

The CHAIRMAN. The Chair would suggest that there is no amendment pending upon which debate is in order.

Mr. PETERS. I spoke upon striking out some last words. The gentleman can speak upon putting them back again. [Laughter.]

Mr. WILSON, of Indiana. I withdraw my amendment.

Mr. DAWES. I renew it for the purpose of saying a few words. After the presidential election of 1844, when presidential electors all over the United States were elected at different times, all parties, by an almost unanimous vote, determined that thereafter the election of presidential electors should be upon one and the same day, the Tuesday after the first Monday in November. A day was designated upon which but a single State I think at that time held its election; not more than one or two States held their elections on that day. But now nearly all of the States, at least three fourths of them, have conformed in their State elections to that day. Therefore, every two years all the States will be obliged to assemble at the polls on the very day which is fixed by this amendment. There is no other day which will accord so well as this day with the day fixed in the States. The second Tuesday of October is the day upon which four States hold their elections. There is no other day upon which more than one State holds its election. Therefore, every year or two years three fourths of all the States meet at the polls on the day named in this amendment; four States meet in October, and all of the other States have each a day of its own.

Now, the sentiment of the country upholds the statute which fixed, as the day for choosing presidential electors, the day which is proposed by this amendment. The general tendency of all the States is to come to that day. It makes no difference with us. We altered our constitution so as to conform to that day. It was the day upon which elections were held in New York; it was not the day upon which we held them in Massachusetts. We altered our constitution to conform to it.

Now, every reason urged at that time is a reason for having a uniform day for the election of members of Congress. Whether it should be that day in November or some day in October does not alter the question. It might be just as well to fix some day in October; but the reason, I suppose, why my colleague fixed the day in November was because all the States at each alternate election of members of Congress will be obliged to hold an election on that day, and three fourths of them will hold elections about the same time in the intervening periods. So that if we fix this day in November, it will disarrange the time for the elections in only one quarter of the States at every alternate election of members of Congress. It seems to me that there are so many reasons why we should have a uniform day, that the States whose time of election is thus disarranged will see the force of the requirement, and will ultimately, in their own time, conform their State election to that day. I would go for any other day just as quickly as for that day but for the reason that all the States are required to hold an election on that day once in every four years, and three fourths of them in the intervening periods of two years.

Mr. FARNSWORTH. As it is evident that we shall not get through the bill this evening, I move that the committee rise.

The motion was agreed to.
The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURFINTON reported that, according to order, the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the special order, being House bill No. 248, for the apportionment of Representatives to Congress among the several States according to the ninth census, and had come to no resolution thereon.

DELEGATES ON COMMITTEES.

Mr. RANDALL. I am instructed by the Committee on the Rules to report the following resolution:

Resolved, That the following be adopted as an additional standing rule of the House, namely:—
The Speaker shall appoint from among the Delegates from the Territories an additional member of the Committee on the Territories; and he shall also appoint the Delegate from the District of Columbia an additional member of the Committee for the District of Columbia. But the said Delegates in their respective committees shall have the same privileges only as in the House.

Mr. Speaker, it may be necessary that I should briefly explain this proposition. The Constitution provides that each House shall make such rules as may be necessary for the government of its business. The rules of the House provide that the Committee on the Territories and the Committee for the District of Columbia shall each consist of nine members. It has been thought by the Committee on the Rules that the business of these two committees will be greatly facilitated if these Delegates can consistently with the Constitution and the rules be admitted each to the appropriate committee for conference, and I may say as advisory members. I can see no objection to the proposition now reported. It has been unanimously agreed to by the Committee on the Rules, and I hope the House will confirm the action of the committee.

Mr. FINKELNBURG. I desire to understand distinctly whether it is proposed to give these Delegates any right to vote in committee.

Mr. RANDALL. On the contrary, the resolution expressly provides that the rights acquired by these Delegates in committee under this proposed rule shall be only such as they have in the House. Their rights in the House are limited to discussion and the making of motions.

The SPEAKER. The Clerk will again read the additional rule proposed by the committee.

