was to erase the name of Noyes and put in the name of Rockwell. The deed would have been done. Or he might have put a Rockwell paster on the Noyes ballot.

Mr. COX of New York. Why were not these tickets in the custody of the canvassing inspectors? Do not they keep them?

Mr. LAWSON of Georgia. They were in this box, left in the polling place.

Mr. COX of New York. They did not retain them?

Mr. LAWSON of Georgia. No, they left them in the polling place.

Mr. WHEELER of Alabama. Here is the evidence of a Republican who said they were not interfered with. Here are five lines that overturns your whole argument. [Laughter.]

Mr. LAWSON of Georgia. I read that, or a portion of the testimony of the witness which is substantially the same.

Mr. WHEELER of Alabama. You omitted to read that. Please read it. A Republican says they were not tampered with.

Mr. LAWSON of Georgia. I will read it:

Q. But you have no reason to believe that any alteration was made by anybody, have you?

A. No, sir; I don't believe there was.

Q. Now, you recognized your own handwriting upon the back of each one of these tickets on the original returns, didn't you?

A. My name is not on the original returns.

Q. But you wrote on the back of the ticket that was pasted on the original returns the number of votes cast?

A. Yes, sir.

Q. That has not been disturbed in any way?

A. No, sir.

Of course his writing had not been disturbed. I did not contend that his writing had ever been disturbed; but I contend that in all probability, taking all the evidence together, because you must take it all together and not a scrap here and there, showing how accurately these returns were made, showing how carefully and judiciously these election officers acted in making up the returns, you will find that incorrectness and error were impossible. Then the inquiry is made how was it that the error crept in there.

In prosecuting the inquiry we find that somebody had control of the ballots who had no right to their possession. We do not know who it was, but somebody went into the room where they were left, unlocked the box, and had control both of the ballots and of the returns. Now, this man says he does not believe there was any change, but the very same man says that if there had been a change he could not have detected it.

Mr. WHEELER of Alabama. He said it was possible there could have been a change. Anything is "possible."

Mr. LAWSON of Georgia. He said that if there had been a change he could not have detected it. Why? Because his figures and his written lines were not disturbed. But we maintain that the change was made below his figures and lines.

Mr. WHEELER of Alabama. There is not a particle of evidence of that. It is a mere assumption.

Mr. LAWSON of Georgia. Yes, sir; the whole record is luminous with evidence of it. To be sure, there is no testimony which states specifically that that thing was done, for probably no one saw it done but the guilty perpetrator, but if you will take the record from page 140 to page 155, every line tends to show that there was something of that sort done.

Mr. WHEELER of Alabama. There is not a single word to show it.

Mr. LAWSON of Georgia. I say that the whole investiga-

tion is perfectly luminous with testimony to show that those ballots were tampered with.

Mr. WHEELER of Alabama. Will you not read some of it? Read a single line which shows that. I have read the testimony, but I can not find a line of that character.

Mr. LAWSON of Georgia. I have already admitted that there is nothing stating in so many words that the change was made, but in such a case you do not expect testimony of that definite kind. If all the evidence cumulatively shows the fact so clearly as to produce conviction, why do you insist on specific words to prove the same fact? Do you suppose that the guilty party will make confession?

Mr. HOOKER of Mississippi. Will the gentleman permit me to ask him a question?

Mr. LAWSON of Georgia. Yes, sir.

Mr. HOOKER of Mississippi. I see in the report of the majority, on page 4, this question propounded: "Why were they recounted?" And that question is answered by a statement that they were recounted for the reason that the county clerk refused to receive the returns because there was no specimen ballot attached to those returns, as required by the law of New York. Was there any other ground for the recount than that?

Mr. LAWSON of Georgia. None at all that I know of.

Mr. HOOKER of Mississippi. And it was because of the action of the county clerk that the recount was had.

Mr. ELLIS. I wish to ask the gentleman a question. If I understand the election statutes of New York they require that the return made by the inspectors shall be accompanied with specimens of the several kinds of ballots, showing the number of ballots taken for each person, which statement shall be written in words at length, and which shall be attached to the back of their statement and constitute a part of such statement. Now, I understand that in this case the inspectors failed to attach those sample ballots to their returns, and that that was the ground on which the county clerk refused to receive them.

Mr. LAWSON of Georgia. Yes, sir; I have so stated.

Mr. ELLIS. Now, the question I wish to ask the gentleman is: Was this defective return made by the inspectors a return upon which the contestant could have insisted that he had received any number of votes? In other words, was it a return upon which he could have based or maintained an application for a mandamus to compel the proper canvassing board of New York to have issued to him a certificate of election, or to count the votes taken in the wards where these errors in the returns occurred, or was it a void paper?

Mr. LAWSON of Georgia. The proper way would have been for the county canvassers to have convened the election inspectors and correct their clerical errors. The law demands that this shall be done.

Mr. ELLIS. But was it a void paper in the form in which they first returned it?

Mr. LAWSON of Georgia. I think not—certainly not.

Mr. ELLIS. Could the contestant have relied upon the paper in its defective or void form to secure himself any votes, or for any purpose whatever?

Mr. O'FERRALL. The court said it was not defective.

Mr. LAWSON of Georgia. The face of the returns showed the number of votes cast for each candidate at the election.

Mr. ELLIS. I understand that; but the statute requires that the return shall have attached to it a sample of each kind of ballot cast, the number of each, and for whom cast. Now, in the absence of those sample ballots, could the report of the inspectors be considered for any purpose whatever?

Mr. LAWSON of Georgia. I think so. The sample ballots were required to be placed there and the ballots themselves destroyed in order that there might be no subsequent scrutiny into the qualifications of the voters after the voting was past, and also in order that the secrecy of the ballot might be preserved. That was the object; and not to canvass the election from them; because the New York courts expressly say that you can not refer to those sample ballots to indicate who was elected, but that you must take the face of the returns.

Mr. ELLIS. But here is a plain provision of the statute which requires that the election inspectors shall return with their report these sample ballots, that they shall attach them to their report and shall write, partly upon the ballots and partly upon the paper, the number of votes of each kind cast; it takes all this to make the complete returns. Now, in the absence of those sample ballots would not the return be not only defective but void?

Mr. LAWSON of Georgia. Nothing of the sort. The courts have decided that the election must be determined from the face of the returns, and that the sample ballots have nothing to do with the count, and they forbade there being a count of the ballots in this case. Hence, whether the sample ballots were present or were not did not affect the election at all.

Now, Mr. Speaker I am about through, and I am very glad I

am, as I suppose other gentlemen are. [Laughter.] I must apologize to the House for having detained them so long, but I suppose gentlemen understand that my remarks have been considerably protracted by interruptions.

