

Mr. NORWOOD. (when his name was called.) On this question I am paired with the Senator from Maine, [Mr. MORRILL.] I should vote "nay," and he would vote "yea" if present.

The roll-call having been concluded, resulted—yeas 28, nays 20; as follows:

YEAS—Messrs. Allison, Boreman, Boutwell, Chandler, Clayton, Conover, Cragin, Dorsey, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Harvey, Hitchcock, Logan, Mitehell, Morrill of Vermont, Morton, Oglesby, Patterson, Pease, Ramsey, Sargent, Sherman, Spencer, Washburn, West, and Wright—28.

NAYS—Messrs. Bayard, Bogy, Carpenter, Conkling, Cooper, Davis, Dennis, Eaton, Edmunds, Goldthwaite, Hager, Jones, Kelly, Merrimon, Ransom, Saulsbury, Sprague, Stewart, Stockton, and Windom—20.

ABSENT—Messrs. Alcorn, Anthony, Brownlow, Cameron, Fenton, Ferry of Connecticut, Gilbert, Gordon, Hamilton of Maryland, Hamlin, Howe, Ingalls, Johnston, Lewis, McCreery, Morrill of Maine, Norwood, Pratt, Robertson, Schurz, Scott, Stevenson, Thurman, Tipton, and Wadleigh—25.

So the bill was passed.

#### CIVIL RIGHTS.

Mr. EDMUND. I move that the Senate proceed to the consideration of the bill (H. R. No. 796) to protect all citizens in their civil and legal rights.

The motion was agreed to.

Mr. EDMUND. The bill is now taken up and in Committee of the Whole and ready to be read. I have this proposition to make to gentlemen on the other side: that we will adjourn whenever it now suits their convenience, after the matters upon the table are cleared off, and that general debate shall terminate on this bill on Saturday next at two o'clock in the afternoon; any amendments proposed are to be disposed of on a five-minutes debate on each side; then thirty minutes to be allowed to the Senator in charge to close the debate, and then the bill to be finally disposed of without further debate; no other measure to be interposed outside of the morning hour while this bill is under consideration. I ask unanimous consent that there may be an understanding of this character.

Mr. LOGAN. I ask the Senator if in his proposition he means that the five-minutes debate on amendments shall continue after two o'clock on Saturday?

Mr. EDMUND. If amendments shall be offered.

Mr. LOGAN. Why not allow amendments to be offered during the time between now and then?

Mr. EDMUND. Any amendment may be offered, but it might happen that there would be no opportunity before.

Mr. LOGAN. By a five-minutes debate on amendments we might be kept here a week.

Mr. EDMUND. I do not think there is any danger of that.

Mr. LOGAN. I do not like that at all.

Mr. MORTON. I should like to hear the proposition read again.

Mr. EDMUND. The proposition that I make and ask unanimous consent for is that the general debate shall terminate on this bill on Saturday next at two o'clock in the afternoon; that any amendments proposed are to be disposed of on five minutes' debate on each side—of course by that I mean amendments moved in good faith, where men talk to the point, no filibustering or amendments of that character; then thirty minutes to close the debate, then the bill to be finally disposed of; and meantime, after the morning hour each day, that the bill shall not be laid aside or pushed out by taking up other measures.

Mr. SHERMAN. Does that contemplate that Saturday shall be occupied in the consideration of this bill?

Mr. EDMUND. Until two o'clock and the necessary time afterward.

Mr. SHERMAN. On Saturday I had hoped to bring up for consideration the tax bill. I do not wish to interfere with the civil-rights bill.

Mr. EDMUND. It only takes two hours on Saturday.

Mr. LOGAN. But if amendments are offered it may take the rest of the day.

Mr. EDMUND. So they may; and I make this proposition knowing perfectly well that the gentlemen on the other side, those who are opposed to this bill, (to say nothing of those who may have something to say in its favor,) have it in their power, without being accused of a design to frustrate the fair wishes of the majority, to talk much longer than from now at quarter of nine o'clock at night, during the sitting of to-morrow from twelve o'clock to such time as we might sit, and then two hours in the next day. Therefore, Mr. President, I make this as a fair and generous proposition, so as to satisfy all sides.

Mr. FRELINGHUYSEN. Let us all agree to it.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent to the proposition indicated by him. Is there objection?

Mr. BAYARD. The statement is made by the honorable Senator that the debate upon this measure is to be left to those who oppose this measure to-night, if they please, and to-morrow during the session of the Senate, and that they are not to be cut off by the majority preventing debate upon this bill, so that a night session to-morrow night, lasting as long as the opposition may choose that it be prolonged, may be had on this bill.

Mr. EDMUND. And with the understanding that no vote shall be taken.

Mr. BAYARD. Certainly.

Mr. EDMUND. And no other measure interposed.

Mr. MORTON. Do I understand that the other side are to have all the time for debate?

Mr. EDMUND. I am perfectly willing for one, and I should propose that, as this bill has been so much discussed if gentlemen on the other side wish for all the time from to-morrow morning until Saturday at two o'clock to speak themselves, they shall have it. If that is not agreeable to other gentlemen they have only to say so.

Mr. PATTERSON. I hope the Senator will not undertake to bind the rest of us to that. Somebody else may want to say something.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent as indicated by him in regard to this bill. Is there objection?

Mr. EDMUND. I ought to say that I do not propose that all the time shall be given to the other side.

Mr. BAYARD. No; that was the suggestion of the Senator from Indiana. I merely said that as we know there is a minority and a majority in this Chamber on this subject, the minority ought not to have their time of debate cut short by an adjournment to-morrow.

Mr. EDMUND. That I see no objection to.

Mr. BAYARD. We may have a day session, and a night session, and an all-night session to-morrow should our conscience lead us to debate the measure all night.

Mr. SARGENT. That is all right; but the majority should have some time to speak if they desire.

Several SENATORS. That is right.

The PRESIDING OFFICER. Is there objection to the proposition made by the Senator from Vermont, which has been repeated by him and taken down by the reporter?

Mr. SHERMAN. I give notice that after this bill is disposed of I shall call up the tax bill, even if it should be at a late hour on Saturday.

The PRESIDING OFFICER. The Chair hears no objection to that understanding. The Chair calls attention to the proposition made by the Senator from Vermont asking unanimous consent, as indicated by him, in regard to this bill which has been taken down by the reporter. Is there objection? The Chair hears no objection, and unanimous consent is given.

#### SMITHSONIAN REPORT FOR 1874.

The VICE-PRESIDENT laid before the Senate the following resolution of the House of Representatives; which was referred to the Committee on Printing:

*Resolved by the House of Representatives, (the Senate concurring,) That ten thousand five hundred copies of the report of the Smithsonian Institution for the year 1874 be printed; two thousand copies of which shall be for the use of the House of Representatives, one thousand for the use of the Senate, and seventy-five hundred for the use of the institution: Provided, That the aggregate number of pages of said report shall not exceed four hundred and fifty, and that there shall be no illustrations except those furnished by the Smithsonian Institution.*

Mr. RAMSEY. I move an executive session.

Mr. FLANAGAN. I move an adjournment.

Mr. RAMSEY. Let us have an executive session for a minute.

The PRESIDING OFFICER. It is moved that the Senate adjourn. The motion was agreed to; and (at eight o'clock and forty-five minutes p. m.) the Senate adjourned.

#### IN SENATE.

FRIDAY, February 26, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of yesterday's proceedings was read and approved.

#### EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of War, transmitting, in obedience to law, the report of the inspector of national cemeteries for the year 1874; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate the report of the Secretary of War, transmitting, in compliance with a Senate resolution of February 23, 1875, a report of the expedition to the Black Hills under command of Brevet Major-General George A. Custer; which was ordered to lie on the table and be printed.

#### DESERT LANDS IN CALIFORNIA.

The VICE-PRESIDENT laid before the Senate the bill (H. R. No. 4841) to provide for the sale of desert lands in Lassen County, California; which was read twice by its title.

Mr. HAGER. I ask for the passage of that bill now. It has the approval of the Department and it has the approval of the Committee on Public Lands. I ask that it shall be passed. The object is to reclaim desert lands.

Mr. INGALLS. I hope the bill will be first read for information.

The VICE-PRESIDENT. The Senator from California asks unanimous consent to consider the bill at the present time.

Mr. BAYARD. What is the unanimous consent for? Will the Chair state the question?

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

The Senator from California asks that the bill from the House of Representatives for the sale of desert lands in Lassen County, California, be considered at this time. The bill will be read for the information of the Senate.

The bill was read. It provides that it shall be lawful for any citizen of the United States, or any person of requisite age who may be entitled to become a citizen and who has filed his declaration or intention to become such, to file a declaration with the register and the receiver of the proper land district for the county of Lassen, California, in which any desert land is situated, that he intends to reclaim a tract of desert land situated in that county not exceeding one section, by conducting water upon the same, so as to reclaim all of said land within the period of two years thereafter. The declaration shall be under oath, and shall describe particularly the section of land if surveyed, and if unsurveyed shall describe the same as nearly as possible without a survey; which declaration shall be supported by the affidavit of at least two credible witnesses, establishing to the satisfaction of the register or receiver the fact that the lands are of a character described. At any time within the period of two years after filing this declaration, and upon making satisfactory proof of the reclamation of the tract of land before the register and the receiver, such person shall be entitled to enter or locate the reclaimed section, or any part thereof, in the same manner as in cases where public lands of the United States are subject to entry, at a price not exceeding \$1.25 per acre, and shall receive a patent therefor. All lands within the county of Lassen, exclusive of timber lands and mineral lands, which do not produce grass or which will not without such reclamation produce some agricultural crop, are to be deemed desert lands.

Mr. SCOTT. That bill, as read, authorizes the location of land without a survey, which would interfere with the general system of locating Government lands, and I think it ought to be sent to the Committee on Public Lands before we act upon it.

Mr. HAGER. It has been, and the committee are in favor of it.

Mr. SCOTT. It has not been before the Committee on Public Lands of this body, although it may have been before the Committee on Public Lands of the House.

Mr. HAGER. The chairman of the committee [Mr. SPRAGUE] last night rose and moved to take up the bill with a view of passing it, but the Senator from Vermont [Mr. EDMUNDS] said he would like it to lie over until this morning so that he might have an opportunity to examine it. It has the approval of the Committee on Public Lands. This is a House bill, and I call it up as the chairman of the committee is not here. The purpose is to make an attempt to reclaim the alkali lands. As we all know, on this side of the Sierra Nevada, they are not now worth the survey, and the Government will not pay for the survey. The Senator from Oregon [Mr. KELLY] is on the Committee on Public Lands, and he can explain the bill to the Senate. As I have said, it has the approval of that committee. It is an experiment and these parties pay the Government price for the lands, but the Government will not survey the lands because they are not worth it.

The VICE-PRESIDENT. It requires unanimous consent to consider the bill at this time. Is consent granted? The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### ORDER OF BUSINESS.

Mr. SCOTT. I rise now for a general purpose. I do not wish to object to any Senator's bill; but, as I am interested in having the committees called every morning, I wish to say that I shall object in advance to anything but the regular morning business.

#### PETITIONS AND MEMORIALS.

Mr. STEWART presented a resolution of the Legislature of Nevada, in favor of the restoration of the duty of ten cents per pound on boric acid; which was referred to the Committee on Finance.

He also presented a resolution of the Legislature of Nevada, instructing the Senators and Representatives from that State to modify the existing treaties with China so as to prevent the importation of Chinese, male and female, under servile contracts; which was referred to the Committee on the Judiciary.

He also presented a concurrent resolution of the Legislature of Nevada, in favor of changing the mail-route already established from Eureka, via Moray, Hot Creek, to Belmont, so as to include Sybo in said route and change the service from weekly to semi-weekly; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BAYARD. I present a memorial of E. & A. Betts; George W. Bush, president of the Wilmington Steamship Company; Pusey, Jones, & Co., builders of iron steamships; the Diamond State Iron Company; the Wilmington Board of Trade, and many other merchants and shippers interested in the commerce of Wilmington, Delaware, protesting against the abolition of the present Light-House Board. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. SCOTT presented a memorial of citizens of Pittsburgh, Pennsylvania, remonstrating against the restoration of the duties on tea and coffee or any revival of internal taxes and praying for the repeal of the 10 per cent. tariff reduction of 1872; which was referred to the Committee on Finance.

He also presented two petitions of citizens of Pennsylvania, praying that the aid of the national credit be extended to the completion of a great southern line of railroad to the Pacific; which were referred to the Committee on Railroads.

Mr. MORTON presented three petitions of citizens of the counties of Warrick, Jefferson, and Warren, Indiana, soldiers in the late war, and others, praying for the enactment of a law for the equalization of bounties; which were ordered to lie on the table.

Mr. MERRIMON presented a joint resolution of the Legislature of North Carolina, in favor of a repeal of the tax of 10 per cent. on issues of State banks; which was referred to the Committee on Finance.

He also presented a resolution of the Legislature of North Carolina, in favor of an appropriation for the erection of two light-houses on Albemarle Sound; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. SHERMAN presented a memorial of citizens of Ohio, remonstrating against the passage of Senate bill No. 1102, to promote the efficiency of the light-house service of the United States, now before the Committee on Commerce, proposing and contemplating radical changes in the administration of the light-house service; which was referred to the Committee on Commerce.

Mr. WRIGHT presented a preamble and resolution, with accompanying letter, of a committee of a citizens' meeting held in Dubuque, Iowa, asking the completion of the Government building in that city and the purchase of additional ground contiguous thereto, as also the donation of certain land for a public park; which was referred to the Committee on Public Buildings and Grounds.

Mr. ALCORN presented the memorial of James M. Lyles, of Newton County, Mississippi, praying for compensation for twelve bales of cotton taken from him by the United States after the close of the war of the rebellion, or that his claim for the same be referred to the Secretary of the Treasury to be adjusted under the act of May 18, 1872, or that it be referred to the United States Court of Claims; which was referred to the Committee on Claims.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. LOGAN it was

Ordered, That Mrs. Anna Ella Carroll have leave to withdraw her petition and papers from the files of the Senate.

#### EULOGIES ON SENATOR BUCKINGHAM.

Mr. FERRY, of Connecticut. Mr. President, I desire to give notice to the Senate that to-morrow afternoon at three o'clock, if under the arrangement regarding the civil-rights bill I can then properly do so, I shall ask the indulgence of the Senate to introduce resolutions and make some remarks upon them commemorative of the life and services of my late colleague, Governor BUCKINGHAM, and if at three o'clock the state of business should not be such as to make it consistent, at four o'clock at the latest. I have conferred with the committees having the next business in charge in relation to this notice that I am now giving, and I give the notice in this way because, having been ill and unable to be present in the Chamber I have not been able to confer individually with Senators.

#### REPORTS OF COMMITTEES.

Mr. MORRILL, of Vermont. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government, to report it without amendment. I will state that the committee on this bill are equally divided, but I am directed to report it, and I shall ask the consideration of it as soon as the civil-rights bill may be disposed of.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2763) granting a pension to Mrs. Sophia Green, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4757) granting a pension to Freemont Young, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4772) granting a pension to Richard G. Mobley, reported it without amendment.

Mr. SCOTT, from the Committee on Finance, to whom was referred the bill (S. No. 1304) to secure depositors in the Freedman's Savings and Trust Company from ultimate loss, reported adversely thereon; and it was postponed indefinitely.

He also from the Committee on Claims, to whom was referred the bill (H. R. No. 4434) giving certain authority to the accounting officers of the Treasury in the case of John L. Smith, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the joint resolution (H. R. No. 157) authorizing the acceptance by Captain C. H. Wells, of the United States Navy, of the cross of the Legion of Honor, conferred upon him by the President of the French Republic, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1259) to authorize the appointment of Walton Cable as master in the Navy on the retired list, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. BAYARD, from the Committee on Finance, to whom was re-

ferred the bill (S. No. 1237) to amend section No. 3342 of the Revised Statutes of the United States, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 4833) to authorize the Secretary of the Treasury to adjust and remit certain taxes and penalties claimed to be due from mining and other corporations in the sixth collection district of Michigan, reported it with amendments.

Mr. HOWE. The Committee on the Library, to whom was referred the petition of Charles Lanman, asking compensation for an alleged infringement of copyright, have instructed me to report it back. The petitioner has recently asked permission to withdraw his papers in the case. The committee do not see any objection to his doing that, but inasmuch as the claim is based upon an alleged infringement growing out of a publication made under an order of the Senate, which is the Congressional Directory, the Committee thought it worth while to place on file their opinion of the groundlessness of the claim, and therefore report that the claim is unfounded; but we recommend that he have leave to withdraw his papers.

The VICE-PRESIDENT. If there be no objection, that order will be made.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1332) for the relief of Mrs. Eliza Potter, reported it without amendment.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1282) to change the place of holding the district and circuit courts of the United States for the district of Nevada, reported it without amendment.

Mr. CONKLING, from the Committee on the Judiciary, to whom was referred the bill (S. No. 576) to provide for deductions from the terms of sentence of United States prisoners, and for other purposes, reported adversely thereon; and it was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 3504) to provide for deductions from the terms of sentence of United States prisoners, reported it with an amendment.

He also, from the same committee, who were instructed by a resolution of the Senate to inquire into the state of the law respecting the discharge from prisons of persons committed thereto by the courts of the United States, and into the expediency of providing for furnishing to such persons the means of temporary subsistence, asked to be discharged from the further consideration of the subject; which was agreed to.

He also, from the same committee, to whom was referred the petition of D. F. Hayes, praying payment for certain cotton captured by the United States gun-boat Kittatinny near Velasco, Texas, on the 27th day of September, 1862, from the schooner Emma, bound for Kingston, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. CONKLING. The same committee, to which was referred a petition praying for the enactment of a law giving precedence in suits in the courts of the United States for alleged wrongs by seamen against any officer of any vessel, have directed me to ask to be discharged from its further consideration. In making this report I wish to say that the committee do not intend to pass upon the merits of the supplication of this petition now, but there is no time to consider it, and that reason, among others, the committee make this report.

The committee was discharged from the further consideration of the petition.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. No. 4816) to authorize the consolidation of the Auburn City National Bank and the First National Bank of Auburn, New York, reported it without amendment.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1096) amendatory of the act entitled "An act in relation to the Hot Springs reservation in the State of Arkansas," reported it without amendment.

#### BILLS INTRODUCED.

Mr. MORRILL, of Maine, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1355) to amend an act fixing the rank of professors of mathematics in the United States Navy, approved May 31, 1872; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1356) to amend the acts of Congress in relation to agricultural colleges so as to extend the time in which the State of Florida may comply with the requirements of the said acts of Congress; which was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed.

Mr. ALCORN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1357) to provide for the appointment of an official stenographer in each of the district and circuit courts of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

#### ORDER OF BUSINESS.

Mr. LOGAN. I wish to ask the indulgence of the Senate. When the Committee on Military Affairs was called after the agreement that each committee should have an hour, it was within fifteen minutes of the expiration of the time, and therefore I ask the consent of the Senate this morning to give me a few minutes in order to allow me to take up the bounty bill.

Mr. LEWIS. Will the Senator give way to me for a moment to pass a bill which he knows all about, House bill No. 4727, to pay Mr. Wright for sweeping the streets? I do not think it will lead to any debate; I think the matter is understood by all.

Mr. LOGAN. I am in favor of that bill, and if the Senate will allow me to place the bounty bill before the Senate I can then dispose of the time for a few minutes perhaps. It is very desirable that the bill commonly known as the bill equalizing the bounties of soldiers should be acted upon by the Senate at some time. I do not think it will take more than a few minutes to pass it. The bill is so shaped that Senators will understand it when they hear it read. It deducts the bounties that have been given by the States, so that it will reduce the amount of money to a very small sum. I do not think that if the Senate will hear the bill read there will be any objection to it on either side of the Chamber. I will not take up the time of the Senate if the bill comes up in any discussion unless discussion is provoked. Any questions that may be asked I will answer, and I think I can demonstrate to the Senate in five minutes that it is not a bill of the character which has been denominated, which will be so expensive to the Government. I should be glad to have the bill taken up and let the Senate vote on it; and if they vote it down, that will be the end of it. I will not trouble the Senate with a speech of any length. There are, you must remember, some two hundred or three hundred thousand soldiers in this country interested in this bill, and they have been asking for two or three years that we take action upon it, and I want the Senate to take action upon it, let it be what it may. I should be very glad if the Senate would let the bill be taken up and acted upon at this time.

Mr. SHERMAN. According to my understanding it was distinctly agreed that the morning hour should be devoted to a particular committee after the formal morning business. Supposing the Committee on Finance in the second call would be reached to-day, I have been preparing and am prepared to offer business after the morning business is closed. The Committee on Military Affairs will probably be reached in the second call if we only stand by the rule.

Mr. LOGAN. I will stand by the rule, but I want to say to the Senator this: the Committee on Military Affairs has been passed over—

Mr. SHERMAN. No; we are coming to the second call now.

Mr. LOGAN. The hour that was allowed to the Military Committee was taken up by the business of another committee, and the Military Committee did not get its hour.

Mr. SHERMAN. But we have the second call of committees now.

Mr. LOGAN. If I was sure we could have the second call, that of course would make a difference. If the Senate will agree that this bill shall be considered at some time, it makes no difference to me when, before the adjournment—it will not take over an hour—I shall have no objection; but I do want it considered, at least a few minutes devoted to it at some time during this session.

The VICE-PRESIDENT. The Senator from Illinois asks consent to take up the bill named. Is there objection?

Mr. SHERMAN. I must insist upon my right to the floor if the Committee on Finance is called.

The VICE-PRESIDENT. Objection is made, and the introduction of bills is still in order.

Mr. LEWIS. I have no bill to introduce, but I wish merely to take up the bill to which I referred. If there are no other bills to be introduced I ask the Senate to indulge me in this.

The VICE-PRESIDENT. According to the order of the Senate the Chair must call the committees.

Mr. SHERMAN. Let us keep on under the rule.

Mr. LEWIS. This will take but a few minutes, and it is simply an act of justice to a poor man. I hope the Senate will indulge me in this, as I have not been troublesome to the Senate heretofore and certainly will not be any trouble much longer.

Mr. SHERMAN. If I have the right I will insist on following the order. I think the Committee on Finance can dispose of a dozen bills if it is called now.

Mr. LEWIS. Have I the right to move to suspend the business of a committee and take up this bill?

The VICE-PRESIDENT. That question has been raised several times, and it seems to be the judgment of the Senate that a member has not the right; that the order is peremptory. The Chair will call on the Select Committee on the Levees of the Mississippi River as the committee next in order.

Mr. ALCORN. We have nothing to present this morning.

The VICE-PRESIDENT. The Committee on Privileges and Elections is entitled to the remainder of the morning hour. [A pause.] The Committee on Foreign Relations. [A pause.] The Committee on Finance.

Mr. SHERMAN. Mr. President—

Mr. HOWE. Mr. President, does the Committee on Finance come before the Committee on Foreign Relations?

Mr. SHERMAN. The Committee on Foreign Relations was called.

Mr. HOWE. When?

Mr. SHERMAN. Just now.

The VICE-PRESIDENT. The Committee on Foreign Relations was called and no response made, but perhaps it is not too late to make it yet.

Mr. HOWE. If it is not too late I would like to respond for the

committee long enough to ask the consideration of the Senate to a bill for the relief of Joseph H. Colton, reported by the committee some two or three weeks ago. It is on the Calendar.

Mr. SPRAGUE. I have a bill ready from the Committee on Public Lands that I would like to pass while that is being found.

Mr. SHERMAN. Certainly I have no objection to the call of business from the Committee on Foreign Relations.

Mr. HOWE. I would like to have this bill acted on.

Mr. SHERMAN. I want to pass three or four bills of some importance from the Committee on Finance to which there will be no objection.

Mr. HOWE. There will not be any objection to this.

The VICE-PRESIDENT. Can the Senator describe the bill so that the Secretary can find it?

Mr. HOWE. It is a bill for the relief of Joseph H. Colton.

JOSEPH H. COLTON.

The bill (S. No. 1156) for the relief of Joseph H. Colton was read the second time, and considered as in Committee of the Whole. It is a request to the President of the United States to call upon the government of Bolivia to make payment of the money admitted by itself to be due, with interest thereon, according to the decree of the government of Bolivia of February 1, 1872, to Joseph H. Colton, for maps engraved for that government under a contract made in 1858.

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

The VICE-PRESIDENT. Has the Committee on Foreign Relations other business to present?

Mr. SHERMAN. If the Committee on Foreign Relations is through I will go on with the business of the Committee on Finance.

The VICE-PRESIDENT. The Committee on Finance is the next in order.

#### REFUNDING OF CUSTOMS DUTIES.

Mr. SHERMAN. I call up for consideration House bill No. 2073.

The bill (H. R. No. 2073) restricting the refunding of customs duties, and prescribing certain regulations of the Treasury Department, was considered as in Committee of the Whole.

The Committee on Finance proposed to strike out all after the enacting clause and insert:

That no moneys collected as duties on imports, in accordance with any decision, ruling, or direction previously made or given by the Secretary of the Treasury, shall, except as hereinafter provided, be refunded or repaid, unless in accordance with the judgment of a circuit or district court of the United States giving construction to the law, and from which the Attorney-General shall certify that no appeal or writ of error will be taken by the United States; or unless in pursuance of a special appropriation for the particular refund or repayment to be made: *Provided*, That whenever the Secretary shall be of opinion that such duties have been assessed and collected under an erroneous view of the facts in the case, he may authorize a re-examination and reliquidation in such case, and make such refund in accordance with existing laws as the facts so ascertained shall, in his opinion, justify; but no such reliquidation shall be allowed unless protest and appeal shall have been made as required by law: *Provided further*, That the restrictive provisions of this act shall not apply to such personal and household effects and other articles, not merchandise, as are by law exempt from duty: *And provided also*, That this act shall not affect the refund of excess of deposits based on estimated duties nor prevent the correction of errors in liquidation, whether for or against the Government, arising solely upon errors of fact discovered within one year from the date of payment, and, when in favor of the Government, brought to the notice of the collector within ten days from the date of discovery.

SEC. 2. That no ruling or decision once made by the Secretary of the Treasury, giving construction to any law imposing customs duties, shall be reversed or modified adversely to the United States by the same or a succeeding Secretary, except in concurrence with an opinion of the Attorney-General recommending the same, or a judicial decision of a circuit or district court of the United States conflicting with such ruling or decision, and from which the Attorney-General shall certify that no appeal or writ of error will be taken by the United States: *Provided*, That the Secretary of the Treasury may, in his discretion, decline to acquiesce in the judgment, decision, or ruling of an inferior court upon any question affecting the interests of the United States, when, in his opinion, such interests require a final adjudication of such question by the court of last resort.

SEC. 3. That the Secretary of the Treasury shall have power to make such regulations, not inconsistent with law, as may be necessary to carry this act into effect.

SEC. 4. That the Secretary of the Treasury shall, in his annual report to Congress, give a detailed statement of the various sums of money refunded under the provisions of this act or of any other act of Congress relating to the revenue, together with copies of the rulings under which repayments were made.

Mr. BOUTWELL. I should like to suggest to the chairman of the Committee on Finance whether in that provision of the first section authorizing refunds in case the Attorney-General does not choose to appeal, there should not be provision by which the judgment of the Secretary of the Treasury should be taken upon the question of appeal as well. My belief is—and I speak not of the Secretary of the Treasury—that there is always in the Treasury Department more knowledge both of the facts and of the law on which an opinion can be safely formed as to whether an appeal should be taken, than there is in the Department of Justice.

Mr. SHERMAN. I think the provision of the substitute is sufficient upon that point that the Secretary of the Treasury is not bound to refund unless an appeal is taken to the highest court. I will state that this amendment as it now stands has the hearty approval of the Treasury Department and meets difficulties that were not met by the House bill.

Mr. BOUTWELL. As I understood the section from the reading—I have not seen it—the Treasury Department would be bound to make refunds whatever its own opinion might be if the Attorney-General should not see fit to take an appeal from a district or circuit court in which judgment had been rendered against the Government.

Mr. SHERMAN. I think it is exactly the reverse, that he is not bound to make the refund in case the Attorney-General does not appeal.

Mr. BOUTWELL. The Attorney-General may be of the opinion that there ought not to be an appeal, and the Secretary of the Treasury may think there ought to be an appeal.

Mr. SHERMAN. I think in that case the Secretary of the Treasury is not bound by the decision of the Attorney-General or by his neglect to appeal. Let the Senator look at the language and suggest any amendment.

Mr. BOUTWELL. I think the Secretary of the Treasury should have authority to direct an appeal to be taken, whatever the opinion of the Attorney-General might be.

Mr. SCOTT. If the Senator will read it he will see that he has.

Mr. BOUTWELL. If that is in, I do not object.

Mr. SHERMAN. I will go on with the next bill, this being laid aside informally.

The VICE-PRESIDENT. The bill will be laid aside for the time being.

F. V. HAYDEN.

Mr. SHERMAN. I move to take up the bill for the relief of F. V. Hayden.

The bill (S. No. 1185) for the relief of F. V. Hayden was considered as in Committee of the Whole. It is a direction to the proper accounting officers, in settling and adjusting the accounts of F. V. Hayden, geologist in charge of the survey of the Territories, to credit him with \$3,825, on account of loss of that amount in 1872 by highway robbery committed on his clerk while traveling on a stage-coach between Virginia City, Montana, and Fort Hall, Idaho, bearing that sum of money from one division of the survey to the other; the amount having been lost without any fault or neglect of Hayden or his clerk.

The Committee on Finance proposed an amendment in line 6, to strike " \$4,000 " and insert " \$3,825. "

The amendment was agreed to.

Mr. HITCHCOCK. If there is a report in that case I should like to hear it.

Mr. SHERMAN. I will state the case in a moment. The Senator from Delaware [Mr. BAYARD] reported the bill. This is a case of highway robbery. A portion of the money intrusted to Mr. Hayden to pay his expenses was sent, according to the necessities of his operations, from Virginia City to some point in Montana, and on the way, a long journey in a stage, the stage was overhauled by robbers, and this money taken from the clerk, thirty-eight hundred and some odd dollars. The proof is conclusive; the papers contain the affidavit of the clerk who had charge of the money, and of one or two passengers who were in the stage, and we came to the conclusion that it was a clear case of loss by highway robbery.

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

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

#### REFUNDING OF CUSTOM DUTIES.

Mr. SHERMAN. I call up the bill which was laid over at the suggestion of the Senator from Massachusetts. I understand he thinks it is not necessary to suggest an amendment.

The VICE-PRESIDENT. The bill (H. R. No. 2073) restricting the refunding of custom duties and prescribing certain regulations of the Treasury Department is before the Senate as in Committee of the Whole, and the question is on the amendment reported by the Committee on Finance.

Mr. BOUTWELL. There still remains this point of difficulty: that if the Attorney-General does not take an appeal, as the bill now stands, the Secretary of the Treasury may refuse to make the refunds which would be required by the action of the Attorney-General. It would place the Secretary of the Treasury in a very awkward position, with the opinion of the Attorney-General on the one side and harassed by the claims of importers on the other. I would suggest the addition to the proviso of these words:

And in all cases when the Secretary of the Treasury shall so request, the Attorney-General shall take an appeal to the Supreme Court.

Mr. SHERMAN. I do not see any objection to that.

Mr. BOUTWELL. If that could be added to the proviso of the first section, it would do.

The amendment to the amendment was agreed to.

The amendment of the Committee on Finance, as amended, was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### BOARD OF AUDIT.

Mr. SHERMAN. I ask for the consideration of Senate bill No. 1240.

The bill (S. No. 1240) to extend the time within which the board of audit for the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board was considered as in Committee of the Whole. It provides that the board

of audit constituted by the act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, may receive, audit, and allow just claims against the District of the first and second classes mentioned in the sixth section of that act, and claims for refunding sewer-taxes, notwithstanding the limit of time for presentation contained in that act and in the joint resolution to continue the board of audit, approved December 21, 1874.

The Committee on Finance reported the bill with an amendment, which was to insert at the end of the bill the following proviso:

*Provided*, That such claims shall be presented prior to the 1st day of July next.

The amendment was agreed to.

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

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

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 4530) further supplemental to the various acts prescribing the mode of obtaining evidence in cases of contested elections.

The message also announced that the House had passed the following bills:

A bill (S. No. 455) for the relief of William M. Kimball;

A bill (S. No. 459) for the relief of William J. Patton; and

A bill (S. No. 674) to relieve C. D. Anderson of his political disabilities.

The message further announced that the House had passed a bill (H. R. No. 4842) for the relief of J. C. McBurney, in which it requested the concurrence of the Senate.

#### FREEDMAN'S SAVINGS COMPANY.

Mr. SHERMAN. I call up Senate bill No. 1349.

The bill (S. No. 1349) amending the charter of the Freedman's Savings and Trust Company, and for other purposes, was read the second time, and considered as in Committee of the Whole.

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

Mr. OGLESBY. I ask the Senator from Ohio, as we heard the bill read with some difficulty here, whether, in providing for one special commissioner in place of the three now in office, and directing that commissioner, if necessary, to employ some attorney, the bill provides that the commissioner's compensation, the attorney's compensation, if employed, shall come out of the assets of the bank?

Mr. SHERMAN. Yes, sir. The bill reduces considerably the cost of winding up this bank, and fixes the maximum compensation of the one commissioner to \$5,000, and the attorney also cannot have more than \$5,000.

Mr. OGLESBY. And their compensation comes out of the assets of the institution, and not out of the Treasury?

Mr. SHERMAN. Certainly.

The bill was passed.

#### STAMPS ON BEER CASKS.

Mr. SHERMAN. I now call up the bill reported this morning by the Senator from Delaware, [Mr. BAYARD,] about beer barrels. I do not know the number of it.

The bill (S. No. 1237) to amend section numbered 3342 of the Revised Statutes of the United States was considered as in Committee of the Whole. It amends the section referred to so as to read:

That every brewer shall obtain from the collector of the district in which his brewery or brewery warehouse is situated, and not otherwise, unless such collector shall fail to furnish the same upon application to him, the proper stamps, and shall affix upon the spigot-hole in the head of every hogshead, barrel, keg, or other receptacle in which any fermented liquor is contained, when sold or removed from such brewery or warehouse, (except in case of removal under permit, as hereinafter provided,) a stamp denoting the amount of the tax required upon such fermented liquor, which stamp shall be destroyed by driving through the same the faucet through which the liquor is to be withdrawn, or an air-faucet of equal size, at the time the vessel is tapped, in case the vessel is tapped through the other spigot-hole, (of which there shall be but two, one in the head and one in the side,) and shall also, at the time of affixing such stamp, cancel the same by writing or imprinting thereon the name of the person, firm, or corporation by whom such liquor was made, or the initial letters thereof, and the date when canceled. Every brewer who refuses or neglects to affix and cancel the stamps required by law in the manner aforesaid, or who affixes a false or fraudulent stamp thereto, or knowingly permits the same to be done, shall pay a penalty of \$100 for each barrel or package on which such omission or fraud occurs, and be imprisoned not more than one year.

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

The title of the bill was amended so as to read: "A bill in relation to affixing stamps on brewers' casks."

#### HOUSE BILLS REFERRED.

The bill (H. R. No. 4842) for the relief of J. C. McBurney was read twice by its title and referred to the Committee on Claims.

#### CIVIL RIGHTS.

The VICE-PRESIDENT. The morning hour having expired, the Chair calls up the unfinished business of yesterday, being House bill No. 796.

Mr. SPRAGUE. Pending the reading of the civil-rights bill I ask unanimous consent to be permitted to call up and have passed a bill from the Committee on Public Lands granting the right of way to a railroad. It is a short bill.

Mr. EDMUND. The regular order, Mr. President.

The VICE-PRESIDENT. The Senator from Vermont insists upon the regular order.

Mr. SPRAGUE. I desire to appeal to the Senator from Vermont.

Mr. EDMUND. I cannot listen, because the understanding was that nothing should intervene pending this bill.

The VICE-PRESIDENT. The bill is before the Senate, and will be read.

The bill was read.

Mr. THURMAN. In section 4, line 4, I move to strike out the words "or of any State." That section is the section in regard to juries.

#### EXECUTION LAW OF DAKOTA.

Mr. WRIGHT. I suppose I may be allowed to make a report.

The VICE-PRESIDENT. The Chair will receive the report, if there be no objection.

Mr. WRIGHT. I ask leave to make a statement of about two minutes before I make a report from the Committee on the Judiciary.

In the Territory of Dakota there are two laws upon the statute-books exempting a homestead and a certain amount of personal property from liability under execution. At the session of the Legislature in Dakota just adjourned they passed a law upon the subject of the homestead, and by the twentieth section thereof they repealed all laws which exempted personal property from execution. By a letter in my hands from the governor of the Territory and also other evidence before the committee, it appears that that was a mistake in repealing all laws by this twentieth section exempting personal property from execution. The House of Representatives has passed a bill declaring the twentieth section of that act inoperative.

It was before the Committee on the Judiciary this morning, and I am instructed to report the bill back and ask its passage. Unless something of the kind is done in that Territory now, so severely scourged by the grasshoppers last summer and otherwise, every particle of property is subject to execution. I report the bill back and ask that it be put on its passage.

There being no objection, the bill (H. R. No. 4838) to declare the true intent and meaning of the twentieth section of an act passed by the Legislature of the Territory of Dakota, passed January 14, 1875, entitled "An act making the conveyance of homesteads not valid unless the wife joins in the conveyance," was considered as in Committee of the Whole. It provides that the twentieth section of the act named in the title shall not be construed as an absolute repeal of chapter 37 of the laws of Dakota, approved May 12, 1862, but only as repealing so much of chapter 37 as is inconsistent with the first-named act, and that no other effect shall be given to the twentieth section.

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

Mr. WRIGHT. The Committee on the Judiciary, to whom was referred the bill (S. No. 1337) to disapprove section 20 of the act of the territorial Legislature of the Territory of Dakota entitled "An act making the conveyance of homesteads not valid unless the wife joins in the said conveyance," approved January 14, 1875, ask that the bill be postponed indefinitely, the bill just passed superseding it.

The bill was postponed indefinitely.

#### PUYALLUP VALLEY COAL COMPANY.

Mr. SPRAGUE. I ask unanimous consent to take up Senate bill S. No. 1083.

No objection being made, the bill (S. No. 1083) granting the right of way for a railroad and telegraph line to the Puyallup Valley Coal Company, and for other purposes, was considered as in Committee of the Whole.

The Committee on Public Lands reported the bill with amendments.

The first amendment was in line 6, section 1, after the word "Territory" to insert "not occupied under the pre-emption or homestead laws nor reserved for sale;" so as to make the clause read:

That there is hereby granted to the Puyallup Valley Coal Company, a corporation formed under and by virtue of the laws of the State of Oregon, the right of way over the public domain of the United States in Washington Territory, not occupied under the pre-emption or homestead laws nor reserved for sale, from such coal mine or mines in said Territory as said corporation may now or hereafter own or occupy.

The amendment was agreed to.

The next amendment was in line 17, section 1, to strike out the word "two" and insert "one;" in line 20 to strike out the words "obtaining water and conducting water to the stations," in line 21 after the word "wharves" to insert the words "but in no case exceeding two hundred feet in width;" so as to read:

Such right of way to be sufficient for constructing, operating, and protecting such railroads and telegraph lines, not exceeding one hundred feet in width, except where a greater width is required to give room for bridge-foundations, cuts, and embankments, or for water-stations, or for depots, turn-outs, sidings, and wharves, but in no case exceeding two hundred feet in width.

The amendment was agreed to.

The next amendment was after line 22 to strike out the following words:

And in such cases no greater quantity of land is to be appropriated against the consent of the owner than is required for the safe construction and convenient use of said road and the accommodation of its business.

And in lieu thereof to insert:

And the condemnation for such appropriation shall be in conformity to the laws of said Territory.

Mr. PRATT. That amendment should not be concurred in. The bill was committed to me for examination and report and there is a mistake in presenting that amendment. I hope the amendment will not be agreed to.

Mr. BOUTWELL. I am not sure that this bill is right in itself; but the Senator from Vermont who is not now in his seat [Mr. EDMUNDS] a few moments ago objected to taking up this bill. He is absent for a moment.

Mr. SPRAGUE. Not this bill merely, but to general legislation.

Mr. BOUTWELL. This bill was then proposed and he objected to it and everything else as being a departure from the arrangement entered into last night in regard to the bill that is regularly before the Senate. I have not attended to the business; I do not know how this has happened to get in.

Mr. MITCHELL. I will state to the Senator from Massachusetts that the bill has been taken up already and is now being considered and several amendments have been adopted. I simply desire to state that this amendment is a mistake on the part of the committee, as the Senator from Indiana has said.

Mr. SPRAGUE. That is so.

Mr. MITCHELL. It should not be concurred in.