The Clerk again read the resolution.

Mr. RANDALL. I will add that this proposition is acceptable to the Delegates from the Territories, and also to the Delegate for the District of Columbia.

Mr. FARNSWORTH. It seems to me, Mr. Speaker, that this is dangerous ground we are treading upon. Congress no doubt did a very foolish thing when it provided in the act establishing a territorial government in this District that the Delegate elected for the District should be a member of a committee; for the Constitution provides that "the House of Representatives shall be composed of members chosen every second year by the people of the several States," and that "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Now every committee of this House has vested in it to some extent legislative powers. It takes the initiative, it originates bills. Any Delegate from any Territory becomes in the committee-room a committee-man, like any other, unless his power is particularly defined. He may report a bill to the House as a member of a committee, and it becomes the duty of the Speaker to recognize him on the floor as a member of that committee. If he may report a bill, he may ask for its passage.

The SPEAKER. He can do that under the rules now.

Mr. FARNSWORTH. He can make a speech. He can speak. He appears here as an agent of the Territory, but in no sense as a member of Congress. He is an agent for the Territory, a corporation which Congress has organized. He can make a speech, but he cannot vote.

The SPEAKER. For the information of the House the Chair will have the rule read which defines the power of Delegates.

The Clerk read as follows:

"The right of a Delegate to submit a resolution is recognized by the fifty-second and one hundred and thirtieth rules, and it is also competent for

him to submit any motion which a member may make, except the motion to reconsider, which is dependent upon the right to vote."

Mr. FARNSWORTH. That is one of the rules. That is a rule of the House, and not a part of the Constitution, that I know of. There is no power conferred by the Constitution on this House to authorize a Delegate from a corporate body, except he comes from a State, to make motions on this floor. We may allow him to be heard in argument, but the making of motions on this floor is equivalent to voting, and it is in fact voting. It is submitting a question to a vote. If you make Delegates members of committees, what are to be their powers? It is true your rule says that this Delegate shall have the same powers as in the House. Then he can only debate; but according to the rule which has been read, he may submit motions in the committee.

Mr. HOAR. Let me ask the gentleman from Illinois whether in his judgment a motion is anything more than a petition, by which any citizen of the country can bring a matter before the House for its action?

Mr. FARNSWORTH. It is a good deal more.

Mr. HOAR. How so?

Mr. FARNSWORTH. No citizen of the country can come into the House and make a motion. A citizen of the country sends his petition through a member of Congress. A Delegate it is proposed shall do something more than that. It is proposed he shall do something more than send a petition through a member of Congress. It is proposed he shall make the motion himself.

Mr. HOAR. It is the same thing in principle.

Mr. FARNSWORTH. No, sir. I desire to be understood that I only make these remarks and criticisms because I think we are treading upon dangerous ground here, and not because I am opposed to allowing the Delegate from the District of Columbia to appear before that committee and be heard. I presume the Committee on the Territories allows the Delegates from the various Territories to be heard in the committee-room and be heard in reference to all matters pertaining to their respective Territories. The door of that committee-room is not locked against the Delegates of the Territories, nor will the door of the committee-room of the Committee for the District of Columbia be locked against the Delegate from this District.

Mr. ELDRIDGE. Let me make a suggestion to the gentleman from Illinois for the purpose of hearing him on the point. I ask him whether, if the rule is adopted as proposed by the Committee on Rules, and the Delegates are admitted, they can be bound by any regulation of the committee to keep the secrets of that committee as are members of the committee and members of the House; that is, whether they cannot reveal the secrets of the committee, and whether under the circumstances the House would have the power to punish them?

Mr. RANDALL. We are all presumed to be honorable men, and we are to presume likewise that the Delegates from the Territories are honorable men.

Mr. ELDRIDGE. If my friend will allow me, that presumption may include some dishonorable men. It may be good as a general rule.

Mr. MAYNARD. Let me ask the gentleman from Illinois whether, if anything of that kind be done, the committee would not report at once and the Delegate be censured or expelled?