Now, in regard to this last count, the testimony, to my mind, is as conclusive as it can be that there was no error in the count, and that the discrepancy which exists between the face of the returns and the numbers of the sample ballots resulted from a tampering with those ballots on the night after they were cast or from a mistake of the clerk who wrote upon the ballots. He may have written the wrong number on some of the ballots. I can not exclude that conviction from my mind. I have examined the case with the purpose of seeing whether I could escape that conviction and give Mr. Rockwell the seat. I am not imputing anything improper to the sitting member. He was not present, and, so far as we know, had no knowledge of anything wrong. There is nothing in any of this testimony from beginning to end to impute any wrongdoing or misconduct either to the contestee or to the contestant. It was the friends of the candidates who seemed to be overzealous, and the friends of Mr. Noyes alone who attempted to purchase votes in this case.

Now, Mr. Speaker, in opening this case I have said what I had to say from a stern sense of duty. I am a partisan. I believe that the principles of the Democratic party are altogether right and the principles of the Republican party altogether wrong. Changing the remark of Mr. Ingalls, I say, I admit that there are some bad Democrats—not many, but a few; and that there are some good Republicans—not many, but a few. So I am a partisan; and when you find me attempting to oust from a seat in this House a Democrat, you must know that I do so from a sense of duty of the sternest character. And I think that wherever the path of duty leads no man should fear to go. [Applause.]

Mr. COBB of Alabama rose.

Mr. HAUGEN. I understand that the gentleman from Indiana [Mr. JOHNSON] would like to speak now, because he wants to go away.

Mr. COBB of Alabama. I will state, Mr. Speaker, that on account of engagements which require my colleague on the committee, the gentleman from Indiana [Mr. JOHNSON] to leave, the arrangement we had made is changed, and the gentleman from Indiana will now, by his own request, follow on the same side which has been argued by the gentleman from Georgia [Mr. LAWSON].

[Mr. JOHNSON of Indiana addressed the House. See Appendix.]

Mr. BACON was recognized.

Mr. O'FERRALL. Mr. Speaker, I want to rise to a question of order at this time in regard to this matter of recognitions.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. O'FERRALL. If I understand the way this matter stands now, the recognition for discussion belongs to the members of the committee. Each member of the committee would have, under the custom of the House, one hour in his own right. The gentleman who has just occupied the floor spoke in his own right as a member of the committee. The gentleman from Georgia who preceded him spoke as a member of the committee in his own right.

Now, I think under the rules of the House, and I want the Chair to rule on it now—under the rules of the House at this time no man can be recognized to address the House on this question except a member of the committee, unless time is yielded to him by a member of the committee who has the floor. Of course the gentleman from Alabama can take the floor now in his own right as a member of the committee and yield to whom he pleases.

Mr. BACON. The Speaker has recognized me and I am entitled to the floor.

Mr. O'FERRALL. Does the Chair hold that the gentleman from New York is entitled to the floor?

Mr. BACON. I have already been recognized.

The SPEAKER *pro tempore*. The Chair recognized the gentleman from New York because he was informed the gentleman from Alabama was not ready to proceed.

Mr. COBB of Alabama. Mr. Speaker, I rise to a question of order.

Mr. BACON. I understand the gentleman from Virginia to raise a question of order against my occupying the floor at this time.

The SPEAKER *pro tempore*. The Chair understands that the gentleman from Alabama is controlling the time on that side and would be entitled to the floor if he claimed it after the gentleman from New York concludes.

Mr. COBB of Alabama. Will the Chair hear me on that question before deciding it?

The SPEAKER *pro tempore*. Certainly.

Mr. COBB of Alabama. I claim that unless there is an agree-

ment for time, and the control of that time is put into the hands of certain gentlemen of this House, one man has as much right on this floor to recognition as another. There is no rule that gives the members of the committee preference over any other member, except by the courtesy of the House; and that is never done except when there is an agreement about the limitation of time, and the control is put in the hands of certain members. Now, the gentleman from New York is recognized, I understand, in his own time, just as any other member of the House would be recognized.

The SPEAKER *pro tempore*. The present occupant of the Chair was following what he regards as the universal practice of the House since he has been a member of it. It has generally been regarded, so far as the present occupant of the Chair knows, and without exception, that the Chair has the right to recognize any member who rises to discuss a measure. But the Chair also recognizes the fact that there has been a custom by which members in charge of a particular measure from a committee have had this privilege accorded to them—

Mr. COBB of Alabama. That is where there is an agreement at the time.

The SPEAKER *pro tempore*. Undoubtedly. The Chair agrees with the gentleman from Alabama that there is no rule on the books to that effect, and if it is to be invoked, the Chair should be glad to have it pointed out. The Chair is following what it believes to be the practice of the House.

Mr. O'FERRALL. Now, Mr. Speaker—

Mr. BACON. Mr. Speaker, before any such ruling takes me off the floor, I would like to have gentlemen produce authority for it.

Mr. O'FERRALL. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. O'FERRALL. I want to understand the ruling of the Chair. I have certainly always been under the impression that the universal rule of practice in the House has been for each member of the committee to have an hour in his own right when a report is made, and that no one outside of the committee can speak unless some member of the committee yields him a portion of his time.

The SPEAKER *pro tempore*. Will the gentleman from Virginia be kind enough to show the Chair any such rule embodied in our code of rules?

Mr. O'FERRALL. I think there is such a rule.

The SPEAKER *pro tempore*. The Chair would be glad to see it.

Mr. COBB of Alabama. The matter of courtesy—not the rule—is this: That the Chair would recognize any member of this committee who wanted to speak; but no member of the committee desiring to speak now, the Chair is perfectly right in recognizing the gentleman from New York [Mr. BACON].

Mr. O'FERRALL. Then, Mr. Speaker, for what length of time does the Chair recognize the gentleman from New York?

The SPEAKER *pro tempore*. For one hour.

Several MEMBERS. The rule fixes that.

The SPEAKER *pro tempore*. The Chair would be glad to have the gentleman from Virginia refer to any printed rule to the contrary.

Mr. O'FERRALL. That has been my understanding of the practice during my long service in the House. I have not the rules at hand. I will submit this question to the Chair: When will we reach any conclusion? Suppose every member of the House should desire to occupy an hour.

The SPEAKER *pro tempore*. The Chair knows of no way by which a conclusion can be reached, except by agreement, unless the previous question is ordered.

Mr. BACON. Mr. Speaker, the gentleman of the committee who last addressed the House said in concluding that this side of the House could afford to deal with this question upon the merits. This side of the House can not afford to deal with it upon any other basis than that of doing exact justice according to the merits of this controversy. Particularly is this true since we find that the Democrats on the Committee on Elections are divided and submit views which can not be reconciled.

Coming from the State of New York, and being somewhat familiar with the course of the litigation between the parties to this contest in the courts of that State, I have listened with surprise to the assertions made on behalf of the majority of the committee, that those decisions can be in any way of service in determining what this House should do with this election case. There was presented to the courts in that litigation a single formal question, as to the method of canvassing this vote, and it involved nothing of the merits. It involved no determination as to who was entitled to the seat in this House. It involved no discussion of the propriety with which the election had been conducted or the votes counted. The single question before the courts was—

Mr. RAINES. May I ask my colleague a question?

