

nary expenses of the House. Now, Mr. Chairman, I have only to say that it has been the traditional policy of the government for nearly a hundred years to pay the expenses of the parties coming here in good faith and with probable cause to contest for seats in this House. It was only in the last Congress that the provision was adopted that these expenses should not be paid out of the contingent fund, and this amendment or provision was adopted without debate. The debates in the *Congressional Globe* will show that this question has been up for consideration over and over and over again. And the leaders of the House and the ablest statesmen of the House have thought public policy demanded that we should encourage contests, not discourage them, where instituted upon probable cause in the interest of the purity of the ballot-box and the purity of this House.

Mr. GARFIELD. I desire simply to say a single word in reply to the gentleman from New York. After the very deliberate opinion expressed by the Committee on Elections of some four years ago, I think when the gentleman from Iowa [Mr. McCrary] was chairman of that committee, that it was found to be a very vicious practice to pay contestants the expenses of their contests, and that contests were gotten up more for the sake of the pay than for anything else, and a very large number of contests was thrown upon the House, overburdening our Calendar with work and our contingent fund with drafts—to meet all that it was then declared and made a part of the law as the deliberate judgment of that Congress that contestants should not be paid. Of course, if a contestant gets his seat then he gets his pay as a member of Congress. Now here is an amendment which puts in a group all the men, I believe, that have been unsuccessful contestants in this Congress.

Mr. LAMAR. You are mistaken.

Mr. SMITH, of New York. It includes thirteen out of thirty-four.

Mr. GARFIELD. The amendment includes a very large number. We are asked to put on thirteen men without discrimination, without stating which man has a clear case and which has a less clear. We are asked to put all in a lump and appropriate for them, and thus substantially and virtually break down the law which has been established so deliberately on that subject, changing the policy of four years and opening again the whole subject.

Mr. SPEER. I desire to say that there are some cases of contestants, and perhaps of contestees, who should be paid, at least in my judgment; but to put them together in an omnibus amendment to this bill and force the House to vote to pay all these men or against paying them all is unfair to the men who should be paid and unfair to the House as to the men who should not be paid.

Take the case of the Delegate from Utah (Mr. Cannon), who is not embraced in this amendment. His seat was contested. He received 18,000 votes out of 20,000, and yet he was put to the expense of taking testimony and securing counsel, and the Committee on Elections did not put his name on this list, although of all the contests before the House his was the most fraudulent and groundless. I find upon this list the name of Mr. Hodges, of Arkansas, whose right to his seat has not yet been determined by the House. There is a majority report of the committee in his favor and a minority report against him, but the House has not yet determined that he is entitled to his seat; and yet we are asked to pay him, in addition to his compensation as a member and his mileage, the sum of \$3,000 for the contest. I only cite this case to show that it is manifestly unjust that men who are entitled to be paid should be weighed down by carrying the burden of other men who have no merit in their cases and should not receive one dollar. It is unfair to the House to compel us to vote against men who have merit in their claim in order to strike at men who have not. But I would rather stand by the law of the last Congress; I would rather do wrong to individuals and trust to the future to remedy it than do wrong to my conscience and to the people by giving additional compensation to men who never had any just claim and who have prosecuted or

resisted contests from the most fraudulent and frivolous considerations. Let each case stand on its own merits and be fully considered, and not be rushed through at this hour of the night and of the session.

[Here the hammer fell.]

Mr. McCRARY. I move to strike out the last word. Mr. Chairman, I am very reluctant to antagonize the Committee on Elections, and I should not do so were it not for the fact that during the whole of last Congress I struggled to incorporate into law a provision against the paying of contestants in these cases their expenses. It is true that that provision of the statute only goes to the extent of prohibiting the payment by the House out of its contingent fund of these expenses. It went to that extent only because it would have been useless to have gone further. As a matter of course, it is in the power of Congress at any time by joint action of the two Houses to appropriate money for this or any other purpose, and therefore a provision that no contestant should be paid by an appropriation by Congress would have been entirely nugatory so far as controlling any future Congress is concerned.

The gentleman from New York [Mr. Smith] says that the provision to which I have referred was adopted without debate. It is true that at the time it was actually incorporated into an appropriation bill there was no debate; but there had been frequent debates during the last Congress, in which this whole subject was thoroughly discussed by a number of gentlemen on the floor; and if gentlemen will take the pains to examine the debates, they will find in those debates a statement prepared by the Clerk of the House, showing the sums of money that had been paid as expenses in these contested-election cases, amounting in the Forty-second Congress to considerably more than \$100,000, and in the Forty-third Congress to the same amount. It had become an abuse. The Committee on Elections in the last Congress were satisfied that in a great many instances contests had been instituted more for the purpose of making money than for any other reason.

I know very well the rule of the House was then precisely what the gentleman from New York [Mr. Smith] says it ought to be now; to pay only those who had probable cause of contest. But it is very difficult to discriminate between the man who has probable cause and the man who has not. The result will be that in every case, with perhaps a very few exceptions, the contestant will obtain his expenses. If he is paid when he fails to establish his right, of course you will pay the sitting member who succeeds in establishing his right.