Mr. ELDRIDGE. The gentleman from Tennessee has propounded a question in reference to what the House would do. I am not a prophet, nor the son of a prophet; and I have never been able to divine what this House would do. [Laughter.]

Mr. BANKS. The rule reported by the Committee on Rules does not change the rela-

tion in any degree of the Delegates from the Territories. The Constitution provides that members of the House shall be such as are described in that instrument. This rule does not at all interfere with that constitutional provision. The law gave to the Territories the right to send to Congress a Delegate or advisory member in regard to their own affairs. The Delegate has the right to participate in debates upon affairs relating to his own Territory, and to make suggestions; and a motion is only a suggestion. It is the same as asking the Chair to put a question. That is fixed by law, and it does not interfere with the rights of members at all. It proceeds on the supposition, which long experience has shown to be a correct one, that a man who comes from a Territory is likely to possess information which may be useful to the members of the House who are to legislate.

The Territories have become numerous. Their interests are very important. They are rapidly growing into States. And the Committee on Rules have reported a rule that the Delegates shall occupy the same advisory position on committees which they now do in the House. They will only be able to make a suggestion or propose action in the committee. They will have no right to vote, but being there under the rules of the House, they will be bound to obey and observe every rule of the House precisely the same as if they were members. There is very good reason why these advisory privileges should be extended to the Delegates from Territories in the meetings of the committees, and that will interfere in no possible way with the very high privilege enjoyed by gentlemen on the floor of the House as members of the House representing States.

The gentleman from Illinois [Mr. FARNSWORTH] desires to ask me a question.

Mr. FARNSWORTH. The Constitution provides that all legislative powers shall be vested in a Congress, composed of a Senate and House of Representatives, and that the House shall be composed of members from the States. I would ask the gentleman, how is the legislative power ever exercised except by a motion that the House do so and so, or that the Senate do so and so?

Mr. BANKS. I would say that that is not power. The power to propose a motion is not an absolute power.

Mr. FARNSWORTH. There is no other way of exercising power in such a body as this than by motion.

Mr. BANKS. Certainly the Speaker can present questions to the House.

Mr. FARNSWORTH. He is a member of the House.

Mr. BANKS. He presents them to the House as Speaker. And questions can be presented by memorials. The absolute power of the House is the power to decide by its vote on all questions. With that power we do not interfere, but we can if we choose extend the power of making suggestions, of presenting an argument, and even submitting propositions to the House for decision by a vote to any citizen of the country who may ask to be heard on any question. Now, all that we do in the case of Delegates is to give them by a law that which we are competent to give any day on any question to any of the citizens of the country whom we may choose to hear on any subject that may come before us, and who, being here, may ask the Chair to submit to the House such and such questions, or to submit a question in such and such a form. And that is what the gentleman calls a motion. The power is to decide. Now, it is clearly wise and clearly just, the interests of the Territories being so important and so numerous, and so near us as they are, that we should admit their Delegates to the deliberations of the committees to make suggestions under the exercise of exactly the same privileges as they have on the floor of the House.

Mr. COX. I desire to say just a word. There is a precedent for this action, occurring in the year 1817, in the case of a Delegate from the Territory of Missouri, who was appointed chairman of a committee to inquire into the advisability of the admission of that Territory as a State into the Union.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me to ask him a question?

Mr. COX. Certainly.

Mr. BUTLER, of Massachusetts. Have not the territorial Delegates always been members of the Committee of the Whole House?

Mr. COX. They are members only as far as the law of Congress gives them the privilege of sitting here and making motions, and not voting.

Mr. FARNSWORTH. They are not members of the Committee of the Whole.

Mr. COX. They are members only so far as the law of Congress gives them the right to sit here for certain purposes. This resolution is not intended to enlarge any of their powers or rights. It is for the convenience of the committees more than for the convenience of the Delegates. They come here to Congress for the purpose of giving information in regard to their Territories. The purpose now is to give them a chance of being heard in regard to the business of these Territories in advance in these committees, so as to post the committees as to territorial affairs or District of Columbia affairs.