Mr. BACON. I can not yield; it interrupts me in such a way that the gentleman must excuse me.

The single question involved in that controversy was whether boards of canvassers were entitled to take the figures which appeared in the summaries made by the inspectors of election and make a canvass from them, or whether they should take the figures put upon the ballots attached to the canvass sheet and make the canvass from them; and the courts decided that the formal certificate, the formal statement appearing upon the face of the canvass sheet, should be controlling upon the ministerial officers or boards of canvassers, and that they should make up the statement from those figures and not from the figures which were upon the ballots. They did not undertake to determine who was elected. They had no jurisdiction or authority upon any such question. Our courts, particularly of late years, have been careful to restrict themselves to the decision of the questions which the case before them presented, and having passed upon that question, our courts go no further.

I am reminded that in the court of last resort, in the prevailing opinion in that case, the contestant was instructed by the court that it was a formal question only with which the court had to deal in that controversy, and that the question upon the merits was to be decided by another tribunal, to wit, this House; and therefore this case comes here with no decision of the courts of the State of New York upon the question which the gentleman calls upon us to decide, as to whether Mr. Rockwell or Mr. Noyes, upon the merits of this case, is entitled to a seat in this House.

Now, sir, in determining that question, I take it that this House will lay aside all technical questions as to who had the affirmative, as to who was entitled to the certificate. We are here to determine, as the gentleman says and says correctly—and we can not afford to determine this controversy in any other way—who, upon the legal proofs here, is entitled to the seat. I confess, sir, from my examination of the proofs and of the majority report, that I am compelled to conclude that the majority of the committee have fallen into error.

I wish to confine myself now to a discussion of a single proposition of the many already discussed. When I take this majority report, I find that, figured out, as they figure it, Mr. Noyes's majority was just 6, and included in that were 16 ballots known as "Doyle" ballots, concerning which this House has already heard something, and about which I desire to say something.

Mr. Speaker, the election of 1890 was held in New York under a new ballot law, a system of which we knew nothing. The exigency which created that ballot law, and carried it through the Legislature, grew out of corruption which became so rife and so public in the State of New York that it created a scandal, which compelled the attempt to secure a system by which we could get rid of actual corruption of the voter.

To this end the Legislature enacted that the ballots should be printed at the public expense; that they should be put into the hands of sworn officers of the law; that those officers should deliver them to the ballot clerks. The ballots were to contain the names of all the candidates to be voted for at the election. There was to be a ballot provided for the nominees of each party. Each kind of printed ballot and a blank ballot were to be given to each elector by the poll clerk. The voter was to be separated from every other citizen by a hundred feet or more before he reached the poll clerk. He was to take these ballots, and to go into a private place where he was alone and unobserved, and there was to prepare his ballot, and coming back he was to deposit one of them as his vote, and to give up the others to be destroyed.

Now, superadded to that, the system made a provision under which each party might furnish a "paster" ballot. A paster ballot as it was furnished, although the law perhaps does not require it, contains the titles of the offices and names of the candidates for each office. These ballots were furnished by the respective parties. The poll-workers had them, and they were given to the electors to take with them into the booths, and in a large number of instances the voters used them by pasting them upon the official ballot. Prior to that election Robert Earl had been upon the bench of the court of appeals of the State of New York for a full term. His conduct, his integrity, and his learning had won for him such a warm and general regard, that both of the great parties of the State put Mr. Earl in nomination through their regular machinery.

There was nobody contesting the place with him. His name was upon the printed ballots of both parties, and upon the paster ballots of both the great parties. But when the vote came to be counted, it was found that not only in this Congressional district but wherever in the State of New York there was a doubtful contest for a local office, and one to which a suspicion of corruption attached, Robert Earl's name disappeared, and "John Doe," "Richard Roe" or "John Smith," or blank "Doyle" were voted for associate judge of the court of appeals.

In the end it became a matter of public notoriety in the State of New York that those who sought to corrupt the poll of that State had devised a scheme of having their poll workers strike off Mr. Earl's name and substitute a fictitious name. The pasters thus doctored, were put in the hands of the voter whose vote was to be obtained by improper influences. When the canvass of that poll was taken, if it showed that the particular name "John Roe," or "Richard Doe" had been voted for as justice of the court of appeals, this transaction was closed, and the corrupted voter received his compensation. That did not occur in this district only, but it occurred all over the State of New York wherever there was a contest that involved some local influences, and there was some man who was willing to corrupt his fellow-citizens.

It is a matter of public notoriety, and I speak of it here because I am called upon to meet the suggestions contained in this report. The majority report says that the facts are—

Neither the Republican nor the Democratic party made a nomination; but the State committee of both parties placed the name of Robert Earl on their respective party tickets.

That is not an accurate statement, because it is not true that the parties did not make a nomination. The nomination was made by the committees, with the consent of both parties, because nobody desired to contest Mr. Earl's election.

The committee says:

It seems that there was some dissatisfaction with this action of the State committees, both among Republicans and Democrats.

And they offer that to the House as an explanation of the crossing out of the name of Mr. Earl and the insertion of the name "Doyle."

Now, Mr. Speaker, from wider knowledge of what occurred in the State of New York and from more accurate information, I say to this House that the reason why the name of Robert Earl disappeared from these tickets and the name of other people appeared in that place, was not because anybody was dissatisfied with Judge Earl; it was not because his nomination was a subject of criticism or dissatisfaction, but because some one desired to know that a particular ballot for which he was to pay a particular compensation was in the box; and that the best way to accomplish that was by striking off the name of Mr. Earl, whose election was not jeopardized by it, and the removal of whose name enabled the buyer of votes to determine whether the ballot he agreed to pay for was voted.

So extended was the system, that there were actually books kept in which the name of the voter was put down and the name that was substituted in the place of Earl put opposite to it, so that when the vote was counted and the canvass made up gentlemen could tell whether "John Doe's" ticket had been voted by the man to whom it was given.

Mr. LAWSON of Georgia. Will the gentleman permit me to ask him where in this record there is any evidence of that sort?

Mr. BACON. There is no evidence of it. I have not said there is any evidence. I said that the fact was as I have stated from my own knowledge and upon my personal responsibility.

Mr. LAWSON of Georgia. But the gentleman will admit that we have to determine cases by the evidence that comes before the committee and that appears in the record.

Mr. BACON. I will admit that this committee has honestly and fairly discharged its duty with the light which it had, but I will also say to the gentleman that there can be no possible objection to further light being thrown upon the subject, and if this information which I am imparting assists other gentlemen than the committee to arrive at a conclusion different from that at which the committee arrived, that seems to me to be a proper use to make of it. It seems to me proper that I, coming to a different conclusion from the committee, should state to the House the reason why I believe that the name of Earl disappeared, and that in my judgment it was not, as stated by the committee, because the electors were dissatisfied with Mr. Earl.

Mr. LAWSON of Georgia. But the gentleman will admit that the committee ought not to be criticised for not considering evidence that was not before them.

Mr. BACON. I have not criticised the committee. The gentleman surely could not have misunderstood me as to that.