The amendment was rejected.

Mr. CONKLING. I should like to know what the bill is. Will the Senator in charge of it state what it is or have it read? It seems to be a railroad bill.

Mr. SPRAGUE. It is merely to give the right of way for a railroad in Oregon one hundred feet in width with the right to take material within the grant.

Mr. SHERMAN. No land grant?

Mr. SPRAGUE. No land grant, not an acre.

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

The bill was ordered to be engrossed for a third reading.

Mr. FRELINGHUYSEN. I should like to have the bill read.

The PRESIDING OFFICER, (Mr. CARPENTER in the chair.) The bill will be read as amended.

The bill was read.

Mr. EDMUNDS. If I can have the attention of my friend from Delaware, [Mr. BAYARD,] I would like to inquire whether this business offered by unanimous consent is objectionable to the gentlemen on the other side in view of the understanding. If it be, I shall feel it to be my duty of course to insist on the regular order because this takes time, and if my friend from Delaware and his friends think it trenches upon the engagement, I must certainly insist upon the regular order.

Mr. BAYARD. There are very few members on this side in their seats. I believe there was no objection made when this bill was taken up, for want of attention on our part. This bill came in in that way passing over the regular order informally, subject to be called up at any time, and therefore there was no dissent expressed which the Chair asked for at the time. It was not, however, the intention of this side of the Chamber that any business should be interpolated except subject to the regular order being resumed at any instant it should be called for.

Mr. EDMUNDS. Then unless my friend and his friends are satisfied that this order may be disposed of subject to the regular order, I will object now to its further consideration.

Mr. BAYARD. I understand the honorable Senator is entirely correct; but there was some misunderstanding among gentlemen on this side as to the order of their addressing the Senate upon the pending measure.

Mr. SPRAGUE. Let us have this bill passed.

Mr. BAYARD. I understand this bill can be passed in a moment.

Mr. MORTON. I do not want to interfere with the passage of this bill but I wish to make a remark after it is disposed of.

Mr. FRELINGHUYSEN. It seems to me that the bill is a very uncertain and indefinite grant of right of way. It is not from any fixed point to any other fixed point. It is from the mines which this corporation own or which they may hereafter own, and it gives them the right to the wood and everything on this strip of one hundred feet or two hundred feet between two indefinite points, and is a most valuable grant even if the railroad is never built.

Mr. MITCHELL. I will state in answer to the Senator from New Jersey that this company is organized under a general incorporation law of the State of Oregon, and by virtue of the provisions of that law the company is compelled to fix certainly and positively the termini of its road. There can be no question about that. I presume that at the time this bill was presented the company was not organized. Large coal mines have been discovered recently in that Territory. The company has been organized only very recently. Under the general provisions of the incorporation law of Oregon they are com-

elled to fix the termini. Of course they only take by virtue of the provisions of this bill in view of the line fixed under the provisions of the general corporation law of the State of Oregon.

Mr. FRELINGHUYSEN. I do not understand it so. I understand this bill to give to this company the right to take the public domain, a strip one hundred feet wide, from any mine they now own or from any they may hereafter purchase to the waters of Puget Sound or to any point on the Northern Pacific Railroad. Neither the point of beginning nor the point of ending is fixed at all, and there is nothing in the bill as I understand which requires the company to build the road at all.

Mr. CONKLING. I know nothing of this bill except as I learn now from hearing it read and from looking at it. The feature to which the Senator from New Jersey calls attention strikes me; and there is one other which I think I ought to bring to the notice of the Senate. It is true that the road is to be built "from such coal mine or mines in said Territory as said corporation may now or hereafter own or occupy." Therefore the terminus at one end is entirely afloat. Then it is to be built "to navigable waters on Commencement Bay, or other point or points on the waters of Puget Sound, or Admiralty Inlet, or to some point or points on the Northern Pacific Railroad."

It is a grant of the right of way "together with timber and other material on said right of way," and so on. Without spending a moment upon that, the Senate will see what it means.

The other point to which I want to call attention is this: No time is fixed within which this road must be commenced, none within which it must be completed. As far as I can discover from reading the bill, this grant is to take place to be rendered certain as to location from beginning to end when and not till the grantee chooses to fix it; and when that is done, for all time that I can discover without limitation, there it remains a grant and a railroad may not be commenced during the life of men now living. It seems to me it is a very broad bill in its effects.

Mr. THURMAN. I demand the regular order.

#### CIVIL RIGHTS.

The PRESIDING OFFICER, (Mr. CARPENTER in the chair.) The Senator from Ohio demands the regular order, which is the bill (H. R. No. 796) to protect all citizens in their civil and legal rights.

Mr. LEWIS. I should like to call up House bill No. 2747.

Mr. THURMAN. No; I cannot give way for anything.

Mr. President, the pending question is on the motion submitted by me to strike out of the fourth section of the bill the words "or of any State." Of course no vote is to be taken on the motion until the hour of two o'clock to-morrow, but I have seen fit to make the motion now in order that it may receive that consideration which it cannot receive under a rule limiting debate to five minutes.

Mr. President, the question presented by this amendment to the Senate is whether, apart from any question of policy, it is competent for the Congress of the United States to regulate the qualifications of jurors in a State court. The section as it now stands provides—

That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the causes aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than \$5,000.

When this bill was under consideration in the Senate at the last session, or a bill similar to this, I listened in vain for one word showing the constitutionality of that provision. I listened in vain for any word of argument to show that it is in the power of the Congress of the United States to regulate by law who shall be jurors in the State courts. No argument was made within my hearing to maintain any such proposition; but it was very distinctly and clearly demonstrated by you, Mr. President, (Mr. CARPENTER in the chair,) as well as by others, that no such power can be deduced from any provision in the Constitution. No one will pretend that before the adoption of the fourteenth amendment such a provision as this would have been constitutional, and no one will pretend that there is anything in the fourteenth amendment to give the slightest color to such a position unless it be the first section of that amendment. Before considering that, allow me to say that neither the thirteenth nor the fifteenth amendment has anything whatever to do with this question. It all turns upon section 1 of the fourteenth amendment, which is in these words:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I propose to take up this section sentence by sentence and see whether by any fair reasoning whatever the power asserted in this bill to prescribe the qualifications of jurors in a State court can be logically or reasonably deduced. The first sentence is:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Manifestly that confers upon them no right to sit as jurors; and if it did it would confer upon every woman a right to be a juror; it

would confer upon every minor a right to be a juror. The mere fact that persons born within the United States or here naturalized become citizens of the United States and of the State wherein they reside, confers no right to be selected or to act as jurors.

Let me illustrate that. Take the case of a person naturalized who cannot speak or understand one word of the English language. May not the State say that he shall not be a juror? Does not State after State declare that such persons shall not be jurors? Does not State require as a qualification to sit upon a jury that a person shall understand the English language—I do not mean read it; I do not mean write it; but at least that he shall understand it? Some go further and require that he shall read and write the English language. But if the interpretation asserted in this bill were given to this sentence in the article, then it would be unlawful to deprive any citizen of the right to sit upon juries. Let us see the next sentence:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

Is it one of the privileges or immunities of a citizen of the United States that he shall be a juror in a State court? Who ever heard of such a proposition as that? The Supreme Court has expressly decided in the Slaughter-house cases that the sentence which I have just read only relates to the immunities and privileges of an individual as a citizen of the United States and not to any privilege or any immunity possessed by him in virtue of his State citizenship. No decision can be clearer than that. In fact it required no decision to establish that, for the language is as plain as it could possibly be. The language is—I must repeat it—"No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States;" not of citizens of the State but "of citizens of the United States;" and when, pray, was it ever a privilege or an immunity of a citizen of the United States that he should be entitled to sit upon a jury in a State court? When was it that the bare fact of citizenship of the United States deprived a State of the right to provide what should be the qualification of an individual to entitle him to sit as a juror in its own courts?

The next clause is:

Now shall any State deprive any person of life, liberty, or property without due process of law.

It is not depriving any individual of life or liberty or property to refuse to seat him in the jury-box. The sentence then concludes, and this concludes the section:

Nor deny to any person within its jurisdiction the equal protection of the law.

She does not deny to any individual within the jurisdiction of the State the equal protection of her laws when she provides what shall be the qualification of the jurors in that State. No one can by any fair reasoning whatever strain that provision to cover such a case as this and to authorize Congress to set aside the State laws, to abrogate them or to modify them in any particular in relation to the qualification of jurors in the State courts. Why, Mr. President, are not the State courts the creatures of the State constitution? Are they not created by the State and do they not derive their whole authority from the State? How, then, can it be that a tribunal thus constituted can be thus regulated in its essential composition by an act of the Congress of the United States? If you can do this in respect to jurors you can do it in respect to judges; you may overthrow the constitution of the State in respect to her judges just precisely as much as you can overthrow her constitution and her laws in respect to her jurors.

There is no fair reasoning, there is no fair logic, there is no deduction admitted by any principle of legal interpretation or of any treatise on logic that admits a stretch of these words so as to justify this provision in this bill. If you can do that, then I say that every constitution of a State and every right of a State is at the absolute mercy of Congress. If you can indulge in a latitude of interpretation in respect to this section which I have read, and which is the only section that bears on the subject or that can be supposed to bear upon it which would admit the constitutionality of this provision in the bill, then I repeat there is not one single right of a State, not one single privilege of a State, not one single safeguard of a State that is not in the absolute discretion of Congress to destroy. Have we come to that? Are the States mere counties and all sovereignty in the Government of the United States? Are the States simply sovereign in name in respect to their reserved rights if Congress, by any such interpretation of this amendment as that by which this bill is sought to be sustained, can declare that they have no reserved rights at all?

I confess that I am amazed that in the face of the plain language of this section, in the face of the solemn decision of the Supreme Court of the United States adverse to this proposition, it yet is pressed upon the Congress of the United States, and we are asked to do what the language of the Constitution does not authorize us to do, and what the solemn decision of our Supreme Court declares we have no power whatever to do. Why, sir, what respect can there be for government when the Congress of the United States sets this decision of its Supreme Court thus at defiance, sets common sense and reason at defiance, and in plain, flagrant, inexcusable violation of our Federal system, of the rights of the States and of the language of our fundamental law, usurps a power that no sane man can believe exists? Sir, this language may be strong, but it is no stronger than is warranted.

I say that no sane man can believe that this power exists, and when I say "sane" I mean it. I say that no man unbiased by his prejudices, unbiased by party, unbiased by his desire to carry a party triumph, no matter what may be the fundamental law of the land, can ever in his sane moments come to the conclusion that this power is within the Federal Constitution.

Now, Mr. President, I have very little hope that anything I can say will arrest this measure or even procure the adoption of this amendment. I know that all reverence for the rights of the States has been fading out of the minds of Senators here ever since I have held a seat in this body and for years before. I know that that which was most sacred with our forefathers, that feeling without which this Constitution never would have been adopted, that sacred regard for the rights of the States and the people, that belief that it was only by a Federal system that those rights could be preserved and this Union preserved—I know that those ideas have been fading away under the influences produced by civil war, under the influences of mammon and of greed and under the dictates of the narrowest fanaticism that ever distorted a human mind. I have very little hope of making any impression upon that prevailing tendency now; but I do yet believe—at least I will not give up the hope—that the American people will ere long arouse to a sense of the danger which menaces the whole system founded by our fathers, under which we have achieved unparalleled prosperity, and whose destruction will be the death-knell of liberty and the death-knell of the existence of the Republic.

Mr. BOUTWELL. Mr. President, the remarks made by the honorable Senator from Ohio lead me to make an observation upon the meaning of the fourteenth amendment. If I differ in opinion from the honorable Senator from Ohio, it is not strange. I do not partake of the view he expresses as to the change going on even in the Senate. He says that respect for the rights of the States has been gradually fading out in the minds of Senators since he has had a seat in this body. What inference we are to draw from that remark, as to the influence he may have had upon the Senate, I cannot say. I have not observed that effect, and I doubt the existence of the fact. Nor is there in the country a disposition to interfere with the rights of the States, nor is there any change in opinion as to the power of States, except as the power of the States may have been limited by the amendments that have been made by the Constitution. I feel that this change which has taken place is due to the respect for the Constitution in those particulars wherein the powers of the States have been limited, and not from any disposition to deprive any State of its constitutional powers.

The thirteenth, fourteenth, and fifteenth amendments did limit the power of the States; they did extend the power of the General Government; and the question we are considering almost continually is the extent to which the power of the States has been limited by these amendments and the extent to which the power of the General Government has been carried by these several amendments.

I am not disposed to discuss the Slaughter-house decision, as it is called. It will stand legally and politically for what it is worth. It related to a particular case. In that case and in every other case like that, if there shall be another case like that, it is law; but it is not law beyond the case in which the opinion was rendered, and therefore for myself I dismiss that case as a legislator when I come to consider new propositions.

Mr. STEWART. That was by a divided court.

Mr. BOUTWELL. It was by a divided court, but nevertheless the opinion of the majority of the court is the law of the case, but it is not law beyond the case; it is not law with reference to the rights of States generally, and certainly is not law for the Senate when the Senate is engaged in considering a question which is a different question from that on which the court passed.

In the fourteenth amendment I find ample power for what is proposed in the bill under consideration. The fourth section of this bill does not propose, as was suggested by the Senator from Ohio, to decide the qualifications of jurors in the States. The illustration which he gave to the Senate was not an illustration in point. He says, if a State shall provide by law that a person who does not understand the English language shall not sit as a juror, is the United States to come in and by legislative authority decide or declare that such person may sit as a juror? I think no one would contend that there was any such power in the National Government, and certainly no such power is asserted in this bill.

The fourth section is:

That no citizen possessing all other qualifications which are or may be prescribed by law—

That is, by the law of the State—

shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude.

That is merely by the General Government a declaration of equality of rights among citizens of the several States and of each particular State in reference to service upon the juries of the State and in the State courts.

Mr. THURMAN. Will it trouble the Senator if I interrupt him?

Mr. BOUTWELL. Not in the least.

Mr. THURMAN. Then I beg leave to call the Senator's attention to the fact that the first section of the fourteenth amendment, on

which he relies of course to sustain the bill, has no reference whatsoever to "race, color, or previous condition of servitude." No such words are in the section. No allusion is made to that distinction. Therefore I ask the Senator, if there is power to say "that no citizen," in the language of this bill, "possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror of any State on account of race, color, or previous condition of servitude," why have you not equal power to strike out those words "on account of race, or color, or previous condition of servitude" and insert "on account of his ignorance of the English tongue?" Why can you not do it; or why can you not add after the word "servitude" the words "or on account of his ignorance of the English tongue;" for there is not one word in the first section of the fourteenth amendment that relates to race, or color, or previous condition of servitude.

Mr. BOUTWELL. That is all very true. The fourth section of this bill provides for equality in certain particulars where the equality of citizens is assailed, and not elsewhere. It is assailed or threatened in many of the States of the Union, upon the ground that certain persons are of a particular race or of a particular color or have been subject in times past to the condition of slaves. Now, in order to protect those people against discriminations for these reasons, this provision of the bill contemplates that if they are qualified in other respects as the laws of the State require for other citizens, they shall not be excluded from the jury-box for these reasons; and, although there is not in the first section of the fourteenth article of amendment any reference to these conditions, there nevertheless is a declaration which covers these conditions, and might cover and in fact does cover many other conditions:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

What does that phrase mean? It means, first and chiefly and pre-eminent, as the law of the land, that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States." That is the first great primal truth of the fourteenth amendment; and what is the first privilege, right, immunity under that declaration? It is that they are citizens of the several States "wherein they reside." Therefore the leading doctrine of that provision of the Constitution is that all the persons described in it are citizens of the United States, and by virtue of their citizenship they are citizens of the State wherein they reside. That is the first immunity. The chief privilege, the great right established by the fourteenth amendment to the Constitution is that citizens of the United States are citizens of the State wherein they reside. That is the immunity, that is the privilege, that is the right. Now, then, what follows?

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

Not "of citizens of the States," but "of citizens of the United States." And what is the first privilege of citizens of the United States? That they are citizens of the State wherin they reside. And what is the chief right of the citizen of a State? That he is the equal before the law of every other citizen. By the fourteenth amendment the people of the United States, through their constituted authorities, have grasped the question of securing to citizens of the United States their rights as citizens of the several States; and the first right is the right of equality before the law. Therefore, while we cannot go into the States and say what the rights of citizens of the State in the State shall be, whenever there is a law in a State or a provision of its constitution which secures to citizens generally their rights and discriminates against other citizens, that discrimination is not only against citizens as citizens of the State, but against those citizens as citizens of the United States, and in our power under the fourteenth amendment to protect them as citizens of the United States, we pass the boundaries of the several States by authority of the Constitution and secure to our citizens, the citizens of the United States, their rights under the laws of the States as citizens of the State.

Mr. THURMAN. Now let me ask the Senator a question right there. Where does he find any foundation for the position that either citizenship of the United States or citizenship of a State gives a person a right to sit upon a jury?

Mr. BOUTWELL. I do not find it at all.

Mr. THURMAN. No; I guess not.

Mr. BOUTWELL. I do not need to look for it. As a citizen of the United States and as a part of the law-making power of the United States I only look beyond, within the jurisdiction of the State, and see what the rights and privileges and immunities of citizens of the State generally are under the laws and constitution of the State. Then I say if there be a citizen of the United States within that jurisdiction who is deprived in any particular of his rights as a citizen of the State, under the laws of the State, I can, under the Constitution of the United States and as a part of the law-making power, invoke the authority of the United States, legislative, judicial, and executive, for the protection of that citizen in his just rights as a citizen of the State. The Government of the United States can take the humblest citizen in the State of Ohio who by the constitution or the laws of that State may be deprived of any right, privilege, or immunity that is conceded to the citizens of that State

generally, and lift him to the dignity of equality as a citizen of that State; and all that is claimed under the fourth section of this bill is that you shall not, in the State of Ohio or in Massachusetts or in Maryland, say that a man shall not sit upon a jury because he is a black man or because he is of the German race or because he has been held in slavery, and I might say for other reasons. If for other reasons discriminations were made by the law of any of these States, we might under the fourteenth amendment protect men from such discriminations.

Therefore I do not yield to the Senator from Ohio in my respect for the constitution or the sovereign power of any State. What they have, that I will assert. What they are entitled to, that I will defend. What by the Constitution of the United States they can invoke, that I will help to protect; but I will at the same time invoke the power of the Government of the United States, under the Constitution of the United States, to protect the citizens of the United States in the several States in their equal rights under the laws and constitutions of the several States wherein they may reside.

Mr. MORTON. Mr. President, the fourth section of this bill does not establish any qualifications for jurors in the State courts. It makes no pretense of that kind. It leaves the States to fix those qualifications as they see proper. A State may provide that no man shall sit upon a jury who is not thirty years old, or if you please fifty years old. The State may provide that no man shall sit upon a jury who cannot read or write; that no man shall sit upon a jury who is not worth \$500 or \$5,000. The State is left perfectly free to fix the qualifications of jurors as she sees proper; but by this bill she is restrained from prohibiting any man from sitting upon a jury simply because of his race or color if he has all the other qualifications required by law. If the State requires a juror to be able to read and write, to have been a citizen of the State for two years, to be worth \$1,000 in money, this bill would prevent that State from excluding a colored man from sitting upon a jury if he possessed all the other qualifications. That is the point. It does not assume to say who shall be a juror or what shall be his qualifications, but it does assume to say that if the colored man has all the qualifications to sit upon a jury required of a white man, he shall not be excluded on account of his color.

Now, Mr. President, I want to call the attention of the Senator from Ohio to the fourteenth amendment, upon which he has commented. I will call his attention to the first section of that amendment and to the concluding clause of the first section.

Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I should like the distinguished Senator from Ohio to tell the Senate what is meant by the equal protection of the laws. No State shall deny to any person the equal protection of the laws. Does that simply mean that each man shall be equally protected or have an equal right to be protected from an assault and battery, from assassination? Is it confined to that? Not at all. It means in its broadest sense, it means in its true sense, that no State shall deny to any man the equal advantage of the law, the equal benefit of the law, the equal protection of the law. It means that all men shall be equals before the law, and that no man shall be denied on account of his race or color the equal advantage and benefit of the law. That is what it means. It cannot mean anything else.

Now I would like to submit to the judgment of this Senate and of the country this proposition: Whether the colored man enjoys the equal protection of the law, the equal benefit of the law, if colored men are not permitted to sit upon juries? Will any man pretend that where the right to sit upon juries is given exclusively to white men, the colored men of that State have the equal protection of the laws? I would like to hear my friend from Ohio, who has been prompt to discuss this question, upon that point.

Mr. THURMAN. And you shall.

Mr. MORTON. Does a State that gives the exclusive right to sit upon juries to white men, give the equal protection of the laws of that State to colored men? I say no. I say no upon the broadest principles of common sense.

Why, Mr. President, one of the most important principles of the common law that has come down to us from our fathers, established in England long ago, was that every man had a right to be tried by his peers. What is meant by that? Tried by his equals, those in the same general condition of society; that you cannot give a higher class the exclusive right to pass upon the rights of a lower class; that they have the right to be tried by a jury of the neighborhood, a right of trial by their peers. And we see how carefully this principle of trial by jury is guarded. We see that no man who has expressed an opinion is allowed to sit upon a jury, and sometimes weeks are spent in getting juries which are perfectly unprejudiced, who have never given an opinion on the case, who have no notion in regard to it.

Now, I ask if with the prejudices against the colored race entertained by the white race, even in some of the Northern States and certainly in all of the Southern States, the colored man enjoys the equal protection of the laws, if the jury that is to try him for a crime or determine his right to property must be made up exclusively of the white race?

Mr. MERRIMON. Will the Senator allow me to ask him a question?

Mr. MORTON. Certainly.

Mr. MERRIMON. Do I understand the Senator to deny that the State should have the right to pass a law providing that a colored man charged with murder should be tried by men of his own color?

Mr. MORTON. No, sir; I said no such thing.

Mr. MERRIMON. Or that a foreigner, if he were charged with murder, should be tried by a jury of foreigners.

Mr. MORTON. No, sir; I do not say that.

Mr. MERRIMON. Then I put this question—

Mr. THURMAN. I hope the Senator from Indiana will be allowed to conclude and then we can answer him.

Mr. MERRIMON. Very well.

Mr. MORTON. If the State of North Carolina by law provides that no man but a white man shall sit upon the jury, though it was to try a colored man for his life or to try his rights of property, I mean to say that the whole colored race of North Carolina does not enjoy the equal protection of the laws, and how any man of common sense can deny it I cannot understand.

Mr. WEST. Reverse the proposition and how would it do in South Carolina?

Mr. MORTON. Reverse the proposition and we should soon hear an outcry on the other side. There is the State of South Carolina with a large majority of colored men. Suppose that State should pass a law that no man should sit on a jury but a colored man; that wherever a white man is arraigned for a crime or whose rights of property are undergoing investigation, that right shall be determined alone by a colored jury. Then we should find the white men of South Carolina coming up here and claiming the benefit of the fourteenth amendment. They would say they were denied the equal protection of the laws in the broadest sense; that they were to be tried by a race against whom they had prejudices and who had prejudices against them. They would claim that they could not be effectually protected by a colored jury. We know they would. They are crying out now even because colored men there are allowed equal rights. They are now crying aloud that they are not enjoying equal protection against colored men. But if white men were excluded from the jury in South Carolina, just as colored men are excluded from the juries in many Southern States, we know very well they would at once claim the benefit of the fourteenth amendment and say they were denied the equal protection of the laws.

Now, sir, here I put this bill upon a ground that is impregnable. No sophistry can answer it. The Senator from Ohio [Mr. THURMAN] smiles. Let him tell the Senate first what is meant by "the equal protection of the laws." Let him then answer this question directly whether the colored race in any State would have the equal protection of the laws if they are to be tried exclusively for crime or to have their rights of property adjudicated by white men. Or reverse the case. Would the white race have the equal protection of the laws if all their rights were to be determined in courts of justice by colored men?

Mr. President, the trouble is that the rights of the colored men are not recognized by those who make this argument. They do not comprehend the spirit of these amendments. The fourteenth amendment was intended to place, and does place, men on an equality before the law. That is all. Whatever is the law for the white man must be the law for the colored man. Whatever is the law for the colored man must be equally the law for the white man. We do not say what that law shall be. The State may make the law as it seems proper; but whatever shall be the character of that law it must apply equally to all races upon the same precise conditions.

Mr. THURMAN. Has the Senator concluded?

Mr. MORTON. I will yield to my friend.

Mr. THURMAN. I do not want to interrupt you.

Mr. MORTON. I will yield to my friend. Perhaps I shall have something further to say after a while.

Mr. THURMAN. Mr. President, the Senator from Indiana has very truly said that his argument cannot be answered by sophistry. But it can be answered by reason, and answered so conclusively that even he must be compelled to admit that there is no soundness in it. If he will do me the honor to listen to me for a few minutes, I will convince even him that there is not one particle of foundation for the argument he has just made. He places his defense of this provision upon the last sentence of the first section of article 14, which says:

Nor shall any State \* \* \* deny to any person within its jurisdiction the equal protection of the laws.

The Senator says that no class of persons receive equal protection of the laws if they are excluded from the jury-box. Now, the first thing that I have to say to that Senator is that not one woman in all the United States or the Territories thereof, outside of Wyoming Territory, is qualified to sit in a jury box. Are they not equally protected? Do they not receive the protection of the laws? When did it come that our mothers and wives and sisters were deprived of the equal protection of the laws? But that is not all. Do not our children under the age of twenty-one years receive the equal protection of the law? Yet not one of them is qualified to sit in a jury-box. Again, this clause upon which the Senator relies covers other persons than citizens. It covers every person, alien as well as citizen. Let us see what it is:

No State shall \* \* \* deny to any person within its jurisdiction the equal protection of the laws.

You shall not deny it to the alien; you shall not deny it to the Chinaman; you shall not deny it even to the Indian, though he be not taxed. You shall not deny it to any person within your jurisdiction, be he sane or be he insane, be he old or be he young, be he innocent or be he criminal, be he learned or be he ignorant. Every human being within the jurisdiction of the State shall be entitled to the equal protection of the laws; but is every human being in that State entitled to sit upon a jury? Do you deprive the minor of the equal protection of the law when you try his case by men of mature age? Do you deprive women of the equal protection of the laws when you try their cases by their brothers or husbands or fathers? Do you deprive the Chinaman of the equal protection of the laws when you try his case by citizens of the United States? Do you deprive the alien here in the District of Columbia of the equal protection of the laws when you try his case by the citizens of the United States and residents of this District? Does Ohio deprive anybody of the equal protection of the laws when she declares, as her statute does, that no man shall be a juror unless he possesses the qualifications of an elector? Does that deprive all persons who are not electors of the equal protection of the laws? The idea which the Senator says no sane man can contest is simply, with great respect to him, without the slightest foundation. "The equal protection of the laws" is one thing; political privileges are another thing; and privileges to administer the laws of the land as judges, jurors, or in any other character are another and quite a different thing. "The equal protection of the laws" covers those laws which are designed for the protection of life, liberty, and property.

Mr. MORTON. If the Senator—

Mr. THURMAN. But now let me finish. I will convince the Senator out of his own mouth. The Senator says that it is perfectly competent for the States to require a property qualification for the jury-box. He says they may require a qualification of \$5,000 of property; that they may require, as was formerly required in many of the States and in England, a freehold qualification. But I take the Senator's own illustration: they may require a property qualification of \$5,000 in order to entitle a man to be a juror. If they can do that, what becomes of the Senator's argument? Are all men who do not own \$5,000 worth of property deprived of the equal protection of the laws? I want the Senator to answer that question when he comes to reply. He says that any State, Louisiana, Mississippi, may establish a property qualification for jurors and put it as high as they please to put it, say to \$5,000. That would exclude ninety-nine out of every hundred negro men there, or more than that; it would in effect exclude almost the whole colored race; it would make your provision in this bill not worth the paper upon which it is printed. But the Senator says that can be done. Then I ask him if all persons not owning \$5,000 worth of property would be deprived of the equal protection of the laws?

Sir, it cannot be necessary to pursue this subject further. As I said before, the clause of the amendment which he reads has no relation to citizenship. It covers every human being within the jurisdiction of a State. It was intended to shield the foreigner, to shield the wayfarer, to shield the Indian, the Chinaman, every human being within the jurisdiction of a State from any deprivation of an equal protection of the laws; and the very fact that it embraces aliens, the very fact that it embraces the traveler passing through, shows that it has no relation whatsoever to qualifications for political office or to qualifications for the administration of justice in the courts.

Mr. MORTON. Mr. President—

Mr. HAMILTON, of Maryland. Just one word before the honorable Senator from Indiana proceeds. Furthermore the honorable Senator from Indiana has said that the States can impose this qualification on jurors, that they must read and write. The States can do that in addition to the other qualifications as to property, he has said. Then are those people who cannot read and write (and that would comprise about three million nine hundred and ninety-nine thousand of the four million of colored people in the South) and who are therefore excluded from the jury-box, outside all protection of law?

Mr. MORTON. I submit in the first place that the statement and admission of my friend from Maryland is simply begging the question, as was the argument of my friend from Ohio. I say that so far as the fourteenth amendment is concerned States perhaps may do this, but they must do it to all races and colors alike; they must put them all on the same footing. They cannot require the qualification of reading and writing of one race and not require it of another. There must be equality in it; and so with regard to the property qualification.

Mr. HAMILTON, of Maryland. One question. Is race or color mentioned in the fourteenth amendment?

Mr. MORTON. I want to come to the argument of my friend from Ohio, and I submit it to him now that he admitted his whole argument away. Very reluctantly and gingerly he undertook to tell what was meant by "the equal protection of the laws." He said it meant equal protection to life, liberty, and property; and so say I. How are the laws to give equal protection to life, liberty, and property? I will bring him right back to the point, and I want no dodging upon it. I ask him if colored men have equal protection for life, liberty, and property when the power to try their rights to life, liberty, and property is placed exclusively in the hands of another race of men?

Mr. THURMAN. Will the Senator right there—

Mr. MORTON. Answer that question.

Mr. THURMAN. They have; just as they have in France, just as they have in England. Every man in France has the equal protection of the laws. Every man in England has the equal protection of the laws, and I am sorry to say, a great deal better protection than he has here.

Mr. MORTON. My friend is inclining very strongly, I think, toward a different kind of government. He says they have in England and they have in France. Is that true? I am not as familiar with the laws of England and France as my friend is; but that does not answer the question. My question is this, and I come right back to it, and I know my friend cannot answer it properly without admitting away the whole case: I ask him whether the colored men of North Carolina have the equal protection of the laws when the control of their right to life, liberty, and property is placed exclusively in the hands of another race of men, hostile to them, in many respects prejudiced against them, men who have been educated and taught to believe that colored men have no civil and political rights that white men are bound to respect. And yet the Senator would tell me that that is giving them the equal protection of the laws. I say no; the common sense of mankind will revolt at that proposition.

But my friend, chivalrous and bold as he is in defending the doctrine of inequality, falls back under the protection of the women. [Laughter.] He gets behind the ladies. That has always been the tactics. When they propose to deny a whole race, men and women, all civil and political rights, they will go and get behind a woman, and say "do women vote; do women sit on juries?" His proposition is that because the law denies to women of all races, black and white, the right to sit on the juries, therefore you have the right to deny both men and women of the colored race any right to participate in the courts of justice; and he makes that argument. It only requires that proposition to be stated in order that it may be decided. I am one of those who believe in the right of women to vote, and I have always believed in that; but because that right has been withheld from them, no argument can be made on that ground. But leaving that entirely out of view, if women are not allowed to sit upon juries, the men of their own race and color and of their own condition of life are allowed to sit upon juries and decide upon their rights of life, of liberty, and of property; but in this case that right is to be taken away from a whole race. White women are tried by white men, but colored women are to be tried by white men also and not by colored men. Is there any equality there, I ask the Senator? O, no. Mr. President, the time has come to put away all this jargon; it belongs to the past. My friend talks like a Rip Van Winkle who had been asleep twenty years. He talks the talk of twenty or thirty years ago, when the great body of the colored men in this country were slaves and were bought and sold like cattle in the market, and when the prejudices of slavery extended all through the North even, and took from the colored men there in most of the States their civil rights. We have gone past that period; thank God we have outlived it; and now there is no slave to walk the soil of this whole country. We have a constitutional amendment that makes all men equal before the law. It does not make them all equal in point of intellect, in point of property, in point of education, but they have equal rights before the law. They have the same right to struggle, they have the same right to get rich, and they have the same right to hold office; they have the same right to become the rulers of the land, provided they have the talent, the industry, and the character to obtain these things. That is what we mean by equality before the law. I do not know of a greater oppression than that here aimed. Why, how important is it in the Southern States, how important is it in those States where slavery recently existed and where its traces still remain and where the education and the feelings and the passions of slavery still remain, to establish this great right, that no man shall be excluded from the jury because of his color if he is otherwise qualified. If he has the qualifications the law requires of white men, then give him the right to sit upon the jury the same as white men.

But my friend from Ohio thought his protection in getting behind the women was not sufficient, and so he got behind the children. [Laughter.] Why he says you do not allow children to vote; you do not allow these pages to vote, and therefore you should exclude a whole race. Because you do not allow a boy ten years old to vote you ought to exclude a colored man fifty years old from voting. That is the argument. That is the force of his logic. Because you exclude infants from the right to go to the polls or sit in the jury-box, therefore you must exclude a whole race of adults, of men who have arrived at mature age, from the enjoyment of the plainest common rights. That is the kind of logic which defends their great wrongs and these inequalities. It is the logic of prejudice; a logic that has gone by under the events of war and the progress of the times; a logic that might have been tolerable twenty-five years ago, but is now out of place. My friend, if he had kept pace with the times, would not have reintroduced it into this body.

Not only that, but he gets behind the aliens also, men who come here from foreign lands but have not yet become citizens of the United States; and, by the way, let me make a suggestion on that point. Suppose a State passed a law that no man of foreign birth should sit upon a jury. He may have lived here twenty-five or thirty years, become naturalized, be among the very best of our people, as

many of them are. And suppose a State should pass a law that no man of foreign birth shall sit upon a jury, what would be the outcry? It would be said that you were denying to men of foreign birth the equal protection of the laws, that you placed the juries exclusively in the hands of native Americans who have prejudices against foreigners, just as white men have prejudices against black men. Would it not be said in that case that you were denying to men of foreign birth the equal protection of the laws because their rights would be liable to the exclusive determination of native-born Americans who had some lingering prejudices against men of foreign birth?

O, no, Mr. President, there is no argument on that side of the question at all. It is simply bringing up old prejudices that ought to be buried in the same tomb with the rebellion.

Mr. THURMAN. Mr. President, when I was a boy at school we had an old Scotch professor of logic who was very exigent in his rule that we should reason fairly and logically, and very severe upon any one who departed from true logical reasoning in the consideration of any subject. He was asked one day by one of the students who had found himself pinned by his adversary in a corner by the inexorable logic of the argument, "Professor, what must I do in this strait in which I find myself?" Said he, "My son, I do not know anything you can do but to declaim." [Laughter.] Now, I think that my friend from Indiana must have taken lessons from that same old professor, for when he found himself driven in a corner by inexorable logic, his answer is to make a stump speech. I submit to the Senator whether he has answered my reply at all.

What was his argument, his great discovery, that which superseded all that the Senator from Massachusetts [Mr. BOUTWELL] had said? It was that the last sentence of the first section of the fourteenth article of amendment declared that no State should deny to any person within its jurisdiction the equal protection of the laws. Obviously that relates not simply to classes, but to every individual. And then he asserted that if any individual was deprived of the right to sit in the jury-box, that deprived him of the equal protection of the laws. I asked him, "Are women deprived of the equal protection of the laws?" What was his answer to that question? Why, that the Senator from Ohio gets behind the women. That is the logical answer of the able Senator from Indiana! That is the logical answer of the leader of the republican party on this floor! That is a specimen of his ability to reason and to reason logically! I have only to remark upon that that I am in favor of giving the white women of this country as much protection of the laws as I give the colored man, and I am not in favor of giving him any more protection of the laws than I give to my wife, my sister, and my daughter. If the Senator calls that getting behind the women, then God grant that I may always have such an array before me.

But further, I showed to the Senator that this clause on which he relies applies to every human being within the jurisdiction of a State, to the alien, to the mere transitory traveler; and I asked him if they were not entitled and did not receive the equal protection of the laws although they could not sit in a jury-box. What answer does he make to that? He makes a speech against know-nothingism; and that is the answer of the distinguished Senator from Indiana.

Again, the Senator has admitted that a State might require a property qualification for a juror, and fixed the amount himself at \$5,000. Then I asked him, if that could be lawfully done, where was the equal protection of the laws for the poor men of the country who have not \$5,000 of property; and the Senator does not see fit to take any notice at all of that category in which he has placed himself; but he goes on and answers by making a great speech in favor of liberty to the colored race and a speech glorifying the results of the civil war in freeing the negro from the slavery under which he formerly groaned! That is the logical answer upon a constitutional question! That is the logical answer in interpreting the Constitution of the United States, and interpreting too a provision of the Constitution which makes not the slightest allusion to "race, color, or previous condition of servitude!"

There is not one word in this first section of the fourteenth amendment that has any relation to race, color, or previous condition of servitude; but the Senator goes out of the way, clear outside of that, and finding some evil as he supposes existing in the country, undertakes by the exhibition of that evil to change the fundamental law of the land. If we were to argue in that way, where would the Constitution of the United States be? Sir, there are other evils in this country beside those that he depicts. There are other people who suffer in this country beside the colored race; there is want, destitution, almost starvation, at many a hearth-stone beside those of the colored people. There are people without hearth-stones, without homes, literally like the birds of the air and the beasts of the field, without anything to shelter their heads or their naked forms, beside the people who are of the colored race. And if we are to interpret the Constitution by pictures of suffering, of destitution, or even of wrong, and change its plain letter and extend it to meet every want or necessity that may exist in the country, then, sir, you had better abolish it at once; then, sir, the limitations of a written constitution are not worth the paper upon which they are written.

But the Senator says that I am like Rip Van Winkle, that I reason like a person of a past age. Sir, I grant I have not the facility at turning which the Senator from Indiana possesses. I grant that I

am no such gymnast as he is. I grant that I do not change well-matured considerations upon every wind of popular favor. I grant that I am a little stubborn in standing by that which I have long considered and in which I firmly believe. I grant that I do not look to see how the political weather-cock blows in order to form my opinions upon the Constitution of the United States. I grant that I do not make Richmond speeches one year and say that negroes ought not to be allowed to vote, and then become their chief champion before that speech has passed out of the memory of the persons or half the persons who heard it. I grant that I do not advocate a great expansion of the currency one day and before the ink is dry with which my speeches are printed surrender to the contractionists. I grant that I am too obstinate for that, too much of a Rip Van Winkle, if you please, too much of an antediluvian, if you please, and God forbid that I should every be anything else.

Mr. MORTON. Mr. President, the Senator from Ohio congratulates himself that he has undergone no change; that he is the same yesterday, to-day, and forever; that he has learned nothing; that he is Bourbon; that the notions he had before the war and during the war he entertains to-day, all of which is a frank admission that the notions the Senator had in regard to slavery, in regard to the rebellion, in regard to the right of this Government to put down that rebellion, in regard to the rights of colored men and what should be their condition—that all these ancient notions which have been put away, which have been trampled under foot by most men, which are unworthy of the age—that all these ancient, moss-covered notions he still entertains. He admits that he has learned nothing, that he has not progressed. He has defined his own position, and I leave him to enjoy it.

Mr. THURMAN. Mr. President, the Senator from Indiana cannot put words in my mouth that I did not utter; but driven into a corner he may resort to that means of getting out of it. Whenever the Senator shall call the attention of the Senate to any opinion upon any subject ever expressed by me, either in regard to the true interpretation of the Constitution, in regard to slavery, in regard to the war, in regard to any other subject upon which I have ever expressed an opinion, I will either acknowledge my error if I was in error, or defend my opinion as best I may. But he cannot by vague generality, or insinuation of that which he dare not produce, create any prejudice against me.

Mr. MERRIMON. Mr. President, the question involved in the present discussion is not one that can be settled by declamation or patriotic generalities. It is a dry question of constitutional law. It is not a question of political policy. The question is not whether negroes ought to be allowed to sit upon juries, or whether white men ought to be allowed exclusively to sit upon juries, or whether any class of people ought to be excluded from juries. The question is, has the Government of the United States any power to regulate the right and authority of the States to determine who shall sit upon juries in the State courts. That is the question.