Mr. FARNSWORTH. Then why not make them members of the Committee on Indian Affairs?

Mr. COX. That is what I was in favor of.

Mr. FARNSWORTH. This rule rather circumscribes their usefulness.

Mr. COX. I would distribute these various Delegates among the committees for the purpose of furnishing information to the committees with reference to the business of the Territories, to mines and mining, and Indian affairs. I will not go any further in the enumeration.

Mr. FARNSWORTH. You had better put them on the Committee on the Pacific Railroad also.

Mr. ELDRIDGE. Will the gentleman from New York allow me to make an inquiry?

Mr. COX. I will hear it.

Mr. ELDRIDGE. My inquiry is whether this is not precisely the same question which he once argued upon this floor with another member of the House from Ohio, as to the propriety of the heads of Departments occupying seats upon the floor of Congress to give information to members of Congress? It seems to me that it is precisely that question, and nothing more nor less.

Mr. COX. There is no analogy and no comparison at all between the two cases. The one relates to the executive department of the Government, and the other to the legislative department.

Mr. RANDALL. I desire to answer the objection which the gentleman from Illinois [Mr. FARNSWORTH] makes, that the power of these Delegates to sit in the House and make motions is a legislative power. It is a question for the House to determine whether they possess that power in the House or not. But that issue is not raised at all by this resolution, for we have distinctly restricted the powers which we propose to extend to the Delegates by this resolution to such only as they possess in this House. It will be seen that his objection, and the only one which has really been raised here that should cast a doubt on the propriety of the adoption of this resolution, amounts to nothing when it is explained. If a Delegate does not possess the power which the gentleman calls a legislative power to make a motion in this House, he will not possess it under this resolution in the committee. The object of the resolution is simply to facilitate legislation, and to make that legislation intelligent and wise by introducing into the delib-

ations of these two committees one Delegate from a Territory and the Delegate from the District of Columbia.

Mr. FARNSWORTH. Will the gentleman allow me to ask him a question?

Mr. RANDALL. I will.

Mr. FARNSWORTH. What does the Delegate from Colorado know of the necessities of the Territory of Arizona?

Mr. RANDALL. I will answer that question.

Mr. FARNSWORTH. Why not put all the Delegates on the committee?

Mr. RANDALL. My answer is that the Delegates have formed among themselves as it were a quasi committee, that they meet together both socially and in a legislative sense, and they will seek through one of their number to instruct and enlighten the Committee on the Territories, and that gentleman will really come to the Committee on the Territories as the representative of the opinions of the necessity of legislation of the entire number, the nine representatives of the Territories.

Mr. FARNSWORTH. But why not let them all in myself?

Mr. RANDALL. I was in favor of letting them all in myself.

Mr. FARNSWORTH. The wisdom of the whole is greater than the wisdom of one.

Mr. RANDALL. But the addition of the nine Delegates to the committee would make it cumbersome. I have examined the subject in all its bearings, and I can see no possible objection to the resolution; and I now move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. BUCKLEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. No. 612) to provide for a deficiency in the appropriations for the expenses of taking the ninth census of the United States; when the Speaker signed the same.

CHILDREN OF J. E. MARTIN.

Mr. MORGAN. I ask unanimous consent to introduce a bill and have it referred, with the understanding that it shall not be brought back into the House by a motion to reconsider.

No objection was made, and accordingly the bill (H. R. No. 620) for the relief of James C. Martin, Emilia E. Martin, John G. Martin, and Leonor Martin, children of J. E. Martin, deceased, was received, read a first and second time, and referred to the Committee on Foreign Affairs.

APPOINTMENTS ON COMMITTEES.

The SPEAKER, in compliance with the rule of the House adopted this day, announced the appointment of JEROME B. CHAFFEE, of Colorado, as a member of the Committee on the Territories, and NORTON P. CHIPMAN as a member of the Committee for the District of Columbia.

Mr. LYNCH. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ARTHUR: The petition of R. S. Semple and numerous others, citizens of the United States, for relief from the grievances of the steamboat law of February 28, 1871, and