Mr. ALLEN. We are glad to have this additional information. It may set the committee right. [Laughter.]

Mr. BACON. Now, Mr. Speaker, taking the situation in New York as it was, I ask the attention of the House to these Doyle ballots, their history, and their peculiarity. In the first place, there was no man named Doyle who was a candidate. Nobody pretends that the ballots were prepared or cast by any voter who desired that anybody by the name of Doyle should be elected an associate justice of the court of appeals of the State of New York.

Where did these Doyle ballots come from? They came from the hands of a Republican worker, Duncan McArthur, who him-

self wrote the names upon the pasters. Now, what manner of man was McArthur? This was the situation at that poll as I understand it. Across the street, on either side of the highway, were two polls at which these ballots were found. This McArthur was a busy and industrious "worker" for Mr. Noyes. He spent the day floating between the two places, and in both those ballot-boxes "Doyle" ballots appeared, the name being in the handwriting of McArthur. That is a conceded fact.

Mr. TUCKER. Did each of the 16 "Doyle" ballots have the same initial?

Mr. BACON. No. I will come to that later, and it is an important feature in the case. But I want to point out first to the House that those "Doyle" ballots were all written by the same man, who was an industrious supporter of Mr. Noyes at the polls. That is a conceded fact. It is also practically undisputed that McArthur was a corrupter of voters, a buyer of votes at that precinct. That is sworn to in this record.

I ask the House to bear in mind that that testimony was given on behalf of the contestee, and that when Mr. Noyes came to reply to it and the opportunity came for producing rebutting evidence, McArthur did not appear as a witness, did not come forward to explain why he put those sixteen names on those ballots, or to state whether or not he had committed the crime of buying at least one man to vote a ticket upon which Mr. Noyes's name appeared. If that was an honest writing of the name on those ballots, if it was not a writing for the purpose of identifying the ballot, if those men were not corrupted by McArthur, why is it that he does not come forward and testify and tell us the truth? Account for his absence if you can, gentlemen, upon any theory consistent with any other view of the case than that McArthur knew, as I myself am convinced, that every one of those "Doyle" ballots was that of a purchased vote paid for at a certain price.

Mr. BUSHNELL. Does it really appear that this McArthur was in the employ of Mr. Noyes?

Mr. BACON. It appears that he was buying votes; it does not appear directly that it was with Mr. Noyes's money, but it does appear that he was buying votes and that Mr. Noyes was the beneficiary of at least one purchase which McArthur made on that day. But gentlemen say, "There were other names on these ballots in other places; why do you not say that they were put there for the purpose of identifications?" Well, gentlemen, it often happens that the shrewdest criminal convicts and destroys himself by his very shrewdness.

Mr. McArthur had sagacity enough to devise a scheme of writing "Doyle" on certain tickets; other men wrote "Smith;" some wrote "Sam Small." But the cunning of Mr. McArthur, who seems to have been the busiest man in this business, failed just at this point. Instead of writing "Doyle," "Boyle," etc., he started out with the alphabet and wrote "A. Doyle," "B. Doyle," "C. Doyle," "D. Doyle," etc., proceeding alphabetically with the 16 ballots which were found in the box, each one bearing the name "Doyle," but with a different initial. Now it is asking us to lay aside our intelligence and it is asking us to deny ourselves the use of our common sense if you expect us to shut our eyes to the natural and inevitable conclusion to be drawn from such a course of conduct. The object was that whoever voted an "A. Doyle" ballot or a "B. Doyle" ballot or a "C. Doyle" ballot or any other ballot similarly inscribed might be able to prove by the canvass sheet that he had voted the ballot which he agreed to vote, which had been given him by this busy friend of Mr. Noyes.

Mr. COX of Tennessee. The gentleman will allow me to suggest, too, whether it is not rather remarkable that all these ballots bearing the name "A. Doyle," "B. Doyle," "C. Doyle," etc., were cast for Mr. Noyes.

Mr. BACON. Of course that furnishes, as I was about to say, conclusive evidence of the purpose. This thing was not an accident. What innocent and honest purpose can gentlemen suggest? If voters did not wish to vote for Earl why could they not strike his name off? Why was it necessary to place the name of somebody else over his name? But as the object was identification, when this man adopted the name "Doyle" and put a different initial on each of these tickets he had just the measure of identification which was necessary to connect the ballot with the voter, and enable him to claim the reward for which he had labored.

Mr. LAWSON of Georgia. I understood the gentleman to say some time ago that Mr. Earl was obnoxious to the disreputable element in the State, and because of that fact his name was stricken off and another voted in his place.

Mr. BACON. I have not given utterance to any such sentiment.

Mr. LAWSON of Georgia. I so understood the gentleman.

Mr. BACON. The gentleman is asking me a question based upon a misunderstanding, and I hope he will allow me to proceed.

Mr. LAWSON of Georgia If I misunderstood the gentleman, I regret it.

Mr. BACON. You did misunderstand me entirely. Judge Earl was not obnoxious to any man in the State of New York, so far as I ever heard.

Now, Mr. Speaker, the statute of the State of New York declares that no voter shall cast a ballot marked for the purpose of identification. I insist that if it is possible to demonstrate, short of the testimony of the voter himself, that the intention of the mark on the ballot was to identify it, the testimony in this case—these ballots, this use of the alphabet, and the fact that these ballots came out of the hands of the same man—furnish conclusive evidence of the intent that these ballots should be identified.

But the gentleman who last spoke for the majority of the committee said that this does not render the ballot void. Mr. Speaker, there is no proposition of law better settled than that any act which is done in violation of the commandment or the prohibition of a statute is void and can form the basis of no legal right for any man. Why, Mr. Speaker, the majority of the committee throws out 2 votes for Mr. Noyes which it says were purchased and therefore void. There is no statute in the State of New York which declares that a ballot bought and paid for shall not be counted. Does any man contend that with proof of corruption presented the ballot of a man whose vote had been bought could be lawfully counted?

No, sir. Because the people of the State of New York had learned that any system which did not prevent the identification of the ballot cast by the voter after the election would be futile to destroy the corruption which was rife in that State—for that reason the law of the State put a ballot which was marked so that it could be identified, upon the same basis as a ballot which was proven to have been corruptly bought and paid for. The one ballot must be rejected just as the other must, not because the statute says so, but because the law will not permit, no court will permit, a legal right to grow out of the violation of a public statute and the doing of a public wrong.

Mr. O'FERRALL. Will the gentleman allow me to interrupt him?

Mr. BACON. Briefly.

Mr. O'FERRALL. I understand the gentleman to say that at the time this election was held in 1890 there was no statute of the State of New York which required the rejection of these ballots because they were marked.

Mr. BACON. I say there was no express enactment of this sort.

Mr. O'FERRALL. Now let me ask further, has not the law of the State of New York been amended since so as to provide that ballots marked for the purpose of identification shall be rejected?

Mr. BACON. Undoubtedly.

Mr. O'FERRALL. So that the purpose of the later law was to do what the law did not do before?