In my opinion Congress has no power to pass such a law as that provided here, and I maintain that the considerations submitted by the Senator from Indiana [Mr. MORTON] do not even tend to establish the right of the Federal Government to exercise such a power. The substance, the gist of the argument he submits is, that there is a prejudice in the minds of the white people of the South and indeed of the whole country against the black people, and if a State shall undertake to exclude the black people from sitting upon juries, therefore the black man cannot have the equal protection of the laws, he is not a citizen under the Constitution of the United States, nor is he a citizen under the constitutions of the several States. He maintains that in order to have full and free citizenship a negro must have the right to sit upon juries in the courts of the several States. That I deny.

To sit upon a jury is not a civil right, in a technical sense, any more than to hold an office is a civil right. It is not a civil right of all men under the Constitution of the United States or of the several States to hold office. The rights of life, liberty, and property, and to have these protected by law and all lawful authorities, are civil rights.

But then the Senator asks, will it be pretended if juries are composed exclusively of white men that the colored people of the South have the equal protection of the laws? I answer without hesitation, "yes." What is meant by "the equal protection of the laws" is this: That whoever administers the law through the courts or anywhere else must administer it to all people without distinction for any case, according to the constitution and laws of the State where he does administer it. It is no matter whether the officer is a white man or a black man, he is bound to administer it fairly to every man, woman, and child, of every race and color, of every condition in life; and when the law is so administered by the judge or by the jury or by the other officer, whatever kind of officer he may be, that the persons to whom he administers have the equal protection of the law in the sense of the Constitution.

The Senator puts this case: He says suppose in South Carolina, where the colored race have the majority and can control, the Legislature should see fit to pass a law providing that none but negroes should sit on the juries, would there not be a great outcry on the part of the white people? I admit that there would be a great outcry in that case, and there ought to be, I think it would be a great

outrage, because the white people are the more intelligent race and they are better qualified to administer the law or power. But if the Senator asks me whether they have power to do so, I answer yes, they have such power. They have the constitutional power to do it. They have not probably the moral right to do it; but they have the constitutional power to do it. Why? Because the right to sit in the jury-box is a political right; it is of that class of rights deemed political, it is in aid of the general administration of the Government.

But suppose that every judge in South Carolina was a negro, suppose that every officer in South Carolina was a negro, every white man would have the equal protection of the laws in the contemplation of the clause of the Constitution under consideration; and why? Because every negro judge, because every negro officer in the State would be bound to administer the law protecting life, liberty, and property to the white man just as he would be bound to administer it to the negro; and if he did not do that he would be guilty of a prostitution of his office, and would be subject to impeachment under the constitution and laws of that State.

It is much more important to hold many offices than to sit upon a jury. Will the Senator from Indiana deny that if the people of the State of North Carolina should see proper to alter their constitution and provide that a black man should not hold office because he was a black man, it would be competent for them to do so. Was it not contemplated by the Constitution that such political distinction should be made by the States? It was so understood at the time the fourteenth amendment was discussed and adopted that certain political distinctions might be made, as the debates show; but without reference to the debates, the Constitution as it now stands shows that these political distinctions may be made by the States in their discretion. In every State in the South it is provided that all persons shall be upon an equality politically and civilly, but that does not imply that it is not in the power of any State in the South or elsewhere in the Union to deny political rights to any class of people it may see fit for any consideration that may commend itself to the judgment of its people. Let me turn to the fifteenth amendment upon this very subject, which impliedly sustains the position I now occupy. Article 15 is in these words:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Why did that provision stop at voting? The several States cannot prohibit anybody from voting for any one of three reasons, to wit: race, color, and previous condition of servitude; but for any other reason or cause they may prohibit a person from voting. They may prohibit men from voting because they cannot read, because they cannot write, because they do not own so much property. In some of the States to-day those who cannot read and write are not allowed to vote; and I believe in one State of the Union there is a property qualification. At any rate these distinctions are kept up; and the only point of view in which the States are restricted as to their control over the right of suffrage is the one contained in the fifteenth amendment, that men shall not be prohibited from voting on account of race, color, or previous condition of servitude. But with this exception, this limitation, the power that the States exercised before the adoption of this amendment remains there to this day; and the States may discriminate as to who or what classes shall hold office; and if they may discriminate in the important matter of holding office, in the office of governor, in the places of members of the Legislature, of judges, and other officers, upon what ground does the Senator from Indiana draw the distinction that they cannot make a like discrimination as to the office or place of juror? I should like him, instead of dealing in empty declamation in discussing this dry question of law, to assign causes—reasons for the position which he assumes, rather than merely state it as a naked opinion.

If he asks me whether I think it prudent to exclude the negro from sitting in the jury-box, I am ready to answer that, and I answer no. I believe it is the duty of the southern people and of the American people, inasmuch as we have established the grand doctrine of universal freedom, universal civil equality—not political equality, but civil equality—I believe that it is our duty to the colored race to do the best we can by them, to educate them, to encourage them, and to protect them everywhere, and fit them for the rights of citizenship; but it is not our duty to go crazy about them and ruin them and ourselves, too, by misleading and deceiving them and falling down and worshiping at their feet with a view to get their votes and their political influence. That is infamous hypocrisy; it is the worst sort of demagogism; it is the meanest character of statesmanship.

I am willing to do justice by that race. I want to see them educated; I want to see them elevated; I wish to see them become citizens of a high type, and competent and able to enjoy the highest and best civilization and free government; but you are not going to do it by any such policy as is indicated in the speeches I hear on this subject on this floor from day to day. The plans suggested are not practical; they are not just; they indicate a total ignorance of what is necessary to be done for the best interests of the negro race and the people of all races and the whole country. Rights are practical things; governments are practical things, and they must be upheld and sustained in a practical way and by practical means. Fancy theories will not do, and whoever thinks so is not wise.

I not only say that I think they ought to be protected, but I believe in every State in the South the constitution or laws provide that negroes shall be entitled to hold office and shall be entitled to sit on juries. I do not know that there is any distinction made in a single State of the South; I know there is no distinction made in my own State.

This, therefore, is a mere clamor, by which a particular party in this country have been able to maintain their ascendancy over the negro and the country ever since the close of the late war and to secure the votes of eight hundred thousand or a million negroes. That is the secret cause of this bill and this clamor which annoys and disturbs Congress and the whole country. I maintain that this is wrong; that it is the duty of Congress to look to the best interests of the black race and the white race; and it will be time enough when the negro race are deprived of their rights in the courts to talk about taking these extreme measures for their protection.

The Senator from Indiana a few moments ago when I propounded a question to him answered in the affirmative, and in that I think he answered his whole speech. I asked him this question: Is it competent for a State Legislature to provide by law that if a negro shall be charged with the crime of murder negroes alone shall be competent to sit on the jury to try him? When I asked him that question he said yes. Then said I, if a foreigner should be charged with the crime of murder and put on his trial would it be competent in that case for the State to provide by statute that he should be tried by a jury of foreigners? He said yes. Well, if the State has power to make distinction as to nativity and country, why not power to make a like distinction on account of race, color, or previous condition of servitude? Has he pointed to any legal distinction that justifies the one case and not the other? When I ask him that question he goes off in declamation about liberty and men being behind the age, men changing their opinions, and who sympathized with the rebellion and who did not. It seems to me that is a very poor way, a very unsatisfactory way, of discussing a question like this. It argues the lack of solid reasons for the positions he assumes. I ask him for reason; he gives me declamation—platitudes about freedom. The interests of freedom require more substantial defense than this.

I maintain that Congress has no power to abridge this right of the States, and I do it because there is no limitation imposed upon the power of a State in this regard in the fourteenth or fifteenth articles of amendment or any other article of the Constitution. The substance and effect of the fourteenth article is that every citizen, and not only every citizen but every human being within the Union, within a State of the Union, shall have the equal protection of the laws. That I admit; that is true. But it is not meant by that that he shall necessarily be a juror, that he shall necessarily be a governor, that he shall be a member of the Legislature, that he shall be a member of Congress, or that he shall be President. It means that whoever administers the laws through the political instrumentalities of the Government, in administering the laws shall give him that equal protection for his life, his liberty, and property which every man is entitled to; and if the judge is a negro, he is bound because he is a judge—not because he is a negro—if I should be brought before him to be tried in the matter of my life, liberty, or property, to administer the law to me just as he would to one of his own color or any other color. That is the right view of it and no other view of it can be taken and maintained in law and reason. This, it seems to me, is the plain meaning of the Constitution upon its face. I may add that every judicial exposition of that instrument sustains this reasonable view.

If the negroes should have the ascendancy in any State, if they should compose the Legislature, if they should compose the convention of the State to form the organic law, they could provide that no white man should be governor, that no white man should hold office because he is a white man. I think that would be very unwise, very impolitic, very wrong, but still they have the power under the organic law of the United States; and they have the power in the several States to make such an organic law and carry it into effect and operation, and the white man could not say that he did not have the equal protection of the law in contemplation of law because all the officers were negroes. He could justly complain, but not upon that ground. All he could ask would be that the negro judge should administer the law to him fairly and justly, and if he should allow his color or a white man's color to prejudice his judgment unjustly, he would be a false officer and would be subject to impeachment and to be degraded from office and deserve the execration of every good man.

That, it seems to me, is the whole of the matter, and therefore I say this fourth section of this bill would be unconstitutional and void if the bill shall become a law. This clause is only calculated to produce mischief of the most serious character, and in the end be declared by the courts void. It is essentially vicious, and I trust it will be stricken out.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio. Is the Senate ready for the question?

Mr. EATON. The Senator from Ohio, in submitting the amendment, suggested that the question could not be taken until to-morrow at two o'clock.

Mr. EDMUND. That is the understanding.

Mr. MORTON. I should like to know about that agreement. I understood it meant this: that a vote should be taken as early

as two o'clock to-morrow, provided the debate lasted that long; but if nobody wants to speak, are we not entitled to have a vote at once and have the matter out of the way? I suppose that is the spirit of the agreement.

Mr. MERRIMON. The understanding was that the vote would not be taken earlier than two o'clock to-morrow.

Mr. MORTON. If persons want to speak that long.

Mr. MERRIMON. And further, that this side of the House were to have to-day to debate the bill at their pleasure, all day and all night if they pleased, and that at all events the vote would not be taken until two o'clock to-morrow. It is perfectly competent to lay this aside temporarily, to be called up at the pleasure of any one who desires to address the Senate upon it, and to consider another subject meanwhile, but it was certainly agreed that no vote should be taken until two o'clock to-morrow.

Mr. ALCORN. Every agreement is supposed to be based upon some reason; and when the reason ceased to exist, then as a matter of course the agreement of itself would cease. It was supposed that the Senators who are opposed to this bill desired to discuss it, and it was upon that supposition that the agreement was made. If, however, the Senators on the other side do not wish to discuss the bill, I see no reason why we should not take a vote on the bill. The reason for delay having ceased to exist, the vote as a matter of course should come. If they desire to debate it, the Senate is willing to hear that debate.

The PRESIDING OFFICER. The Chair has no power to compel Senators to debate the question. Unless some motion is made, the Chair will put the question on the amendment.

Mr. MERRIMON. I know there are gentlemen who desire to debate this question.

Mr. ALCORN. If there is no person to debate it now, I move that the vote be taken.

Mr. EDMUND. That I think would certainly be in violation of the understanding. I suppose we all appreciate how it is. The gentlemen on the other side have a stock of very good speeches; they are applicable to this subject, and they may be applicable to other subjects which may come before us. They had it in their power, of course, to expend them upon this bill if no time was fixed, and could have talked it into next week if they liked and felt it to be their duty to do so. Not knowing how long they wished to speak—but they of course acting for themselves—we agreed that no vote should be taken until to-morrow at two o'clock. Now, if they do not wish to occupy the time and are unwilling to modify the understanding so as to vote now, I certainly feel bound by the engagement. We lose nothing except the inability to go on and do business, arising from the fact that they stand by the letter of the contract. If they do, of course I for one have no complaint to make, because they certainly could occupy the time if they wanted, and they need not have made the agreement if they did not wish to do so. If they are willing to lay this matter aside for an hour or two and do something else, the agreement still to stand, we can perhaps take up the tax bill and go on with that.

Mr. ALCORN. I was not present when the agreement was made, and the remark I made was intended to draw out an expression of opinion about it. Do I understand that we are forbidden under the agreement to go to the consideration of other business, or are we to sit here simply to look at each other until the time arrives for the vote to be taken?

Mr. EDMUND. Perhaps it would not be very clear which would be the most advantageous to the public interests. We cannot undertake to decide that. Of course I did not anticipate for one that the time would not be occupied. The gentlemen upon the other side insisted upon having this much time for debate, and as I understand the agreement it so reads: "No vote shall be taken"—not even on an amendment, because Senators, knowing there was to be no vote, would wish to do something else—"until to-morrow at two o'clock," and "no business is to interpose except by general consent," so that the gentlemen on the other side could not have any just right to say that the time which they wished to occupy in speaking had been taken away from them.

I am disposed to stand by the agreement; but I am not sure, if they would not think it impolite, that I would not just as soon sit here and study papers as to sit here and listen to speeches.

Mr. BAYARD. The Senator from Vermont is entirely right. His interpretation of the agreement which was read to the Senate last night was quoted this morning by my honorable friend from Ohio, who in offering this amendment respecting the jury clause in this bill stated distinctly that while he offered the amendment he knew that no vote could be taken upon it until to-morrow at two o'clock. That was not only the understanding, but there could be no other idea. He stated at the time that he offered the amendment for the purpose of discussion. An unavoidable accident occurred, I may say to the Senate in explanation of any delay in the debate. A gentleman who was supposed to be desirous of addressing the Senate on this subject met with some accident to his manuscript, and on that account he was delayed; and the Senator from Ohio then took occasion to offer the amendment which he would otherwise have postponed until to-morrow when the five-minute rule would be in force, as he stated at the time; and one reason why he offered it at this juncture was that the five minutes allowed to-morrow would hardly be suffi-

cient for the proper explanation of the very important amendment which he proposed to make. The Senate heard it and in silence assented to it, and not only in silence, but it was because every one knew, as I supposed, that that was the understanding that no vote was to be taken to-day.

You see, Mr. President, this is a question of general convenience to all. If the vote upon this subject was to be delayed it did not bind Senators to remain present in the Chamber, or to keep up a quorum, or to see that the majority of the Chamber should not be out when possibly the minority might call a vote and pass a measure against the faith of the body. We all know where the majority stands; we on this side have too much cause to regret it; but at the same time, knowing the fact on our side, the arrangement was made in full view of it.

**THE PRESIDING OFFICER.** The Senate will permit a suggestion from the Chair, that a motion to lay aside this bill informally subject to call would allow the Senate to proceed with other business, this bill to be called up at the desire of any Senator.

**Mr. MORRILL**, of Vermont. May I ask the Senator from Delaware whether he would consent to have us take up the bill (H. R. No. 4680) to further protect the sinking fund and provide for the exigencies of the Government? Would he regard it as interfering at all with the present arrangement if we were to take up that bill and dispose of it?

**Mr. MORTON.** What is the bill?

**Mr. MORRILL**, of Vermont. The tax and tariff bill.

**Mr. NORWOOD.** I was speaking on the Louisiana question some days ago and yielded to the motion of the Senator from Maine [Mr. MORRILL] to take up appropriation bills. I did not mean to conclude my remarks upon that question until they should be appropriate to some measure before the Senate; but as there seems to be a lull in this debate, as the question of civil-rights involves the question of equality and equal rights and equal protection of the laws, and as I know of nothing else that is more deeply involved in the Louisiana question than this, I suppose I might as well proceed now and conclude my remarks upon the Louisiana question.

**Mr. FERRY**, of Michigan. I appeal to the Senator from Georgia to allow me to take from the table a bill that has passed the House with an amendment awaiting the concurrence of the Senate. It is the bill (S. No. 420) to amend the act entitled "An act for the restoration to homestead entry and to market of certain lands in Michigan," approved June 10, 1872, and for other purposes.

**THE VICE-PRESIDENT.** The Senator from Michigan asks unanimous consent to take up for consideration the bill indicated by him.

**Mr. HAMILTON**, of Maryland. I object to the consideration of any other question but the one before the Senate.

**THE VICE-PRESIDENT.** Objection is made.

**Mr. FERRY**, of Michigan. I appeal to the Senator from Maryland. I supposed that on the other side they were not prepared to debate the pending question. This bill lies on the table. The Senator from Ohio who raised an objection to it has withdrawn that objection, and certainly there can be no opposition now to concurrence in the amendment of the House which provides for additional money to be placed in the Treasury. This bill provides for the restoration of lands in the State of Michigan, and one clause is that the residue of the land shall be sold at public sale. The amendment of the House is that it shall not be sold at a less minimum than \$2.50 an acre, the present minimum being \$1.25. I think therefore that the Senator from Maryland will not persist in his objection but will allow this bill to be considered.

**Mr. HAMILTON**, of Maryland. I have heard the honorable Senator; but this day was assigned by agreement for the consideration of the most important bill now before us and it is important that that bill should be discussed, and properly discussed.

**Mr. EDMUND**. Go ahead and discuss it.

**Mr. HAMILTON**, of Maryland. If we permit one subject to intervene, others equally important will come in. I do not know anything about the bill of the honorable Senator.

**Mr. FERRY**, of Michigan. Let me say one word just there. I understood from the Senator from Georgia that he was not prepared to go on with the discussion, and I appeal to him to yield to me for this purpose. I do not wish to interfere with the Senator's remarks, but if he is not prepared to go on, I desire to call up this bill.

**Mr. NORWOOD.** I am about as well prepared as I ever shall be.

**THE VICE-PRESIDENT.** Objection is made.

**Mr. NORWOOD** addressed the Senate in continuation of the speech begun by him on the 17th instant. Having spoken two hours—

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it asked the concurrence of the Senate:

A bill (H. R. No. 2502) for the relief of settlers on lands within railroad limits; and

A bill (H. R. No. 4843) to relieve James A. Hile, of Lewis County, Missouri, late soldier Company F, Twenty-first Regiment Missouri Volunteer Infantry, from the charge of desertion.

#### ELIZABETH WOLF.

**Mr. PRATT.** Will my friend from Georgia give way for a moment to allow me to make a motion for the reconsideration of a vote on a pension bill?

**Mr. NORWOOD.** Yes, sir.

**Mr. PRATT.** I move for a reconsideration of the vote by which the bill (H. R. No. 2794) granting a pension to Elizabeth Wolf was indefinitely postponed.

The motion to reconsider was agreed to.

**Mr. PRATT.** I now move that the bill be recommitted to the Committee on Pensions.

The motion was agreed to.

#### HOUSE BILLS REFERRED.

**THE VICE-PRESIDENT.** Will the Senator from Georgia allow the Chair to present two House bills for reference?

**Mr. NORWOOD.** Certainly.

The bill (H. R. No. 4843) to relieve James A. Hile, of Lewis County, Missouri, late soldier Company F, Twenty-first Regiment Missouri Volunteer Infantry, from the charge of desertion, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 2502) for the relief of settlers on lands within railroad limits was read twice by its title.

**Mr. SARGENT.** When that bill comes up I want to ask the Senate to put it on its passage; but I will not interfere with my friend from Georgia now against his consent. It is a bill that has the concurrence of the Public Land Committee.

**Mr. NORWOOD.** I do not object to this interruption at all.

**Mr. SARGENT.** Then I ask for the present consideration of the bill.

The bill was read.

**Mr. MORRILL**, of Vermont. Is this reported by a committee?

**Mr. SARGENT.** It has the concurrence of the Committee on Public Lands. If the chairman were here, he would make the same request. The bill explains itself in a single sentence. Where a settler has paid the Government two dollars and a half an acre for double-minimum lands within a railroad grant, which grant is subsequently forfeited and restored to the public domain, so that he has paid twice the price he would have paid if no railroad had been projected—

**Mr. MORRILL**, of Vermont. If the committee approve of it, I do not object.

**Mr. MERRIMON.** I should like to ask the Senator from California what is the necessity for that relief?

**Mr. SARGENT.** The necessity is that they paid double the price for Government land under pretense that a railroad would be built, and no railroad is built and the grant is restored to the public domain. Now, instead of paying them their money back, it is provided they shall have double the land they originally took.

**Mr. EDMUND**. I think that had better stand over. I insist on the regular order.

**Mr. SARGENT.** I move that the bill be printed.

The motion was agreed to.

**Mr. NORWOOD.** I will say before proceeding—

**Mr. RAMSEY**. I would thank the honorable Senator to allow me, while resting, to call up the post-route bill, which is not usually read, and it might be disposed of in about two minutes.

**Mr. EDMUND**. I call for the regular order, Mr. President.

**Mr. RAMSEY**. I was in hopes the Senator from Vermont was not in. If I had known he was here I should not have made the appeal. [Laughter.]

**Mr. EDMUND**. That I can readily understand. [Laughter.]

**Mr. RAMSEY**. I withdraw the request.

#### AMENDMENTS TO APPROPRIATION BILLS.

**Mr. MERRIMON** and **Mr. WINDOM** submitted amendments intended to be proposed to the bill (H. R. No. 4740) making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

**Mr. CARPENTER**, from the Committee on the Judiciary, submitted an amendment intended to be proposed to the bill (H. R. No. 4720) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

**Mr. MORRILL**, of Vermont, **Mr. MORTON**, **Mr. CLAYTON**, and **Mr. BOUTWELL** submitted amendments intended to be proposed to the bill (H. R. No. 4729) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

#### RECESS.

**Mr. BAYARD.** With the consent of the Senator from Georgia, I move that at five o'clock the Senate take a recess until half past seven.

The motion was agreed to.

#### EXECUTIVE SESSION.

**Mr. NORWOOD.** Mr. President—

**Mr. CARPENTER.** I wish to appeal to my friend from Georgia to let us have an executive session for a few minutes; and, as he is interrupted now, perhaps he would as soon suspend here and let us have the executive session at once, as it will probably take us till about five o'clock.

Mr. NORWOOD. Very well, sir.

Mr. CARPENTER. 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 twenty-five minutes spent in executive session, the doors were re-opened, and (at five o'clock p. m.) the Senate took a recess until half past seven o'clock.

EVENING SESSION.

The Senate resumed its session at half past seven o'clock p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House insisted on its amendments to the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States and granting to railroads the right of way through the public lands, agreed to a conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WASHINGTON TOWNSEND of Pennsylvania, Mr. JACKSON ORR of Iowa, and Mr. WILLIAM S. HERNDON of Texas, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. No. 2765) granting a pension to John W. Darby; and

A bill (H. R. No. 4530) further supplemental to the various acts prescribing the mode of obtaining evidence in cases of contested elections.

CIVIL RIGHTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 796) to protect all citizens in their civil and political rights.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Georgia is entitled to the floor.

Mr. NORWOOD concluded his speech. His speech in full will appear in the Appendix.]

[Mr. BAYARD addressed the Senate in opposition to the bill. His remarks will appear in the Appendix.]

Mr. HAMILTON, of Maryland. Mr. President—

Mr. McCREEERY. If the Senator from Maryland will yield the floor, I move that the Senate adjourn.

Mr. HAMILTON, of Maryland. I will give way for that motion, as I intend to address the Senate to-morrow upon this bill.

Mr. McCREEERY. I submit the motion that the Senate adjourn.

The motion was agreed to; and (at ten o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 26, 1875.

The House met at eleven o'clock a. m. Prayer by Rev. J. W. CHICKERING, D. D., of Boston, Massachusetts.

The Clerk commenced to read the Journal of Wednesday last.

Mr. STORM, (interrupting.) I raise the point of order that the Clerk has not read the names of the persons voting in the negative and in the affirmative on the several votes.

The SPEAKER. Does the gentleman insist on their being read?

Mr. STORM. I do.

The Clerk resumed the reading of the Journal.

Mr. HURLBUT, (interrupting.) I propose to offer for the consideration of the House a proposition, which, if adopted by unanimous consent, I think will be satisfactory to all parties. I send it to the Clerk's desk and ask that it may be read.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the proposition which the Clerk will now read be adopted.

The Clerk read as follows:

By unanimous consent the reading of the Journal is waived, and the Committee on Appropriations shall have this day until five o'clock p. m. for the consideration of the sundry civil bill, and a recess be taken from five o'clock to half past seven o'clock, at which last hour House bill No. 4745, shall be taken up for debate only, the previous question to be called on the same when ordered by the House.

Mr. MILLIKEN. I object.

Mr. GARFIELD. I move to suspend the rules, so as to adopt that proposition.

Mr. MILLIKEN. I withdraw my objection.

Mr. COBURN. I desire to make this suggestion: that the previous question shall be considered as ordered at one o'clock on the following day.

Mr. ATKINS. I insist that the House shall come to order; it is impossible for any one to hear what is going on.

The SPEAKER. To restore order, the first thing is for members to resume their seats.

Mr. ATKINS. If they will do that, then everybody can hear what is going on.

Mr. GARFIELD. I ask the gentleman from Illinois to change his resolution so as to make it read "the sundry civil appropriation bill, and other appropriation bills."

Mr. RANDALL. You cannot get through with the sundry civil bill before five o'clock.

Mr. GARFIELD. But we may want to send the Indian appropriation bill to a conference committee, and other small bills.

Mr. RANDALL. My judgment is that the sundry civil bill will take the whole day.

Mr. BECK. I desire to make a parliamentary inquiry. I do not object to going on with the appropriation bills or to taking a recess, but I claim the right and do desire to move to suspend the rules, as I think I have a right to do, to set aside the hearing of the bill now about to be taken up; I do not desire to waive that right.

Mr. RANDALL. Any right the gentleman may have of that kind will not be interfered with by this agreement.

Mr. HURLBUT. This must either be done by unanimous consent or not by unanimous consent.

The SPEAKER. Is there any objection to the proposition of the gentleman from Illinois, [Mr. HURLBUT?]

Mr. GIDDINGS. I object.

Mr. COBURN. I would like to say—

The SPEAKER. The gentleman from Texas [Mr. GIDDINGS] objects to the proposition. There is no need of discussing it.

Mr. GARFIELD. I move then to suspend the rules and adopt the proposition which has been read.

Mr. COBURN. What I want to say is this: I do not propose to call the previous question at any time during the session of to-night, but I expect to call it at an early hour to-morrow.

The SPEAKER. The proposition of the gentleman from Illinois [Mr. HURLBUT] is not before the House.

Mr. GARFIELD. I move to suspend the rules and adopt that order.

Mr. BUTLER, of Massachusetts. Can the reading of the Journal be interrupted for this purpose?

The SPEAKER. The Chair thinks that it is competent for the House to suspend the reading of the Journal and at the same time make an order.

Mr. BUTLER, of Massachusetts. My inquiry is whether this motion of the gentleman from Ohio [Mr. GARFIELD] can come in to the interruption of the reading of the Journal. I do not object. I only want the ruling of the Chair as to whether we can interrupt the Journal to make an order of that kind.

Mr. RANDALL. I would like to know whether there is objection to the proposition of the gentleman from Illinois?

The SPEAKER. The gentleman from Texas [Mr. GIDDINGS] objects.

Mr. COX. I hope my friend from Texas [Mr. GIDDINGS] will withdraw that objection.

Mr. RANDALL. I understand the gentleman from Texas to object to the explanation of the gentleman from Indiana, [Mr. COBURN,] not to the proposition of the gentleman from Illinois.

Mr. DURHAM. I rise to a question of order. I cannot hear anything that is going on.

The SPEAKER. Nor can the Chair.

Mr. CESSNA. Is it not in order for me to appeal to the gentleman from Illinois to modify his proposition, so as to say "appropriation bills" instead of "the sundry civil appropriation bill?"

The SPEAKER. That is not of the slightest practical consequence.

Mr. CESSNA. I presumed I had the right to make the inquiry of the Chair.

Mr. COX. If we had order this thing could be arranged amicably.

The SPEAKER. The Chair will not submit any proposition till there is order.

Mr. GIDDINGS. I withdraw my objection.

The SPEAKER. If there be no further objection, the arrangement proposed by the gentleman from Illinois is made. The Chair hears no objection.

Mr. SENER. I move to reconsider the action just taken, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COBURN. I wish now to make a statement in relation to calling the previous question. I propose to-morrow at one o'clock, or as soon thereafter as practicable, to call the previous question.

Mr. COX. You cannot get consent to that.

Mr. COBURN. I only give this notice. I do not undertake to bind anybody by the announcement.

Mr. GARFIELD. I now move that the House resolve itself into Committee of the Whole to resume the consideration of the sundry civil appropriation bill.

C. D. ANDERSON.

On motion of Mr. HANCOCK, by unanimous consent, the bill (S. No. 679) to relieve C. D. Anderson, of Travis County, Texas, of political disabilities was taken from the Speaker's table, read three times, and passed.

Mr. HANCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## EVIDENCE IN CONTESTED ELECTIONS.

Mr. TODD. I ask unanimous consent that the amendment of the Senate to the bill (H. R. No. 4530) further supplemental to the various acts prescribing the mode of obtaining evidence in contested elections be taken from the Speaker's table and concurred in.

There being no objection, the amendment of the Senate was read, as follows:

Add to the bill the following:

SEC. 2. That section 107 of the Revised Statutes of the United States shall be construed as requiring all testimony in cases of contested election to be taken within ninety days from the day on which the answer of the returned member is served upon the contestant.

Mr. TODD. I move concurrence in this amendment.

Mr. CESSNA. I have an amendment authorized by the Judiciary Committee of the House which I desire to submit as an amendment to this amendment.

Mr. TODD. I decline to yield for that purpose.

The amendment of the Senate was concurred in.

Mr. TODD moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## WILLIAM M. KIMBALL.

Mr. ALBRIGHT. I ask unanimous consent that the bill (S. No. 455) for the relief of William M. Kimball be taken from the Speaker's table and passed.

The bill was read. It directs the Secretary of War to cause to be paid to William M. Kimball the full pay and emoluments of a lieutenant and regimental quartermaster of the Eleventh Minnesota Volunteers, from October 10, 1862, to May 8, 1863; and a sum sufficient to pay the same is appropriated.

There being no objection, the bill was read three times, and passed.

Mr. ALBRIGHT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## RIGHT OF WAY TO TERRITORIAL RAILROADS.

Mr. TOWNSEND. I ask unanimous consent that the House insist on its amendments (disagreed to by the Senate) to the bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States, and granting to railroads the right of way through the public lands; and that a conference with the Senate be asked on the disagreeing votes of the two Houses.

There being no objection, it was ordered accordingly.

Mr. TOWNSEND. I move to reconsider the action just taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## WILLIAM J. PATTON.

Mr. HAWLEY, of Illinois. I ask unanimous consent to report from the Committee on Claims for consideration at this time Senate bill No. 459, for the relief of William J. Patton.

The SPEAKER. The bill will be read, after which objection will be in order.

The bill directs the proper accounting officers of the Treasury Department, in the settlement of the accounts of William J. Patton, late collector of the first and second districts of Arkansas, to audit and allow such amounts as are shown to have been stolen or embezzled by his late deputy collectors, Henry C. Brown, William Hoffman, Andrew J. L. Barker, John T. Fleming, and John A. Geohegan, it first being proved to the satisfaction of the Secretary of the Treasury that such embezzlements or larceny did not occur through any fault or negligence of said Patton; provided that in case any of the money so stolen or embezzled shall hereafter be recovered, the same shall inure to the United States.

Mr. THOMPSON. I object to that bill.

Some time subsequently,

Mr. THOMPSON said: I withdraw my objection to Senate bill No. 459. I was not aware at the time I made the objection of all the features of the bill.

No further objection being made, the bill was received, read a third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States; and

A bill (H. R. No. 2418) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

The message further announced that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. No. 1251) to provide for and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon.

## COLORADO AND NEW MEXICO.

Mr. CHAFFEE. I ask unanimous consent that the bills for the admission of Colorado and New Mexico as States of the Union, just returned from the Senate with amendments, be taken from the Speaker's table, the amendments non-concurred in, and a committee on conference asked.

Mr. RANDALL and Mr. SPEER objected.

## J. C. M'BURNNEY.

Mr. DUNNELL, by unanimous consent, from the Committee on Claims, reported as a substitute for House bill No. 1026 a bill (H. R. No. 4842) for the relief of J. C. McBurney, late collector of internal revenue for the second district of Georgia, with a recommendation that it pass.

The SPEAKER. The substitute will be read.

The substitute directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to J. C. McBurney, late collector of internal revenue for the second district of Georgia, the sum of \$3,859.07 on account of embezzlement and defalcation of Michael O'Brien, acting as deputy to said McBurney.

No objection was made, and the substitute was agreed to, and the bill, as amended, read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## SETTLERS ON RAILROAD LANDS.

Mr. PHILLIPS. I ask unanimous consent to report from the Committee on Public Lands, with amendments, House bill No. 2502, for the relief of settlers on land within railroad limits, and that the same be passed at this time.

The SPEAKER. The bill as proposed to be amended will be read.

The amended bill provides that where any actual settler shall have paid for any lands situate within the limits of any grant of lands by Congress to aid in the construction of any railroad, the price of such lands being fixed by law at double minimum rates, and such railroad lands having been forfeited to the United States and restored to the public domain for failure to build such railroad, such person or persons shall have the right to locate, on any unoccupied lands, an amount equal to their original entry, without further cost, except such fees as are now provided by law in pre-emption cases; provided, that when such location is upon double minimum lands, one-half the amount only shall be taken.

Mr. TOWNSEND. This bill has received the unanimous approval of the Committee on Public Lands. It is a fair and just bill to the settlers who may have been deprived of the benefits of a railroad by the abandonment of the line of road, and the land has reverted back to the United States.

There being no objection, the bill, as amended, was passed.

Mr. PHILLIPS moved to reconsider the vote by which the bill was passed; and also moved that the motion reconsider be laid on the table.

The latter motion was agreed to.

## JAMES A. HILE.

Mr. GLOVER. I ask unanimous consent to introduce and have passed at this time a bill to relieve James A. Hile, of Lewis County, Missouri, late a soldier of Company F, Twenty-seventh Regiment Missouri Volunteer Infantry, from the charge of desertion.

The SPEAKER. The bill will be read.

The bill directs the Secretary of War to issue to James A. Hile, of Lewis County, Missouri, late a soldier of Company F, Twenty-seventh Regiment Missouri Infantry Volunteers, an honorable discharge from the service, and to so amend the records and muster-rolls of the War Department as to show that he is no deserter, and that said Hile be entitled to pay and bounty as other soldiers of his rank and arm of service, deducting the time of his absence.

There being no objection, the bill (H. R. No. 4843) was received, read three times, and passed.

Mr. GLOVER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. Why cannot gentlemen take their seats and ask from their seats for unanimous consent? The Speaker, by starting from one side of the House and going around the Hall, can give all a fair chance. Let it be understood that there will be opportunity given for having all things considered that do not take much time.

Mr. CONGER. The gentleman is right here in front where he can get the Speaker's eye at any moment.

Mr. BUTLER, of Massachusetts. I can; but I want the rest to have a chance.

Mr. CONGER. The rest of us here on the back seats cannot do as well.

Mr. BUTLER, of Massachusetts. I am in favor of the back seats now.

M'CRARY'S LAW OF ELECTIONS.

Mr. HAZELTON, of Wisconsin. I ask unanimous consent to report from the Committee on Elections a resolution to which I think there will be no objection.

The Clerk read as follows:

*Resolved*, That the Clerk of this House be, and he is hereby, authorized and instructed to procure from the publisher thereof five hundred copies of the Law of Elections, by Hon. G. W. McCRARY, for the use of the House, to be kept for that purpose, at a cost not to exceed five dollars per volume, to be paid out of the contingent fund of the House.

Mr. STORM. I object.

PAY OF MEMBERS DURING THE RECESS OF CONGRESS.

Mr. CESSNA. I ask unanimous consent to report back from the Committee on the Judiciary a bill (H. R. No. 4556) to amend an act to remove a restriction upon the right of Representatives-elect to receive their pay during the recess of Congress.

The bill, which was read, provides 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 elect to Congress those holders of proper certificates whose election he may be notified will be contested be, and the same is hereby, repealed.

Mr. COX. I object to that bill.

Mr. CESSNA. I ask the gentleman from New York to hear a single word before he insists upon his objection. This restriction accomplishes no good purpose, while it is a serious annoyance not only to the Representatives themselves, but to the Clerk of the House.

Mr. McNULTA. I object to debate.

Mr. COX. I have objected to that bill before. How do we know who is elected to Congress? Why should we act upon a simple certificate of the Clerk?

Mr. CESSNA. Members take their seats upon a certificate sent to the Clerk.

Mr. COX. But suppose members should afterward be turned out of Congress?

Mr. CESSNA. This restriction does not save a single cent to the contingent fund of the House. The member who comes with a certificate and takes his seat and on that certificate is sworn in, and immediately afterward goes to the Sergeant-at-Arms and draws his pay. It is only a source of embarrassment to the Clerk. While to pass this bill will be the means of affording accommodation to a great many people, at the same time it will do no harm to the Government. To allow the restriction to remain upon the statute-book only induces a great many who have warm contests to serve notice upon their opponents who have been more successful.

Mr. COX. Suppose it should be determined that the member was not elected?

Mr. CESSNA. That would not matter, because under the present law as soon as Congress meets the holder of the certificate would be sworn in, and as I have already said will draw his pay immediately from the Sergeant-at-Arms.

Mr. McNULTA. I must object to debate.

Mr. CESSNA. I move to suspend the rules and pass the bill.

The SPEAKER. The Chair is only hearing unanimous consents.

Mr. COX. I withdraw my objection, as I have misapprehended the bill.

Mr. G. F. HOAR and Mr. CALDWELL objected.

JICARILLA APACHES.

Mr. McNULTA. I ask unanimous consent to report from the Committee on Indian Affairs and put on its passage a bill for the ratification of an agreement with the Jicarilla Apache Indians.

The Clerk proceeded to read the bill.

Mr. BUTLER, of Massachusetts. In order to save time I object to the bill. There is therefore no necessity to read it further.

Mr. HEREFORD. I ask unanimous consent.

Mr. McNULTA. I object to everything out of the regular order.

Mr. BUTLER, of Massachusetts. I ask to report various bills to have them printed.

Mr. McNULTA. I object.

ARMY APPROPRIATION BILL.

Mr. GARFIELD. I move, by unanimous consent, that the amendments of the Senate to the Army appropriation bill be taken from the Speaker's table and ordered to be printed.

There was no objection, and it was ordered accordingly.

SUNDY CIVIL APPROPRIATION BILL.

Mr. GARFIELD. I move that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union to proceed with the consideration of the sundy civil appropriation bill. Pending that motion I move that by unanimous consent all debate in Committee of the Whole on the state of the Union be closed on the pending paragraph when its consideration shall be resumed.

Mr. COX. I hope not. The gentleman from California [Mr. LUT-

TRELL] has an amendment to offer and he wants some time to explain it.

Mr. GARFIELD. I will make it five minutes; that all debate shall be closed five minutes on the pending paragraph.

There was no objection, and it was ordered accordingly.

PERSONAL EXPLANATION.

Mr. KASSO. I ask unanimous consent to make a personal explanation.

Mr. GARFIELD. I rise to demand the enforcement of the rule in reference to admission on the floor of the House.

The SPEAKER. The Doorkeeper will enforce the rule.

Mr. KASSON. I regret to take even one minute of the time of the House and shall hardly take more than one, to say that on the 23d of February the Chicago Tribune, as I learned for the first time this morning, published me as having voted ay to take up the Southern Pacific Railroad subsidy bill, so called. On the 24th the editor of that paper justly expressed great surprise that "KASSON, of Iowa, should be found voting in that way." I am equally surprised that the editor of the paper should have supposed it possible that "KASSON of Iowa" ever did vote that way, although the columns of his own paper indicate it; but while he was justified by the report sent from Washington, still on an examination of the CONGRESSIONAL RECORD his error would have been made apparent and he would have found me recorded, then as always on such subjects, in the negative, and as one of three gentlemen who demanded the yeas and nays promptly in order that the sense of the House might be fully taken.

Mr. MAYNARD. I must object to statements of this sort being made in the House, because many of us who have been misrepresented in that way when we do not rise to correct the misrepresentations will be held responsible for not doing it.

Mr. KASSON. I have only to say, thanking the House for its courtesy and regretting that the gentleman from Tennessee does not see the importance of these matters being set right—I have only to say that it is an entire error, and hope the reporters of that paper, who are usually very accurate, will have it corrected.

ORDER OF BUSINESS.

The question being put on the motion that the House resolve itself into Committee of the Whole, to resume the consideration of the sundy civil appropriation bill. It was agreed to.

Mr. COBURN. Before the House goes into Committee of the Whole I ask unanimous consent to have an hour assigned to-morrow evening for reports from the Committee on Military Affairs, which has quite a large number of reports to make. Last night was assigned to that committee, but it was deprived of it in consequence of the adjournment.

Mr. SOUTHARD. I object.

SUNDY CIVIL APPROPRIATION BILL.

The House then resolved itself into Committee of the Whole, (Mr. HOSKINS in the chair,) and resumed the consideration of the bill (H. R. No. 4729) making appropriations for the sundy civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes.