I do not believe it is necessary in order to encourage men to assert their rights to a seat in this House, that this promise of reward should be held out to them. If a man has an honest case, if he believes he has a right to a seat in the Congress of the United States, he will assert his right and take his chances of making good his claim. In case he succeeds he receives his pay from the commencement of the Congress.

Mr. SMITH, of New York. How much did your Committee on Elections allow during the last Congress?

Mr. McCRARY. The committee of which I was chairman allowed a large sum, according to the rules established by preceding Congresses. But we abolished the practice of paying contestants, as far as we could possibly do so.

Mr. MAYNARD. I rise to oppose the amendment to the amendment for the purpose of saying that instead of embarrassing or limiting the contesting of elections we ought rather to facilitate it. It is the great means of keeping the ballot-box pure, of protecting the elective franchise. If you lay down the rule here for all time to come that every man who contests a seat does so at his own cost, you will find a great many men in the country who will be unable out of their own pockets to pay even \$1,000, to say nothing of \$3,000, to carry on a contest for a seat here. There will then be simply a scramble of unscrupulous officers to get a certificate and seat the man that holds it, knowing that that will practically settle the case, and that no one can contest successfully without money to do so.

If we have a Committee on Elections that is worthy the name, that

has any title or claim to that high position in the House, after they have heard the investigation they can tell whether the contest was made honestly and in good faith, or whether it was a mere colorable pretext for the purpose of making money. While I have been here I have known I know not how many instances of the committee reporting that the contestant should not be paid, and he was not paid, and many have not been paid to this day.

Mr. SMITH, of New York. The Committee on Elections has reported in favor of only thirteen contestants out of thirty-four. There are perhaps two others that the committee will act upon hereafter.

The amendment to the amendment was not agreed to.

Mr. BUTLER, of Massachusetts. I move to strike out the six last words in order to bring to the attention of the committee a view of this matter which has struck me as one worthy of their consideration. If the House shuts down entirely upon paying the expenses of a man who contests a seat, then we will add one more to the things which have a tendency to bring only rich men into Congress. Rich men can contest seats, but poor men cannot. The poor deserving man who is the choice of his fellow-citizens, and it may be of the poorer class of his fellow-citizens, who has been cheated by the rivalry and corrupt practices of the rich man, will not be able to get the seat that belongs to him because he cannot pay the expenses. He cannot get the money as he can do now, for he can now say to his friends, "Raise the money for me, and I shall have it reimbursed to me by the House, for I have an honest case." Elections to the other branch of Congress have now become nothing more than the results of representative caucuses. Here are the representatives of the people, and anything that keeps the ballot-box free, that puts the poor man on an equal footing with the rich so far as his rights are concerned, that takes away the advantage which the rich man has in matters of election, ought to be cherished in this House. However much the expense may be, no sum in my judgment can be better expended.

I call the attention of this side of the House to the fact that hereafter we may be contestants much more often than we have been. We are setting an example to the other side of the House which when they come into power I hope they will not follow. I say again it seems to me that true democratic republicanism requires us to see to it that the poorest man, if he has a good case to bring before the House, shall be sure to have an opportunity to present that case.

Mr. RANDALL. Does the gentleman believe that his side of the House has done that during the last twelve years?

Mr. BUTLER, of Massachusetts. We have.

Mr. RANDALL. Does the gentleman mean to say that his side of the House has decided election cases upon its merits?

Mr. BUTLER, of Massachusetts. O, no; I never saw an election contest decided on its merits anywhere.

Mr. RANDALL. I believe you will see that in the next House.

Mr. BUTLER, of Massachusetts. I have observed that the democratic minority here always vote for the democratic applicant for a seat, while the republicans, being in a majority, generally vote for the republican applicant, except a few men who claim to be more cautious or more virtuous than the rest. I think generally the vote in such cases has been according to party predilections.

The amendment of Mr. Butler, of Massachusetts, to the amendment was not agreed to.

Mr. HYNES. I move to amend the amendment by adding the following:

"Provided, That no sitting member who shall be unseated before the expiration of Congress shall be entitled to the benefit of this appropriation."

I offer this proviso to meet the objection which has been raised by the gentleman from Pennsylvania. [Mr. Speer.]

So the amendment was agreed to.

Mr. CESSNA. I move to amend by inserting the following as a

new paragraph after the amendment just adopted:

"That so much of section 38 of the Revised Statutes as requires the Clerk of the House of Representatives to omit from the pay-roll of Representatives and Delegates elected to Congress those holders of proper certificates whose election he may be notified will be contested, be, and the same is hereby repealed."

I desire to say that this provision has been unanimously approved by the Committee on the Judiciary; and it would have passed the House yesterday but for the objection of the gentleman from Alabama and the gentleman from Massachusetts, both of whom have since withdrawn their objection.

Mr. SPEER. I suggest a modification of the amendment by striking out "proper" and inserting the word "legal" before the word "certificates."

Mr. CESSNA. I have no objection to that modification.