Mr. BACON. No, sir; the purpose was simply to write into the statute book that which was already the common law without the statute.

Several MEMBERS. That is true.

Mr. BACON. But, Mr. Speaker, I have occupied more time in this discussion than I meant to do. To summarize the matter, I say that justice and right, as well as the law of the State of New York fairly applied, require that those 16 ballots with their markings should be deducted from the total, leaving as the result, Mr. Rockwell with a majority of 10.

To that, sir, gentlemen of the committee reply that there were 28 ballots which had some sort of distinguishing mark upon them on which Mr. Rockwell's name appeared. Mr. Speaker, I have looked at the testimony with regard to these ballots to see how much force there was in this contention, and I say to the House that it is impossible to produce, out of that testimony, any evidence by which the ballots thus marked could have been identified as having been voted by any individual. They had some sort of mark on them, and it is described as a check-mark or a figure, that is described by some witness as being so inartistically or inaccurately made that they were unable to determine whether the mark was intended for a 3 or a 5 or an 8.

Mr. O'FERRALL. Will the gentleman allow an interruption in that connection?

Mr. BACON. Well, I would rather be permitted to go on.

Mr. O'FERRALL. Very well.

Mr. BACON. But the gentleman can proceed with his question.

Mr. O'FERRALL. You say the ballots which were marked with a check mark in one corner and a figure 8 or 5 in the diagonal corner were not so marked that they could be identified?

Mr. BACON. I have not so stated.

Mr. O'FERRALL. I so understood you.

Mr. BACON. I said that the mark in one corner was so inex-

act, or inaccurately made, that it was difficult to determine whether it was intended for an 8 or a 5, and in effect that it was not possible for them to distinguish the ballot or the elector.

Mr. O'FERRALL. How then could they identify the men who voted the Doyle ballots?

Mr. BACON. Because when the canvass was made up they would return in the canvass sheet the "A. Doyle" ballot, and the "B. Doyle" ballot, and so on, each being different from the other.

Mr. O'FERRALL. But when the ballot had a check mark on one corner and a figure 5 on the other corner, supposing that there were ten of these, and that there was a sample ballot pasted on the lot and written across it that there were ten of that particular ballot inclosed, would not that be an identification?

Mr. BACON. Well, that is supposing something.

Mr. O'FERRALL. It is somewhat of a supposition, but there is a good deal of supposition all through this case. Suppose that on the day of the election a Democrat or some other man should go up to one of the Democratic managers and say, "On the day of election I can deliver to you 28 votes for Democrats. What will you give for them?" The answer is, "Two dollars." for that seems to have been the price paid up there. "But how will I know that they are delivered?"

Mr. BACON. Will you not prefer to discuss this in your own time?

Mr. O'FERRALL. I thought you had yielded me the time.

Mr. BACON. I yielded for a question and not for an argument; but go on.

Mr. O'FERRALL. Very well. "Now, how will I know that they have been delivered?" The answer is made, "Mark 28 ballots by a check mark of some kind in one corner and a figure 5 or an 8 or any other number in another corner, and if you do not find these ballots deposited you will know that I have not complied with my agreement."

Mr. WILLIAMS of Illinois. Suppose only 14 appear, what then?

Mr. O'FERRALL. The same principle would apply.

Mr. WILLIAMS of Illinois. They could not tell which of the 14 had done it.

Mr. O'FERRALL. And you can not tell which of the 16 Doyle ballots did it either.

Mr. BACON. But, Mr. Speaker, to resume—

Mr. TRACEY. I hope the gentleman from New York will answer that question.

Mr. BACON. No, I will not take time to answer it.

Mr. TRACEY. There are some of us who would like to have the information. We are here, some of us, for the purpose of getting information and determining what we should do.

Mr. BACON. If the gentleman from New York would prefer to go on himself I will yield.

Mr. TRACEY. No; I only want to hear the question answered.

Mr. BACON. That, Mr. Speaker, is the condition of the evidence as it appears on the record with regard to these ballots. The law under which this contest was begun required that notice should be given by contestant of the grounds of his contest; that the contestee should answer; that the issue made by these papers should then be tried out by the examination of witnesses; that the testimony on the part of the contestant should be taken and closed within a given time; that the testimony on the part of the contestee should be taken within a given time, and that thereafter, if the contestant desired to offer any rebutting evidence, he should within a certain given time put it in.

Now, in this case Mr. Noyes made no pretense of attack upon the certificate given to Mr. Rockwell upon any allegation that there were any improper votes cast or counted for him. He went to trial without any such allegation. He proved his case to his own satisfaction. He rested. He was met with the proof upon the part of the contestee. The Doyle ballots and other ballots turned up in that evidence. He did not attempt to deny the existence of these Doyle ballots. He did not in his rebutting evidence seek to explain them. He did not call in persons alleged to have been bribed or to have done the bribing. He did not put this man McArthur, who wrote these ballots and distributed them, upon the stand; but he went outside the ward and introduced testimony upon a new ground of contest—testimony to which the contestee in this case has never had an opportunity to reply—testimony which never has been and never could be answered by Mr. Rockwell, because the law put up the bar and said, "The testimony in this case must close."

Will you gentlemen say that upon such a state of facts you will take this testimony into consideration in determining this question? Will you say to this man who never was accused by his antagonist of having committed an impropriety, and against whom there was not offered a particle of evidence tending to prove impropriety upon the part of anybody who voted for him, until after the law had put up the bars and said to him that he

should not meet this evidence, you will consider that evidence and deprive him of the seat to which he is proven to have a clear title?

Now, Mr. Speaker, this evidence does not come here unassailed. It does not come here without suspicion. The contestee at the only place and the only time which the law permitted him, sought to have that testimony removed and expunged from the record, as it should have been; but for some reason this Election Committee declined to pass upon this question, and coming here with this improper testimony in the case, seek to meet the result which follows inevitably from the proper evidence in the case upon the issues which the parties themselves framed, by testimony which refers to something that is not in contest between the parties, and concerning which Mr. Rockwell has had no opportunity to offer explanation or to give evidence.

Sir, it would be a gross injustice to permit this testimony, which in no court of justice would have been admitted, to weigh with us in determining the rights of these parties. Mr. Noyes selected the ground for his contest. He was met and beaten upon that ground. He can not, after the time has been so limited that his opponent can not meet another allegation, be permitted to drag in a new ground and to assert a new reason for turning Mr. Rockwell out of his seat.

Mr. O'FERRALL. Will my friend indulge me for a moment? He has referred to the committee.

Mr. BACON. No, I think I must decline to be interrupted. My voice is used up. I will yield to my colleague [Mr. CUMMINGS] such of my remaining time as he may desire.

The SPEAKER *pro tempore*. The gentleman has thirty minutes remaining.

Mr. CUMMINGS. Mr. Speaker, this case seems to hinge in a great measure upon what are known as the Doyle ballots. To give the House an indication of what the leading Republican editor in Seneca County thinks of the effect of the Doyle ballots upon this case I send to the Clerk's desk and ask him to read an editorial article from the Seneca County Journal of April 13, published in Seneca Falls, N. Y., the home of Charles E. Andrews, 2 miles from Waterloo.