The CHAIRMAN. By order of the House, debate on the pending amendment is limited to five minutes. The Clerk will read the paragraph which was pending when the committee rose.

The Clerk read as follows:

For collection of mining and mineral statistics, under charge of Professor Rossi-ter W. Raymond, the amount to be immediately available, to be expended and to be for the completion of the work, \$15,000.

The CHAIRMAN. The Clerk will now read the pending amendment offered by the gentleman from New York, [Mr. Cox.]

The Clerk read as follows:

Strike out "\$15,000" and insert "\$10,000."

Mr. COX. The amendment had been voted down and a division was called for, when the committee rose.

Mr. MAYNARD. I move to amend the amendment by striking out "\$10,000" and inserting "\$11,000."

I do so for the purpose of obtaining information upon a question which it seems to me is worthy of a little thought. I understood from the remarks of the chairman of the Committee on Appropriations the other day that this was the close of Professor Raymond's work in regard to the collection of mining statistics. It seems to me, with a very slight and imperfect knowledge of the subject I admit, that the mining statistics of the country are of very great importance; that we should have a current series of them published for the information of the country. We ought not to depend, it seems to me, on an appropriation to some individual, however accomplished and distinguished he may be; but the collection of them should appertain properly to some Department of the Government. I would suggest that it might very properly come in under the direction of the Bureau of coinage, under the direction of Dr. Linderman, the Director of the Mint. At any rate let it be placed in the charge of some man whose duty it should be to keep up the current series of statistics and publish them as a part of his official conduct, so as not to leave the matter to be provided for by an occasional appropriation by Congress. I merely throw out the suggestion in order to hear what may be said.

Mr. HALE, of Maine. Will the gentleman from Tennessee allow me a moment of his time?

Mr. MAYNARD. Certainly.

Mr. HALE, of Maine. The remarks of the gentleman from Tennessee are all in the direction of encouraging the gathering of these statistics; only he wants to go further than the Committee on Appropriations felt justified in going in building up a new division or Bureau. I would have no objection to that being done after due deliberation and examination, and I believe with the gentleman that this is of importance enough to make it a permanent feature. But this appropriation the gentleman will see is in the line of completing a begun work. So far as Professor Raymond is concerned he does not ask to be quartered upon the Government as a permanent official, only that this work in which he has been so enthusiastic and to which he has given much labor, and I believe genius, shall be completed; so that when it is finished he may feel that his work is done.

If Congress should see fit to establish a division under the Bureau of the Mint for this purpose, I believe it would be a good endeavor; and I hope that the House will not on any suggestion of that kind cut down this appropriation. I may remark also that I understood that on the last day when we were considering this bill the committee had voted and had negatived the amendment. Perhaps I am wrong.

Mr. MAYNARD. I suggest to the gentleman that \$15,000 would furnish us with a great deal of official work; it would pay the salaries of a great number of officers.

Mr. COX. The five minutes allowed for debate when we went into committee were intended for my friend from California, [Mr. LUTTRELL,] who wishes to move to cut down the appropriation to \$7,000. I would be willing to vote for the proposition of the gentleman from Tennessee, and if it were adopted, to place the appropriation in the hands of some Department or officer of the Government.

Mr. MAYNARD. I do not insist on my amendment. I withdraw it.

Mr. LUTTRELL. I move to amend the amendment by striking out "\$10,000" and inserting "\$7,000."

I desire to say, Mr. Chairman—

Mr. GARFIELD. I rise to a question of order. The time allowed for debate has expired.

The CHAIRMAN. By order of the House debate on the pending paragraph was limited to five minutes, and that time has now expired.

Mr. LUTTRELL. I do not wish to detain the committee more than one moment. In the early part of the session the Director of the Mint, one of the best officers in our Government, offered to do this work for \$7,000 per annum. I believe he is one of the best qualified officers in the Government, and he is willing to do the work for half the amount that Professor Raymond does it for.

The CHAIRMAN. Debate on the pending paragraph is exhausted.

The question being taken on Mr. LUTTRELL's amendment to the amendment there were ayes 33, noes not counted.

So the amendment to the amendment was not agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from New York [Mr. Cox] to strike out "\$15,000" and insert "\$10,000."

Mr. McCORMICK. Is that debatable?

The CHAIRMAN. It is not. The time allowed for debate has been exhausted.

Mr. McCORMICK. Gentlemen should understand that if they strike at this appropriation they strike at the only appropriation for gathering statistics of the value and development of our great mineral resources, and prevent the completion, at a comparatively trifling outlay, of a very important work by a very competent and faithful man.

The question being taken on the amendment there were ayes 43, noes not counted.

So the amendment was not agreed to.

The Clerk read as follows:

For completion of the jail in the District of Columbia, in accordance with the plans and specifications therefor, to be expended under the direction of the Secretary of the Interior, \$140,057.93.

Mr. MERRIAM. I move to strike out from line 215 to line 226 inclusive. There is no other expenditure of the people's money to be made in this District less likely to be complained of by tax-payers, perhaps, than this provision to finish a jail here with \$29,900 for heating-apparatus. But the District of Columbia has already one jail, which has never been filled as perhaps it ought to have been.

Mr. RANDALL. If the gentleman wants to discuss that, he must wait until the paragraph is reached.

Mr. MERRIAM. I want at least to inquire why the Government of the United States is expending here \$185,548.93 for the completion of a new jail. I would like to ask the chairman of the committee for an explanation why so much money is now to be expended on a jail for this city when every other city in the Union provides for its own jail. It is true that this Congress has rented two cells during the sitting of the Ways and Means for Pacific mail witnesses, but what the country has gained from their incarceration does not seem to warrant a full-fledged, highly ornamented and fiercely heated residence for fancy convicts.

Mr. GARFIELD. I desire to say, Mr. Chairman, that it will be utterly impossible to get through with this bill until two things hap-

pen: a reasonably fair attention to business on the part of the committee, and unless gentlemen vote, so that we can make a quorum and not be driven to the constant necessity of expending many minutes in getting a quorum present.

In regard to this question, Congress authorized some years ago the building of a jail for this District. Many persons convicted in this District under the United States laws are now sent to Albany and to other distant points, and it seemed that a jail large enough to keep all the persons convicted here ought to be made. There was a special act passed authorizing the building of a jail. The estimate for that jail was made on the 4th of June, 1874, at \$490,057.93, together with an estimate of \$10,000 for fencing and inclosures. There has already been expended \$350,000. The amount asked for in this appropriation was given in full in the estimates sent by the Secretary of the Interior, whose letter on the subject is as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., January 2, 1875.

SIR: I have the honor to transmit herewith a copy of a letter, dated November 12, 1874, from Mr. A. B. Mullett, late Supervising Architect of the Treasury, submitting estimates of appropriations required for the completion of the new jail in the District of Columbia, in accordance with the plans and specifications therefor, amounting in all to the sum of \$185,548.93.

It will be perceived from Mr. Mullett's letter that the total estimated cost to complete jail, according to his former report of June 4, 1874, will be \$490,057.93; that there will be required for fencing and inclosures the sum of \$9,900; for heating-apparatus, \$29,900; and for kitchen-utensils, washing-apparatus, and driving-engine, \$5,690; in all, a total estimated cost of \$353,548.93; deducting from which amount the appropriation of \$300,000 made by the act approved June 1, 1872, and that of \$50,000 made for continuing the work on the jail by the sundry civil appropriation act approved June 23, 1874, in all \$350,000, leaves the sum of \$185,548.93 to be appropriated. A copy of the report of the architect of June 4 last, referred to, is herewith, and I also have the honor to submit, for consideration by Congress, separate estimates for the several sums named in his letter of November 12 last.

I am, sir, very respectfully, your obedient servant,

C. DELANO,  
Secretary.

Hon. JAMES G. BLAINE,  
Speaker House of Representatives.

I think it is important that we should complete this building during the coming fiscal year, and therefore that we should appropriate the whole amount now necessary for its completion, and therefore the committee propose to appropriate the whole amount now necessary for its completion. When the bill was passed authorizing the building of this jail on the estimates then presented was the proper time to oppose the bill and say that it ought not to be passed. That estimate was made on the 4th of June, 1874, a year ago next June.

Mr. WILSON, of Indiana. When was the law passed authorizing the erection of this jail?

Mr. GARFIELD. The act was passed on the 23d of June, 1874, and nineteen days after an estimate was sent into Congress upon which the act was passed. The Committee on Appropriations had nothing to do with the passage of the act, but only with the carrying out of the provisions of the law.

Mr. RANDALL. I reserved points of order on this bill, and I make the point of order that this paragraph changes the existing law in that it permits this money to be expended under the direction of the Secretary of the Interior. The law required that it should be expended under the direction of the Chief Justice of the Supreme Court of this District and the Secretary of the Interior, but I suggest to the gentleman that the point of order will be waived by striking out the words "to be expended under the direction of the Secretary of the Interior."

Mr. GARFIELD. I have no objection to striking out those words.

The CHAIRMAN. The Chair must request the committee to come to order. It is impossible for the Chair to preserve order without the individual assistance of the members of the committee. It is impossible for the reporters even to hear the remarks of gentlemen. The Chair appeals to members of the committee to aid the Chairman in preserving order, so that business can proceed intelligently. The Chair understands that the chairman of the Committee on Appropriations desires unanimous consent to amend the pending paragraph so as to strike out the words upon which the gentleman from Pennsylvania raises the point of order.

Mr. HALE, of Maine. Is it not too late for the gentleman from Pennsylvania to raise that question of order?

The CHAIRMAN. The gentleman from Pennsylvania reserved the right to raise the point of order. Is there objection to modifying the pending paragraph by striking out the words "to be expended under the direction of the Secretary of the Interior?" The Chair hears none and the modification will be made.

Mr. WILSON, of Indiana. Before the question is taken on striking out the paragraph I move to further amend it by adding the following:

*Provided*, That no part of this appropriation shall be available until the present Supervising Architect of the Treasury shall have examined and approved the plan upon which said jail is being constructed, and such modifications may be made by him as he may deem necessary for the prudent and economical completion of said jail.

I wish merely to say this: I am informed that the construction of the new jail is being carried on in a very extravagant manner. According to the plan which has been adopted they are putting most elaborate marble and stone cornices on the building with all sorts of flum-a-diddle, and a great deal of expense would be avoided and a great deal of money saved to the people in the completion of that

work if it can be constructed in accordance with the uses to which it is to be applied. I may be misinformed about this, and if I am my amendment will do no harm; if I am not misinformed about it, we may be able to save some money by it. I will modify my amendment by striking out the word "present" before "Supervising Architect."

Mr. MAYNARD. I hope this amendment will not be insisted upon by the gentleman from Indiana, [Mr. WILSON.] Ever since I have been in Congress, and for years before, the debtors' jail of this District was an utter disgrace to the civilization of our country. Any number of attempts have been made and failed to improve it. We are now in the neighborhood of success; that is, we can see a way to it. The amendment of the gentleman will simply bring another element of difficulty in the way. The present plan, of which I know nothing, for I have never examined it, has received the approbation, as the law requires, of the heads of the several Departments that are called upon by law to examine and approve both the plan and the work. I submit that we had better let this go on and be completed, as it will be under the present appropriation as I am informed. Just as sure as we again open the question we shall have another scheme or plan of building, another set of bills to pay, even if we do not have the whole building pulled down and another one built. I trust after the experience we have had during the last twenty years that we shall be allowed to go on with this work and have a jail which our people will not be ashamed of when the representatives of foreign countries come here and see it.

Mr. WILSON, of Indiana. What is the use of a lion's head and all that sort of thing on the cornice of a jail away out where nobody can see it, and I presume nobody wants to see it?

Mr. TYNER. I move to strike out \$40,000 and insert \$50,000, for the purpose of inquiring of my colleague [Mr. WILSON, of Indiana] if he has had any conversation with the present Supervising Architect that induces him to propose the amendment he has proposed?

Mr. WILSON, of Indiana. Not a word. I never saw the present Supervising Architect in my life.

Mr. TYNER. Having learned that fact, I beg leave to say to my colleague that the appropriation proposed by this bill for the purposes of the new jail was inserted at the suggestion of the present Supervising Architect, who appeared in person before the Committee on Appropriations and made the statement to the committee that the amounts named in this bill would be sufficient to entirely complete the work.

Mr. WILSON, of Indiana. Now let me ask my colleague [Mr. TYNER] a question. Did the present Supervising Architect say that this appropriation was necessary for the proper completion of the building or did he say that it was necessary to carry out the plan of his predecessor?

Mr. TYNER. I reply to that by saying that I do not know of any member of the committee putting a question to him or making any suggestion to him that would require any response of that kind. But I do know that the Supervising Architect came before the committee and suggested that this amount was necessary to complete the jail.

Mr. WILSON, of Indiana. I have no doubt of that.

Mr. TYNER. Another thing; the jail is so nearly completed, that a change of the plans and specification instead of saving money would in all probability make it necessary to spend more money.

Mr. WILSON, of Indiana. Has the cornice been put on this jail?

Mr. TYNER. It has not.

Mr. WILSON, of Indiana. Has it been prepared to be put on?

Mr. TYNER. I understand that a portion of the work for that purpose has been done. Whether it is an elaborate cornice with lions' heads and dragons and all that sort of thing on it, as my colleague suggests, I am unable to say. I will say, however, that it is a very respectable building, as my colleague will discover by going down on the classic banks of the Eastern Branch of the Potomac and looking at the building itself.

Mr. WILSON, of Indiana. If this thing is all right, the adoption of my amendment will not hurt it a particle. But if there is any opportunity there to save money without impairing the usefulness of this structure, my amendment will give the opportunity and will not interfere with the proper completion of the building at all.

Mr. TYNER. I respond to that by saying that the stone out of which this cornice is in part to be constructed is already on the ground, or at least a portion of it. I will remark also that there is no sense whatever in coming into this House and suggesting that because the late Supervising Architect of the Treasury had something to do with a piece of the work therefore, and without further proof it is necessary to change it.

Mr. WILSON, of Indiana. I made no such suggestion.

Mr. TYNER. But my colleague's amendment seems to indicate that much. I say that in the absence of anything in the shape of information possessed by my colleague or any other gentleman in the House that this work has been done extravagantly or in any other respect as it should not have been, it is useless for this Committee of the Whole to append to this bill a proviso of the kind proposed, especially as the identical officer suggested in the proposition is the one who came before the Committee on Appropriations and said that the amount named therein was necessary to complete the work.

Mr. MERRIAM. I withdraw the amendment.

Mr. RANDALL. I desire to add an amendment providing that the material shall be furnished by the lowest responsible bidder, after advertisement.

Mr. GARFIELD. I think we ought not to do that. If we were now passing the original act for the construction of the jail, such a provision might be proper.

Mr. WILSON, of Indiana. There is plenty of material there now.

Mr. RANDALL. I withdraw the amendment.

The Clerk read as follows:

For fencing and inclosures around said jail, \$9,900.

Mr. DUNNELL. I move to amend by striking out the clause just read. The appropriations in this bill would seem to indicate a very full Treasury. There are many appropriations here which, in my judgment, ought either to be struck out or reduced. The bill appropriates a large amount of money. The indications are, Mr. Chairman, that the tax bill which has been passed by the House will fail to become a law; and during the coming year we shall find our Treasury in a very straightened condition. I believe, therefore, that it is the duty of the House, in acting upon this bill, to strike out and to cut down wherever it is possible.

Here is an appropriation for fencing. Now, if this jail be built during the coming year, it will not run away; it will not be lost. There is no call for an appropriation of \$10,000 at the present time for fencing around this jail. The appropriation made for the jail itself will secure its erection; but this fencing is merely a matter of ornament, merely a matter of taste. The jail will not be completed until the end of the year; and there is no necessity for expending money at the present time for fencing. I hope, therefore, there will be no objection to striking out these two lines.

I insist that the passage of this bill will be facilitated by striking out these evidently unnecessary items and confining our appropriations to such objects as are absolutely necessary. The bill contains items for appropriations of very large amounts in and around the city of Washington. I never belonged to the number of those who have found fault with Washington City. But wherever we may reduce these current expenses, for which provision has been made somewhat, as the gentleman from New York has suggested, because of custom, let the appropriations be struck out. When we have more money in the Treasury, it will be time enough to incur these expenses, if it should be necessary to do so. I hope there will be no objection to striking out this paragraph.

Mr. GARFIELD. There is no use of mincing matters. If we are going to finish this jail, which has been authorized by law, with its fencing and inclosure, so as to dismiss the subject, and not have a long series of dribbling appropriations coming in hereafter, let us take the Secretary of the Interior and the Supervising Architect at their word when they say that just these sums in dollars and cents will complete it. It is far more economical to make the whole appropriation now in this way than to give at this time a part and let other appropriations dribble in hereafter.

The amendment of Mr. DUNNELL was not agreed to; there being ayes 19, noes not counted.

The Clerk read as follows:

For heating-apparatus, \$29,900.

Mr. RANDALL. I move to amend by adding to this clause the words "to be furnished by the lowest responsible bidder, after advertisement."

Mr. GARFIELD. I do not know but the apparatus may have been already obtained or at least contracted for.

Mr. RANDALL. If that should prove to be so, the amendment can be struck out hereafter.

Mr. GARFIELD. I suggest to the gentleman from Pennsylvania not to insist on this amendment, as the work is now so nearly done.

Mr. RANDALL. I have not the slightest concealment about this matter, and I will say that my object is this: that all persons in this city who can furnish heating-apparatus shall have an opportunity to bid for this work, and that the work shall be given to the lowest possible bidder. By this we reach two results: In the first place, we throw the matter open to competition; and in addition to that we secure for the Government the doing of the work at the lowest price.

Mr. TYNER. I suggest to the gentleman from Pennsylvania that he add to his amendment these words:

*Provided*, That it does not interfere with existing contracts.

I do not know that there is any contract.

Mr. RANDALL. Certainly; I agree to that as a modification.

Mr. GARFIELD. In that form there is no objection to the amendment.

The amendment, as modified, was agreed to.

The Clerk read as follows:

For kitchen utensils, wash-room apparatus, and driving engine, \$5,691.

Mr. RANDALL. I move to amend this clause by adding the same amendment which has been added to the clause last under consideration.

Mr. GARFIELD. We had better not do that in so small a matter.

Mr. RANDALL. Well, it is a matter of more than \$5,000.

The CHAIRMAN. If there be no objection, this clause will be amended by adding to it the same provision that was appended to the previous clause.

There was no objection.

The Clerk read as follows:

For continuing the inquiry into the causes of the decrease of food-fishes of the coast and of the lakes of the United States, \$5,000.

Mr. POTTER. I move to strike out that paragraph; and I do so to hear from the chairman of the Committee on Appropriations some reason for the appropriations in this and in the next two paragraphs by which something over \$50,000 are appropriated for continuing the inquiry into the causes of the decrease of food-fishes on the coast and in the lakes of the United States, and for the propagation of food-fishes in the waters of the Pacific, the Gulf States, and of the Mississippi Valley. It seems to me a very extraordinary proceeding for the United States to go into the business of stocking the rivers and lakes throughout the country with the various kinds of food-fishes.

A gentleman on my right says the Government of the United States should do it. I know there are some gentlemen who hold to the opinion that the Government of the United States should do everything, manage everything, and supply everything, and leave nobody to take care of himself. I am inclined to believe, however, that it would be best to leave the people of the States to regulate their own affairs in this as well as other matters. As at present advised I shall vote to strike out these paragraphs.

Mr. GARFIELD. I will not take up the time of the committee with discussing this question of the introduction of food-fishes along the coast and in the rivers and lakes of the United States. It has been fully discussed before. The gentleman from New York will see, I think, that his constitutional scruples about the United States Government taking care of things not legitimately belonging to it have no application in this case at all. The control of the States stops at tide-water and the regulation in reference to the introduction of food-fishes along the coasts of the United States and in the rivers running through whole tiers of States is a question which we have the right to handle. This appropriation has been made for a series of years, and I believe by the general consent of all who have examined into the matter it is an appropriation which has given more valuable returns both in the way of knowledge to the people on this subject and in the increase of our stock of food-fishes than perhaps anything appropriated in this bill.

Mr. MAYNARD. Before the vote is taken on the motion to strike out I desire to move as an amendment in the way of perfecting the section to insert after the word "coast," in line 246, the words "of the rivers;" so it will read: "for continuing the inquiry into the causes of the decrease of food-fishes of the coast, of the rivers, and of the lakes of the United States, \$5,000." I hope the gentleman having charge of the bill will accept my amendment. If so I will not stop to debate the question.

Mr. GARFIELD. I see no objection to the gentleman's amendment.

The amendment was agreed to.

Mr. SMITH, of Ohio. I move to strike out the last word.

Mr. Chairman, this whole fish business is a very singular one for the United States to engage in. My understanding is that it is the accepted theory about these food-fishes that when planted in a stream they always go back to the place from which they started. That being so, there is no difficulty in any locality or upon any stream of the United States for the people living there to establish a system of fish propagation for themselves. A good many States have already established a system for the introduction of food-fishes. We have such a system in Ohio. It therefore strikes me to be better to leave this matter to the States than to establish fish commissioners for the United States. I see no necessity for this being done by the General Government when people anywhere throughout the United States, in any portion of the country, can introduce into their streams exactly the fish they desire.

Mr. MAYNARD. But take such rivers as the Mississippi, running through several States, no one State government can make regulations covering the whole of them.

Mr. SMITH, of Ohio. If you plant shad in any little stream within the confines of any State, take for instance the Tennessee River, and the theory is if you plant shad there they will come back to that stream every year.

Mr. MAYNARD. But there are other kinds of food-fishes the introduction of which is desired in the great rivers of the country.

Mr. SMITH, of Ohio. If you plant shad in the Tennessee River they will always be found in that river. They will pass out into the Mississippi, and so on down into the Gulf, and they will be caught all along on their way back. So it is with other fishes.

Mr. FRYE. Mr. Chairman, I do not think members fully understand the importance of the measure now under discussion. Take for instance the paragraph which the gentleman from New York [Mr. POTTER] moves to strike out. You have the advantage during the whole warm season of the labors of over twenty scientists for this small amount of \$5,000. Not one of that corps of scientific gentlemen receives a single dollar for the services which he renders. The whole \$5,000 dollars is paid for an artist and a secretary and other necessary expenses. Not one dollar does any man of those twenty scientists get. Their services are given gratuitously in behalf of the cause of science.

In regard to the next paragraph, I do not believe gentlemen in this House know what has been effected. In 1867 the great Connecticut River ran dry of shad; none could be had, and none were in the river. Seth Green (and he will be always remembered by the people there) in 1867 planted 2,500,000 young shad in that river, and in 1870 the

river was stocked with that fish. It takes three years for them to grow. In 1873 you could buy shad on the Connecticut River (and they are the best in the country) for three dollars a hundred. Seth Green did this alone and unaided for the Connecticut River. Now, sir, this commission has scattered the young fry of shad all over the country. It has stocked all the rivers of the country with shad, and in less than three years from to-day there will not be a single river in the country, not even the great Mississippi River running into the ocean, which will not furnish the people all up and down its banks with this nice fish, the shad. They have gone out all over the country scattering these young fish.

Now, take salmon; why they have gone last year to the Colorado, to the rivers of California, and have gathered up seven millions of eggs, hatched those eggs and scattered those salmon all over the southern portion of the country. Those rivers being warmer, these salmon grow large, to a weight of from twenty to fifty pounds. They grow quick in the southern waters. Five years ago we paid forty dollars a thousand for salmon eggs, and you have got over eight millions last year, which have been hatched and put into the various waters. I believe, as the chairman of the committee has said, that no appropriation you make has the superabundant returns this appropriation has. It has been a pet of mine, the only pet I have had since I have been in Congress. Ever since I have been here I have nursed it. I love it, and I trust the gentleman from Ohio, [Mr. SMITH,] who is so fierce a free-trader, does not really oppose this because he thinks protection for fishes has something to do with the tariff.

The question being taken on the amendment, it was not agreed to.

The question recurred on the motion to strike out the paragraph, and was not agreed to.

The Clerk read the following paragraph:

For the introduction of shad into the waters of the Pacific States, the Gulf States, and of the Mississippi Valley, and of salmon, white fish, and other useful food-fishes, into the waters of the United States to which they are best adapted, \$47,500, to be expended under the direction of the United States Commissioner of Fish and Fisheries.

Mr. RANDALL. I offer the following amendment:

Strike out "\$47,500" and insert "\$17,500."

We appropriated last year \$17,500 for this purpose. I am not myself against a proper expenditure of money in this direction, but I want to have only the same amount this year as was appropriated last year. By this we would save \$30,000.

Mr. MERRIAM. I rise to oppose the amendment. My colleague [Mr. POTTER] took exceptions to my remark, "that the restocking of our rivers—exhausted of fish by man's improvidence and lack of consideration for those who came after us—would be productive of vast blessings to mankind." A government that watches over the economies of life will be applauded by generous men everywhere. Through the intelligent labors of a few patriotic men, our depleted rivers teem again with new life, thousands of our race are thereby furnished with the cheapest and best of food, whole families through it are saved the humiliation of beggary, and we the support of paupers. The moral influence upon mankind produced when following rivers leading through the varied and beautiful scenery of our land, is so marked and it so elevates and purifies the minds and hearts of men, that any reasonable expenditure of money in that direction is both economy and wisdom.

The names of Roosevelt, Green, Professor Baird and others, to whom the country is indebted for their unselfish work, will be a pleasant memory.

I hope the amendment will not prevail.

Mr. RANDALL. I withdraw the amendment.

The Clerk read the following paragraph:

For engraving and printing certificates of centennial stock for the international exhibition to be held in the city of Philadelphia in the year 1876, \$30,750: *Provided*, That this appropriation shall not be construed as in any manner committing the Government of the United States to any other payment whatever to meet the expenses of said exhibition.

Mr. SMITH, of Ohio. I move to strike out that paragraph.

The motion to strike out the paragraph was not agreed to.

The Clerk read the following:

To enable the Clerk of the House of Representatives to pay the fourteen crippled and disabled soldiers now in the employment of the Doorkeeper of the House, from April 1, 1875, to December 6, 1875, the sum of \$12,549.60; which is hereby appropriated.

Mr. MAYNARD. I offer the following amendment to come in after the paragraph just read.

The Clerk read as follows:

After line 272 insert as follows: To enable the Clerk of the House of Representatives to pay Isaac Strohm for the time employed in making out the warrants for bringing, by order of the House, persons before its bar, and other papers requiring the seal of the House of Representatives, \$150 per annum; and a sum sufficient for that purpose is hereby appropriated and added to the contingent fund of the House of Representatives.

Mr. MAYNARD. I believe there is no objection to this appropriation for the payment of a very worthy official of the House.

Mr. RANDALL. There can be no objection to that.

The amendment was agreed to.

The Clerk read the following paragraph:

To enable the Clerk of the House of Representatives to cause to be erected, in the Congressional Cemetery, monuments in memory of those Representatives who have died since the erection of those last authorized; said monuments to be of uni-

form size and style with those previously erected, and to be contracted for by him with the lowest responsible bidder therefor, after due public notice, \$1,500, or so much thereof as may be necessary.

Mr. MAYNARD. I offer the following amendment:

After the word "be," in line 282, insert "of marble."

Most of those monuments, according to my recollection, are of a very indifferent kind of sandstone, which will disintegrate and perish in a short time. I think the monument ought to be of some more durable material.

Mr. MERRIAM. I would suggest the addition of the words "of granite."

Mr. MAYNARD. I accept that, and modify my amendment accordingly.

The amendment, as modified, was agreed to.

Mr. SCUDDER, of New Jersey. I offer the following amendment:

The Clerk read as follows:

After line 286, insert as follows:

That the secretary of the Smithsonian Institution is authorized to purchase for the use of the United States the Cattlin collection of paintings and museum of curiosities at such price as can be agreed upon, not to exceed, however, the sum of \$50,000.

Mr. GARFIELD. I ask the gentleman to postpone moving that until we reach the miscellaneous items.

Mr. SCUDDER, of New Jersey. Very well.

The Clerk read the following paragraph.

For the purchase of a noiseless steam-pump for the heating and ventilating department of the House of Representatives, \$1,000, or so much thereof as may be necessary.

Mr. HAWLEY, of Connecticut. I move to strike out that paragraph, and I do it for the purpose of making an inquiry. I have an indistinct recollection that toward the close of the last session a resolution was adopted directing certain inquiries to be made concerning the lighting and ventilating of this Hall. I desire to know if that resolution passed. I certainly hope some action may be taken in that direction. I venture to say, deliberately, that this Hall is the most conspicuous failure in the United States; and so far as my limited observation extends, in any country, as to ventilation, lighting, comfort, and health. I invite gentlemen to go into any manufacturing establishment in my State where a large number of men are employed, and I affirm that they can find no room containing so many workmen, confined so long a time, which is not better lighted and better ventilated than this Hall. Through the registers, running just behind the feet of every member, come streams of air whose temperature is sometimes as low as fifty, or sixty, or certainly from five to fifteen degrees lower than the average temperature in which our heads move, which the various thermometers show to range from 72 to 80, especially when the fierce heat of the gas-lights beats down on our heads. The rapid change of the volume makes even hot air feel cold. All the light we get in the day-time comes perpendicularly through ground-glass skylights, throwing strong lights and the deepest shadows, that strain all the nerves of the eye in the attempt to distinguish faces at a short distance. We get no direct supplies of light or air. Every principle of wholesome lighting and heating is defied, and so we go on year after year. I have no doubt that the untimely deaths of many honorable members have been due to our defiance here of all the laws of health.

Mr. MAYNARD. I oppose the amendment for the purpose of saying that I have been in this Hall from the time when the House first moved into it from the other Hall, and my experience is the reverse of that of the gentleman from Connecticut. It is to my mind the most successful room ever occupied for legislative purposes as regards heat or light or air, making it suitable for public business. I have never been conscious while occupying this room of either heat or cold, light or darkness, excess or absence of ventilation; and I take this opportunity to have on record my estimate of the character of this room, in reply to general criticisms that from time to time have been made upon it.

Mr. BUTLER, of Massachusetts. I desire to move to strike out the last word, and I desire to do it because my experience has been so exactly the reverse of that of the gentleman from Tennessee.

The CHAIRMAN. There is an amendment pending.

Mr. HAWLEY, of Connecticut. I withdraw the amendment.

Mr. BUTLER, of Massachusetts. I renew it. I desire to say that my experience has been precisely opposite to that of the gentleman from Tennessee. The construction of this Hall is the worst fitted for the purposes for which it is used, in my judgment, of any place on the face of the earth. It is said that the court of Areopagus sat in darkness in order that they might not be influenced by the gestures of the speaker. We have improved on that. We have built a place where we can see the orator and his gesture, but as a rule cannot hear a word he says.

Mr. GARFIELD. That was the theory of Roscius.

Mr. BUTLER, of Massachusetts. Now, I have as reasonably strong lungs as anybody in this Hall, and I cannot be heard this minute distinctly by more than one third in it, and this fact gives this body an unfair and unjust reputation. We are called a very disorderly body, and it is said that we do not attend to the current business; that members will not attend to what is going on. These cross-bars here above us catch the waves of sound and prevent the voice from

being heard, and then these immense galleries, with their stairways, tend in the very same direction.

Then we get none of the air of heaven in here unless it is pumped up through tubes that are not kept clean, but are reeking with all the filth that falls into them. We get none of the light of heaven except as it comes to us through the glass above.

Mr. MAYNARD. At least there is no reverberation in this Hall; no echo.

Mr. BUTLER, of Massachusetts. Pardon me; I know there is no reverberation in the Hall, because you cannot get any sound through it; that is what I am complaining of. You cannot get a reverberation until you get sound to traverse space and come back.

Sir, reverberation helps the voice. I know of no place like this in the world excepting one. I undertook to make a speech in the courthouse of a town in Indiana, a room say eighty feet by sixty, and although I may say I have voice enough to reach five thousand people in the open air, yet I could not be heard in that court-house for the reason that the architect had run large pine-board arches of the Gothic pattern clear across it, which stopped the voice and prevented it being heard.

Sir, this Hall will never be fit for legislative purposes, in my judgment, until it is carried back upon each side so as to allow the light and air of heaven to enter into it.

Mr. MAYNARD. Did the gentleman ever listen to speaking in the old Hall?

Mr. BUTLER, of Massachusetts. I never did; but because that was bad, that is no reason why this should be made worse. I call the attention of every man here to this matter. It is of no consequence to me in the future and has not been very much in the past. Men who have been accustomed to the noisome air of crowded courthouses all their lives may be able to live here; but men who have not been so accustomed cannot live here. A larger percentage of the members of this House of Representatives die than of any other body of men.

[Here the hammer fell.]

Mr. PLATT, of Virginia. I differ with the gentleman.

Mr. GARFIELD. I hope we will have a vote now.

Mr. PLATT, of Virginia. I hope the gentleman, who has occupied as much time as anybody in this House, will not object to my occupying a little, when it is so seldom I take any time for speaking here.

Mr. GARFIELD. Very well; I will give the gentleman my time.

Mr. PLATT, of Virginia. I know it is very much the fashion of gentlemen occupying this Hall to decry its capacity for the purpose for which it was designed. I do not agree with the estimation held of it by the gentleman who has just addressed us. On the contrary, every gentleman who occupies a seat here can satisfy himself that so far from this Hall being defective as a place to be heard in, there is no better hall anywhere, no place in the Union, I undertake to say, where if the people occupying the Hall will maintain silence the speaker can be better heard.

Mr. CLEMENTS. I ask the gentleman to speak a little louder so that I can hear him.

Mr. PLATT, of Virginia. I will explain why the gentleman cannot hear me and why there is difficulty in hearing other gentlemen here. It is because there are two hundred men on this floor talking among themselves at the same time the Speaker is addressing the House. We all know that in their conversation members are in the habit of speaking in their ordinary tones of voice and take very little pains to lower it. Then we have the lobbies here filled with gentlemen who are also talking in their ordinary tones of voice; and the galleries are filled with ladies and gentlemen talking in their ordinary tones of voice. There is not a church or public hall in the United States where, if while the clergyman or orator was attempting to address the audience the audience should do precisely what is being done every moment in this House, he would be heard any better than members are heard here. It is very easy to ascertain the correctness of what I say. I undertake to say that at this moment there is no gentleman entitled to a seat on this floor who cannot be heard in every portion of this Hall and in the galleries besides if those here will maintain the silence that is maintained in churches and lecture-rooms.

Mr. BUTLER, of Massachusetts. Allow me to make a single observation.

Mr. PLATT, of Virginia. I have no time to be interrupted, particularly by the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. We are very still now.

Mr. PLATT, of Virginia. I want to ask every gentleman within the sound of my voice if we have any difficulty in hearing the Chaplain in the morning when he opens the exercises here?

Mr. MERRIAM. Because few members are in their seats so early, and because even Congressmen bend their heads in silence when reminded that they are in the presence of their Maker.

Mr. PLATT, of Virginia. We hear him in every part of the Hall. Why? Because we show him the respect of maintaining silence and not indulging in conversation on the floor of the House. I am unwilling that these complaints against this Hall shall be made here, as they have been made, without having the real difficulty called to the attention of the House.

In regard to the pending paragraph which it is proposed to strike out, I hope it will be stricken out, and that not one dollar will be

expended by Congress for that purpose until some correct plan for heating and ventilating this Hall as it should be heated and ventilated shall be devised. I wish I had time to tell members about the defective construction of the heating and ventilating contrivances which are under our feet, and how almost impossible it is that any effective system can be adopted by following their present plan of construction. My objection to this paragraph is that this subject has not been considered by the Committee on Public Buildings and Grounds nor by any other committee that I know of.

[Here the hammer fell.]

Mr. COBURN. I move an amendment to the amendment for the purpose of saying a word or two about this Hall. It has been extolled to-day lavishly by some gentlemen, and I cannot agree with them in any particular. To me it is the most objectionable place I ever saw for a body of men to assemble in. The air comes in at the wrong place and in the wrong direction. When the weather is warm the sun shines down through the top of the Hall on the heads of members, and it is a source of sickness and annoyance from the beginning to the end of the heated term. This Hall should have been constructed with the doors and windows opening to the outer air, and the light should come in, as in ordinary rooms, from the sides of the building. I can imagine nothing more similar to the plan of this Hall, so far as heating and lighting are concerned, than hot-houses which are used for sprouting cabbage-plants, &c. The glass top of this Hall has about the same effect on the heads of several gentlemen that the glass tops of hot-houses have upon the plants in them. I would vote to-day for an appropriation to erect a "wigwam" or some other inclosure in which Congressmen might assemble and where they would have an ordinarily decent place to do the public business. If anything could reconcile me to the continuance of this Hall with its present arrangements as the place of meeting of the House of Representatives, it is the fact that it will be occupied in the next Congress by a large democratic majority. If I could be so malicious as to desire the sickness or possible death of my political opponents, that might be a reason for voting against an appropriation to provide some other place for the meeting of the House of Representatives or some improvement of this Hall. But I do say that much as I am opposed politically to my democratic antagonists and unwilling as I am that they should continue in power, I will vote the very largest possible appropriation to build a new hall or to remodel the present one or to erect a "wigwam," so that our democratic friends may live in some comfort during the short time that they will be in power.

[Here the hammer fell.]

Mr. ELDREDGE. I rise to oppose the amendment. As I am about to retire from Congress, I want to bear my testimony against this Hall as a very unsuitable place for occupancy by the House of Representatives. I agree with every one of the gentlemen who have criticised it as an unfit place for the assemblage of a public body. I can account in no way for the remarks of the gentleman from Tennessee [Mr. MAYNARD] except by taking his words literally, as I understood them—that he is insensible to heat and insensible to cold, insensible to light and insensible to darkness. Only a reason of that kind can account for the fact that he has not found out before this time that this Hall is an unfit place for the use of the House of Representatives.

Why, sir, go around this Hall to-day and you will find nine out of ten of the members suffering with colds, sore throats—threatened perhaps with pneumonia or inflammation of the lungs. There is scarcely a well man with whom I have spoken for the last ten or twenty days on this floor. During the time when we were here the whole of two nights "filibustering," as it was called, upon the civil-rights bill, almost every man in this Hall became more or less sick. I at one time sent for the Doorkeeper, telling him that everybody in this part of the Hall was in a chill. He went to the thermometer and came back telling me that it indicated seventy-five degrees. I replied, "I am suffering with a chill; this Hall is cold." He then examined some of the flues or other arrangements under the seats here, and found that cold air from out of doors was actually blowing in upon the feet of all of us here.

Mr. MAYNARD. Will the gentleman allow me to call his attention to the fact how seldom it is that we hear a cough in this House as compared with other congregations of people?

Mr. ELDREDGE. Why it is very seldom that a voice is heard. The best voice in this House cannot be heard from one end of the Hall to the other, even when the Hall is perfectly still. I undertake to say that there is not a man here who can be heard throughout the entire length and breadth of this Hall even when profound stillness otherwise prevails; for then the reverberation tends to drown the voice. If any one can be heard throughout this Hall I can be, when my voice is in good condition; and having inquired how far my voice could be heard, I have learned that unless the persons listening are facing you, they cannot hear at all what is said in this Hall.

There is but one word further I want to say. The sunlight of heaven does not shine here; and that is not a fit place for human beings where God's sunlight cannot shine upon them.

The CHAIRMAN. Debate upon the amendment to the amendment is exhausted.

Both amendments were withdrawn.

The Clerk read as follows:

For compensation in lieu of moiety in certain cases under customs-revenue laws, \$200,000.

Mr. BUTLER, of Massachusetts. I move to amend the clause just read by striking out the last word. I take leave now to call the attention of the House to the necessity which now for the first time arises for such an appropriation as this in our regular appropriation bill. It results from the change of the law agreed to at the last session by this Congress in the interest, as it was claimed, of the revenue. Upon that subject I desire to say one or two words.

Heretofore all the expenses of collecting sums due from those who had defrauded the revenue were deducted from the shares assigned to the informers. Although that system had obtained in the practice of the Government for ninety years; although after being attacked in 1846 by one of these chronic reformers and in some respects changed, it had to be restored two or three years later; yet in spite of all that experience a newspaper howl was gotten up by fraudulent, cheating merchants. Now let nobody get up and say that I have charged all merchants with defrauding and cheating. I say "fraudulent, cheating merchants." On one page of the newspaper you will see half a column of howling, and on another three columns of advertisements of the very merchants who have suffered under the law. That is kept up to-day. And when I ventured at the request of the Attorney-General to bring to the attention of the House the necessity that he should have some money to obtain evidence, the New York Tribune of yesterday comes to us with the statement that I had secured the passage of a provision in favor of Sanborn; that he was to be employed to get this evidence. This charge is made without any reason, without any knowledge, without any foundation except in the imagination of lying newspaper hacks or correspondents.