The amendment, as modified, was agreed to.

WHAT IS THIS?—This hard word to spell is the name of a disease which it is well high impossible to overcome when it gains much headway. It is, in its earlier stages, an inflamed condition of the mucous membrane of the lungs—the result of a neglected cold; and, in its most aggravated form, tubercular Consumption, the most fatal of all maladies. For its relief, and consequently for the preservation of the life threatened by it, a preparation known as HALE'S HONEY OF HOREHOUND AND TAR is so widely recommended by those who have experienced its efficacious action, and so emphatically endorsed by eminent medical practitioners, that we cannot hesitate to accord it the most entire confidence. This pulmonary remedy exercises a peculiarly soothing and healing influence upon the irritated lining of the throat, bronchial tubes and lungs, speedily loosening a hard, dry cough, and inducing such a vigorously healthful reaction, that the patient is often astonished to find himself comparatively well in two or three days, after suffering for as many weeks.

TABLE KNIVES AND FORKS OF ALL KINDS.

And Exclusive Dealers of



THIS Handle never gets loose. Is not affected by hot water. It is the most durable knife known. Always ask for the "Patent Mark," "Meriden Cutlery Company" on the blade. They are GOOD. Sold by all dealers in Cutlery.

A New Article, "PATENT IVORY," the most durable white handle known.

Made by

The Meriden Cutlery Co., 49 Chambers St., NEW YORK.

Our Goods are kept by Z. C. M. L. and all its branch stores, and also by the Co-operative stores throughout the territory.

NOTICE.

To John Sullivan, George T. Henry, J. H. Walker, Daniel Driskel, Charles Adler, or to whom it may concern, take notice: That we, Frank Worthing, Michael Enright and John Gillooly have done work on the Harrington Mine, Ophir Mining District, Tooele County, Utah Territory, to the amount of four hundred and sixty (\$460) dollars, and your several shares amount to two hundred and twenty-five (\$225) dollars, and if you fail to pay your portion within ninety days, your interests in the said mine will be forfeited by operation of law.

FRANK WORTHING, MICHAEL ENRIGHT, JOHN GILLOOLY.

Dated Ophir City, Feb. 25th, 1875. d84

NOTICE.

TO THOSE CONCERNED IN THE ALLEGAN MINES, Little Cottonwood Mining District: Your assessments are as follows—Henrietta Green, \$1337; Louis Cohn, \$1337; John Snyder, \$1337; Harris Cohn, \$1337, all of which is requested to be paid immediately, otherwise your interest will be disposed of according to law, w4

M. J. SNEDEKER, Supt.

NOTICE.

To William Higgins: YOU ARE HEREBY NOTIFIED THAT I have expended for you the sum of Twenty (\$20) Dollars for labor performed on the Shoo Fly Lode (East), in Ophir Mining District, Tooele County, Utah Territory, being the amount to be expended by you on your proportion of said lode, and unless the same shall be paid by you within one hundred and eighty days after the date of the first newspaper publication of this notice, to wit, January 20th, 1875, your interest in said lode or mine will be forfeited to, and become the property of, myself, by operation of law.

SELAH CHAMBERLAIN, Salt Lake City, January 18, 1875. w61

NOTICE.

TO BENJAMIN F. BUTLER, or to whom it may concern, take notice: That I, M. T. Gisborn, have done work on the Silver Tail Mine, Ophir Mining District, Tooele County, Utah Territory, to the amount of sixteen hundred (\$1600) dollars, and your share amounts to four hundred (\$400) dollars, and if you fail to pay your portion within ninety days, your interest in the said mine will be forfeited by operation of law. MATT. T. GISBORN. Dated Ophir City, March 3rd, 1875. w6

CROWN of SCIENCE.

PROF. J. R. TILTON'S GREAT

HAIR PRODUCER.

One bottle of the "Crown of Science" guaranteed to produce Hair on any Bald Head. Three applications will stop the hair from falling out.

Ladies' attention is particularly called to the CROWN OF SCIENCE. It will stop the hair from falling out, beautify it, and give it a healthy and luxurious growth.

Exclusive Agents for Utah, Wyoming and Idaho, Diehl & Rheinboldt, Salt Lake House, Salt Lake City, Utah.

For sale at all Drug Stores and Barber Shops. 612



My annual Catalogue of Vegetable and Flower Seed for 1875 is now ready for all who apply. Customers of last season need not wait for it. It will be found several valuable varieties of new vegetables introduced for the first time this season, having made new vegetables a specialty for many years. Growing over a hundred and fifty varieties on my several farms, I would particularly invite the patronage of market gardeners and all others who are especially desirous to have their seed pure and fresh, and of the very best strain. All seed sent out from my establishment are covered by three warrants, as given in my catalogue. JAMES J. H. GREGORY, w4 Marblehead, Mass.

Taylor & Cutler,

SALT LAKE CITY,

Are Agents for the

DOMESTIC

Sewing

MACHINE

It is the BEST

of all!

AND IS SOLD ON

MONTHLY PAYMENTS!