The Clerk read as follows:

#### THE BETRAYAL OF COL. NOYES.

Who is responsible for the prospective failure of Col. Noyes to obtain his seat in Congress? Every man who has traced the course of the procedures in the contested-election case of Col. Noyes against Maj. Rockwell for the seat in the House of Representatives from this district is aware of the fact that but one thing now stands in the way of the seating of Col. Noyes by the Democratic House. That one thing is the unrefuted, and probably irrefutable, evidence of the infamous Doyle ballots in the town of Waterloo. A thoroughly partisan committee of Democrats has been compelled to admit that this Republican, Col. Noyes, received the greater number of ballots cast in the district; that an effort was made through the manipulation by inspectors and arbitrary, illegal rulings by county canvassers to defraud Noyes of a sufficient number of ballots to insure his defeat; and that, through a series of legal investigations, reaching to the highest court of the State, the title of Col. Noyes to the certificate upon the face of the returns under the laws of the State was fully established. All these conclusions freely acknowledged, the committee recommends the seating of Noyes. Now comes in the consideration that, despite these conceded and proven facts, the House may at any moment assume its constitutional prerogative to "judge of the qualifications and election of its members."

It is upon this provision that all the hopes of Rockwell are now suspended, for under this that matter of the fatally corrupt "Doyle ballots" will come before the House with all the legal force possessed by Judge COBB of Alabama; while the specious eloquence of BOURKE COCKRAN and the pyrotechnic gush of JOHN R. FELLOWS will present a picture to the minds of the Democratic Congressmen all the more disastrous to the aspirations of Col. Noyes, because of the inherent truthfulness of its details. The men chosen to the House of Representatives are not dullards. No Republican member who listens to Judge COBB's report but will be conscious that each one of the "Doyle" ballots represented a corruption of the franchise, which, under the laws of the State, was felonious and punishable as such. They will meet the possibly erroneous allegation, also, that these were what are considered in the law "marked ballots," which should have been rejected by the inspectors. It may be easily imagined that these incidents and facts will afford any Democratic legislator a reasonable excuse for voting somewhat against his reason, but very much in accordance with his prejudices. Thus, it must be seen that but for this miserable, unnecessary, illegal, and corrupting "Doyle" conspiracy Col. Noyes would beyond question be awarded his seat.

Will it be asked here in Seneca County, "Who are the authors and actors in the 'Doyle ballot' infamy?" If the query be made, the answer comes readily to the mind of any observant elector in this county. The evidence taken before Referee Hulbert in Waterloo during that contest is quoted from in the Rochester Herald dispatch which we reproduce elsewhere. It introduces the names of J. B. H. Mongin and Duncan McArthur, of Waterloo, as the supposed promoters and abettors of the plan for the violation of the law. It is a little singular that the Herald did not include also the evidence of Charles T. Andrews, which is before the committee, who unblushingly admitted that he (Andrews) and Mongin and ex-Senator Sweet contributed the \$2,000 for unexplained uses in the interest of Col. Noyes. After the conference between Andrews, Mongin, Owens, and another at the Courier office five days before that election it was known by the inner circle that a heroic effort was to be made for a specific purpose to increase the vote of Col. Noyes in Waterloo, and that the "limit" of the felony in each case was to be \$10. It will thus be seen that the \$2,000 acknowledged in the evidence of Sunday-School Superintendent Andrews provided the blood money to buy the souls of the men who voted the "Doyle" ballots in Waterloo under the skillful guidance and benign patronage of "Ben" Mongin, "Dunc" McArthur, and "Andy" Harmon.

Is it not perfectly plain that the responsibility for having thus humiliated Col. Noyes and the Republicans of the district rests upon the fragile consciences of Charles T. Andrews, J. B. H. Mongin, and Duncan McArthur?

Mr. CUMMINGS. Now, Mr. Speaker, I want to say that that is the leading Republican newspaper, and the one having the largest circulation in Seneca County. Its editor has evidently discovered that honesty is the best policy, and I commend that policy to Republicans as well as Democrats upon the floor of this House.

Mr. BACON. I yield the balance of my time to the gentleman from Alabama [Mr. WHEELER].

Mr. O'FERRALL. I hope the gentleman will yield to allow me to make a motion to adjourn.

Mr. COBB of Alabama. As a member of the committee I shall claim the right to the floor in the morning.

The SPEAKER. The gentleman from New York [Mr. BACON] yields the balance of his time to the gentleman from Alabama [Mr. WHEELER].

Mr. O'FERRALL. I hope the gentleman will yield for a motion to adjourn.

Mr. WHEELER of Alabama. I will yield for a motion to adjourn.

Mr. O'FERRALL. I move that the House do now adjourn.

#### LEAVE OF ABSENCE.

Pending the announcement of the vote, by unanimous consent leave of absence was granted as follows:

To Mr. PEEL, for two weeks, on account of important business.

To Mr. CATCHINGS, for three days, on account of important business.

To Mr. AMERMAN, indefinitely, on account of sickness.

And then, on motion of Mr. O'FERRALL (at 5 o'clock and 9 minutes p. m.), the House adjourned until to-morrow at 12 o'clock noon.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PEARSON, from the Committee on Invalid Pensions: A bill (H. R. 7146) to pension Anna Morgan Burns. (Report No. 1138.)

By Mr. WEVER, from the Committee on Claims: A bill (S. 1423) for the relief of Jacob I. Cohen and J. Randolph Mordecai, administrators of M. C. Mordecai. (Report No. 1139.)

By Mr. BELKNAP, from the Committee on Military Affairs: A bill (H. R. 2810) placing James W. Long, late a captain United States Army, on the retired list. (Report No. 1140.)

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were re-referred as follows:

A bill (H. R. 5348) granting a pension to Sarah J. Mallony—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5346) granting a pension to William Lutten—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5345) granting a pension to Mary Ann Lafferty—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (S. 776) for the relief of the heirs of Charles B. Smith, deceased—the Committee on Claims discharged, and referred to the Committee on Military Affairs.

#### BILLS, MEMORIALS, AND RESOLUTIONS.

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

By Mr. LAWSON of Virginia: A bill (H. R. 8258) for the erection of a public building in the city of Portsmouth, Va.—to the Committee on Public Buildings and Grounds.

By Mr. PEEL: A bill (H. R. 8259) to dispose of the timber lands of the State of Arkansas as cash entry—to the Committee on the Public Lands.

By Mr. LONG: A memorial of the Texas Legislature, indorsing the project of building a breakwater and harbor of refuge, according to the prayer of the State of Florida—to the Committee on Rivers and Harbors.