The man who got that evidence lives in Kentucky and is known to the gentleman from Kentucky. It is not Mr. Sanborn at all.

Mr. BECK. What is that?

Mr. BUTLER, of Massachusetts. I am speaking of a piece of evidence in existence about a fraudulent claim against the United States in the hands of a Kentucky man and not Mr. Sanborn, of Massachusetts, at all. Yet the newspapers insisted, when I moved that might be procured among others, it was done in the interest of Mr. Sanborn.

Let me say one other word. You made an excellent collection last year of withheld taxes since you repealed what is called the Sanborn contracts. How do you suppose we did it? Because your Commissioner of Internal Revenue has employed Mr. Sanborn under contract to aid him.

Mr. PAGE. The revenues have fallen off more than \$12,000,000.

Mr. BUTLER, of Massachusetts. Another point. It is the judgment of every revenue officer, the judgment of the Secretary of the Treasury, that in consequence of this law the customs revenue has fallen off from fifteen to twelve million dollars.

Mr. MERRIAM. Have we not the same men collecting then as before?

Mr. BUTLER, of Massachusetts. No.

Mr. MERRIAM. The natural logic would be, having the same men there, that they did not attend to their business before or are not attending to it now.

Mr. BUTLER, of Massachusetts. I will explain all that.

Mr. DAWES. Will you let me interrupt you?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. DAWES. State whether there is any evidence on record in any quarter which justifies your statement now.

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. DAWES. Point out where it is.

Mr. BUTLER, of Massachusetts. I will tell you. Go to your Commissioner's report, where he tells you how many millions you have lost by the importation of silks and other things in the way of baggage this very year. The Commissioner of Customs tells you that more millions have been lost than you will get on your whisky tax if your new bill pass.

Mr. DAWES. Excuse me; what I wish to know is whether there is anything on record which justifies the statement of the gentleman that it is the opinion of the Secretary of the Treasury that more than \$12,000,000 have been lost by the repeal of that law.

The CHAIRMAN. The gentleman's time has expired.

Mr. BUTLER, of Massachusetts. That was put into the Secretary's report.

Mr. PARKER, of Missouri. I will take the floor and yield my five minutes to the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. Now, then, I desire to say you will find that when the Secretary did not like the report of one of his subordinates, as for instance the Treasurer of the United States, as to the necessity of greenback currency and 3.65 bonds, he had it very properly struck out of that report, but in the Commissioner of Customs's report you will find a statement of a much larger sum in that single item.

I will now send up to the Clerk's desk to be read, if I have it here, and I think I have, a statement of the evidence of one of the partners of A. T. Stewart & Co., which is published in all the papers. Here it is, and I ask the Clerk to read it.

The Clerk read as follows:

#### THE SILK SMUGGLERS.

Mr. H. B. Clafin, the dry-goods man, talked with Collector Arthur for two hours yesterday about the silk-smuggling frauds. The collector denies that Mr. Clafin told him of the existence of the frauds. The information which led to their dis-

covery was furnished, it is said, by Mr. N. P. Rice, a custom-house bond clerk. He received a bond from Charles S. Lawrence, the runaway broker and lawyer, in which he detected several irregularities. He communicated his discovery to Mr. Balch, the chief clerk of the ninth division, and they made a joint examination of all the bonds filed by Lawrence on previous entries of goods. They found evidence of forgery and fraud in every one. The names of the importers of the goods proved fictitious.

The facts were laid before Deputy Collector Phelps, Collector Arthur, and Surveyor Sharpe, and an investigation was begun under their supervision. The false invoices of silk, eleven in number, showed that the deputy collector of the warehouse division, Colonel Des Anges, had designated the "dummy" cases of cotton hosiery for appraisement in every instance. He was summoned before General Arthur and General Sharpe and asked for an explanation. After they had heard his story they looked on him as the victim of circumstances, knowing the many ways corrupt merchants and cunning brokers had of tampering with papers that had passed through the custom-house all right. They warned Colonel Des Anges to guard against signing any more of Lawrence's invoices without the closest scrutiny, and to report to them any that he presented. Collector Arthur was so assured of his innocence that he consulted with him daily about the steps he was taking to fathom the fraud. There was no suspicion against him until after the seizure of the eight cases of silk and one case of cotton hosiery at the Hoboken stores by Deputy Surveyor Klinck. The invoice showed that he had marked case 109, containing the hosiery, as the one to be sent to the public stores for appraisement, and that he had done this subsequent to the warning of the collector.

While he was chief clerk of the warehouse division, Colonel Des Anges bought a house in Plainfield, New Jersey, and has been living there since. It is said that his father gave him \$100,000 in North Carolina bonds when he left England, and that he gets a large sum of money from home every year.

The magnitude of Lawrence's operations is greater than the revenue authorities supposed. His handiwork is seen in many old cases of fraud. There is evidence of the existence of a "pool" to defraud the Government and make a market for smuggled silks in this city. The "pool" had its headquarters in London, and Lawrence acted as agent here. The investigating officers know of twenty invoices that he has undervalued, and think that twice as many remain undiscovered.

There is a black-list in the custom-house of brokers and others who are not accepted on bonds because they have no property. Lawrence's name was not on this, and consequently his bonds were regarded as good. It seems that all of his property is out of the reach of the law. His wealth is estimated at \$250,000. Part of it is in money and part in real estate in his wife's name. He generally carried \$10,000 worth of diamonds on his person. Shortly before his flight he invoiced seventeen cases of silk as cotton goods. He got warning from his allies in the custom-house that they were to be confiscated, and to save them he exported them in bond to Montreal, beyond the reach of the officers. The twelve cases of silverware seized by special agent Thomas Brown at 6 Park place, in H. G. Levey's store, are said to have been imported through Lawrence's agency. They were entered as shells, in the name of J. C. Parkin. The latter is a myth. Shells are on the free list, and to keep up the deception of the invoice two cases of shells accompanied the silverware. These went to the appraiser. They were sent there by Deputy Collector Des Anges.

#### SILK SMUGGLING—INTERVIEW WITH MR. LIBBY, OF A. T. STEWART & CO.

Question. Of course, Mr. Libby, you are aware of the events now being exposed with respect to smuggling silks, &c. We want to know how these silks are put upon the market and by whom.

Answer. That I suppose to be well known. A prominent auction-house have for a year past sold periodically, sometimes twice a week, large lines of these silks, and at prices far below what it costs to legitimately import the article. There are, besides these auction sales, some large and prominent houses dealing heavily in silk goods at prices below cost of importation, but who really import very little on their own account. Indeed, I believe they publicly state that they can purchase smuggled silks cheaper than they can import them. Applications are frequently made to us to purchase silks cheap, but we do not think it proper to deal with keepers of small liquor-shops and small fur dealers who have such things for sale, nor will we permit any of our buyers to purchase at these auction sales to which I have alluded.

Q. Why is it that this smuggling has seemed to have increased so much lately? *Has the repeal of the moiety system had anything to do with it?*

A. Undoubtedly. The Government never did a more unwise thing than its repeal of the moiety system, which has been in existence almost from the formation of the Republic, and in my opinion is inseparable from any system of high tariffs on imports. Every Government has so considered it.

Q. How in your business do you meet the competition which must arise from this state of things?

A. By ceasing to import or deal in certain classes of goods. We have been obliged to do this for some time, and the number of articles affected by smuggling is daily increasing. We are in hopes that as it leads to a palpable diminution in the revenues of the Government from imports some action must speedily be taken by the customs officials on the subject, and thus enable us to do a legitimate business in importing. Until then we must confine ourselves to such goods as do not compete with this kind of fraud.

Q. What would you recommend to be done under the circumstances?

A. From the facts as stated any one can answer that. We can only hope for aid from the press, assisted by the Government officials and Congress. Upon the latter the lever of "diminished and insufficient revenue" must sooner or later have its effect.—Graphic.

Mr. BUTLER, of Massachusetts. This is the testimony of Mr. Libby, the partner of A. T. Stewart & Co.

The partner of Mr. H. B. Clafin, the great dry-goods man, went before the Commissioner and swore they were obliged to buy their silk goods of those men who imported them without the payment of duty, as they could buy silk goods 40 per cent. cheaper in New York than they could import them for; that they were either to stop the selling of silk goods or to buy them of those men who imported them free of duty. That is the testimony and such is the fact.

Now we are called upon to pay \$200,000 out of the Treasury for the detection of frauds.

Mr. HAZELTON. Let me ask whether the gentleman refers to Clafin, one of the leading merchants of New York City?

Mr. BUTLER, of Massachusetts. I do.

Mr. MAYNARD. I move to amend the amendment by striking out the last four words, and I do so for the purpose of giving the gentleman from Massachusetts [Mr. BUTLER] an opportunity further to discuss this matter. I yield him my time.

Mr. BUTLER, of Massachusetts. I observe that my colleague [Mr. DAWES] has risen. I yield the floor to hear what my colleague has to say.

Mr. DAWES. I came in since this debate commenced, so that I scarcely know what course it has been taking. But I understood my

colleague to say that it was the opinion of the Secretary of the Treasury that a very large amount, an increased amount of smuggling—defrauding the revenue—has been caused by the repeal of the moiety laws, amounting to more than \$12,000,000. I do not find any such thing upon record from the Secretary of the Treasury nor from any official of the Government.

My colleague has read from the testimony given somewhere, I do not know where, of a member of the firm of A. T. Stewart & Co., who expresses the opinion that the repeal of the moiety law last winter largely increased smuggling the present year; and says that a partner of the firm of H. B. Clafin & Co. said they were obliged to stop importing goods, and trade with smugglers, all because of that law.

Now let my colleague state to the committee that the law of last year, so far as smuggling is concerned, has left the moiety system exactly as it was before—more stringent, if anything, and more efficient; that it has only taken away from three officers of the Government—the collector, the naval officer, and the surveyor of the port—these moieties and given them to the officers who make the detection. That is the way the law of last session has left it. These three officers came before the committee and Jayne himself, all of them testifying that the collector, the surveyor of the port, and the naval officer did not know anything about these frauds at all; they depended upon detectives; they knew nothing about them. And when we took the long list and asked Jayne and these officers what does the naval officer, the collector, and the surveyor of the port know about these cases of fraud, each one of them said, "Nothing at all." We left the moiety, so far as smuggling is concerned, to be given as a stimulus to the officers who are engaged in the detection of the smuggling.

The frauds which are committed are not through smuggling, but under appraisal and false entries—frauds in the custom-house; not frauds by dodging the custom-house, which is the definition of smuggling. And no Secretary of the Treasury, not even any one of the custom-house officers who have rolled in the wealth of moieties heretofore, has so asserted—has been willing to put himself on record as saying that taking one-half of the enormous sums from these three individuals—the surveyor of the port, the collector, and the naval officer—has increased the frauds upon the revenue.

There are persons who try to get up a public sentiment of that kind, but they are the men who have felt the operation of the law, and no others.

Mr. BUTLER, of Massachusetts. I desire my colleague to answer me a question; for if I did not know him to be an honest man I should certainly conceive he was not from this speech of his. But I cannot conceive how he can have so misled himself. Does he mean to say the informer can now have a quarter of all the pains and penalties adjudged?

Mr. DAWES. I did not say any such thing. I said so far as smuggling is concerned the informer had one-half of all the smuggled goods, and we made the law more efficient and more certain when it was provided that the man who detected the smuggling should have it. Now my colleague wants to know if I stated the informer was to have one-quarter of all the penalties for frauds upon the revenue. My colleague says that smuggling has increased to the amount of \$12,000,000 through the change in the law. I stated that was not the case.

Mr. BUTLER, of Massachusetts. There is precisely what I complain of; that the small matter which is called smuggling is what they bring in. Somebody brings in a package, and that is called smuggling. But where great frauds have been committed they are not included in that term. I use "smuggling" as a general term, to mean all the frauds upon the customs revenue. They say they have made the law more efficient. O, yes; if a man is caught with a box of cigars, the informer gets half that box; but if a merchant imports in a steamboat three-quarters of a million of dollars of cargo, and sends, as he has done and as he has been detected in doing, but one out of ten of the boxes to the appraising office and gets those appraised as cotton hose—as a cargo of cotton hose—when they are silk goods worth almost a million of dollars, there is then a fraud of almost a million at a time. That is the trouble, and why I said I could not conceive how so honest a man as I believe my colleague to be could undertake so to mislead the House on such a question.

The question is, is our revenue increasing or decreasing from these frauds, and there is nobody that doubts that it is decreasing from these frauds.

Mr. MERRIAM. The gentleman says that nobody doubts it.

Mr. BUTLER, of Massachusetts. No, no; I do not want to hear you any more; do not interrupt me again. I understand at once what the gentleman wants, and I did not make much of a mistake when I said that nobody doubted whether the revenue was increased or decreased by the repeal of this law. Pardon me; I myself on the first day of the session introduced a bill to take away a quarter of what was given to these three officers, so that there is not really an issue between us. It was referred to the Committee on Ways and Means, and they have been sitting upon it ever since just as they have been sitting upon the Pacific Mail matter and have not hatched anything yet. There is no issue between us. Gentlemen insisted that inasmuch as there was a large temptation given to the merchants to commit frauds there should be a large reward given to the

informer as to those frauds. Gentlemen insisted that we should not allow these frauds to be disclosed because there was a large temptation to those employed by merchants to let frauds be known. And now let me ask you, on looking to your record, how much money has been collected this year in consequence of the commission of these frauds?

[Here the hammer fell.]

Mr. DAWES. If the gentleman will withdraw his amendment I will renew it.

Mr. BUTLER, of Massachusetts. I withdraw the amendment.

Mr. DAWES. I renew it. I desire to show whether I was accurate or not; I will not say anything about my honesty.

Mr. BUTLER, of Massachusetts. No; we agree about that.

Mr. DAWES. I want to show whether I was accurate or not, and I go back to what I heard my colleague say, and that is that smuggling had been carried on to such an increased extent since the repeal of moieties that in the opinion of the Secretary of the Treasury more than \$12,000,000 has been lost by that repeal and that the efficiency of the law so far as the suppression of smuggling is concerned had been impaired by depriving the informers of one-half of the proceeds. Now I will read the law as we left it:

That whenever any officer of the customs or other persons shall detect and seize goods, wares, or merchandise, in the act of being smuggled or which have been smuggled, he shall be entitled to such compensation therefor as the Secretary of the Treasury shall award, not exceeding in amount one-half of the net proceeds, if any, resulting from such seizure after deducting all duties, costs, and charges connected therewith.

So that if it is the opinion of the Secretary of the Treasury that smuggling has been increased because he has not paid the detective enough, he is authorized to pay him one-half of all these proceeds and it is his fault if he has not compensated him enough, up to the point of his conscientious and faithful discharge of his duty. If the detective's conscience and sense of fidelity must be quickened up to one-half of the proceeds, here is the power of the Secretary of the Treasury to stimulate him to fidelity that shall be exactly measured by one-half of the proceeds. That is what I entered into this debate to show. It was not to show anything about the appraisals or false entries in the custom-houses. When I enter into debate and answer a gentleman and he raises another issue, I let him fight out that issue to his heart's content.

Mr. GARFIELD. I rise to ask unanimous consent that debate upon the pending paragraph be closed at some time. How many minutes do gentlemen desire to have for debate on this paragraph?

Mr. BUTLER, of Massachusetts. I want five minutes more myself.

Mr. GARFIELD. I ask unanimous consent that debate on this paragraph be closed in ten minutes.

Mr. BUTLER, of Massachusetts. Say fifteen minutes, and we will agree to it.

Mr. GARFIELD. Very well; I will ask then that all debate on the pending paragraph be closed in fifteen minutes.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Ohio that all debate be closed on the pending paragraph in fifteen minutes. The Chair hears none, and the order is made.

Mr. MERRIAM. I am not surprised at the gentleman from Massachusetts who introduced a bill in relation to the Sanborn contracts.

The CHAIRMAN. The Chair will state to gentlemen upon the floor that if they occupy each a full five minutes but three gentlemen can speak; but if gentlemen desire to divide the time up so as speak a shorter time, they can do so.

Mr. MERRIAM. I am not surprised that the gentleman from Massachusetts, [Mr. BUTLER,] who was the father of the law under which the Sanborn contracts were made and which has so scandalized the republican party, should rise on this floor and denounce the merchants of the city of New York as rascals, as "fraudulent and cheating merchants." The spectacle exhibited last year in the New York custom-house before we repealed the moiety law was such as brought the blush of shame to the cheek of every pure American citizen. The country was shocked that any one officer could receive from fifty to seventy-five thousand dollars in a single year from moieties wrung from the pockets of some of the purest merchants on this continent, in one instance by threats of the penitentiary and shaking the cold steel of handcuffs in his face; that one naval officer should receive more money for his own use than the salaries of the President of the United States and all the members of his Cabinet, or the Chief Justice and all the associate judges of the Supreme Court of the United States—that one man whose work did not compare in responsibility or personal labor with that of the Secretary of the Treasury, who receives not one-tenth as much as he.

And a portion of this money, so wrung from the merchants of New York, was used as a political corruption fund. My authority for this assertion is the naval officer of the port of New York, who told me that he had used a portion of what he had so received to aid in carrying the elections in different States.

It was my fortune, I may say, to introduce into this House, one year ago the 4th of March coming, a bill providing that no officer of the Government should receive any pay, directly or indirectly, except a salary fixed by law. Within forty-eight hours from the introduction of that bill the naval officer of the port of New York was on the floor of this House endeavoring to learn what was meant by that bill; and when he learned that we meant business, that we meant to keep from

his clutch from fifty to seventy-five thousand dollars a year, he returned to New York full of malice and disgust.

Mr. WILSON, of Indiana. Did he ever make any complaint about it?

Mr. MERRIAM. Yes; I heard that he was in my district within ten days thereafter intriguing to defeat my nomination. I called upon him on my way home and asked him upon what basis a naval officer of the port of New York could justify himself for an attempt to run the politics of the rural districts. He replied that he liked me personally very well, but that my standard of political morality was on too high a plane of virtue to run our party on. I am aware that it is of little importance what his utterance might be, save as it reflects the malice of the New York custom-house ring whenever a representative of the people dare stand manfully up and work for reform.

It must be evident to the country that the moiety system as it formerly existed not only filled the air with scandal, but corrupted the men who were made rich in a single year under its operation—a system so wicked and cruel toward honorable merchants of life-long unimpeachable character that it would be a crime in any Congress to restore it. I know there are men on this floor who are desirous to convey the idea to this House that it is important to restore the moiety system, as it existed before we abolished it. The argument of the honorable gentleman from Massachusetts [Mr. BUTLER] is in that direction. I want to warn the House that whenever that is done the same corruption will exist and the same outrages be repeated as before.

[Here the hammer fell.]

Mr. ELLIS H. ROBERTS. What is known as the anti-moietie law was passed at the last session of Congress in response to petitions from all parts of the country and a popular demand which was so strong that there was not upon this floor a single voice or vote in opposition to the measure when it was put upon its passage. Has there come from any quarter one single petition for the repeal of that law? I do not know of one word from any quarter, from merchants, from officers, from citizens, for any change in it. I say that until a petition comes from some quarter we have a right to assume that the law is satisfactory.

More than that, the frauds to which the gentleman from Massachusetts [Mr. BUTLER] refers particularly, the frauds in the silk importations, have been discovered during the current fiscal year, since the repeal of the moiety system. Those frauds extend back for many years, for nine or ten years; and some of the very cases brought into court run back beyond the period when these moieties were repealed, whereas the detection of them occurred during the current fiscal year, after the moieties were repealed.

Now, if our revenue had fallen off from the repeal of the moiety law, then the falling off in commerce ought to have been only in imports. The record of importations alone should have shown a falling off, whereas our commerce in other respects ought to have been healthful. The fact is that in the six months next succeeding the repeal of the moieties, as compared with the same six months of the preceding year, our imports fell off but \$5,000,000 or thereabouts, whereas our exports fell off during the same six months by more than \$20,000,000. Now, the gentleman from Massachusetts, with all his ingenuity, will not claim that our exports have fallen off because the moieties were repealed. Neither have our imports fallen off nor the revenues from our imports fallen off from any such cause as that.

If the gentleman from Massachusetts will read the report of the Secretary of the Treasury, sent to this House at the commencement of this session, he will find a statement showing, from the condition of this country, why our imports have fallen off, and why, therefore, our revenues from imports have fallen off. Why is it that only with reference to our customs duties it is necessary to pay to our officers large moieties? Long ago we repealed moieties with reference to our internal-revenue system, and by universal consent that change has worked well. The system, as it now stands upon our statute-books, has worked well in Great Britain for generations.

Why is it that our officers need to be tempted with higher rewards, need to have fees, to have moieties which would make their salaries twice and threefold the salary of the Secretary of the Treasury? I hold that it is not necessary. The officers in the New York custom-house, where the most of the moieties were received in past years, have during the current fiscal year detected quite as many offenses against the revenue as they ever did when they received the large moieties, and that proves that they did not need such an incentive to perform their duty.

Mr. BUTLER, of Massachusetts. In the first place, in regard to the gentleman from New York, [Mr. MERRIAM,] I did not understand what the trouble with him was. But he has told us now. It seems that one of his constituents, the naval officer of the port of New York, came up into his district and beat him, on the ground that he was running the party, as he said, on too high a grade of morality. And it seems the rest of his constituents thought so too, and concluded to keep him at home.

Mr. MERRIAM. I do not care to spread the facts over the RECORD, but that is not the case.

Mr. BUTLER, of Massachusetts. I hope that the gentleman will not let his private griefs interfere with his public acts.

Mr. MERRIAM. I have no private griefs.

Mr. BUTLER, of Massachusetts. Now I am going to deal with the

fairness of my colleague, the chairman of the Committee on Ways and Means. In the first place, section 2 of the act of last session provides—

That all provisions of law under which moieties of any fines, penalties, or forfeitures under the customs-revenue laws, or any share therein or commission thereon, are paid to informers, or officers of customs, or other officers of the United States, are hereby repealed.

That provision repeals all moieties. My colleague said it does not repeal them except as to three officers. Then section 4 provides—

That whenever any officer of the customs or other person shall detect and seize goods, wares, or merchandise in the act of being smuggled, or which have been smuggled, he shall be entitled to such compensation therefor as the Secretary of the Treasury shall award, not exceeding in amount one-half of the net proceeds, if any, resulting from such seizure, after deducting all duties, costs, and charges connected therewith.

This provision my colleague called attention to; but he forgot to read the proviso:

*Provided*, That for the purposes of this act, smuggling shall be construed to mean the act, with intent to defraud, of bringing into the United States, or with like intent attempting to bring into the United States, dutiable articles without passing the same, or the package containing the same, through the custom-house or submitting them to the officers of the revenue for examination.

Mr. DAWES. Is not that a pretty good definition of smuggling?

Mr. BUTLER, of Massachusetts. It may be a good definition of smuggling; but everybody knows that great frauds on the revenue are effected by passing goods through the custom-house without paying the proper duty.

Mr. DAWES. That is a separate kind of fraud.

Mr. BUTLER, of Massachusetts. That is all there is of the provision. It was expressly, carefully, and I think intentionally guarded so as not to touch the large merchants; only the poor fellow with his pack on his back.

The section provides further "that whenever any person not an officer of the United States shall furnish any information to the district attorney, there shall be paid him a reasonable compensation, not exceeding \$5,000;" that is, you will get the information if it can be obtained for that sum; but there is nothing certain to the man who gives the information.

Now, there has been a large falling off in the revenue and an immense amount of fraud in the matter of baggage alone. I ask the Clerk to read an extract from the last report of the Commissioner of Customs.

The Clerk read as follows:

It is estimated by many that the American tourists returning from Europe during the year ending June 30, 1873, numbered 36,830, and that each person brought, on an average, seven trunks filled with dutiable goods claimed to be personal baggage not dutiable. We have thus an aggregate of 257,810 trunks filled with articles claimed as duty free, representing, on a valuation of \$500 for each trunk, the enormous sum of \$128,905,000.

Mr. BUTLER, of Massachusetts. Now, sir, those figures as to the number of tourists and trunks are obtained from the Bureau of Statistics. The average number of trunks is found to be seven. A man leaves the country with a carpet-bag and comes back with seven trunks! The consequence is that nearly \$129,000,000 worth of goods have been passed through the custom-house without paying 50 per cent. duty, which would legally be due upon the contents of average trunks.

The law of last year declares that smuggling shall consist in passing goods around the custom-house, and thus all inducement to stop goods passing through the custom-house is taken away. There results in this way a loss (if the estimate of the Commissioner of Customs is correct) of \$60,000,000 in the annual revenue of the Government.

[Here the hammer fell.]

Mr. DAWES. Mr. Chairman—

The CHAIRMAN. Debate on the pending paragraph was by unanimous consent limited to fifteen minutes, which time has expired.

The question being taken on the amendment, it was not agreed to.

The Clerk read as follows:

To enable the Secretary of the Treasury to have the rebel archives and records of captured property examined and information furnished therefrom for the use of the Government, \$6,000.

Mr. GARFIELD. There is an amendment which was agreed to by the Committee on Appropriations, but by mistake was not printed in the bill. I move therefore to insert after the paragraph just read the following:

To enable the Secretary of the Navy to pay the first installment due under contract made by him in accordance with the joint resolution approved June 22, 1874, with Miss Vinnie Ream for the statue of the late Admiral Farragut, \$5,000.

The amendment was agreed to.

The Clerk read as follows:

To pay the portion of the general expenses of the District of Columbia, due from the United States, to be expended by the commissioners of said District, \$1,060,000.

Mr. LOUGHBRIDGE. I move to amend the paragraph just read so that it will read as follows:

To pay on behalf of the United States, as a portion of the general expense of the District of Columbia, to be expended by the commissioners of the District, \$1,060,000.

Mr. GARFIELD. There is no objection to that change of language. The amendment was agreed to.

Mr. RANDALL. I move to amend this paragraph by adding the following:

Only to be drawn successively; no salary to be changed from the standard fixed under the law of June 20, 1874.

Mr. GARFIELD. I have no objection to that amendment.

The amendment was agreed to.

Mr. FORT. I move to reduce the appropriation \$60,000, and I desire to inquire of the chairman of the Committee on Appropriations whether they have deducted \$182,000 advanced as a portion of the money to be appropriated by Congress toward the support of the government in this District?

Mr. GARFIELD. This appropriation is for the next fiscal year and what the gentleman refers to was for the past year. As he well knows, this bill does not take effect until the 1st of July next.

Mr. FORT. I understand that, but the gentleman from Ohio will remember that the language of that law to which I have referred was that it should be so much advanced to be deducted from whatever should be appropriated toward paying the expenses of this District. Now I wish to know whether they require \$1,060,000 besides that, or whether the \$182,000 ought to be deducted out of this sum.

Mr. GARFIELD. I will say in answer to the gentleman from Illinois that the estimate of the commissioners was \$1,210,000. We are not appropriating anything for the current year, but making appropriation only for the next fiscal year. In the present current year there are some deficiencies. The committee reckoned if the tax to be levied on this District is one cent and a half we would have to put in a million and a half of dollars more. We came to the conclusion that we would proceed on the supposition that there would be a tax levied equal to about 2 per cent., the highest figure in the report of the commissioners. That would have required us to have appropriated \$1,210,000 as the balance; but when we looked through the various items of appropriation it seemed as if the tax on personal property in connection with the 2 per cent. on realty would make our proportion smaller. We also thought that the amount of work estimated for this District might reasonably be cut down. We therefore concluded to make this appropriation \$200,000 less than the estimate, believing it was safe to do it.

Mr. RANDALL. One word. We advanced last session a large sum of money toward carrying on the government of this District. We advanced the other day \$185,000. This was done with the understanding that it was to be returned to us. I wish to know, therefore, whether in making up this amount deductions have been made by the execution of that agreement under which we were to get our money back?

Mr. GARFIELD. The gentleman will see that we cannot do that. We must have some law fixing our proportion, and we have been waiting some law laying down some rule on this question. We have been waiting for the establishment of some government in this District. In the absence of any such law we have been compelled to use our best judgment in making appropriations for the next fiscal year.

Mr. RANDALL. We have made some advances toward this District. We advanced for the board of health \$94,000. Last year we advanced \$1,300,000 which was to be returned to us. The other day we loaned this District \$185,000 to enable it to pay the interest on the 3.65 bonds. I wish to know whether these advances were not in effect appropriations toward the government of this District?

Mr. FORT. That is exactly my point.

Mr. GARFIELD. The committee of investigation into the affairs of this District found there is a large unadjusted balance due from the Government to the District for work done. We do not know about that. The Committee on Appropriations were not able to go into that subject. We have left it an open question to be settled by Congress hereafter.

Mr. RANDALL. I do not see, then, how we can ever get it back. I am inclined to think, therefore, that all the money we have loaned to the District we may as well at once set down as that much appropriated to it and give ourselves no further trouble about it.

Mr. THOMPSON. I move to strike out the last word. Now, Mr. Chairman, I do not know that I have ever been able to ascertain upon what authority the Government of the United States is bound to pay these expenses. I ask the chairman of the Committee on Appropriations to explain it.

Mr. GARFIELD. The Government of the United States has property to the extent of about 40 per cent. at least of all the property here.

Mr. THOMPSON. The relative value of property held by the Government and individuals has never been settled. The gentleman says these are appropriations made to pay the expenses for the improvement of streets and so on in this city. How is the Government liable for that?

Mr. GARFIELD. I did not say that.

Mr. THOMPSON. This is the explanation which is made. I do not understand that the Government is directly liable for one dollar of expenses of this District. We are liable precisely as any other property-holder in the District is, but not otherwise.

Mr. GARFIELD. The gentleman is mistaken as to one fact. This is the only city in the world I know anything about where the actual fee-simple of the streets is in the United States. That is not so in any other city in the world. There cannot be a stroke of work on any of the streets here without the consent of Congress. Many

of the large avenues were made large, not for the benefit of the people living here, but for the glory and dignity of the Government. And everybody must recognize that it would be a gross injustice to take one of these broad avenues and compel the property-holders to pave it when the Government made it so for its own benefit.

Mr. THOMPSON. The true principle I think is this: Let the Government pay a due proportion of the taxes assessed upon the property it owns, and let the men who own property in the city and have the benefits of owning property in the city, derived from the location of the Government here, pay their just proportion and no more. But until that is ascertained, I object to any statement being made, either verbally or written in the bill, that this is a portion of the money due by the Government to the District of Columbia. The Government owes no proportion to the contractors. It owes no proportion to those who hold the debt against the District. But indirectly it will be liable to make up a proportion by assessments on its property or by a contribution based on some ascertained proportion which it ought to pay. That is different from saying to the lot-owners and the property-owners of this city, "We own the fee of the streets, of the alleys, and of the squares, and therefore we are bound to pay all the expenses of the city, for fire, for water, &c., and then we will assess you hereafter a small proportion of that."

I wish therefore that this whole section were stricken out, and that an appropriation bill to be brought in hereafter shall provide for this. This paragraph ought to be stricken out. The Government is establishing here a dangerous precedent which will trouble and plague them hereafter. And until the relative positions occupied by the Government and the District are fixed, and upon that basis some adjustment is made of their comparative duties, there will be trouble.

The question being taken on the amendment, it was not agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Pennsylvania [Mr. THOMPSON] to strike out the entire paragraph.

Mr. THOMPSON. I did not make that motion. The only amendment I offered was to strike out the last word.

Mr. LOUGHBRIDGE. I offer the following amendment:

The Clerk read as follows:

At the end of line 339 add these words:

*Provided*, That from this appropriation the Treasury of the United States shall be reimbursed in the following sum for amounts paid by the United States for the District, \$97,740.50, paid by act of April, 18, 1874, for school-teachers of the District.

Mr. LOUGHBRIDGE. I send to the Clerk's desk the statute, and ask that it may be read.

Mr. CHIPMAN. If I understand correctly the amendment offered by the gentleman from Iowa, that sum has already been paid, having been provided for by the act of June, 1874.

Mr. LOUGHBRIDGE. I ask the Clerk to read the statute.

The Clerk read as follows:

An act making appropriation for the payment of teachers in the public schools in the District of Columbia, and providing for the levy of a tax to reimburse the same.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of \$97,740.50 be, and the same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment of teachers in the public schools in the District of Columbia from the 1st day of September, 1873, to the 1st day of March, 1874; and that the government of the District of Columbia is hereby authorized and directed to levy and collect a tax, to an amount equal to the amount appropriated in this act, upon personal property including banks and other corporations in the said District, and pay the same into the Treasury of the United States. The money hereby appropriated shall be disbursed under the supervision of the Commissioner of Education.

Approved, April 18, 1874.

Mr. LOUGHBRIDGE. The officers of the District came in and told us they could not pay their school-teachers; that the teachers were poor and needing the money; that the money should be advanced; and if we advanced the money it should be reimbursed by the District through the collection of taxes. That has never been done. The Government gave the District government \$97,000 to pay their teachers for which we were not liable; and I see no reason why that should not be deducted from the amount now to be appropriated.

Mr. GARFIELD. I understand, from gentlemen familiar with this, that this sum has been paid back. It ought not, at any rate, to be taken out of this appropriation. I hope the gentleman will withdraw his amendment.

Mr. CHIPMAN. I have not the commissioners' report before me, but I am strongly under the impression that this has been paid; and if it is taken out of the school fund it will create a deficiency to that extent. If the gentleman will withdraw his amendment for a few moments I will get the report of the commissioners and ascertain precisely how it is.

Mr. LOUGHBRIDGE. If the gentleman states that this amount has been refunded to the United States by the District, I withdraw the amendment. Does he make that statement?

Mr. CHIPMAN. I have stated that that is my impression. I ask the gentleman to give me a moment that I may have time to consult the commissioners' report.

Mr. LOUGHBRIDGE. I will withdraw the amendment for the present if I can have the right reserved to return to this paragraph.

The CHAIRMAN. This paragraph will be passed over for the present if there be no objection, the right being reserved to return to it.

There was no objection.

The Clerk read the following paragraph:

To defray the expense of conducting the sanitary service of the District of Columbia, \$26,117.50: *Provided*, That the commissioners of the District shall pay for such service to the board of health a like amount out of the treasury of the District of Columbia, which they are hereby authorized and required to do.

Mr. RANDALL. I offer the following amendment:

In line 343, after the words "shall pay," insert "concurrently."

I will explain the object of this. In other instances where there is joint payment by the Government of the United States and the government of the District, it is provided that dollar for dollar should come in from the District concurrently with the payment from the Government of the United States. In this case they have heretofore been taking all from the Government of the United States.

Mr. GARFIELD. I accept that amendment.

The amendment was agreed to.

Mr. WILLARD, of Vermont. I move to strike out that entire section, and I do it for the purpose of asking the chairman of the Committee on Appropriations whether this amount is the same as the appropriation last year?

Mr. GARFIELD. We paid \$90,000 last year and in addition to that \$20,000.

Mr. WILLARD, of Vermont. I have made no examination as to whether it was necessary to appropriate as much as this. I have heard it stated that the expenditures for this purpose are much too large.

Mr. GARFIELD. The Committee on Appropriations had the board of health before them and inquired as to this matter and had a full hearing. The gentleman will find on pages 16 and 17 of the printed report accompanying this bill the amount and charges of the total expenditure.

Mr. RANDALL. I saw by the papers that the members of the board of health were before the Committee on Appropriations for the purpose of obtaining an increase of salary. Is anything of that kind included in this?

Mr. GARFIELD. That was not adopted.

Mr. MAYNARD. Is the gentleman informed as to the sanitary results of this board and as to whether those results are in any way adequate to the expenditure upon them?

Mr. GARFIELD. The Committee on Appropriations is satisfied that the board of health of this city is doing its work as well as the board of health of any other city. We know nothing about the results of their labor, but they claim that the mortuary record shows a healthier condition in this city than in any other city.

Mr. MAYNARD. I was aware of that claim, and the object of my question was to ascertain whether it was a just and well-founded claim?

Mr. GARFIELD. I can do no more than give a statement of the facts as they appeared before the committee.

The Clerk read as follows:

For the payment of the salaries of the inspector of gas and meters and assistant inspector for the District of Columbia \$3,000.

Mr. RANDALL. I find that that is a new appropriation.

Mr. GARFIELD. It is in accordance with an act of Congress. The Government has to pay so large an amount for gas that an act was passed last session which created this officer for the protection of the Government.

The Clerk read as follows:

To enable the Secretary of the Treasury to pay Jacob Parmenter, of Plattsburgh, New York, the amount paid by him in satisfaction of a judgment rendered against him for an official act as collector of customs for the district of Champlain, \$684.10.

Mr. WILLARD, of Vermont. I desire to make a point of order upon that clause. Is it in pursuance of any law calling for this appropriation. I believe it is not.

Mr. GARFIELD. I think the gentleman is mistaken; but this matter was referred to the gentleman from New York [Mr. WHEELER] as a sub-committee to examine, and he found that this officer had a judgment rendered against him for some act he performed which he believed to be legal, but the judgment went against him, and he believed that he had a claim against the Government for the amount of that judgment. It is simply an appropriation to carry on the Government. We are always bound to stand behind an officer in the discharge of his duties.

Mr. WILLARD, of Vermont. This is a very simple question. If the appropriation is in pursuance of law the Secretary of the Treasury can pay it. If there is no law requiring him to pay it and the district court has rendered a judgment against this officer and it has been collected and this is to refund the amount so collected, I do not know of any law requiring that we should make an appropriation for it.

Mr. GARFIELD. Why we are constantly making appropriations to pay the judgments of the courts against officers of the United States.

Mr. WILLARD, of Vermont. I insist upon the point of order.

Mr. WILSON, of Indiana. It seems to me that a provision of this kind is entirely out of place in an appropriation bill, and is a mode of giving this party relief which is exceedingly unusual.

The CHAIRMAN. Can the gentleman from Ohio exhibit any law covering this case? If he can, the Chair will be glad to hear it.

Mr. GARFIELD. I have not the law before me.

Mr. WILSON, of Indiana. I want to refer the Chair to the fact—

Mr. GARFIELD. I will ask that the paragraph be passed over for the present until the gentleman from New York [Mr. WHEELER] who had the subject under consideration shall be present.

No objection was made, and the paragraph was passed over informally.

Mr. TREMAIN. I move to insert after the paragraph just passed over the following:

To enable the Secretary of the Treasury to pay Charles Morgan for general average on the ship Alabama, \$3,000.

Mr. WILLARD, of Vermont. I make the point of order on that amendment. But as I understand the gentleman proposes to yield, I will wait until it comes up again.

Mr. TREMAIN. I yield to the Delegate from the District of Columbia for a moment.

Mr. CHIPMAN. I promised the committee that I would inform myself as to the payment into the Treasury of the amount proposed to be taken from the District fund by the gentleman from Iowa, [Mr. LOUGHBRIDGE.] I find that I was mistaken as to the fund. We have reimbursed another school fund, but the one to which the gentleman alludes was a fund to be reimbursed by the levy of a tax. That tax was not levied, because the District government, which by the act of April 18, 1874, was directed to impose it was legislated out of office by the act of the 20th of June following, and in that act there was no provision made for enforcing this act of Congress. I will wait until the gentleman renews the amendment, if he does renew it, and then I will make a statement in regard to the matter.

Mr. TREMAIN. I now ask for a vote on my amendment.

Mr. WILLARD, of Vermont. I have raised a point of order on the amendment.

Mr. TREMAIN. The Chair will find by looking at the minutes that there was an order of the House made allowing this amendment to be offered to this bill.

Mr. WILLARD, of Vermont. If the rules were suspended for the purpose, that obviates my point of order.

Mr. TREMAIN. The rules were suspended to allow it to be offered, and it comes reported unanimously from the Committee on the Judiciary. There cannot be the slightest objection to it.

The amendment was agreed to.

The Clerk read the following:

To enable the Joint Committee on the Library to purchase such works of art for ornamentation of the Capitol as may be ordered and approved, \$15,000.

Mr. KELLOGG. I move to insert after the paragraph just read that which I send to the Clerk's desk.

The Clerk read the following:

That to equalize the salaries in the Library of Congress there shall be appropriated for two assistant librarians, at \$1,600, the additional sum of \$250 each per annum on their present salaries; and for two assistant librarians at \$1,440, two assistant librarians at \$1,200, and two assistant librarians at \$1,000, there shall be appropriated the sum of \$300 each per annum on their present salaries.

Mr. LAWRENCE. I raise the point of order that there is no law for that.

Mr. KELLOGG. No law for it?

Mr. LAWRENCE. No.

Mr. KELLOGG. It is right; and I hope the gentleman will withdraw his point of order.

Mr. WILSON, of Indiana. I make the point of order that it changes existing law.

Mr. FRYE. I hope the gentleman will not insist upon his point of order. The amendment is pre-eminently right.

Mr. WILSON, of Indiana. I shall insist upon it.

Mr. KELLOGG. Then, if necessary, I shall ask as soon as I can for a suspension of the rules to make the amendment in order. I would say that the point of order is not well taken, for there is no law to prevent our increasing the salaries of these persons.

Mr. GARFIELD. Their salaries are fixed by law.

The CHAIRMAN. The Chair has not ruled upon the point of order, and will hear the gentleman from Connecticut [Mr. KELLOGG] if he wishes to say anything upon it.

Mr. KELLOGG. All I wish to say is to repeat what I have just said, that I know of no law which prevents the increase of these salaries; and if I am correctly informed there is no such law.

Mr. GARFIELD. It is not germane at this point in the bill.

Mr. CLYMER. I would ask the gentleman from Connecticut if this amendment has been suggested to him by the Librarian?

Mr. KELLOGG. It did not come from the Librarian at all. The subject was referred to us of equalizing the salaries of all the employés in this Capitol, the Senate and the House employés and also those in the Library. Upon examination we found that we could not get through the whole subject; but upon examining this matter personally I became satisfied that the duties of these assistant librarians were far out of proportion to their salaries as we pay other employés.

Mr. LAWRENCE. Then we had better revise the whole list by general law.

Mr. KELLOGG. It is impossible to have a general law. It is simply to do justice in this place that I offer this amendment.

Mr. G. F. HOAR. I would refer the Chair to page 16 of Barclay's Digest, and especially to the latter clause of the first paragraph on that page.

Mr. LAWRENCE. This amendment is not germane to this paragraph, at any rate.

The CHAIRMAN. The Clerk will read the paragraph of Barclay's Digest relating to this subject.

The Clerk read as follows:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government.—*Rule 120.* It has been decided that under this rule it is not in order to propose an amendment to the general appropriation bill which changes an existing law.—*Journal, 1, 38, pages 598, 599.* But it was also decided that the latter branch of the rule not only permitted amendments increasing salaries, but was framed for that very purpose.

The CHAIRMAN. The Chair understands that this amendment does not reduce the salary of any person, but proposes to increase it.

Mr. GARFIELD. Is it germane to a clause relating to the Joint Committee on the Library?

The CHAIRMAN. The Chair will inquire if the officers named in the amendment have any connection with the expenditure of the money appropriated by the pending paragraph?

Mr. GARFIELD. The officers named in the clause are members of this House and the Senate—a Committee on the Library, as they are called, just as another committee is called the Committee on the Judiciary. But if we had before us an appropriation for the Committee on the Judiciary, it would hardly be in order, I take it, to increase the salaries of the judges as germane to such a clause.

Mr. KELLOGG. I have offered the amendment at this time because we have here a distinct provision in reference to the Library. Of course if the point of order is well taken, I withdraw the amendment.

The CHAIRMAN. The Chair is of opinion that upon the ground that the amendment is not germane to the subject, the point of order will lie. But whether a proposition to increase the compensation of these officers would be in order upon another part of the bill is another question.

Mr. KELLOGG. I understand the point of order to be withdrawn.

The CHAIRMAN. Is the point of order withdrawn?

Mr. RANDALL. No, sir.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COX. I move to amend by adding to the pending paragraph the following:

*Provided*, That there be constituted a council upon matters of art, to be named by the Joint Committee on the Library, consisting of five persons accomplished in such matters, to whom shall be submitted, in connection with said committee, all designs and proposals for paintings or statues ordered by Congress, a majority of whom, in connection with said committee, shall decide as well upon the artist to be selected as upon the subject-matter of such designs or proposals, except when otherwise expressed in the law authorizing the same; and that no compensation be attached to such service, except the ordinary expenses of going to and from Washington, to be allowed by the Committee on the Library, according to such rules as they may prescribe.

Mr. MAYNARD. I must make a point of order on this amendment.

Mr. FRYE. It is new legislation.

Mr. MAYNARD. I think that Congress is perfectly competent to manage affairs in this Capitol.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COX. I move then to amend the pending paragraph by striking out \$15,000 and inserting \$10,000. I will say that the amendment which I just offered was not intended of course as any reproach upon the distinguished gentlemen of the Committee on the Library, who have charge of the decoration of the Capitol. That amendment is substantially the same as a bill which I introduced last session when we were voting large amounts of money for statuary, &c. The principal difference is that my bill named five artists; and there, perhaps, was my mistake; otherwise the measure might have carried. It was criticised everywhere on the ground mainly that I named artists for this commission. If I had named perhaps such men as Mr. Perkins, of Boston, men of leisure and taste, men not engaged practically as painters or sculptors, I think it very likely that my bill would have received more favorable consideration.

But, Mr. Chairman, no one can visit this Capitol without seeing the need of some improvement in respect to its decoration. Unless you want to have here some day a bonfire of all the elements of art which are incongruously heaped together in this Capitol, we had better provide, and that soon, a commission to determine these matters according to the best canons of artistic criticism. All true friends of art, all men of good taste, ought to welcome a measure of the kind I have proposed. My bill of last session was received with approval by the newspapers in Boston, in Cincinnati, in New York, by various art journals—by almost everybody except members of Congress.

Now, sir, I do not know exactly where we can find our best artists; but I will send to the Clerk's desk to be read an extract from a western paper. There may be lying in abeyance somewhere in the West some artist like the one described in this paragraph, who may be selected some day to do honor to this Capitol by such a piece of work as is suggested. The article which I ask the Clerk to read is the only commentary I have to make on the decoration of this Capitol.

The Clerk read as follows:

A father procured an outfit of oil-paints and brushes for his eight-year-old son the other day, the lad having developed a talent for drawing. Little was seen of the boy for two or three days, and then he took his father and mother by the hand and

led them into the parlor, and triumphantly pointed to the proof of his artistic skill. The gilt paper on the walls formed a fine groundwork for him, and he had painted a horse over one door, a lion over another, a bird over the third, and at intervals along the wall he had brought out fighting-dogs, ships, fire-engines, Indians in full dress, and bears chasing boys. He had put a new border on the bay-window curtains, striped the legs of the piano, and had proceeded to touch up and improve certain chromos and oil-paintings hanging on the walls. Father and mother gazed around, and the young artist anxiously waited for them to pat him on the head and say they were proud of such a son. The father placed the son's ear between his thumb and finger, and led him through several rooms to the woodshed, and what followed may be inferred from remark by the boy, and overheard by a pedestrian: "O, father, let up on me, and I'll never be an artist any more, unless I am selected by Congress to paint the father of my country for the Capitol."

Mr. COX. I withdraw my amendment.

The Clerk read as follows:

For purchasing Miss Ransom's painting of Major-General George H. Thomas on the Battle-Field of Chickamauga, \$10,000.

Mr. CLYMER. I make the point of order that this is an appropriation for an expenditure not previously authorized by law, and should therefore be ruled out.

Mr. GARFIELD. I call the attention of the Chair to the rule which was read a few minutes ago, providing that an appropriation for carrying on any Department, or any work begun in any Department of the Government, is in order.

Mr. THOMPSON. Is this a work for "carrying on any Department of the Government?"

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLYMER] makes the point of order that this paragraph contemplates an appropriation not authorized by law. The Chair inquires of the gentleman having charge of the bill whether he can refer to any law authorizing an appropriation to be made for this particular purpose?

Mr. GARFIELD. There is no special law providing for this or any other particular piece of art; but, under the general rule the Chair had read a few moments ago, any purchase for the decoration of the Capitol or any one of the Departments of the Government, like the paintings on the right and left of the Speaker, the picture of Washington or Lafayette—

Mr. WILSON, of Indiana. Who selects these paintings?

Mr. GARFIELD. All these decorations and paintings now here have required appropriations made precisely as in this instance.

Mr. CLEMENTS. This certainly ought to be obnoxious to the point of order, as it is obnoxious to everything else.

Mr. GARFIELD. This subject was referred to the Committee on Appropriations.

The CHAIRMAN. The Chair is clear in his own mind what his ruling ought to be.

Mr. CLYMER. If the Chair has any doubt upon the subject, I should like to be heard.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLYMER] raises the point of order that the appropriation in this paragraph is not contemplated by any law, and therefore out of order in this bill. The Chair considers the point of order well taken, and therefore rules the appropriation out.

Mr. GARFIELD. I desire to say that I have never heard any ruling like that in this House on any question before it.

Mr. THOMPSON. In my judgment the ruling could not be otherwise, and the Chair has maintained his own dignity and the credit of the House by making it.

Mr. GARFIELD. It is contrary to every precedent, as every one who knows anything about the business of the House must confess.

The CHAIRMAN. The Chair has made his ruling and there is only one thing left, and that is to take an appeal.

The Clerk read as follows:

To purchase Carpenter's picture of the Reading of the Emancipation Proclamation, \$25,000.

Mr. FRYE. I raise the same point of order on that.

The CHAIRMAN. The Chair thinks this also contemplates an appropriation not required by any law, and he therefore sustains the point of order and rules out the paragraph from the bill.

The Clerk read as follows:

For rent of rooms on the second and third floors of house numbered 1930, at the corner of Pennsylvania avenue and Twentieth street, from November 1, 1874, to June 30, 1876, at the rate of \$1,000 per annum, \$1,666.66, to be paid from the unexpended balance of the appropriation for the northern boundary commission, in which service the rooms are occupied. And the remaining balance of said appropriation, namely, the appropriation made by act of June 11, 1874, with the portion aforesaid, is hereby continued and rendered available for the purpose for which it was originally intended, to complete the office-work.

Mr. RANDALL. I make the point of order on that, and especially in regard to the last sentence, that it is not in contemplation of any existing law.

The CHAIRMAN. The Chair overrules the point of order.

Mr. GARFIELD. I move to insert after the word "intended" in line 330, in the last of that paragraph, the word "and."

The amendment was agreed to.

Mr. LOUGHridge. I now move to go back to line 339.

The CHAIRMAN. The gentleman has the right to return to that paragraph.

The Clerk read as follows:

To pay the portion of the general expenses of the District of Columbia, due from the United States, to be expended by the commissioners of said District, \$1,060,000.

Mr. LOUGHridge. Now I move to add the following proviso:

*Provided*, That from this appropriation the Treasury of the United States shall be reimbursed in the following sum for amounts paid by the United States for the District, \$97,740.50 paid by act of April 18, 1874, for school-teachers of the District.

The Delegate admits the government of the District is bound to reimburse the Government for whatever advances it has made, and I see no good reason why that reimbursement should not be provided for in this paragraph.

Mr. CHIPMAN. If the gentleman will allow me I will finish my statement.

Mr. LOUGHridge. Certainly.

Mr. CHIPMAN. The reimbursement here referred to the law provided should be made by a tax levy, and the gentleman can accomplish his purpose by providing for that levy without disturbing the fund which is necessary to keep our schools in motion for the next fiscal year, beginning on the 1st of July next. If the gentleman's amendment prevails there will only be the number of children kept out of the public schools which that amount would keep in. I do not believe, however, that he desires to accomplish any such result.

And now that I have the ear of the committee I wish to repeat what I have heretofore said to the House, that while Congress at its various sessions since the Government was founded has given to the public schools in other States and Territories throughout the country over a hundred million acres of the public lands, and over thirty million dollars, it has not yet given to the District of Columbia one dollar until this appropriation was made, and then on the condition a tax should be levied to reimburse the Government. While these munificent grants have been made in support of schools all over the country, not one has been made to this District—

Mr. LOUGHridge. I must resume the floor.

Mr. CHIPMAN. Let me finish.

Mr. LOUGHridge. You will consume all of my time. I wish to say that the simple question presented here is whether this amount shall be donated to this District or not.

Mr. CHIPMAN. That is not the question at all. Let the gentleman make provision by levying a tax as the law contemplated. You have destroyed the local government here and have not established any other to take its place.

Mr. CONGER. I rise to the point of order that the amendment proposed by the gentleman from Iowa is new legislation. The money to which this amendment refers as having been advanced to this District by the Government was advanced on this condition: that it should be reimbursed by a tax levied for that purpose. This amendment does not provide for any such tax in this District, but an entirely different mode of reimbursement. It is therefore a change of the law.

Mr. LOUGHridge. It does not change the law. The law provides for reimbursement to the Government, and in contemplation of the law this sum was to be deducted out of any appropriation made toward carrying on government in this District.

Mr. GARFIELD. The gentleman's amendment is clearly in contravention of existing law as far as reimbursement is concerned.

The CHAIRMAN. The Chair is informed that the law provides for the reimbursement of this money by a levy of tax for that purpose upon this District, while the gentleman from Iowa moves to deduct this amount from an appropriation toward the expenses of the District. The point of order is made that the amendment changes existing law. The Chair, as at present advised in reference to the law by the chairman of the committee and by other gentlemen, sustains the point of order and rules the amendment out.

Mr. LOUGHridge. I presume it would be in order to move to reduce the appropriation that amount.

Mr. GARFIELD. I think we cannot go back to the paragraph except for the amendment which has just been ruled out.

The CHAIRMAN. The Chair is of the opinion that the paragraph was passed unconditionally, and if the gentleman from Iowa desires to offer another amendment he may do so.

Mr. LOUGHridge. I move to reduce this amount, "\$1,060,000," by this amount of \$97,740.50.

Mr. G. F. HOAR. I desire to inquire of the Chair if he referred to the existing law before making his decision? The law was passed at my instance, and as it passed the House, unless I am greatly mistaken, it provided that the reimbursement should be made in the way the amendment proposed; that is, that it should be deducted from the appropriation made by Congress. That certainly was as it was originally proposed.

The CHAIRMAN. The Chair was informed upon the point of order, by the chairman of the Committee on Appropriations and by other gentlemen, that the law of last year contemplated that the reimbursement should be made by assessment, and not by deducting from appropriations, and on that statement he made his ruling. If that is not the fact, his ruling would of course be withdrawn.

Mr. CHIPMAN. The Chair was entirely right. I have placed the statute in the hands of the gentleman from Massachusetts [Mr. G. F. HOAR] who can state how it is.

Mr. G. F. HOAR. I find that the Chair was correctly informed.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. LOUGHridge] to reduce the appropriation by the sum of \$97,740.50.

Mr. CHIPMAN. I desire to complete what I was saying a little while ago. I have stated to the committee that this Government had expended for public schools elsewhere than in the District large amounts of money, and had contributed large amounts of public land. In addition to that, I wish to say to the committee, while we are doing all we can to support a system of public schools in this District, paying about \$400,000 a year for that purpose, but two-thirds of the pupils who attend these schools are the children of people who belong to the District and pay taxes in the District.

A report of the board of trustees, which I believe has become a public document, having been transferred to the House by the President, says that one-third of the pupils in our public schools are the children of Government employés whose local domicile is out of the District, and who reside here simply as servants of the Government. And another third of these pupils are the children of colored people who have been compelled to seek shelter at various periods of the war and since the war in the District, where they received from the laws of the country such protection as was not given them by the States from which they came.

Now I claim that it is not right that we should be compelled to bear the entire burden of expense for this system of school education here at the capital. The proposition of the gentleman from Iowa [Mr. LOUGHBRIDGE] is practically to throw that entire burden upon us. We do not seek to exclude any class of children, whether they are children of employés of the Government or children of the colored people or of any other class who do not contribute to our taxes. The public schools should be as free as air. We are making extraordinary exertions to sustain a public-school system here by expending on it \$400,000 a year. Yet there are now in this District to-day over twelve thousand children of school age who cannot get into the public schools because we have not money to pay the teachers and have not money to provide shelter for the children. These are some of the reasons why I think the gentleman's amendment should not prevail.

Mr. LOUGHBRIDGE. I move to strike out the last word.

I desire to say to the gentleman from the District that I am sick and tired of their getting money out of the Treasury indirectly. I would rather they would come and ask the Government to give them the money at once instead of asking Congress to give them so much money, promising to repay it by a tax. In this instance they came and told us they could not pay these teachers; but that if we would make an appropriation they would collect by taxes and repay us the amount.

Mr. CHIPMAN. We made no such pledge.

Mr. LOUGHBRIDGE. That is the condition embodied in the law.

Mr. CHIPMAN. It was the proposition of the gentleman from Massachusetts, [Mr. G. F. HOAR,] not ours.

Mr. LOUGHBRIDGE. We gave them to pay their teachers that money which comes from the people of the country elsewhere, who educate their own children and pay their own teachers. I do not desire to do injustice to the people of this District. I am willing that the Government of the United States should do its full share in the way of paying the expenses of the District. But when they come here and get from Congress the entire amount necessary to pay their teachers for the whole winter, \$97,000, and then refuse or neglect to pay that back to the Treasury as required by law, I do not see that they show any desire to act justly by the United States.

Mr. CHIPMAN. The trouble is that the government of the District was destroyed.

Mr. LOUGHBRIDGE. I do not understand the gentleman from the District to deny that the Government of the United States by the act of last winter paid the whole cost of the school-teachers of the District for the entire winter.

Mr. CHIPMAN. It was to supply a deficiency and not to pay for any particular period of time. It was to pay a number of salaries then due, and not the expenses of last winter. That was practically to pay them salaries then due, and not the expenses of this last winter.

Mr. LOUGHBRIDGE. A fund was appropriated for the payment of the teachers.

Mr. CHIPMAN. That went to the payment of the teachers' salaries already due, which by reason of the distresses of the government of the District had not been paid, and it has not been paid back because the government which was directed to collect the tax was destroyed.

Mr. LOUGHBRIDGE. No, the government was not destroyed; it had a successor.

Mr. CONGER. I am very sorry that economy is proposed in regard to the matter of the public schools, and I desire that the gentleman from Iowa, who is generally in favor of keeping public faith, should not favor this proposition to pay the school-teachers of the District.

Now, Mr. Chairman, there is no State in all the Northwest, not one of those States, that has received such magnificent donations for its public schools as has the State of Iowa. I believe there was not a single section of the one hundred thousand sections given to the State of Iowa for educational purposes that was not good and valuable land. One section out of every thirty-six sections in that State was given to the government of that State for school purposes, and the gentleman from Iowa knows what is the condition of affairs here. At the last session we were informed on reliable authority that all

the teachers of this District, male and female, who had been serving for months in educating the white and colored children of this District had been laboring for nothing; that they were poor and needy and had rendered services for which they had not been paid, and the appeal was made to Congress to advance for the District money that would pay them and keep them from starvation; and Congress very properly advanced the money to pay those teachers' salaries, provided that they should hereafter be paid by a tax on the property of the District.

Now, sir, in the multiform changes which Congress has made in the government of this District in the exercise of its sole power to legislate over the District, so far that the tax has not been raised and paid, and now the gentleman rises and asks that the appropriation shall be whittled down to the lowest possible sum in keeping the faith of the government of the District, and that this particular item of \$87,000 for the teachers shall be deducted from the appropriation. The result of that would be that that portion of the appropriation of \$1,000,000 which goes to pay the teachers' salaries must necessarily fall short, and the white and colored children of the District will be deprived of teachers. Let economy, in God's name, in this District fall somewhere else than on the children of the District so as to leave them to grow up in ignorance and crime because the means of education are not furnished to them.

The question was taken on the amendment of Mr. LOUGHBRIDGE; and on a division there were ayes 12, noes not counted.

So the amendment was not agreed to.

The CHAIRMAN. The Chair will call the attention of the committee to the paragraph beginning on line 350, on which a point of order was raised by the gentleman from Vermont, [Mr. WILLARD.] The gentleman from New York, [Mr. WHEELER,] who had charge of that paragraph, is now present.

The Clerk read the paragraph, as follows:

To enable the Secretary of the Treasury to repay Jacob Parmenter, of Plattsburgh, New York, the amount paid by him in satisfaction of a judgment rendered against him for an official act as collector of customs for the district of Champlain, \$64.10.

Mr. WHEELER. I wish to state that a bill was passed making an appropriation which was intended to cover the costs and expenses of the judgment recovered against the collector of the district of Champlain, New York, in an action brought against him for his action in the performance of a duty. By inadvertence only an appropriation was made for the costs and not the expenses. This appropriation is recommended by the Secretary of the Treasury.

The CHAIRMAN. Under the explanation of the gentleman from New York the Chair rules that the point of order is not well taken and does not lie against the paragraph.

The Clerk resumed the reading of the bill, and read as follows:

For rent of fire-proof building (except the portion used for standard weights and measures) for the safe-keeping and preservation of the original astronomical, magnetic, hydrographic, and other records; the original topographical and hydrographic maps and charts; the engraved plates, instruments, and other valuable articles of the Coast Survey, \$3,000.

Mr. RANDALL. I would like to have some explanation of that clause, and I move *pro forma* to strike it out for the purpose of making a statement. By the previous paragraph we have appropriated for the rent of the building that was constructed three or four years ago, and constructed properly, for the benefit of the Coast Survey, and that building was then deemed to be fully large enough for the purposes of the Coast Survey. Since that there have been erected three houses on Capitol Hill, one of which I presume cost from forty-five to fifty thousand dollars. That house is convenient to the Coast Survey, and the Coast Survey, notwithstanding the fact that a building was erected sufficient to accommodate the service as they thought at the time for all time or certainly for a large period of time, asks here provision for the rent of another building, as this paragraph shows, although it does not state what it is for definitely, and if I had not made some inquiries I should never have found out what this building was for. But there is another clause a little further on in the bill to which I want to direct the attention of the chairman of the Committee on Appropriations. Having found the fact out that this is \$5,000 for this building, I find a further appropriation a few paragraphs ahead as follows:

And for workshops in building 205 South New Jersey avenue—

Mark you, that is the same building—

four hundred dollars; and for rent of fire-proof rooms in the same building, \$1,000.

So that actually we have this house rented at about \$6,400 a year. I do not know that that is a high rent. I take it that the building cost—the gentleman is present here who owns it and he can tell us—I suppose the building cost from forty-five to fifty thousand dollars at the outside.

Mr. PARKER, of New Hampshire. How much?

Mr. RANDALL. From forty-five to fifty thousand dollars, so that the rent is about 12 per cent. on the cost. I do not want to attack that, because every man gets as much rent as he can for his own houses. But I want to make this point against the necessity for renting this building at all: The Coast Survey had a building constructed which was supposed to be adequate for all their purposes, and I believe it is adequate for all their purposes. If it was not out of order, perhaps I might suggest that I do not believe this building ever

would have been rented if it had not been owned by some man of power and influence.

Mr. BUTLER, of Massachusetts. I am obliged to the gentleman from Pennsylvania [Mr. RANDALL] for calling the attention of the Committee of the Whole to this paragraph. I should expect with confidence to have his vote in favor of it after he has heard the exact facts. It is quite true, as he says, that there was a building erected some years since for the Coast Survey; it also is true that it was amply large enough for the workshops and officers of that branch of the public service.

About two and a half years ago the then superintendent of the Coast Survey came to me—I had bought the land at auction—next north of the Coast Survey building, at a sale ordered by the court; and he asked me if I would be willing to sell a portion of the land, which I had bought, for the use of the Coast Survey, if Congress would buy it. I told him that I preferred not to sell it, as I had bought it for the purpose of erecting a block of buildings on it. He said that a part of the Coast Survey building had been on fire; that he did not deem it fire-proof.

Mr. RANDALL. Allow me to correct you right there. The main building is all fire-proof; the rear of it is not.

Mr. BUTLER, of Massachusetts. I still think I am correct. The superintendent said to me, "I am greatly troubled; I have two and a half million dollars' worth of copper-plates and drawings, all that have been made since the foundation of the Government, all our notes of measurement, and all there is of our original surveys. If I lose them by fire, they cannot be replaced; insurance will do no good even if we receive the value of them. Now, if you are going to erect a building on this land next to us will you let somebody construct a portion of the building entirely fire-proof for the purpose of storing the immensely valuable property beyond the reach of fire." The application was afterward put in writing. I said, "If it is desired, I will permit a portion of the building to be made fire-proof for that purpose." He inquired what the rent would be, and I said: "As it is a special erection, to be made wholly of brick, stone, and iron, the doors, window-shutters, and everything else to be absolutely fire-proof, and in case the Government does not keep it in their use—and they can only be bound during the pleasure of Congress—nobody else will be likely to want such a building in such a place. I think there should be paid about 12 per cent. on the actual cost in the way of rental." He said that I must limit the cost not to exceed \$50,000, including the land. I replied, "Very well; the architect says it can be erected for that sum." And the bargain was concluded by the correspondence on these terms.

It was agreed to be a three-story building, so as to give room to work on the plates and papers in the same building in which they were stored, so they might not be injured by carrying them about. When I came to erect the rest of the block buildings, I concluded to make it a four-story building; so I said to the Superintendent of the Coast Survey, "I suppose if I make that a four-story building in order to secure harmony in the whole structure, and make it just as fire-proof as I was to make the three-story building and let you have it all, you will have no objection?" He said, "No; if we do not have to pay rent or a cost over \$50,000." Relying on this contract, the building was then erected and the bills and vouchers for it were all to be submitted to the Architect of the Treasury Department, and it was to be made fire-proof to his satisfaction, that being a part of the agreement. It cost, with the upper story and a fire-proof arched roof of iron, \$58,000 besides the land; the whole cost, including the land, at a fair valuation, was about \$65,000. An agreement was made that it should be an entirely fire-proof structure. It is certified to be the best fire-proof structure that has ever been erected in this city, or I think in any other. Such is the exact history of the transaction. What can be alleged against its propriety, advantage to the Government, economy, or fairness?

Another object of making the building was to have kept in safety and to be an insurance on the standard weights and measures, on all the copper-plates of the original surveys of the Government, amounting in commercial value to \$2,500,000. It is much better than any policy. It is an absolute insurance. All the walls were built hollow, twenty-two inches thick, and built so as to be absolutely fire-proof. It is let for \$6,000; the \$400 is for a part of another building, perhaps for a small building that somebody else has.

Mr. RANDALL. On the same lot?

Mr. BUTLER, of Massachusetts. No; not on the lot of the fire-proof building at all. If it is for the rent of the other building it is for another below that, a little building like a safe down below. I have now given the reason why this fire-proof building was erected.

Being fully aware that there was a law against any member of Congress making any contract with the Government, and knowing that this would probably be the subject of criticism, therefore I took care not to make one. That is exactly what has been done. I do not own that portion of the building. I wish I did. I went into the matter simply at the request of the Coast Survey to aid the public service. The party who owns the fire-proof building, out of the 12 per cent. rent must pay 3 per cent. taxes and will not make much of a gain by the transaction, especially when we consider the uncertainty of the lease.

Mr. RANDALL. I do not know of any difference between a man owning the property and giving the money for its erection.

Mr. BUTLER, of Massachusetts. Pardon me, sir; I did not do that. If such had been the case there would have been no difference at all. The only thing I shall have given toward the construction of the building is the attention necessary to see that it conforms to the rest of the block, and that the structure conforms to the contract by being absolutely fire-proof.

Now, for that \$6,000 the Government gets absolute insurance of property worth over \$2,500,000, besides saving all the original cost of the structure. How small a percentage of insurance that is any one can see—a little over 2 mills per cent. The papers connected with the matter are all spread upon the records of the Treasury Department. It being foreseen that the transaction would be attacked, it was intended to be a matter that would stand every test of economy and propriety.

Mr. RANDALL. I do not attack so much the gentleman from Massachusetts as the Coast Survey, that hunt up people with whom to make contracts to erect buildings to be rented at the extravagant rate of 12 per cent. interest upon the cost of erection.

Mr. BUTLER, of Massachusetts. As to whether the rate is extravagant, I will ask the gentleman whether he or anybody else would erect a building of a special character, adapted to the wants of but a single customer, (so that if that customer should not occupy it, it would be of no special value to anybody else,) and would rent it on a lease of ten years for less than 12 per cent. and pay 3 per cent. taxes out of that.

Mr. RANDALL. If I had the money, I should be glad to erect any sort of buildings whatever and rent them at a very less rate of interest than 12 per cent. I do not believe there is any property in the center of any city which, unless under very rare and peculiar circumstances, will bring as rent 12 per cent. interest upon the amount invested in the building.

Mr. BUTLER, of Massachusetts. To that I answer that no man would for a moment think of erecting a building of a given character, suited to the wants of but one person, a building which would cost many thousands of dollars to alter for the occupancy of others, and rent that building for a less rate upon the amount of the investment for a short term, as in this case. I certainly would not; and it would not have been done by the person who owns it except to have the money invested in a perfectly safe investment.

Mr. RANDALL. Only the other night I showed that property in this District, by reason of taxation, was bringing but 1½ per cent. return upon its value. The gentleman will mark the great difference between 1½ and 12 per cent.

Mr. PLATT, of Virginia. I would suggest that the taxes have to be deducted from the rent.

Mr. G. F. HOAR. I desire to ask my colleague a question in connection with this matter, because it is one the history of which has been discussed a great deal. I dare say my colleague may be able to explain it satisfactorily. I wish to inquire whether, before this lease had been executed between him and the Coast Survey, there was pending the provision prohibiting the making of any contract of this kind by any Department of the Government. I have no personal knowledge about this matter; but I have heard a story about it. My colleague has removed half of the objection; and I call his attention to this point with great frankness, that he may remove the other half.

Mr. BUTLER, of Massachusetts. I am very much obliged to my colleague for the question. The contract for erecting this building was made more than a year—I think a year and a half—before that provision was considered in Congress. The building was already up. The lease was made in pursuance of the contract when the building was supposed to be ready to be occupied. It was expected to be ready in the summer; but unfortunately the parties who had charge of making the fire-proof shutters and some of the iron work were unable to carry out their contracts for ninety days; so that the actual occupation did not take place until some three months after it was expected to be ready for occupancy and after the lease was expected to take effect. The contract under which the building was erected was made a year and a half before.

Mr. G. F. HOAR. That answers the point.

Mr. BUTLER, of Massachusetts. Now, it is an unfair criticism of my friend from Pennsylvania [Mr. RANDALL]—I know he would not do anything unfair if he knew it—it is an unfair criticism to say that the Coast Survey went about to "hunt up" somebody to make such a building. There was no other land vacant on which such a building could be built, adjacent to the Coast Survey building, save this, where its occupation would not be very inconvenient and troublesome.

Mr. RANDALL. I make that criticism because of the fact that this same Coast Survey, after contracting with another person for the erection of a Government building which should be for a series of years entirely adequate to the expected requirements of the Coast Survey, and when a part of the building thus erected for the use of the Government is occupied as a private residence for persons connected with the Coast Survey, goes to work and hunts up some one else from whom to rent other property for the use of the Coast Survey. Now, I maintain that instead of appropriating a portion of the Coast Survey building as the private residence of one of the officers, such use of any part of that building should have been discontinued, so that it would not have been necessary to rent any other building for the business of the Coast Survey.

Mr. BUTLER, of Massachusetts. Now, there are two mistakes under which the gentleman is laboring. First, he assumes that a part of the Coast Survey building is used as a private residence. That is not so.

Mr. RANDALL. Has it not been so used? It may not be now.

Mr. BUTLER, of Massachusetts. Allow me to finish my statement. It has not been so used under the present head of the Coast Survey.

Mr. RANDALL. It was under Professor Pierce.

Mr. BUTLER, of Massachusetts. The former Superintendent of the Coast Survey and all previous Superintendents, as I am advised, have had quarters furnished by the Government.

Mr. RANDALL. Allow me right here to ask this question: Was not a part of the Coast Survey building occupied as a private residence when the contract with the gentleman from Massachusetts was made?

Mr. BUTLER, of Massachusetts. Yes, sir; but the difference (which my friend will appreciate) is this: What the Coast Survey seeks to secure by renting this building is, not more room to live in or to work in, but to obtain, as it does in this way, an absolutely fire-proof structure in which to preserve the public property; the other building is joined right on to a very inflammable structure; and attention had been called to the matter by the fact that there had been a fire in some part of the building.

The CHAIRMAN. This proceeding is all irregular.

Mr. GARFIELD. I hope we will now have a vote on this.

Mr. RANDALL. I withdraw my amendment. If we have rented this building, we ought to pay for it; but I hope some one else will see to the necessity of looking into that feature of the contract which binds this Government for ten years.

Mr. BUTLER, of Massachusetts. There is no contract which binds the Government for ten years. On the contrary, there was put into the contract by the Coast Survey a limitation that it applied only for one year, unless Congress chooses to protect further the public property from fire.

\* The Clerk read as follows:

Vessels for the Coast Survey: For construction, equipment, and outfit of one schooner, of about seventy-two feet in length, for the observation of currents along and off the Atlantic and Gulf coasts, \$16,000.

Mr. MAYNARD. I move to strike that out in order that the gentleman from Ohio, chairman of the Committee on Appropriations, may tell us what this appropriation is for, and what necessity there is for this work. This provides for the construction, equipment, and outfit of one schooner about seventy-two feet in length for the observation of currents along and off the Atlantic and Gulf coasts. That is entirely new, it seems to me, to this Coast Survey. I should be glad if the gentleman would tell us what reason there is for incorporating this appropriation in the bill!

Mr. GARFIELD. It is for carrying on the ordinary work of the Coast Survey.

Mr. MAYNARD. I submit that this does not belong to the ordinary work of the Coast Survey. It is for the observation of the currents off and along the Atlantic and Gulf coasts, and that certainly has nothing to do with the Coast Survey. Why, too, is it necessary to construct and fit out a new vessel for this purpose? It seems to me that this is a work aggrandizing the Coast Survey; it is striking out in a new direction, altogether in another line of work.

Now, I have been of the opinion for many years, and I will take this opportunity to repeat that opinion in the presence of the present head of the Navy Department, that this Coast Survey should be under the direction of the Navy Department. It properly belongs to it, and especially this work. The observation of currents off and along the Atlantic and Gulf coasts belongs to the Navy Department if it belongs anywhere. It does not belong certainly to the Treasury Department. It is wholly disconnected with commerce. Unless there is something which I do not appreciate just now, I should be unwilling to launch out into a broader and wider range of labor anywhere.

Mr. GARFIELD. This is exactly in the line of appropriations made for years past. It is simply to replace a vessel wearing out and almost worn out which has been for a long time in the same service. If the gentleman from Tennessee will refer to the book of estimates, page 173, covering some eighteen pages, he will find a very full account of the work of the Coast Survey of the United States and especially in regard to the vessels engaged in that service. The superintendent stated that in 1858 all the vessels were comparatively new, none being then over nine years old, while in 1874 there were twelve from eighteen to twenty-five years old, rotten, worn out, worthless, and utterly valueless for any use, thus reducing the available number to nineteen, compared with the number of thirty-four in 1858. He then goes on to state the special need he has for new vessels, and asks us to give a great many more than we have provided. We have only given one-third of the number he asks for.

We have not enlarged the scope of the Coast Survey, but on the contrary have reduced it. We limited the appropriation asked for this year, and we have last year limited it by not allowing the work of the Coast Survey to be extended into Alaska. The observation of currents along and off the coast has been almost from the beginning a part of the Coast Survey.

Mr. MAYNARD. I move to amend by striking out the last word. I should be glad if the chairman of the Committee on Appropriations or somebody else had been prepared to have spoken more specifically

on this subject than he has done. The Coast Survey has been running now for sixty years. We had assurance years and years ago it should be soon brought to a conclusion; that is to say, that the coasts of the United States were to be surveyed and we were to have charts which would be supplied to navigators who sailed along our coasts or entered our harbors. We have made appropriations from year to year, but as far as my observation has gone we are to-day as far from the end as when we began. So far from having charts with which to navigate our own coasts, I have myself sailed (and not much of my life has been spent on the water) along our own coast upon a steamer navigated by a chart from the English admiralty, and to my recollection there was not a Coast Survey chart on board. I should like to know, as those interested in maritime affairs I have no doubt would like to know, when this great work is to be completed, or whether it is one of those things never to be accomplished, "to be still beginning, never ending; still pursuing, never finding."

Mr. GARFIELD. Last year when the appropriations for the Coast Survey were before the committee, I put the same question to the superintendent, and he said it would take twenty years at the present rate to complete the coast survey. I am surprised that a gentleman like the gentleman from Tennessee, who is so much in favor of this class of work, should speak as if the work accomplished there by the Coast Survey has been of but little value.

I believe we have no work of a scientific character connected with this Government of which we have so much right to be proud as the work of the Coast Survey. They have completed already their share of the northern lakes.

Mr. MAYNARD. I thought the Army had charge of the northern lakes.

Mr. GARFIELD. No; they have charge of Lake Champlain. They have completed the survey of the northern part of the Atlantic coast mainly. They have extended the survey largely on the southern Atlantic coast, where they could do nothing during the war, and on the Gulf coast, and the Pacific coast. They have been engaged on the latter only a little while, but they are going on connecting the geodetic points of the interior of the various States so that we can have the two coasts connected by points observed and calculated. They now tell us that about twenty years will finish the whole work, and I believe they are doing it about as thoroughly and substantially as it can be done. It is not a thing to be rushed through in a year or in several years; but whenever it is done it should be done once for all, so that it may remain fixed.

Mr. MAYNARD. I move to amend by striking out "\$16,000" and inserting "\$15,000." I do so for the purpose of saying that I do not underestimate the importance of surveying our coast. What I complain of is that after three-quarters of a century we have so little done. The very same assurances that are given now by the gentleman from Ohio were given still more emphatically forty years ago by the then head of the Coast Survey, and yet we are still just as far apparently from results now as we were then.

What we complain of in regard to this Coast Survey is that it is seeking to install itself as a barnacle upon this Government, as something to go on from year to year, from generation to generation, as a permanent thing that is always to be done and never to be finished. I am reminded by my friend from Pennsylvania [Mr. RANDALL] that there is here something like \$150,000 for new work—I believe \$144,000. Therefore I think that instead of being a separate establishment, which is practically dependent on nobody, with nobody to oversee it, or even to see that they make the annual reports which the law calls upon and requires them to make, it should be attached to the Navy Department and made directly amenable to its supervision.

I had occasion some three or four years ago to examine a report which the law requires to be made by the Coast Survey. I could find it nowhere in our document-room. I sent to the Secretary of the Treasury, and he knowing nothing about it, sent to the Coast Survey, and I had a manuscript copy sent me with a statement I believe that the matter had been entirely overlooked. This thing is being run without any supervision, without anybody practically to look after it, and as it goes on it swells up year after year growing larger and larger, with results that do not in my judgment compare with the cost the Government is at. I withdraw my amendment.

The Clerk read the following paragraph.

For construction, equipment, and outfit of two schooners, of about eighty-five feet in length, for inshore work of all kinds along the Atlantic and Gulf coasts, to replace old and worthless vessels, each at \$20,000, \$40,000.

Mr. RANDALL. I offer the following amendment:

In line 456 strike out "two schooners" and insert "one schooner;" and in lines 459 and 460, strike out "each at" and "\$40,000."

As has been stated by the gentleman from Tennessee, there is here a large amount of new work provided for. I do not believe that this is the time for the Government to enter upon new work; and if the committee think that it is, I suggest as a compromise here to build one vessel instead of two.

Mr. MAYNARD. There are six new vessels provided for in these appropriations.

Mr. GARFIELD. They asked for thirteen vessels, and we have cut the number down.

The amendment was not agreed to.

The Clerk read the following paragraph :

For construction, equipment, and outfit of two small steamers, of about eighty feet in length, for inshore work of all kinds on the coast of Louisiana and other parts of the Gulf coast, each at \$17,000, \$34,000.

Mr. MAYNARD. I move to amend by striking out "two" and inserting "one," and by striking out "\$34,000."

It is not pretended that this is for replacing old vessels. It is for the construction of absolutely new vessels. We have already provided for three, and I think one small steamer for the work on the coast of Louisiana and other parts on the Gulf coast will be sufficient. I hope the appropriation for one of these steamers will be stricken out.

The amendment was not agreed to.

The Clerk read the following paragraph :

For construction, equipment, and outfit of one small steamer for inshore coast hydrography on the Pacific coast, \$55,000.

Mr. RANDALL. Will the chairman of the Appropriation Committee explain the reason of the cost varying so much? Two vessels at \$17,000 are provided for inshore work on the coast of Louisiana, and one small steamer for inshore work on the Pacific coast is to cost \$55,000.

Mr. GARFIELD. Of course for in-shore work on the Gulf of Mexico there is not required so large a steamer as is required in the open sea on the Pacific coast.

The Clerk read as follows :

For salaries of nine hundred and seventy-five light-house keepers and light-beacon keepers and their assistants, \$55,000.

Mr. RANDALL. I move to strike out the last word. I want to direct the attention of the gentleman who has charge of this bill to the various items of the light-house establishment. In the first item there is an increase of \$20,000, and in the various paragraphs relating to that service an increase of \$110,000.