#### PRIVATE BILLS, ETC.

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

By Mr. CLOVER: A bill (H. R. 8260) granting an increase of pension to Stephen Seybold, of Company A, Ninety-ninth Regiment Illinois Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8261) to reimburse Henry F. Hicks for loss sustained by robbery of post-office, Cambridge, Kans.—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES of Iowa: A bill (H. R. 8262) granting an increase of pension to Henry I. Muhs—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 8263) to restore to the pension rolls the name of Louisa J. Reeves—to the Committee on Invalid Pensions.

By Mr. LODGE: A bill (H. R. 8264) for the relief of Capt. George H. Perkins—to the Committee on Naval Affairs.

By Mr. RUSK: A bill (H. R. 8265) for the relief of Mary Jane Johnson—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 8266) to refer the claim against the United States of Judge R. Burns to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 8267) to grant a pension to R. O. Pickett—to the Committee on Pensions.

#### PETITIONS, ETC.

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

By Mr. ANDREW: Petition of 26 ex-soldiers and sailors, members of Grand Army of the Republic Post No. 74, of Rockland, Mass., for preserving and marking the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. ATKINSON: Two petitions of citizens of Pennsylvania, as follows: Of Shade Gap and of Middleburg, praying for the passage of an amendment to the Constitution of the United States prohibiting States from contributing to the support of any sectarian or ecclesiastical organization or to interfere with religious liberty—to the Committee on the Judiciary.

By Mr. BERGEN: Resolution of Lincoln Council, No. 100, Order of United American Mechanics, of Glassboro, N. J., urging an amendment of the naturalization laws—to the Committee on the Judiciary.

By Mr. BOWERS: Two petitions of Arroyo Grange, No. 74, of California—one for the passage of a law to prevent the adulteration of food and drugs, and the other to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition by the same grange, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition by the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. BULLOCK: Petition of citizens of Clear Water Harbor, Fla., asking for the closing of the Columbian Exposition on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. BURROWS: Resolutions of the Reformed Church in America at South Macon, Mich., protesting against the desecration of the holy Sabbath day by the opening of the Columbian Exposition on the Christian Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. CABLE: Protest of the Farmers' Alliance and Industrial Union of Illinois, against the passage of the Brosius lard bill (H. R. 395), and praying for a pure-food law—to the Committee on Ways and Means.

Also, petition of P. H. Wessel and others, of Moline, Ill., in favor of a proposed sixteenth amendment to the Constitution—to the Committee on the Judiciary.

Also, protest of the Farmers' Alliance and Industrial Union, No. 309, of Mercer County, Ill., against the passage of the Brosius lard bill (H. R. 395), and praying for the passage of a general pure-food law—to the Committee on Ways and Means.

Also, petition of citizens of Rock Island, Ill., in favor of a proposed sixteenth amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. CAINE: Petition of 184 citizens of Utah and San Pete Counties, Utah, asking for an appropriation of \$6,000 to enable them to build reservoirs in which to store water for the irrigation of about 6,000 acres of land now lying worthless for want of irrigation—to the Committee on Appropriations.

By Mr. CARUTH: Papers to accompany House bill 8203, granting a pension to Priscilla Prime—to the Committee on Invalid Pensions.

By Mr. CAUSEY: Memorial of the American Medical Association, praying for the passage of bill to disseminate information of results of Government laboratories concerning the identification of drugs—to the Committee on Patents.

By Mr. CHEATHAM: Petition of John J. Odom, of Northampton County, N. C., praying the passage of the Paddock or the Edmunds or some similar measure against the adulteration of food and drugs—to the Committee on Agriculture.

By Mr. CRISP (by request): Resolution adopted by the Board of Directors of the Maritime Association of the Port of New York, urging the establishment of a harbor of refuge in the vicinity of Cape Canaveral, Fla.—to the Committee on Rivers and Harbors.

By Mr. DIXON: Petition of certain citizens of Helena, Mont., against the passage of the Hatch bill, relating to oleomargarine—to the Committee on Agriculture.

By Mr. ENGLISH: Papers in the claim of Elizabeth Cahill, widow of Lawrence Cahill, to accompany House bill 7467—to the Committee on Invalid Pensions.

Also, petition of Lucy Meehan for the removal of the charge of desertion against Thomas P. Meehan, to accompany House bill 7733—to the Committee on Invalid Pensions.

By Mr. ENLOE: Petition of Mrs. E. J. Roach and others, of Carroll County, Tenn., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HARTER: Petition of the Chicago Implement and Vehicle Club for an appropriation to the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. HAYES of Iowa: Paper from Iowa City Presbytery, asking that the Columbian Exposition be closed on Sunday and the sale of intoxicants be prohibited therein—to the Select Committee on the Columbian Exposition.

By Mr. HENDERSON of Illinois: Petition of S. E. Robinson and 35 other citizens of Alba Township, Henry County, Ill., praying for the enactment of a law imposing a tax upon all transactions whereby parties contract or agree to sell at a future time any of the articles and under the circumstances mentioned in the bill designated as the Washburn-Hatch antioption bills—to the Committee on Agriculture.

By Mr. HERMANN: Petition from citizens of Dalles City, Oregon, for the Washburn-Hatch antioption bills—to the Committee on Agriculture.

By Mr. HOLMAN: Petition of Local Assembly 1450, Knights of Labor, of Lawrenceburg, Ind., favoring the collection of statistics as to the slums of cities—to the Committee on Labor.

Also, papers to accompany House bill for the relief of Mrs. H. Facemire—to the Committee on Invalid Pensions.

Also, petition of the Ministerial Association of Rushville, Ind., in favor of closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. KRIBBS: Petition of 37 citizens of Forest County, Pa., in favor of the passage of House bill 401, to amend the immigration laws—to the Committee on the Judiciary.

By Mr. LAYTON: Petition of F. Reynolds Lodge, No. 291, of the Brotherhood of Railway Trainmen, of Springfield, Ohio, praying for legislation requiring railroads to equip their cars with the power brakes and automatic couplers—to the Committee on Interstate and Foreign Commerce.

Also petition of 160 members of the Presbyterian Congregation, of Logan and Hardin, Ohio, praying for the closing of the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. LODGE: Remonstrance of the Boston Society for Medical Improvement against the proposed reduction in the annual appropriation for the library of the Surgeon-General's Office—to the Committee on Appropriations.

By Mr. MITCHELL: Petition of members of George M. West Post, No. 165, Grand Army of the Republic, Department of Wisconsin, asking that further provision be made for preserving and properly marking the lines of battle at Gettysburg—to the Committee on Military Affairs.

Also, resolutions of Milwaukee branch of the Lake Seamen's Benevolent Association, protesting against the importation of Canadian seamen in violation of alien contract labor law—to the Select Committee on Immigration and Naturalization.

Also, resolutions of Robert Chivas Post, Grand Army of the Republic, of Milwaukee, in reference to the proposed appropriation for the national encampment—to the Committee on Appropriations.

By Mr. NEWBERRY: Petition of Garrett Biblical Institute, of Evanston, Ill., praying that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Libby, McNeill & Libby and L. C. Young, praying the passage of the bill introduced by Hon. J. J. O'NEILL, of Missouri, known as House bill 584—to the Committee on Patents.