Mr. HALE, of Maine. Yes, that is so; and it arises from the fact that every year, Mr. Chairman, we build new light-houses and put in new keepers and new assistants and thereby extend the establishments, and the whole cost in reference to the salaries and expenses of the light-house establishment is increased. This increase to which the gentleman refers, I will state to him, relates to what we did last year and the year before in putting on additional service; but I will state to him that that portion of the bill which relates to the structure of new light-houses is much smaller than last year, and, with the exception of a few exposed points on the Atlantic coast and on the great lakes, the committee have not proposed the construction of new light-houses, because they believe that this is a year in which work of that sort can wait.

Mr. RANDALL. Let me just give you the figures. The amount is \$316,440.

Mr. HALE, of Maine. The gentleman's figures are correct, but the reason I have already given why these items are increased.

The Clerk resumed the reading of the bill.

Mr. MAYNARD. I suggest that by unanimous consent we pass over all these clauses in relation to light-houses and the light-house establishment and pass on to the appropriations in relation to the public lands, for few of us understand anything about this light-house establishment.

Mr. HALE, of Maine. I have no objection of course to that being done, but there are one or two amendments which I am instructed by the committee to offer to that portion of the bill.

The CHAIRMAN. The suggestion of the gentleman from Tennessee can only be accepted by unanimous consent.

Mr. WOOD. I think we had better proceed with the bill in the regular way.

The Clerk resumed the reading of the bill, and read as follows :

Steam-tender for seventh district: For building a small steamer for use in construction and repairs in the seventh light-house district, \$50,000.

Mr. YOUNG, of Georgia. I move to strike out that clause. I am told by one of the ablest officers in the Light-House Board that they have as many vessels now engaged in the service of that Board as they need. These vessels are of the most expensive description, and they cannot be sold when put up at public sale for half what they cost. I hope the gentleman from Maine [Mr. HALE] will explain why they are necessary. There are but six hundred light-houses on the coast of the United States, and four hundred of these are upon the inland waters and can be just as well attended to by a steamer costing \$10,000 as by one costing \$50,000. They tell me at the office of the Light-House Board they have now plenty of steamers. I wish the gentleman would tell us how many steamers the Light-House Board has now in service.

Mr. HALE, of Maine. The Light-House Board has a steamer for every district.

Mr. YOUNG, of Georgia. How many in all?

Mr. HALE, of Maine. I do not know the whole number.

Mr. GARFIELD. I think there are thirteen in all.

Mr. YOUNG, of Georgia. Then there are two for each district. I am safe in saying that there are over twenty steamers now employed by that board, and I will warrant that any board of officers, either of the Engineer Corps or of the Light-House Board, would say that that number is quite sufficient. I have been told by officers of the Light-House board that they have plenty now.

Mr. HALE, of Maine. The Light-House Board has been in operation for many years; it unfortunately is the fact the materials in that service, as in all others, will wear out. For some years I have known something about the light-house appropriation. We have often made appropriation for new tenders and light-house ships, for of course they grow old and have to be replaced.

Now, as to this particular appropriation, I would state that the testimony given by members of the board before the committee and the statements that were made and the papers given to us showed that they need these ships in order to do their work faithfully. Light-houses have to be visited frequently; stores have to be carried and inspections made; there are a thousand and one things which are required to be done. A light-house vessel is as much needed as a light-house, and if you strike out the one you should strike out the other. You cannot keep up the one without the other.

Mr. YOUNG, of Georgia. How are they kept now? There are appropriations here for three tenders, and they are scattered all along through the bill; they do not come together. There is one here on this page, one on the next page, and one on the page after.

Mr. HALE, of Maine. For the reason that they are for different districts. The Light-House Board in making up their estimates begin on the Atlantic coast, and come down along it and along the Gulf coast, and then cross over and go along up the Pacific coast. The items are given in the natural geographical order. When they come to a district which requires an appropriation, they put in the estimate. When they come to another district, if it has any wants, they are cared for. When they come to a district on the Pacific coast, its wants are cared for. It is not because, as the gentleman seems to think, they do not want us to see the items all together, but it is because the lines of the coast and the districts in their order are estimated for.

The CHAIRMAN. Debate upon the amendment is exhausted.

Mr. MAYNARD. I move to strike out the last word. In the last few days the papers inform us that one of our light-houses in distress hailed a naval vessel passing by, and upon the vessel going there it was found that it was blocked up by ice, &c., so that ever since some time in December the keeper had been reduced to great distress. Assuming that statement to be correct—and the narrative seems to be well founded and entitled to credence—I would ask you how such a thing could happen, and the light-house not be visited by such vessels as we are proposing here to provide; how the keeper of this light-house and his wife could be left there so long without receiving the assistance they needed?

Mr. HALE, of Maine. Just as it happens now and then that a man, woman, or child will be caught out in inclement weather and frozen to health. It is not a common occurrence, but such may be the condition of the elements, of the sea, the wind, and the tide, that it will sometimes happen that no communication can be obtained. I know of an instance that happened not long ago on the coast of my own State. There was a light-house on a rock some twenty or twenty-five miles from the main land, a very important light to a large part of the commercial traffic from Europe. The light-keeper was there without communication with the main land for five weeks, having no communication from the shore or from any light-ship, because it so happened that it was impossible to make a landing there. The light-house was built away out at sea on a rock, and it was only possible to land there with certain conditions of wind and water. The poor man was there without communication with the main land for five or six weeks. I presume the case referred to by the gentleman from Tennessee [Mr. MAYNARD] was something like that case.

Mr. YOUNG, of Georgia. I want to say, as I have said before, that out of the six hundred light-houses in the United States, four hundred of them are on the rivers and lakes and can be supplied and fitted by steamers which will cost not over \$10,000 each.

Mr. HALE, of Maine. What is the statement of the gentleman?

Mr. YOUNG, of Georgia. It is that only about two hundred light-houses in the United States are on the sea-coast; four hundred of them are on the lakes and rivers.

Mr. HALE, of Maine. The gentleman does not mean to say that upon the lakes and rivers there are four hundred of what would be strictly called light-house structures?

Mr. YOUNG, of Georgia. That is exactly what I say; they are not; they are nothing but beacon-lights; but they tell you that there are six hundred light-houses in the United States.

Mr. HALE, of Maine. The lights for the western rivers, as the gentleman very well knows, are not elaborate structures costing very much money. But navigation there is obstructed, and needs assistance, and it is helped by these little beacon-lights, that need watchers or keepers. They reckon up in the list, but they are not expensive structures. I may say that the work that has been done has not been expensive; that the lights on the rivers are of great value, but they are not expensive structures as they are elsewhere.

Mr. YOUNG, of Georgia. That is true; but you make it cost the same for a steamer to go and supply them.

Mr. HALE, of Maine. I can see how a steamer visiting the small lights might for a year have no occasion to visit very many of the expensive structures.

Mr. YOUNG, of Georgia. That is what I object to. I say these little light-houses can be supplied by building small inland steamers cheaper far than these extra ocean steamers that cost \$50,000. I hope this paragraph will be stricken out.

Mr. HALE, of Maine. Let us have a vote.

The question was taken upon the motion of Mr. YOUNG, of Georgia, and it was not agreed to.

The Clerk read as follows:

For re-establishing range-lights at Eagle Harbor, Lake Superior, \$8,000.

Mr. HALE, of Maine. I rise to offer several amendments which come from the Committee on Commerce. Their presentation has been delayed, and they have been omitted from the bill because they were in the hands of Mr. Hooper, of Massachusetts, lately deceased.

The Clerk read the amendments, as follows:

Insert after the paragraph last read the following:

For the construction of a light-house on Ottawa Point, or for range-lights to guide into Tawas Bay on the northwest shore of Saginaw Bay, in the State of Michigan, to be known as Tawas Light, \$30,000.

For erection of range-lights to guide into the cut through the outer bar at the mouth of Saginaw River, in the State of Michigan, and for the construction of a new dwelling-house for the light-house keeper's use, \$23,000. And the jurisdiction of the Light-House Board is hereby extended, so that it shall be lawful for said board to lease the necessary ground for the erection and maintenance of said lights.

The amendment was agreed to.

Mr. HALE, of Maine. I move also the following amendment, to come in at the end of the printed paragraph last read:

That the portion of the act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875," approved June 30, 1874, which makes appropriation for the construction of a light-house at the mouth of Thunder Bay River, in the State of Michigan, be so amended that the proviso thereto attached shall read as follows:

*Provided*, That when the light-house is completed, from that time and thereafter further collections of tolls from vessels and their cargoes entering or clearing from said river are hereby prohibited.

The amendment was adopted.

The Clerk read as follows:

For a light-house on Passage Island, Lake Superior, \$18,000: *Provided*, That this appropriation shall not be available until the government of the Dominion of Canada shall build a light-house on Cholchester Reef, at the mouth of Detroit River.

Mr. HUBBELL. I move to amend the paragraph just read by striking out the word "at" in the last line and inserting "to the eastward of."

Mr. GARFIELD. I desire to suggest that the various other clauses in the bill pertaining to light-houses be not read, but that any gentleman shall be at liberty to offer amendments to them.

Mr. RANDALL. O, no; let them all be read.

Mr. MAYNARD. By way of amendment to the amendment of the gentleman from Michigan, [Mr. HUBBELL] I move to strike out the proviso of the pending clause. I make this motion for the purpose of ascertaining from the gentleman who has charge of the bill the exact meaning of this proviso. Does it mean that we shall wait until the Canadian government has finished its light-house before we erect ours?

Mr. GARFIELD. This is in the way of persuasion to the Canadian government to erect its light-house.

Mr. HUBBELL. I will explain the matter. The Canadian government has been anxious to obtain Passage Island for the sake of establishing a light house, benefiting to a great extent their own commerce. The Light-House Board has for several years favored the erection of a light-house at the mouth of Detroit River; but the only place where it can be erected belongs to the Canadian government. At present a light-ship is kept there at the expense of our own commerce. Now, we are in favor of building the light-house at Passage Island, provided the Canadian government will construct a light-house on Cholchester Reef, at the mouth of Detroit River.

Mr. MAYNARD. My inquiry is whether it is contemplated that we shall delay the erection of our light-house until the Canadian government has built its light-house?

Mr. HUBBELL. Certainly; we do not care to have it built before.

Mr. MAYNARD. I withdraw my amendment.

The amendment of Mr. HUBBELL was agreed to.

Mr. HUBBELL. I move to amend by inserting the following:

For light-house on Stannard's Rock, Lake Superior, \$200,000.

I have a communication on this subject which I ask to have read.

Mr. GARFIELD. I make the point that this amendment is out of order.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] makes the point that this amendment involves an appropriation not already authorized by law, and is therefore out of order.

Mr. CONGER. I wish to make a remark on the point of order. It seems to me that the point is not good upon this amendment any more than upon any other provision for a light-house that is contained in this bill.

The CHAIRMAN. Before the gentleman from Michigan proceeds, the Chair would like to have the gentleman from Ohio [Mr. GARFIELD] state upon what he predicates his point of order.

Mr. GARFIELD. I raise the point that there is no law requiring a light-house to be built at that place.

The CHAIRMAN. The Chair would inquire of the gentleman whether any law requires light-houses to be built at all the several places named in the bill?

Mr. GARFIELD. I suppose so.

Mr. FIELD. The bill contains appropriations for new light-houses at various places.

Mr. GARFIELD. The ruling of the Chair upon a similar point

awhile ago would seem to me to require that this amendment be ruled out. If the Government owns any piece of property at the place named in the amendment—if there is any site already purchased or any law requiring the purchase of a site or the building of a light-house here—if any gentleman will affirm that such is the fact, of course I do not insist upon my point.

Mr. CONGER. Mr. Chairman, there is no law and never has been any authorizing appropriations for any light-house. The only way in which they come properly before us has been where they have been presented in bills referred to the Committee on Commerce providing for appropriations, by the Committee on Commerce examined, and, if thought worthy of being recommended, sent to the Light-House Board for their recommendation, then returned, and, with the endorsement of the Committee on Commerce, sent to the Committee on Appropriations, with estimates, and on that appropriations have been inserted in general appropriation bills. That has been the uniform course pursued heretofore. Added to that is the report of the engineer in charge of the light-house district and the recommendation of the Light-House Board, independent of the action of the committee, being placed in the Book of Estimates, if they have been prepared before that was made out, or recommended separately afterward. That has been the foundation and always has been the foundation of all this class of appropriations. All these recommendations have been made in the same way. This recommendation comes from the Committee on Commerce, with the recommendation of the Light-House Board, an estimate being made for it in the same way in which others have always been made; and therefore the point of order would lie to all the other appropriations in this bill as well as to this.

Mr. HALE, of Maine. My observation is in the same direction.

The CHAIRMAN. The Chair thinks from the statement made by the gentleman from Michigan the point of order does not lie.

Mr. GARFIELD. I think ordinarily this is not liable to the point of order; but the ruling of the Chair a while ago would absolutely rule out this and all similar appropriations.

The CHAIRMAN. To what particular ruling does the gentleman refer?

Mr. GARFIELD. The ruling, for instance, in reference to a certain appropriation for the purchase of a work of art. There is no law authorizing this any more than there was authorizing that, yet the Chair rules this in and that out of order.

The CHAIRMAN. The only reply the Chair has to make to that is that he begs to differ from the gentleman from Ohio.

Mr. GARFIELD. Certainly; but I say that both amendments stand upon the same principle, and if one be ruled out both should be ruled out also.

Mr. HUBBELL. Now that the amendment has been declared to be in order, I ask to say a few words on this subject. In the first place I ask the Clerk to read a letter from the Light-House Board.

The Clerk read as follows:

TREASURY DEPARTMENT,  
OFFICE OF THE LIGHT-HOUSE BOARD,  
Washington, January 6, 1875.

SIR: I have the honor to acknowledge the receipt of a letter of December 23, 1874, from Hon. W. A. WHEELER, M. C., chairman of the Committee on Commerce of the House of Representatives, transmitting H. R. bill No. 4096, "to provide for the construction of a light-house at Stannard Rock, Lake Superior," and asking to be furnished with such information as will enable the committee to determine the necessity of making the appropriation proposed in the bill.

In reply thereto I have to say that the Light-House Board has recommended that a light be established on this rock in its reports for each of the years 1871, 1872, and 1873, and that it has reiterated its former recommendations in its report for 1874, and urged that immediate steps be taken in the matter, as the cost of the structure will be materially lessened if the expensive plant gathered for the erection of the light-house on Spectacle Reef can be used in the construction of this light-house.

Very respectfully,

JOSEPH HENRY,  
Chairman.

The honorable the SECRETARY OF THE TREASURY.

Mr. HUBBELL. Mr. Chairman, I wish to say that this Stannard Rock is a bold rock coming up in the center of Lake Superior on the line of traffic of steamers passing through the Lake, and especially steamers going to the head of the Lake. It can only be seen in fair weather, coming up as it does but a few feet above the surface of the water; and in the summer season, owing to the coldness of the water, there are but few days when fogs do not occur, and the only wonder is accidents have not happened long ago.

The reason why so large an appropriation is asked as \$200,000 is because this rock is out some distance in the lake and there is no use of attempting this work at all unless Congress would give such a sum as will warrant the Light-House Board in going on efficiently. By appropriating \$200,000 for doing this work at this time a large amount will in the end be saved to the Government. The work has to be done sooner or later, and it can be done now more cheaply than at any other time. A few years ago Spectacle Reef, in the Straits of Mackinac, a light-house was constructed out in the open water, and in order to build that work we had to construct heavy floating machinery. That machinery is on hand now but is going to decay, and unless we make this appropriation in time so as to avail ourselves of that machinery we will have to provide for the construction of new machinery for building this light-house, which will cost over \$50,000. That is the reason why I urge upon the House now, while we have this floating machinery on hand, in the interest of economy, to make

this appropriation, because we must have a light-house there and appropriation must be made for it. We cannot afford to have that bold rock standing up in the track of commerce without marking its position to mariners. It must come sooner or later, and it is economy to construct the work now.

Mr. RUSK. Why not blow the rock up?

Mr. HUBBELL. I will tell the gentleman from Wisconsin that if we attempt to blow that rock up with powder it would cost over a million of dollars. It is a very large rock, abrupt on one side and shelving off on the other, making shoal water for quite a considerable distance. It is impossible ever to get rid of it, and we must put a light-house there, and this appropriation for that purpose is necessary.

[Here the hammer fell.]

Mr. HALE, of Maine. I wish for one that we had money enough to build all the light-houses that are asked for, but the committee must remember that we have to cut our garment according to our cloth. Now, Stannard Rock is in precisely the same position as forty or fifty other places where within the last few years the Treasury Department has recommended that light-houses be built. The case is exactly as stated in what has been read at the request of the gentleman from Michigan. The Treasury Department and the Light-House Board have recommended it in years past. It has been time and again before the Committee on Appropriations. The Committee on Appropriations have made up their bill on consultation with the Light-House Board, but have not been able to put everything in. They have asked the Light-House Board to select those sites where lights are most necessary and put those in. The Stannard Rock has never been selected by the Light-House Board as belonging to the class of sites where lights are most urgently needed.

Mr. HUBBELL. Is the gentleman aware that this is one of the points that the Secretary of the Treasury has recommended?

Mr. HALE, of Maine. I understand that every point that goes into the Book of Estimates is the recommendation both of the Light-House Board and the Secretary of the Treasury.

Mr. HUBBELL. This is not in the Book of Estimates.

Mr. HALE, of Maine. That is my point and not the point of the gentleman from Michigan. This year in making up the Book of Estimates the Secretary of the Treasury, endeavoring to keep down expenditures, did not include this matter of a light-house on Stannard Rock at all. If gentlemen will look into the Book of Estimates they will find that this is the case. I have just offered two amendments providing for light-houses on these lakes at the instance of another gentleman from Michigan, and the committee have put them in. Perhaps if the amendment in this case had been smaller my good nature might have induced me to give way and I might have consented to it. But this is a claim for \$200,000. If, however, after the exertions of the Committee on Appropriations to keep it down, the committee here put on \$200,000 for a light-house at that point, that is the end of it, and I have no objection to make. I do not think, however, although the gentleman from Michigan wants it and some of his constituents want it and it may be a good thing to them—I do not think the case is so urgent as to require this appropriation to be made now.

Mr. CONGER. I move to strike out the last word.

This matter has been urged for the last thirty years, and memorial after memorial has come to Congress from people engaged in navigating those lakes asking for a light-house at that point. In the last Congress a small appropriation of \$10,000 was voted, but it was entirely insufficient for putting up any light-house whatever there that would be durable, so that it was not used and was covered back into the Treasury.

The necessity of a light on such a reef of rocks, lying in the very passage-way of all the commerce of lake Superior, which has become very large and is increasing more and more—the necessity of a light there or of some alarm signal has caused various experiments to be made of having surf-bells or wind-whistles or something of that kind placed on the rock, and temporary expedients have been resorted to. It is well known that this rock lies in the mid-channel between the head of Lake Superior and the canal at its mouth, and at any time there is a liability for vessels, of the hundreds and thousands that pass over those waters, to run on it or be driven on it by storms.

Last year it would have been attempted to have an appropriation for this light-house if it had not been that all appropriations for new works were refused; and it was for that reason that an appropriation for this was not urged by the Light-House Board, and it has been passed over this year for the same reason. Whether the whole amount stated in the amendment be voted for this year may be immaterial; but that the work should be authorized and commenced and that this rock should have some signal upon it is apparent to every one who has been on that lake. If gentlemen wish to reduce the appropriation, let them make that amendment. My friend from Maine [Mr. HALE] has never failed to put into this bill and every bill a light-house for every point on the coast of Maine where one was requested by his constituents.

Mr. HALE, of Maine. I have not to expend so much of my strength on the river and harbor bill as my friend from Michigan, but I desire to say that there is nothing in this bill for Maine.

Mr. CONGER. Because there is not a point which has not its light-house all along the coast of Maine.

Mr. HUBBELL. I ask leave to amend my amendment by substituting \$100,000 for \$200,000.

There was no objection, and the amendment was modified accordingly.

The question being put on the amendment, there were ayes 27, noes not counted.

So the amendment was not agreed to.

Mr. BASS. I offer the following amendment, to insert after the paragraph last read, as follows:

For maintaining a light-ship off the mouth of the Detroit River, \$30,000.

I desire to say in support of this amendment that probably there is no point in the world over which more commerce passes annually than over the point indicated by the proposed amendment. Those gentlemen on this floor who are at all familiar with the navigation of the lakes know that our seamen find it very difficult during the season of navigation to find with safety the entrance to the Detroit River. During the season a year ago at the mouth of this river, and by reason of boulders in the bed of the lake off the mouth of the river, more than \$170,000 worth of property was destroyed. No immediate permanent relief can be afforded until the governments of the United States and Canada shall enter upon the construction and maintenance of a light-house at or near this point. The only available point for the construction of a light-house is situated on the Canadian shore, but the importance of this light-house is so great that for many years past those gentlemen who are the owners of shipping on the lakes have been compelled, out of their own pockets, to pay for a light-ship off the mouth of the Detroit River during the last season of navigation. During the last ten years they have contributed from ten to twenty thousand dollars for the purpose of maintaining a light-ship at this point. It is not a fair tax. It is a tax that they charge against the shippers. A person transferring his commerce by vessel over the lakes is required to pay; as the consumer is, in this regard the expenses of maintaining this light-ship. I ask now as a temporary expedient that the House put this appropriation in the bill, and that the United States Government shall assume the burden of maintaining a light-ship at this point until the State Department can enter into such negotiations with Canada as will provide for the maintenance of a permanent light-house.

Mr. HALE, of Maine. Has the gentleman any recommendation or estimate from the Department in reference to this matter?

Mr. BASS. I have not personally, but the Department has frequently recommended this; and in conversation with officers of the Department I have been told that the importance of a light-ship at this point cannot be overstated.

Mr. HALE, of Maine. Is there anything before the House in the shape of estimate or request for this appropriation?

Mr. BASS. Requests for this appropriation have been sent heretofore to the Committee on Appropriations, although they have not been this year to my own personal knowledge.

Mr. HALE, of Maine. There is nothing on the subject in the estimates of this year.

Mr. BASS. I presume not; but these facts are within the knowledge of gentlemen on the Committee on Appropriations. They are certainly within the knowledge of various members of the House and of those gentlemen whose interests are on the lakes and whose constituents reside there. It is within my own knowledge that a fund has been maintained on the lakes for years to keep up a light-ship in this vicinity. I ask, therefore, that these merchants and shippers of the West be relieved of the burden of maintaining this light-ship out of their own private means, and that this small amount be paid by the United States for the purpose of relieving the necessities of commerce.

The question was put on the amendment offered by Mr. BASS; and on a division there were ayes 27, noes not counted.

So the amendment was not agreed to.

Mr. CONGER. I move that \$20,000 be appropriated for this purpose.

I do not understand exactly why it is that on appropriation for the improvement at this one particular point, our friends over the way agree to vote it down, and are urging their friends to vote against it, when the same gentlemen have urged me to provide appropriations for the improvement of their commerce in the river and harbor bill; and unless there is some particular objection to this improvement, I regret to see this party feeling against this measure.

Now, I desire to say that by careful count of vessels that average five hundred tons burden, that pass in the seven or eight months of the season at this point, there are forty thousand passages of vessels in each season of navigation, ranging from seven to eight months. The whole navigation of the great lakes passes this point. I say that there is no place in the known world where a like amount of tonnage passes a given point. There is not one-third of that amount that passes Sandy Hook in the whole year. There is no point on the whole coast where such a number of vessels with such an amount of tonnage pass. Losses that have occurred there have amounted to from one hundred thousand to half a million dollars a year; and, as the gentleman from New York [Mr. BASS] has said, the shipping men themselves have been compelled to do what Congress has refused to do at their own expense. An appropriation of \$20,000 a year would keep up a light-ship at the mouth of that river; and you need a light-ship, because the only point where a proper light-house can be built

is on the Canada shore where we cannot build it; but Congress has repeatedly passed resolutions asking the Government to enter into treaty with Canada for permission to build a light-house there, and as yet they have been unsuccessful, and the Canadian government has thus far refused us permission to build it, and we tax our commerce for the purpose of maintaining a light-ship which the Government ought to keep there. It is not the commerce of any one State that is taxed; it is the commerce of the great West pouring down

through them; it is the commerce of the East pouring up through them; it is the commerce of two-thirds of the States that demands this light-ship, and I hope the House will grant this trifling appropriation of \$20,000 to relieve the commerce of the lakes from a burden which the Government should have assumed long, long ago. I append to my remarks a statement of the number of vessels which passed the Fort Gratiot light-house, Lake Huron, during the season of navigation in the year 1873:

*Statement of vessels which passed Fort Gratiot light-house, Lake Huron, during the season of navigation of the year 1873.*

Date.	Barges.	Barks.	Brigs.	Schooners.	Scows.	Steamers.	Total.	Remarks.	Date.	Barges.	Barks.	Brigs.	Schooners.	Scows.	Steamers.	Total.	Remarks.	
April	1								June	26	18	11	2	47	9	67	154	Average per day 186. One vessel every $\frac{7}{4}$ minutes.
	2									27	49	17	4	83	13	97	263	
	3									28	24	18	...	67	17	75	201	
	4									29	28	11	2	63	21	77	202	
	5									30	24	14	1	57	17	71	184	
	6										944	371	57	1,526	521	2,170	5,589	
	7																	
	8									1	33	7	...	43	21	61	165	
	9									2	37	7	1	38	19	59	161	
	10									3	34	15	1	59	23	73	205	
	11									4	45	11	2	57	14	87	216	
	12									5	57	15	3	85	34	95	289	
	13									6	47	17	3	97	11	96	271	
	14									7	43	11	...	43	17	77	191	
	15									8	14	4	1	33	8	53	113	
	16									9	49	5	2	47	11	59	173	
	17									10	22	17	1	89	15	115	259	
	18									11	27	6	1	23	2	47	106	
	19									12	57	14	1	79	21	90	271	
	20									13	35	11	2	65	15	87	235	
	21									14	27	7	3	34	3	77	151	
	22									15	17	11	4	33	7	63	135	
	23									16	15	7	1	38	15	75	151	
	24									17	32	7	4	79	23	84	239	
	25									18	35	8	2	54	11	83	193	
	26									19	27	11	2	55	15	69	179	
	27									20	51	9	1	54	14	95	224	
	28									21	34	11	3	45	15	74	182	
	29									22	18	15	1	53	17	73	177	
	30									23	45	17	2	67	27	95	253	
										24	49	16	1	69	18	77	230	
										25	24	7	1	57	24	71	184	
										26	21	11	1	34	15	67	149	
										27	26	9	1	56	12	73	177	
										28	38	17	2	78	15	87	237	
										29	49	14	3	47	11	79	203	
										30	35	11	1	67	17	85	216	
										31	27	13	2	59	16	67	184	
											1,090	351	53	1,737	486	2,403	6,119	
May	1	36	15	3	61	1	85	201	Aug.	1	27	7	1	37	17	75	164	Average per day 197. One vessel every $\frac{7}{4}$ minutes.
	2	9	2		27		35	73		2	51	11	...	67	21	77	227	
	3						7	7		3	17	10	2	56	11	67	163	
	4	23	3	2	41	1	63	133		4	16	7	1	67	7	79	177	
	5	13	7	3	31		41	95		5	21	14	1	59	18	83	196	
	6	14	3	1	21	2	47	88		6	29	9	1	67	25	77	208	
	7	11	15	3	53	5	71	158		7	47	7	1	37	17	69	178	
	8	15	7	1	33	3	67	126		8	39	29	7	97	27	99	298	
	9	13	4	2	31	4	65	119		9	37	21	3	49	11	75	196	
	10	19	11		34	11	67	142		10	42	8	2	47	14	68	201	
	11	15	10	2	43		45	115		11	47	11	2	67	24	83	234	
	12	27	25	1	61	5	59	178		12	54	17	2	67	11	77	228	
	13	22	11	2	37	5	57	134		13	24	15	4	72	14	80	209	
	14	34	13	1	57	14	53	172		14	27	14	2	97	21	89	250	
	15	15	5	1	47	3	59	130		15	24	15	1	95	18	107	260	
	16	37	7		47	7	74	172		16	57	21	2	73	14	85	252	
	17	17	7	1	37	7	64	133		17	41	8	1	43	9	69	171	
	18	34	11	3	53	11	69	181		18	34	11	1	77	15	93	231	
	19	25	11	1	49	6	59	151		19	5	7	...	24	28	47	111	
	20	17	7		44	11	53	132		20	24	4	1	47	17	74	167	
	21	26	11	2	59	12	74	184		21	28	14	2	65	13	81	203	
	22	29	23	1	79	24	87	243		22	35	11	3	69	31	83	232	
	23	39	18	1	63	31	91	241		23	31	19	5	103	11	89	258	
	24	45	11	3	57	17	67	200		24	33	10	1	69	25	78	216	
	25	43	17	2	48	11	71	192		25	24	11	2	51	15	77	180	
	26	34	11	3	43	9	75	175		26	24	18	1	77	14	83	227	
	27	14	12	1	47	11	64	149		27	35	5	...	35	3	67	145	
	28	24	7	1	37	14	63	146		28	29	8	1	65	12	70	185	
	29	28	11	1	43	27	73	183		29	54	11	2	55	23	74	199	
	30	37	10	2	38	7	67	161		30	45	8	2	73	10	80	216	
	31	47	17	4	88	17	87	260		31	39	12	3	61	17	79	211	
		760	322	48	1,409	276	1,959	4,774		1,028	373	57	1,968	513	3,454	6,393	Average per day 206. One vessel in 7 minutes.	
June	1	21	14	1	54	18	73	181	Sept.	1	37	11	2	59	8	87	204	
	2	24	11		25	11	55	126		2	14	13	2	77	7	79	192	
	3	43	13	1	37	15	63	172		3	21	10	2	37	14	63	147	
	4	11	18	1	54	29	67	180		4	20	8	1	56	17	88	199	
	5	28	11	1	34	14	73	161		5	17	17	2	76	28	89	229	
	6	44	17	2	63	24	77	227		6	33	9	2	55	10	73	182	
	7	31	9	1	57	11	75	184		7	17	11	1	46	11	67	153	
	8	37	15	2	67	12	77	210		8	57	15	2	86	17	95	272	
	9	32	14		61	41	81	229		9	33	14	1	67	11	77	203	
	10	27	15	2	57	7	87	195		10	27	10	...	54	17	72	180	
	11	36	17	1	47	11	67	179		11	29	19	5	73	21	80	227	
	12	37	11	3	54	4	73	182		12	39	16	2	98	24	94	273	
	13	37	8	4	57	21	77	204		13	29	11	1	78	14	61	193	
	14	24	5	4	28	19	57	130		14	33	10	4	59	7	73	186	
	15	41	18	3	71	17	83	233		15	53	13	2	59	20	89	274	
	16	59	11	2	18	67	89	246		16	37	14	1	97	17	83	225	
	17	37	13	1	79	11	78	219										
	18	37	14	1	55	21	69	197										
	19	18	11	3	45	15	70	162										
	20	23	9	1	39	17	61	150										
	21	43	15	2	40	21	83	204										
	22	29	11	4	49	23	77	193				</td						

*Statement of vessels which passed Fort Gratiot light-house, Lake Huron, &c.—Continued.*

Date.	Barges.	Barks.	Brigs.	Schooners.	Scows.	Steamers.	Total.	Remarks.	Date.	Barges.	Barks.	Brigs.	Schooners.	Scows.	Steamers.	Total.	Remarks.
Sept. 17	31	11	3	73	10	65	177		Nov. 15	10	3		23	5	53	94	
18	17	9		57	17	77	177		16	6	3		15	3	29	56	
19	21	4		88	18	103	247		17	15	1		9	1	41	67	
20	33	19	1	68	9	86	216		18	7	3		21		35	66	
21	35	8	1	39	27	79	189		19	5	2	1	7		47	62	
22	17	7		47	7	64	142		20	1	2	1	21	5	28	58	
23	35	11	1	57	28	79	211		21	2	1		15	5	25	49	
24	24	12	2	64	11	77	190		22	2	2		9	7	32	52	
25	7	9		67	13	85	201		23	23	3	1	32	11	27	97	
26	15	7	1	34	14	67	138		24	1			15		42	58	
27	29	13	3	69	25	87	226		25				5	1	31	38	
28	37	9	1	59	29	78	213		26				7		23	30	
29	47	13	3	47	24	83	217		27				1		17	18	
30	21	8	2	69	13	77	190		28				3		21	25	
	891	358	52	1,907	488	2,377	6,073	Average per day 202. One vessel in 7½ minutes.	29				4		14	18	
Oct. 1	33	7	1	55	4	71	171		30	1			2	1	13	17	Average per day 85. One vessel in 17 minutes.
2	19	6	1	57	13	53	149		243	93	16	760	136	1,311	2,559		
3	15	5	2	29	10	68	129										
4	11	4	3	35	1	64	118										
5	21	11	4	63	15	79	193	Largest number passed in one day. Average one vessel every 4.8 minutes.									
6	34	14	1	69	7	77	202										
7	49	17	3	89	27	115	300										
8	45	15	2	59	15	93	229										
9	43	11	2	53	33	107	249										
10	37	9	4	57	24	93	224										
11	41	16	3	103	30	97	290										
12	37	18	3	95	15	113	281										
13	26	9	2	45	13	75	170										
14	14	8	1	36	7	69	135										
15	13	7	1	31	15	55	122										
16	17	13	1	41	21	53	146										
17	27	19	3	97	23	113	282										
18	33	13	1	45	25	77	194										
19	43	17	3	97	27	103	290										
20	21	9	1	53		75	159										
21	17			23	11	65	116										
22	29	7	1	67	11	95	210										
23	45	3	1	57	7	79	192										
24	17	7		27	19	53	123										
25	13	5		75	9	49	151										
26	24	3	1	39	20	58	145										
27	27	5	1	43	11	67	144										
28	18	9	1	33	5	62	130										
29	11	2		23	3	54	93										
30	7	3		26	2	47	85										
31	19	2	1	19	9	43	93										
	806	274	48	1,643	432	2,322	5,525	Average per day 178. One vessel every 8.1 minutes.									
Nov. 1	17	11	1	57	10	94	190										
2	11	3		39	5	53	111										
3	15	4	3	33	9	57	121										
4	13	3		35	11	51	113										
5	15	3	1	69	6	73	167										
6	21	3		37	9	58	128										
7	14	7	1	34	4	67	127										
8	9	4	1	59	11	77	161										
9	11	9	2	49	7	35	113										
10	15	7	2	45	2	57	128										
11	5	2		32	7	53	99										
12	5	1		14		21	41										
13	7	3		32		64	106										
14	17	7		37	15	73	149										
	806	274	48	1,643	432	2,322	5,525										
April										23			7	2	78	109	
May*										760	322	48	1,409	276	1,959	4,774	
June*										944	371	57	1,526	521	2,170	5,585	
July*										1,000	351	53	1,737	486	2,402	6,119	
August*										1,028	373	57	1,968	513	2,454	6,392	
September*										891	358	52	1,907	488	2,377	6,073	
October*										806	274	48	1,643	432	2,322	5,525	
November										243	93	16	760	136	1,311	2,559	
December										3			3	4	37	47	
Total										5,787	2,142	331	10,960	2,858	15,110	37,188	

\* Average of 184 days. 1 vessel in 7.5 minutes.

† Average of 247 days, 1 vessel in 9.6 minutes. Eight months average 4,646 vessels per month; largest number passed in twenty-four hours 300 vessels; average 1 vessel in 4.8 minutes.

I hereby certify that the above is a correct copy of the records kept at Fort Gratiot light during the season of 1873.

JNO. P. SANBORN,  
Collector of Customs.

Mr. GLOVER. I desire to make a remark or two only in answer to the allegation of the gentleman from Michigan [Mr. CONGER] against this side of the House for their opposition to this proposition. I do not think there is any disposition on our side of the House to antagonize any proper appropriation for any section of the country; but I desire to state here that I have heard two amendments offered to this bill from the State of Michigan amounting to a quarter of a million of dollars, and I think that those amendments, if proper, should have been ingrafted on the bill on the recommendation of the Light-House Board and of the Secretary of the Treasury.

And it is possible that the gentlemen interested in these matters have had ingrafted on the bill everything that under existing circumstances should have gone in the bill; and we on this side of the House think it is not exactly fair for them to come here now and seek to amend the bill to an extent that we cannot now tell how far it will go. Propositions have been made, as I have already remarked, amounting to a quarter of a million of dollars in two successive amendments. That was the reason I have voted against the bill, and from no partisan or sectional feeling whatever.

[Here the hammer fell.]

[Here the hammer fell.]  
Mr. BASS. I wish to say a single word in relation to the amendment offered by the gentleman from Michigan, [Mr. CONGER.] The gentleman last upon the floor [Mr. GLOVER] made the suggestion that gentlemen on this side of the House, or "certain gentlemen from Michigan," as he phrased it, who probably did not get all they thought they were justly entitled to at the hands of the Committee on Appropriations, had offered amendments to appropriate a quarter of a mil-

lion of dollars in addition to the recommendations made by the committee.

Now, so far as I am concerned, I am not from the State of Michigan and I have not been before the Committee on Appropriations in relation to this matter to ask for a single appropriation in this bill. The constituency I have the honor to represent are largely interested in the commerce of the lakes. They are interested as carriers, though living at the very foot of the lakes, in the State of New York. But they are no more interested than are the people on the frontiers or on the sea-coast who consume the cereals of the West. Neither are they more interested than the constituents of gentlemen from the West who ship their cereals to the sea-coast by way of the lakes, and who come here session after session demanding of Congress cheaper transportation.

And yet when by a little bagatelle of an appropriation of \$20,000, to be expended right within the pathway of this commerce, you can take from the shoulders of the men engaged in this carrying trade a burden of at least \$20,000 annually, which they are now compelled to pay from their own pockets, and which is now made a personal charge on them in the interest of commerce, but which by all the rules and precedents of the United States should be borne by the General Government, then we ourselves are said to be influenced by sectional considerations, and to ask for appropriations at the hands of Congress to which we are not entitled.

Now I submit, not alone for myself, for I speak equally for other gentlemen who are interested in this question and who live upon the shores of the lakes, that we have no sectional pride and no sectional

wish in this matter; that we ask for nothing which we would not extend to every other portion of our country.

And so far as this question is concerned let me remind the gentlemen who live on the sea-board that the commerce upon our lakes is more than fourfold greater than all the coastwise commerce upon the Atlantic sea-board. Let me remind gentlemen that the tonnage of the lakes is millions of tons greater than the tonnage which tracks the ocean along the Atlantic coast of the United States. Yet when a bagatelle of \$20,000 is asked, we are told that it was not recommended by the Department.

It has already been said, and if it can make it any stronger I will repeat it, that every Department which has had charge of or anything to do with this class of appropriations has recommended the establishment of a light-house off Detroit River, the establishment of some light or system of lighting that shall guard and protect our commerce which is compelled to track those waters. But by reason of the fact that the most available location of such a light is in Canadian waters, the United States has hitherto been prevented from making the requisite appropriation. And even when last year this House passed an appropriation of \$25,000 to clear out the boulders in the mouth of the Detroit River, the officer of the United States, when he went there to perform the work, was met by Canadian officials and warned that he was trespassing upon Canadian waters, and could not expend the appropriation in the interest of commerce.

What shall we do? With millions of tons of commerce passing over these waters from year to year, leaving the expenses of protecting that commerce charged against the men engaged in shipping the produce of the West, are we to put our hands in our pockets and say that we will make no appropriation, but leave the merchants, the carriers, the shippers engaged in this class of commerce to pay all the expense from their own pockets; or will we, as we ought, make a small appropriation to at least temporarily relieve them from this burden, until proper negotiations can be concluded between the United States and Canada?

I hope this amendment will be adopted. It is one of importance and one which should pass, and I trust it may receive the approbation of gentlemen on that as well as on this side of the House.

Mr. GARFIELD. I ask unanimous consent that debate on this amendment be closed. I call attention to the fact that we have but thirty minutes left of to-day's session for this bill, and we have made but little progress in it so far. I hope we now may have a vote.

The question was then taken on the amendment; and it was agreed to.

The Clerk read as follows:

Steam-tender for Pacific coast: For building a steam-tender for light-house service on the Pacific coast, \$100,000.

Mr. YOUNG, of Georgia. I move to amend by striking out "\$100,000" and inserting "\$50,000." I wish to learn why this appropriation for a steam-tender should be fixed at so high an amount. These vessels generally cost from forty to sixty thousand dollars. I do not think that there is one now in the light-house service that has cost anything near \$100,000. The steam-tender now in use in the light-house district embracing New York City—a vessel which in the roughest sea goes outside of the bar at Sandy Hook—cost only \$60,000. That is a vessel sufficient for all purposes—one that could cross the ocean with safety.

The amendment was not agreed to; there being ayes 23, noes not counted.

The Clerk read as follows:

For the maintenance of lights on the Mississippi, Ohio, and Missouri Rivers, and such buoys as may be necessary, \$75,000.