By Mr. OATES: Petition of citizens of the county of Bullock, Ala., remonstrating against the passage of the Brosius (or Conger) lard bill, H. R. 395—to the Committee on Ways and Means.

By Mr. O'NEILL of Pennsylvania: Memorial of the Centennial Board of Finance, for the closing of its affairs and its dissolution—to the Committee on the Judiciary.

By Mr. PATTERSON of Tennessee: Two petitions of citizens of Hardeman and Fayette Counties, Tenn., remonstrating against

the passage of the Brosius (or Conger) lard bill, H. R. 395—to the Committee on Agriculture.

By Mr. PEEL: Petition of J. M. L. Thomasson and 22 other citizens of Drew County, Ark., asking for the passage of the anti-option bill—to the Committee on Agriculture.

Also, resolution of the Annual Conference of the Methodist Episcopal Church South, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RAY: Two petitions of Lincklaen Grange, No. 703, of New York; one in favor of prohibiting the adulteration of food and drugs, and the other to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition by the same grange, in favor of House bill 395, defining lard—to the Committee on Ways and Means.

Also, petition by the same grange, for a law prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of citizens of Oneida, Madison County, N. Y., for an international arbitration commission—to the Committee on Foreign Affairs.

Also, petition of the town of Lincklaen, Chenango County, N. Y., for the free delivery of mails in country districts—to the Committee on the Post-Office and Post-Roads.

By Mr. RIFE: Petition of 74 citizens of New Buffalo, Perry County, Pa., and of the Fourteenth Congressional district for the passage of House bill 401 amending the immigration laws—to the Select Committee on Immigration and Naturalization.

Also, petition of 37 citizens of Palmyra, Pa., and of the Fourteenth Congressional district against the passage of House bill 7690, for the local government of the Territory of Utah, and to provide for the election of certain officers in said Territory—to the Committee on the Territories.

By Mr. REYBURN: Petition of David S. Thompson relative to investigating the methods and practices of the Census Office—to the Select Committee on the Eleventh Census.

By Mr. RUSK: Petition of Mrs. Emily J. Fardy, widow of the late John T. Fardy, for relief—to the Committee on Claims.

By Mr. SAYERS: Petition of citizens of Mason County, Tex., for regulating speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. SCULL: Memorial of 94 citizens of Somerset County, Pa., in favor of House bill 401 relative to immigration, etc.—to the Select Committee on Immigration and Naturalization.

By Mr. STAHLNECKER: Petition of George Heyman, asking appropriation to complete the improvement of the Savannah River, under plans of the engineer in charge as adopted by last Congress—to the Committee on Rivers and Harbors.

Also, petitions of citizens of White Plains, N. Y., asking the passage of House bill 401, entitled "An act in amendment to the various acts relative to the immigration and importation of aliens under contract to perform labor"—to the Select Committee on Immigration and Naturalization.

Also, petition of Joseph B. See and 19 others, praying the passage of the same bill—to the Select Committee on Immigration and Naturalization.

By Mr. STEPHENSON: Petition of Franklin Squire and others, members of the Seventh Day Adventists, protesting against a union of religion and the state—to the Committee on the Judiciary.

Also, petition of National Woman's Christian Temperance Union, asking that no exposition for which appropriations are made by Congress shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TRACEY: Petition of citizens of New York City, favoring the passage of the Lodge bill providing for the suspension of the purchase of silver bullion—to the Committee on Coinage, Weights, and Measures.

By Mr. WADSWORTH: Petition of members of the Presbyterian Church and congregation of Holley, Orleans County, N. Y., favoring the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WARWICK: Two petitions of citizens of Ohio, as follows: Of Trinity Reformed Church of Wadsworth, and of Presbyterian Church of Holmesville, against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Wayne Post, Grand Army of the Republic, of Orville, Ohio, for the passage of a bill to mark battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. WEVER: Petition of Wing Post, No. 147, Grand Army of the Republic, Department of New York, for preserving and properly marking the battle lines of Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. WILLIAMS of Massachusetts: Petition of 72 members of the Newton (Mass.) and other theological institutions, praying

that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WILSON of Missouri: Petition of Thomas Blue, Samuel D. Tanger, and 34 other ex-soldiers and sailors of the civil war, and now of John Kelsey Post, No. 278, Grand Army of the Republic, Department of Missouri, favoring the marking and better preserving at Gettysburg the lines of that battle—to the Committee on Military Affairs.

By Mr. WILSON of Washington: Three petitions of citizens of the State of Washington, as follows: Of 20 citizens of Klickitat, of 9 citizens of the State of Washington, and of 19 citizens of Lincoln County, all praying for the passage of the Washburn-Hatch anti-option bill—to the Committee on Agriculture.

Also, two petitions as follows: Of 73 citizens of Ring County, and of 17 others of the same county, remonstrating against the reduction of duty on hops—to the Committee on Ways and Means.

Also, resolution of the Seattle Chamber of Commerce, praying the removal of the restrictions of the Puyallup Indian Reservation—to the Committee on Indian Affairs.

By Mr. YOUNG: Petition of H. A. Fenner and others, of Michigan, asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

## SENATE.

WEDNESDAY, April 20, 1892.

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

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

### EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of March 24, 1892, a list of the subordinates in that Department not specially appropriated for, etc.; which, with the accompanying papers, was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of Thomas Bowman, president, and James B. Kenyon, secretary, of the Northern New York Conference of the Methodist Episcopal Church, composed of over 200 churches and representing over 28,000 church members, "earnestly remonstrating against the passage of the severe Chinese exclusion act now pending before the Senate," praying that unfriendly legislation be stayed and that instead uniform laws relative to immigration be enacted that shall equally apply to persons coming from all nations to our shores; which was ordered to lie on the table.

He also presented the petition of Peter Hutton and 30 other citizens of Southington, Conn.; the petition of Rev. Joseph Danielson and 341 members of the Congregational Church of Southington, Conn.; the petition of George A. Francis and 60 other members of Gospel Mission Church of Southington, Conn.; the petition of John C. Breaker and 21 other citizens of Southington, Conn.; the petition of Mrs. H. M. Fisk, president, and 40 members of the Woman's Christian Temperance Union of Connecticut, and the petition of A. J. Cutting and 200 members of the Methodist Church of Southington, Conn., praying Congress to prohibit the opening on Sunday of any exhibition or exposition where United States funds are expended; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. DAWES presented a memorial of citizens of the United States, remonstrating against the passage of the so-called Geary bill for the exclusion of Chinese, and praying that section 14 of the act of May 6, 1882, be amended so as not to include Chinese who came into the United States prior thereto, with the intention of becoming citizens; which was ordered to lie on the table.

Mr. CASEY presented a petition of 228 citizens of Fairmount and Thompson, N. Dak., and a petition of 171 citizens of Ellendale, N. Dak., praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. FELTON presented a petition of citizens of Fresno County, Cal., praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of Grass Valley Grange, Patrons of Husbandry, of California:

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.