Mr. HALE, of Maine. I move to amend by making this appropriation \$100,000 instead of \$75,000 and by adding after the word "necessary" these words:

Including salaries of keepers.

The amendment was agreed to.

The Clerk read as follows:

Piedras Blancas light-station, California: For completing station and establishing fog-signal at Piedras Blancas, California, \$15,000.

Mr. FIELD. I move to amend by inserting after the clause just read the following:

And for rebuilding light-house at Windmill Point, Michigan, entrance to Lake Saint Clair, \$18,000.

The light-house now standing at the point named in my amendment was constructed about forty years ago, when Chicago, Milwaukee, and all those other great cities were mere villages. At that time the tonnage navigating this great river did not exceed the present tonnage of one of our small rivers in the West. The Light-House Board have for several years past recommended that a new light-house be erected at this point. It is well known to you, Mr. Chairman, and to the whole House, that all the commerce of the Northwest passes through this channel. The light-house now standing at that point is reported by the Light-House Board to be in a dangerous condition. On account of its age and weakness it is liable to fall down at any time. I ask the Clerk to read an extract from the report of the Light-House Board.

The Clerk read as follows:

Windmill Point, Michigan, entrance to Lake Saint Clair.—This station was built in 1838 and relit in 1867. It is a very important station, as it is a guide for the

whole commerce of the lakes, to Lake Saint Clair, and the Detroit River. An entirely new station is imperatively demanded here. Both tower and house are old and in poor condition and not worth repairing, and it is therefore again recommended that this station be rebuilt at a cost of \$18,000.

The amendment was not agreed to.

Mr. ARCHER. I move to amend by inserting after the clause last read the following:

That upon vessels of all nations charging light dues upon American shipping shall be imposed charges and dues equal in amount to those levied, exacted, and charged upon American vessels by such nation or nations.

Mr. HALE, of Maine. I make a point of order upon that amendment.

Mr. ARCHER. I hope the gentleman will reserve the point for a few moments.

Mr. HALE, of Maine. I will do so to hear the gentleman's statement.

Mr. GARFIELD. The gentleman from Maryland [Mr. ARCHER] will allow me to say that the seventh act ever placed on the statute-book of the United States declared that no charge for lights should ever be levied upon our coast on any vessel, foreign or domestic. This amendment proposes to change the law in that regard, and to reverse what has been our policy from the beginning of the Government.

Mr. ARCHER. The point of order being reserved by the gentleman from Maine, I wish to say that Great Britain now levies tribute upon all American tonnage going into her ports. This amendment proposes only that upon English tonnage coming into our ports exactly the same charges shall be levied. If the amendment be enacted into a law, it will yield to our Government from English tonnage alone \$1,000,000 annually—one-third of all the expenses of our whole light-house system. I only ask that this Government shall do toward other nations exactly as they do toward us.

The CHAIRMAN. Does the gentleman from Maine insist on his point of order?

Mr. HALE, of Maine. The proposition of the gentleman from Maryland would no doubt be good under the *lex talionis*; but it is a movement in the wrong direction. I must insist on my point of order; for instead of following the narrow policy of Great Britain, we ought to insist on her removing the restrictions of this kind which she imposes.

Mr. ARCHER. Americans are now paying the expense of keeping up British light-houses.

Mr. NEGLEY. They may as well do that as keep up British commerce.

The CHAIRMAN. The gentleman from Maine insists on his point of order, and the Chair sustains it.

The Clerk read as follows:

For rent of office of surveyor-general of Arizona Territory, fuel, books, stationery, and other incidental expenses, \$2,500.

Mr. RANDALL. As we have now reached a new division of the bill—that with regard to surveying the public lands—I suggest that the committee rise.

Mr. GARFIELD. Let us go on till five o'clock.

Mr. BUTLER, of Massachusetts. I desire to offer an amendment to the clause last read. I move to amend by adding the following:

For expenses of the suit to be instituted by the Commissioner of the General Land Office to recover certain lands, and the rents and profits thereof, known as the Rancho Panache Grande, in California, as provided in the resolution No. 142 passed by the House of Representatives on the 26th of January, 1875, \$5,000.

Mr. GARFIELD. I make the point of order that that resolution is not a law of the land, and therefore does not make in order an amendment to the appropriation bill which otherwise would not be in order.

Mr. BUTLER, of Massachusetts. I agree with the gentleman from Ohio that it is only a resolution of the House, but this is a part of the care of the public lands for which we have the right to make appropriations.

Mr. GARFIELD. We have gone past that part of the bill.

Mr. BUTLER, of Massachusetts. This is providing one means for taking care of the public lands. There is no law which says that the surveyor-general of Arizona shall rent an office, but that is one of the incidents of his taking care of the public lands. The House has resolved that for the care of a portion of the public lands suit shall be brought, and this provides for the prosecution of that suit.

Mr. GARFIELD. I answer that there is no law requiring any such suit; only a resolution of the House recommending that such a suit shall be brought.

Mr. BUTLER, of Massachusetts. Even if there were no resolution of the House still it would be in order, as it is one of the means for taking care of the public lands. I do not place it on the resolution of the House at all. There is no law for the surveyor-general of Arizona renting an office, but being an incident that he shall have an office for the care of the public lands, an appropriation for that purpose in this bill is in order.

Mr. GARFIELD. I admit that.

Mr. BUTLER, of Massachusetts. We appropriate money for it. Now, being an incident to the care of the public lands that this suit shall be prosecuted, necessarily an appropriation is in order to this bill.

Mr. PAGE. I call for the reading of the resolution.

Mr. RANDALL. Let me ask the gentleman from Massachusetts a question; and that is whether he does not seek to reach the enforcement in some way of the judgment of the House as declared in the resolution to which reference has been made and which the Secretary of the Interior, as he apprehends, will not execute?

Mr. BUTLER, of Massachusetts. Exactly; and because the Attorney-General cannot act because he has been of counsel in the case.

Mr. RANDALL. Therefore the only way the Government can secure its rightful ownership of this property as against the New Idria Company, which has been appropriating to itself the large rentals of this property without any title whatever, is to carry out the plan provided for in the resolution of the House.

Mr. PAGE. I demand the reading of the amendment.

The amendment was again read.

Mr. RANDALL. Has the Chair decided the point of order?

The CHAIRMAN. The Chair has not yet decided it.

Mr. RANDALL. I express the hope that there may be some way in which the Government can act for its own protection in this matter.

Mr. HALE, of Maine. That clearly instructs them to commence suit.

Mr. GARFIELD. There is no law authorizing a suit to be begun.

Mr. KELLOGG. I wish to make an inquiry whether there has not been a suit already in regard to this land and whether decision has not been made against McGarrahian?

Mr. PAGE. It has been decided by the supreme court of California against McGarrahian?

Mr. RANDALL. But that does not give the title to the New Idria Company, and this suit has to be prosecuted in behalf of the Government against this company, which has no right or title to this property, but from which it has received enormous incomes.

Mr. PAGE. There has been a decision in this case by the supreme court of California.

Mr. BUTLER, of Massachusetts. Undoubtedly; but how much was paid for that decision?

Mr. RANDALL. Those who do not want the New Idria Company deprived of this property will of course vote against this appropriation, and those who wish to have justice done to the Government will vote for it.

Mr. MAYNARD. Gentlemen will see by the debate that this brings in some outside things.

Mr. RANDALL. Of course; it is a direct provision for the interest of the Government, so that justice may be done to all parties.

Mr. GARFIELD. I make the point that it is not germane.

Mr. WILSON, of Indiana. I now move that the committee rise.

The CHAIRMAN. The Chair has recognized the gentleman from Vermont, [Mr. POLAND.]

Mr. POLAND. I wish to say a word on the point of order, because we have suspended the rules, and it makes no difference what is the point of order, for it entirely vanishes when the House by a two-thirds vote have suspended the rules for this very thing.

Mr. GARFIELD. If that were true, the Chair could rule anything out.

Mr. BUTLER, of Massachusetts. It is getting near five o'clock, and perhaps we had better rise.

Mr. GARFIELD. I hope the committee will stand by us on this bill.

Mr. BUTLER, of Massachusetts. Why, we have agreed to rise at five o'clock.

Mr. GARFIELD. Yes; but it is not five o'clock.

Mr. BUTLER, of Massachusetts. It is very near it, and the motion to rise is always in order.

The CHAIRMAN. From such examination as the Chair has been able to give the amendment, he rules it in order.

Mr. PAGE. The resolution passed by the House some time since under a suspension of the rules, when the House had no opportunity to discuss it, provides that the Secretary of the Interior shall refuse patents for this grant until further order. It is not contended the parties upon this ground deny the right of the Government to these lands.

Now, what is the object of commencing suit? You ask the Government to commence suit against these parties who are there lawfully and legally, who have been working these mines under the mining laws of the United States. You ask the Government to commence suit against them. For what purpose? They do not have the Government title in these lands. It is for no other purpose in the world but to allow McGarrahian to come in that he may get the lands in place of the men who have been there lawfully under the mining laws of Congress. That is the whole object; and it is to use the Government as a cat's-paw to help Mr. McGarrahian to obtain title to property to which it has been decided time and again he has no valid title.

Mr. CESSNA. I want to ask the gentleman a question.

Mr. PAGE. Wait until I get through. I hold in my hand a decision of the supreme court of the State of California, delivered in December last, in which they decided that the title of McGarrahian to this rancho Panoche Grande was illegal and void. Now, what is the object of appropriating the money of the Government? For what purpose? No one claims the title to these lands.

Mr. RANDALL. The New Idria Company does.

Mr. PAGE. They never did.

Mr. RANDALL. They claim rentals.

#### ORDER OF BUSINESS.

At five o'clock the committee informally rose.

The SPEAKER. The Chair directs to be read the order adopted this morning.

The Clerk read as follows:

By unanimous consent,

*Ordered*, That the reading of the Journal is waived, and the Committee on Appropriations shall have this day until five p. m. for the consideration of sundry civil bill, and a recess to be taken from five to half past seven, at which last hour House bill No. 4745 shall be taken up for debate only, the previous question to be called on the same when ordered by the House.

Mr. WILLARD, of Vermont. Will that order exclude any other business?

The SPEAKER. The Chair thinks the order plainly means that no other business can be entertained and that there shall be nothing on the bill except debate for the evening session.

#### ENROLLED BILLS SIGNED.

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

An act (H. R. No. 844) to authorize the promulgation of the general regulations for the government of the Army;

An act (H. R. No. 4530) further supplemental to the various acts prescribing the mode of obtaining evidence in cases of contested elections; and

An act (H. R. No. 2765) granting a pension to John W. Darby.

The SPEAKER. In accordance with the order of the House, the House now takes a recess until half past seven o'clock. The House meets then for debate only on the bill reported by the committee of which the gentleman from Indiana [Mr. COBURN] is chairman.

The House accordingly took a recess until half past seven o'clock p. m.

#### EVENING SESSION.

The recess having expired, the House reassembled at half past seven p. m., Mr. TYNER in the chair as Speaker *pro tempore*.

#### ORDER OF BUSINESS.

The SPEAKER *pro tempore*. By order of the House, the House meets this evening for debate only on the bill (H. R. No. 4745) to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections.

Mr. HURLBUT. If in order, I ask consent of the House to submit for printing and recommitment the report of the Committee on Affairs in Mississippi.

The SPEAKER *pro tempore*. The Chair would be very glad, if he could, to recognize the gentleman, but under the order of the House he cannot. Debate only is in order on the bill reported by the gentleman from Indiana, [Mr. COBURN.]

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 4838) to declare the true intent and meaning of the twentieth section of an act passed by the Legislature of the Territory of Dakota, passed January 14, 1875, entitled "An act making the conveyance of homesteads not valid unless the wife joins in the conveyance;" and

A bill (H. R. No. 4841) to provide for the sale of desert lands in Lassen County, California.

The message also announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 2073) restricting the refunding of customs duties, and prescribing certain regulations of the Treasury Department.

The message further announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. No. 1156) for the relief of Joseph H. Colton;

A bill (S. No. 1185) for the relief of F. V. Hayden;

A bill (S. No. 1237) to amend section numbered 3342 of the Revised Statutes of the United States, in relation to affixing stamps on brewers' casks;

A bill (S. No. 1240) to extend the time within which the board of audit for the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board; and

A bill (S. No. 1349) amending the charter of the Freedman's Savings and Trust Company, and for other purposes.

#### SECURITY OF ELECTIONS, ETC.

Mr. COBURN rose.

Mr. CALDWELL. I desire to ask the gentleman from Indiana, [Mr. COBURN,] the chairman of the committee which reports this bill, whether the bill in the report of the committee was drawn prior to the report agreed upon by the committee, or whether it was drawn subsequently?

Mr. COBURN. It was drawn prior.

Mr. BROMBERG. That is, the report was made to fit the bill, and not the bill to fit the report.

Mr. O'BRIEN. I desire to ask the gentleman—

The SPEAKER *pro tempore*. Does the gentleman from Indiana yield further?

Mr. COBURN. I do not yield. These gentlemen are making their remarks altogether voluntarily.

Mr. CALDWELL. I desire to say to the gentleman—

The SPEAKER *pro tempore*. The gentleman from Indiana declines to yield.

Mr. COBURN. From the unusual opposition to this bill it would seem that there was something in it that possibly might work great harm to the nation; that there were some principles or some propositions advanced that were contrary to precedent and totally unusual in any part of former legislation. Why this opposition has arisen I cannot conceive. Why is it that every artifice and trick of filibustering has been resorted to at this time to defeat it? But it may yet be developed in debate why it is that the democratic party are taking such unusual interest in opposing a measure which, to my mind, seems a just and wise and proper one in all respects. They have gone beyond all precedent in the history of minorities in their present course. Occasionally we have seen, too, that some members of the republican party are tardy in their support of this bill or some portion of it, and I am a little at a loss to know why they should lag.

What is there in the bill that is objectionable? What is there in the protection of a portion of the States from invasion that should be opposed—from invasion by hostile forces, from invasion by law-breakers, from invasion by the enemies of peace and order and good society? What objection can there be to that part of the bill which provides that the power and sovereignty of the States shall not be usurped; that the authorities of the officers of the State shall not be by force taken away from them; that the citizens of the State shall not enter into conspiracy for the purpose of overturning the power of the State? There can, to my mind, no objection arise why the National Government should not stand up firmly, strongly, and promptly against efforts of this kind. What objection can there be against the protection of citizens at the polls from violence and death? Why should any man say that armed men ought to be allowed to go to the polls and use those arms for the purpose of intimidating voters and driving them away from the free exercise of their rights, destroying perhaps their lives? Why any objection should be made to a bill to meet these circumstances and provide against them I cannot conceive.

Again, why should it be improper or wrong to protect the evidence of the people's will as expressed at the polls in any way? And yet one of the main provisions of this bill is that there shall be a fair registry and a fair record kept of whatever is done by the people at the elections, to be preserved in case of contest in the future, pure and true as it came from the hands of the voters themselves. What is there in this bill which provides for the protection of the people from local rebellion which is objectionable and to that part of the bill which provides for the suspension of the writ of *habeas corpus* in case of local rebellion? When it becomes overbearing, so powerful, so prevalent that the local authorities cannot stand up and take care of the interests of the people, then it is that by this bill the President of the United States is authorized to suspend the writ of *habeas corpus*, and only then.

Now these are the questions that arise in the discussion of this bill and no others of any importance that I know of. In the first place the object of the bill is the protection of the States from invasion, invasion not alone from foreign countries, but invasion from neighboring States; and the bill provides that when two or more persons shall invade a State they shall suffer the penalties provided in the section of the bill relating thereto.

At the time of the Brooks-Baxter war in Arkansas last April and May the State was invaded from Tennessee. White-League men are said to have gone there from as far east as Chattanooga. A squad of men also come from Texas to Baxter's aid with two pieces of artillery. During the last summer it was rumored that a negro insurrection was taking place at Austin, in the State of Mississippi; whereupon a force of four hundred men under the command of the rebel General Chalmers was publicly organized at Memphis, in Tennessee. They proceeded by steamboat to Austin, with ammunition and arms, landed, formed in military order and in line of battle before that town under the impression that the negroes were there in force. Chalmers, acting upon the belief that he had not men enough, sent back to Memphis and Arkansas for re-enforcements, whereupon about four hundred more men were raised in Memphis, and some additional men at Helena, in Arkansas. But in the mean time it was ascertained that there were no negroes in force at Austin, and the invaders departed and dispersed.

At the time of the terrible massacre at Coushatta, in Louisiana, that State was invaded by armed men from the State of Arkansas, who marched upon the route leading to the place of the massacre; but failing to make connection before the catastrophe returned to their homes. The White-League papers of Louisiana at the time stated that a regiment of armed men crossed the border from Texas to assist in the massacre; and it was alleged by some that these men and not the citizens of Louisiana committed the murders. When the slaughter of colored republicans took place recently at Vicksburg

large numbers of armed men came from Louisiana to aid in the work.

E. D. Richardson, a witness before the Mississippi Committee, testified as follows:

Question. Do you know of any white persons coming into the city from the outside of the county of Warren on these days, Monday and Tuesday?

Answer. Yes sir.

Q. About how many?

A. I cannot say; probably fifty, maybe seventy-five, came here from across the river.

Q. From what place?

A. From Monroe, in Louisiana.

Q. Were they armed when they came?

A. Yes, sir.

Q. What time did they reach here and how did they come?

A. I think about two o'clock Monday night or Tuesday morning.

Q. What did they come on?

A. I am satisfied they came on the North Louisiana and Texas Railroad.

Q. Where does that terminate?

A. At Delta, Louisiana, opposite here.

Q. At whose instance did they come?

A. I understand they came here to help protect the city from the violence of the colored people.

Q. Did you hear from anybody at whose request they came?

A. I heard that there were bodies of men at different points ready to come here to assist the city of Vicksburg against the violence of the colored population.

Q. Was it a militia company?

A. It seemed to be a promiscuous gathering.

Q. How were they armed?

A. They had different kinds of arms; some had Winchester rifles, some shot-guns, and guns of various patterns.

Q. When they came where did they report? Where were they placed on active duty?

A. Here about the court-house, as a sort of guard.

Q. How long did they remain here?

A. My impression is they went away Wednesday morning.

Q. Do you not know that there were very many men who offered their services even as far north as Cairo, Illinois, and from different northern cities and places along the river?

A. I know from hearsay that there was a large number ready to come at a moment's warning from Cairo, Memphis, Louisiana, and different points—Port Gibson and other points along the river; all of whom were ready to come if their services were needed to defend the city.

Q. Did not the Knights Templars on their way North from New Orleans offer to come over and assist in the defense?

A. Well, sir, I heard it said they would.

GEORGE W. WALTON swore:

Question. Are you president of the board of supervisors?

Answer. Yes.

Q. Look at that dispatch and tell me when you received it?

[Copy of dispatch.]

TRINITY, TEXAS, December 12, 1874.

To the President of the Board of Supervisors:

Do you want any men? Can raise good crowd within twenty-four hours to kill out your negroes.

J. G. GATES.

A. H. MASON.

Q. Did you receive that dispatch from the telegraph office?

A. Yes, sir; I received it from the carrier.

Q. At what time?

A. It was received Sunday morning about eight or nine o'clock.

During the month of August, 1874, a disturbance was created at Ridge Spring, in Edgefield County, South Carolina, arising out of a quarrel between a white man and a negro about a small business transaction. The white man started the report that the negroes were going to murder the whites, and the latter, several hundred in number, assembled well armed and threatened the negroes, creating intense excitement. They sent word to Augusta, in Georgia, and a company of twenty-five or thirty men went at once, well armed, to Ridge Spring. They called themselves "Georgia Tigers," and declared they went there to help their brethren in South Carolina. They were received with cheers for Georgia. The trains carrying the mails were stopped, persons were taken off and held as prisoners. At this time there was not an armed negro in many miles of the place, all of them having left upon hearing a rumor of the disturbance, and no opportunity was afforded for the perpetration of murders. The Augusta papers published these facts and boasted of the conduct of the Tigers, who went to the aid of their white friends in South Carolina, and also said that there were hundreds more ready to start from Augusta on the same errand if necessary. Arms were shipped publicly to Ridge Spring from Augusta.

In Western Alabama a rumor was circulated that there was to be a negro insurrection at Belmont, in Marengo County, Alabama, during last summer. The sheriff collected a posse to suppress it; he took men from an adjoining county and from the State of Mississippi as part of his posse. The testimony shows that two car-loads came over from Meridian, in Mississippi, a telegram having been sent for them. They were all armed and turned out promptly. On arriving at Belmont the rumor of the negro uprising proved to be false and they returned to Mississippi. I quote from the testimony of William D. Battle, a democrat, and marshal of Livingston, Alabama:

Question. Where did the posse from Gainesville meet you?

Answer. I do not know.

Q. You knew there was a posse from Gainesville?

A. No, sir; it was a posse from Demopolis or Belmont.

Q. Demopolis is in another county?

A. Yes, sir.

Q. How did the sheriff summon a posse from another county?

A. I do not know.

Q. Where did the Mississippi party meet you from Meridian?

A. At McDowell's, at Belmont.

Q. How did the sheriff summon a portion of his posse from another State?

A. I do not know.

Q. He incorporated the Mississippi party and the Demopolis party? Demopolis is in Greene County?  
 A. No, sir; it is in Marengo County, on the bank of the river.  
 Q. He incorporated those parties in the posse of Sumter County?  
 A. I do not know whether he did or not.  
 Q. Did they not go with him?  
 A. Yes, sir; he took charge of them.  
 Q. About how many were from Demopolis?  
 A. I have no idea.  
 Q. Nor any idea how many were from Meridian, Mississippi?  
 A. No, sir.  
 Q. You have no idea how many were from either place?  
 A. No, sir.  
 Q. How large was the posse when it was consolidated?  
 A. I suppose that there was between one hundred and sixty and two hundred men.  
 Q. All armed?  
 A. I suppose not; some of them were armed—most of them were.  
 Q. How long did that posse remain together?  
 A. Two days. I do not mean to say that the whole crowd staid there; more or less they were there—off and on; some of them.

I also quote from the testimony of Captain William Mills, who was in command at Livingston:

Question. On the day that they arranged the barbecue and the tournament in town, were many of the people armed?

Answer. I saw a good many about that day with guns; I believe a great many had revolvers, but I did not see them. That was particularly the case, I think, in the evening, because about five o'clock I heard that the sheriff was around getting up a posse to go to Belmont, and I saw a great many with guns. I however saw a good many in the morning with shot-guns. It was a common thing to see shot-guns there. When I first went there I observed that. I understood that seventy-five men came from Meridian, and I had a conversation in Demopolis with a gentleman who was with a party who came up from there to go to Belmont, and he told me that there were two car loads of them, which came from Meridian. That would make about eighty people. I saw it stated in the papers afterward that there were seventy-five from Meridian.

In view of such facts it is deemed advisable to enact a law preventing them under severe penalties. The policy and propriety of this can hardly be questioned, and it is believed that it will not be seriously contended that such an enactment could work any wrong.

Not only are States subject to violent and armed invasions, but likewise to the no less hostile and dangerous inroads of fraudulent voters, who cross the border to destroy the political rights of their neighbors. I will give some instances.

At the recent election Georgians invaded the State of Alabama at Brownsboro, which is opposite Columbus, and at other points. The testimony of Lyman E. Brooks, a farmer, and a native of Columbus, and a resident for fifteen years of Brownsboro, shows this:

Question. How close is that place to the State of Georgia?  
 Answer. The high-water mark of the Chattahoochee River is the Georgia line, and I think this box is located about three or four hundred yards from the line.  
 Q. Is it in the town of Brownsboro?

A. Yes, sir.  
 Q. State whether there were any illegal votes cast at that election.  
 A. There were.  
 Q. Give your reasons for saying that, and state how many there were, you being the supervisor, and your business being to watch the box.

A. My reasons for making the statement that there was illegal voting are that I saw several repeat.

Q. Had you no means of stopping that?  
 A. No, sir.  
 Q. Is that the only reason for saying there were illegal votes cast? Did you see any person from Georgia vote?

A. I saw one man from Georgia vote there that I know.  
 Q. Were there other persons from Georgia there?  
 A. I saw other persons there that I have every reason to believe lived in Georgia.  
 Q. Did they vote?  
 A. They did.

Q. How many illegal votes did you estimate, from your position as supervisor, were cast there that day?  
 A. I did not keep any account.

Q. In your own mind you must have formed some estimate from the former number of voters and from what you know of that community, having lived there for fifteen years.

The WITNESS. Do you mean repeated votes, including illegal votes?

The CHAIRMAN. Yes; all kinds.  
 A. I should think there were as much as two hundred. There was all of that.

Q. State whether many colored men voted at that poll.  
 A. Yes, sir; there were some voted there.

Q. How many do you suppose?  
 A. I should judge there were some seventy-five.

Q. State whether the bulk of the colored men of that county voted here or there?  
 A. They did not vote there.

Q. Do you know where they did vote?  
 A. No, sir.

Q. What is the reason they did not vote there, if you know?

A. The only reason that I heard was that they thought they could not get a fair vote there; that they would not be allowed to vote the ticket they wanted to vote.

Q. Why could they not vote there?

A. On account of intimidation, and they thought they would be prevented by the democratic party.

Q. Where do the colored voters in this county usually vote?

A. I think the bulk of them vote in this place.

Q. Do you think that is the reason they vote here?

A. That is the reason they say. That is generally given out as the reason.

Q. How many miles is it to where you live?

A. About twenty-five miles.

Dallas B. Smith, a merchant of Opelika, also testifies to railroad trains bringing in Georgians to vote.

Question. Do you know of the railroad being used on the day of the election to run voters without charge?

Answer. I do from report.

Q. Where were the voters run from or to?

A. From Columbus and West Point, and other points in Georgia.

Q. What kind of voters?

A. I understood to vote the democratic ticket.

Q. Where were they run to?

A. To Salem, this point, Loachapoka, and other points.

By Mr. LUTTRELL:

Q. How do you know it?  
 A. I know it from hearsay, from reliable parties.

By Mr. BUCKNER:

Q. They may have heard it by report, too?  
 A. No, sir; the party who reported it to me was on board the train himself.  
 Q. Who is he?  
 A. His name is John R. McGovern, and he is clerking for me at this time.  
 Q. Is he the only person from whom you have this information?  
 A. No, sir; I had information from Squire Crawford, of Salem. There was a car-load of voters brought up from Brownsboro and the car switched off at Salem, and the train came up here and went back, and the car was carried back to Brownsboro.  
 Q. Did they take the same voters back?  
 A. He said so. The car was full.  
 Q. Were they white or black voters?  
 A. They were white.  
 Q. What ticket did they vote?  
 A. The democratic ticket. There was no republican vote polled there.  
 Q. Is that in this county?  
 A. Yes, sir.

Charles Smith, of Union Springs, testifies to the inroads of Georgians to vote. He is a member of the Legislature, and said:

Two weeks ago while my colleague and myself were going to Columbus, Mr. Price, on the Mobile and Girard Railroad, said that he was glad that the elections were over, and said, "You republicans were not fairly defeated. I know myself that, on the train on which I was conductor, on the day of the election, a great number of white men went from Georgia into your State and voted at three or four different places three or four different times on that day."

Addison G. Smith, a resident and native of Livingston, in Western Alabama, testifies to the fact that he was in a sheriff's posse, which was armed and mounted to arrest negroes, and that some ten or twelve men came over from Mississippi and joined the posse, a dispatch being sent them that the negroes were rising to murder them.

Hon. CHARLES PELHAM, a member of Congress from Alabama, testifies to inroad of Georgians to vote in large numbers.

Question. Where were you on election day?

Answer. I was at a place called Girard, in Russell County. I live in Talladega County; but in Russell County we had lost the election four years ago by the destruction of all the ballots. All the ballots were destroyed in that county. There were only one or two active white republicans in that county, and a very large republican majority and our friends thought it best for me to go there on that day of the election. It is just opposite Columbus, Georgia.

Q. Is it on the railroad?

A. Yes, sir; there is a road running from Girard by Seal's Station.

Q. State what came under your own notice during election day at Girard, and what subsequently happened as connected with that election?

A. I went over into Girard about eight o'clock on the day of the election; but to understand it, I will say that I went over to Columbus—it is separated from Girard by a bridge—a day or two before the election, with the Sixth Auditor here, Mr. Martin. I went over from Tuskegee on Sunday. I ascertained over there that they were raising money in Columbus to send a gang of repeaters over to Montgomery, Alabama, on the day of the election, and vote them at the various depots from Montgomery back to the Georgia line. I got that information very accurately, and knew they were raising the money for it; and I ascertained in the evening that the squad would leave that night. I hired a man to go along with them from Columbus to Montgomery and come back with them. I wrote a letter to the chairman of the executive committee of the republican party, and to the district attorney and district marshal, to send along with this squad of repeaters, who were organized in Georgia, with a view to try to prevent them from repeating. Mr. Martin, the Sixth Auditor, went over to the depot with my messenger, and he became so much alarmed that he would not go. He was to go to Tuskegee and come back and stay until the next day, saying that he would not go with such a crowd. They went out on a freight-train at nine o'clock. Martin was frightened. They were foreigners, and drinking a good deal. They, however, went to Montgomery that night, with that man whom I sent with them.

Q. What tickets did those repeaters vote?

A. They voted the democratic ticket, so far as I could see, every time.

Q. What do you know of parties coming from Columbus, Georgia, to vote, if anything?

A. They came in great squads, came in express wagons in great droves. I noticed one man voting. I thought I had seen him before. I looked at him and asked him if he was not from Clay County. He told me yes. I asked him what he was voting here in Girard for. He said he was over in Columbus with a drove of bees; they were all voting, "so I can vote, and I am going to do it." His name is Scarborough, a Baptist minister in good standing in Clay County, Alabama, and in charge of two churches there. He voted the democratic ticket, and the men with him driving bees, from the same county, did so. He said that he was over in Columbus selling the beef. I saw men with their hands full of new half dollars, fractional currency, offering it publicly, in violation of the statutes, to negroes to vote.

Q. Were they white men?

A. Yes, sir; and prominent democratic politicians. I saw them offering that to voters; saw men take it, and saw them vote.

That portion of the bill intending to make the invasion of States a crime, it is believed, finds ample warrant in that clause of the Constitution which provides that the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion. The Federalist upon this subject says:

A protection against invasion is due from every society to the parts composing it. The latitude of the expression here used seems to secure each State not only against foreign hostility, but against ambitious or vindictive enterprises of its more powerful neighbors. The history of both ancient and modern confederacies proves that the weaker members of the Union ought not to be insensible to the policy of this article.

One State may overrun another, may send in hordes of its lawless citizens and usurp the rights of its weaker neighbor, may dictate its policy, may control its legislative and executive power by this means, and no redress be directly afforded. The General Government should stand as ready to defend against such invasions as against the irruptions of a foreign power. They may be equally as destructive and dangerous, and fasten upon a free people contrary to their will institutions as odious and galling as those dictated by foreign armies.

The construction that the operation of this guarantee is confined to foreign invasion would rob it of half its beneficial power. It may be well to add that the bill contemplates only invasions with violence.

Now these occurrences take place occasionally in different parts of the South, and as they occur one after another, being in distant places, not much notice is taken of them, and the worst part of it is the local authorities take no notice of them whatever. Whose business, then, is it to take cognizance of these crimes? Who has authority and strength to protect the States, and who can protect the citizens when the States cannot from invasion and outrages of this kind?

If it is possible that the citizens of one State may go across its borders and deprive their neighbors of their political rights, if they can make majorities, if they can intimidate voters, if they can cross the borders of their States for the purpose of aiding outlaws in their outrages upon peaceable citizens, and the State authorities will take no notice of it, what have we to do? If the General Government cannot step in, what have we but an organized anarchy, protecting criminals of the deepest dye in our midst? I can imagine nothing more shameful and disgraceful to a great, free, and powerful republic than to allow in its borders outrages of this kind.

The second branch of this bill relates to usurpations and conspiracies to overthrow the authority of the State. Has there been anything of that kind? Has anything happened within the last year or two that would justify the action of Congress in relation to that matter? When we look at the State of Arkansas we see a memorable instance of this kind, one that is acknowledged, one in which a party of men have usurped and overthrown, without authority of law and contrary to the established constitution, the permanent institutions of the State.

In that State in the month of May last a series of events began which have resulted in the complete revolution of the State government. The contest for governor was at that time decided in court and Brooks declared to be the legal incumbent of the office. Baxter, the previous governor, in defiance of the judgment thus rendered, and making no appeal, assembled a military force to eject the new governor, and Brooks surrounded himself by troops also. Bloodshed followed, but the results were not so serious in that direction as were feared. Baxter was reinstated by the proclamation of the President, took possession of his office, and then followed a series of acts of fraud, terror, violence, usurpation, tyranny, and anarchy which have overwhelmed every branch of the State and county governments and scattered all existing laws with the fury of a tornado. In order to eradicate completely the power of the republican party a State convention was called to amend the constitution contrary to the legal provisions for that purpose.

The Legislature which passed the law for submitting the question for a constitutional convention met under the following circumstances, as detailed by the majority of the Committee on the Condition of Affairs in Arkansas:

On the 11th of May, 1874, when the Legislature assembled at this called session, the city of Little Rock, the capital of the State, was divided into two military camps. Baxter and Brooks had then each a considerable force of armed men in the field to support their respective pretensions to gubernatorial authority, and each had himself surrounded with regular military lines.

The State-house was in possession of Brooks, and was surrounded by his forces; and in the immediate vicinity were the headquarters of Baxter, surrounded by his troops. Martial law had also been declared by Baxter in the county of Pulaski, in which the capital is situated. When the Legislature assembled on the 11th of May, as Brooks was in possession of the State-house, they met in a hall within the military lines of Baxter, and at that time, and up to the 15th of May, when the President's proclamation recognizing Baxter was promulgated, no persons were admitted within the lines except on passes given by Baxter's military authorities.

On the 16th, the day the act was passed for a constitutional convention, there were present in the house fifty members—twenty-four old members and twenty-six elected at a special election, and it did not appear there had been any more present up to that time.

In the senate on the 16th there were fifteen senators present and voting—nine old members and six chosen at special election—and no greater number had been present before that time. The new members in both houses were admitted on the certificates of the secretary of state to a list furnished by him to each house, which appeared to be the *prima facie* evidence to a right to a seat by the law of the State. The new members were admitted to seats and sworn without question, and no other persons appeared to claim the seats occupied by them.

The following facts appeared in relation to the certificates upon which these new members took their seats: Johnson, the secretary of state was not in the State. His office was in the State-house, which was occupied by Brooks and surrounded by his military force. The returns of the election of members at the special election were in the office. A. H. Garland was deputy secretary of state, and if the returns were accessible to him he did not call for them, but made up the certified list of new members from information and newspaper reports, and not from the returns in the office. There was no evidence that any one on the list was not duly elected, except the objections before stated.

Under the constitution of 1868 it was the duty of the Legislature to provide by law for the registration of voters, and the laws referred to were passed in pursuance of this authority some years previously to this time. But for this election a new rule was adopted. The committee say:

The Legislature provided in this act for the appointment by the Legislature itself of a State board of supervisors, to consist of three persons; this State board to appoint a county board of three in each county; the county board to appoint election judges in each precinct, and the judges to appoint election clerks.

It also provides that "as the electors present themselves at the polls to vote, the judges of election shall pass upon their qualifications, whereupon the clerks of election shall register their names on the poll-books, if qualified, and such registration by said clerks shall be sufficient registration in conformity to the constitution of this State, and then their votes shall be taken."

It is not questioned but that the Legislature may change the provisions regulating registration as well as other laws, but it is insisted that this is really a provision

that there shall be no registration for this election; that it only provides for keeping a check or tally list of voters; a wholly different thing from registration.

It is plainly an evasion of the requirement of registration at this particular election.

The constitution of 1868 provided that "in all elections by the people the electors shall vote by ballot. The secrecy of the ballot shall be preserved inviolate, and the General Assembly shall provide suitable laws for that purpose."

The act calling this convention provided as follows: "The electors shall be numbered and the number of each elector marked on his ballot by one of the judges when deposited."

By this provision a certain means of evidence was provided and perpetuated, by which it could be shown how, or for whom, every elector voted. The committee think it very clear that this was not preserving the secrecy of the ballot inviolate, and that this provision was a clear violation of this constitutional provision, and if this question was raised before a judicial tribunal to determine the validity of the act in a suit between private parties, it would necessarily have to be decided unconstitutional.

The election under this law was held on the 30th day of June, 1874. The vote, as returned to and declared by the State board of supervisors was, for convention, 80,259; against convention, 8,607; majority for convention, 71,652. At the same election delegates to the convention were chosen. The convention met on the 14th of July, and proceeded to form a new constitution, a copy of which will be found in the evidence submitted.

The act calling the convention did not in terms direct that it should be submitted to the people for ratification. The convention was called "for the purpose of framing a new constitution, and for providing for putting the same in force." The convention, however, made provision for the submission of the constitution for ratification.

Attached to the constitution was a *schedule*, containing some provisions evidently designed as a part of the permanent fundamental law, but mainly made up of provisions and details in regard to the vote upon the question of ratifying the constitution.

They provided for substantially the same machinery to conduct the election as the Legislature had provided for the election calling the convention: State and county boards of registration, with the same provisions for registration, and the same provision as to numbering the voters and their ballots. To these provisions, of course, any objection would lie that would be available against the act of the Legislature.

But the objection against this action of the convention goes much deeper than to the action of the Legislature. The Legislature were clothed with legislative power and had the right to pass laws within the constitutional limit. But this convention had no legislative power whatever. Although there has been great diversity of opinion and practice by such conventions formerly, we think it must now be regarded as settled that no legislative power is inherent in such conventions, and none can be delegated to them by the Legislature. (Jameson on Constitutional Conventions, 357; Wells *et al. vs. Election Commissioners, Penn. case.*)

The convention might doubtless have fixed a time for the election, and made any other mere regulations in regard to it, but if they submitted it to the people for ratification they should have done it under the existing law, and to be conducted by the existing officers of the law.

There was an existing registration, there were existing officers of registration and election, and the convention had no power to displace them and provide others.

The way being thus paved for the State convention, the next step was to annihilate the courts and thus remove the only power that could suspend or set aside their schemes of usurpation. To do this effectually articles of impeachment were preferred against the judges of the supreme court and other State officers. Some to escape impeachment resigned; those who did not resign were by a law hastily passed suspended from doing any official duties while impeachment proceedings were pending. All of their places were filled *ad interim* by appointment by Governor Baxter. The judges thus appointed had their hands tied at once by another act of the Legislature, as follows:

SECTION 1. That all judges of this State are prohibited from issuing any writ or process whatever, or taking any action, or assuming any jurisdiction in or about or in connection with the election provided for in the act to which this is supplementary and amendatory, except so far as may be necessary for the preservation of peace and order and to secure the holding such election: *Provided, however,* That the provisions of this section shall not be construed so as to amend or in anywise impair the criminal jurisdiction of criminal and circuit courts as specified in the act to which this is supplementary and amendatory.

Here, then, we see the State executive officers removed, the judiciary paralyzed, and the Legislature packed with fraudulent members, all for the purpose of changing the State constitution in a manner utterly at war with law, precedents, and the first principles of free government, the ultimate object of all these outrages being the overthrow of the republican party. To surround a legislative hall by military force and require passes from the soldiers for the members before admission to their seats, as such, is an abomination to every lover of liberty; to make up the roll of the Legislature by a corrupt bargain, is revolting; to recognize such men as members of a legislative body is abhorrent to every fair-minded man; to approve of their acts in subverting the constitution they had sworn to support, is the very essence of despotism. And when this is coupled with the impeachment and arrest of one set of judges, and the legislative suspension of the powers of their successors, it would seem that oppression could go no further until all these acts are made but the initial step to the erection of a new constitution in sublime mockery of all human rights. Such is the present constitution of Arkansas. Begun, carried through, completed in fraud, in violence, in usurpation, stained by ten thousand crimes, covered with the gloom of robbery, imprisonment, exile, and murder.

To illustrate the method of getting possession of offices, I will quote some of the testimony of James F. Vaughn, of Pine Bluff, sheriff of Jefferson County. He said that martial law was declared on the 25th April, 1874, and he was forcibly ejected from his office:

Question. Who issued the declaration of martial law?

Answer. H. King White.

Q. Go on and state what interference was made with you in your office?

A. My office was forcibly taken possession of by General White and the soldiers who were with him. They took possession of the public buildings and of the tax-books and records of the county. He had two companies there.

Q. Your office was in one of the public buildings?

A. By virtue of my office I am custodian of the public buildings. They were all taken possession of, including the jail and prisoners.

Q. What did you say in reference to the tax-books and records, &c.?

A. I said they were taken possession of.

Q. How much revenue was there on hand when they took possession of it?

A. I am not able to say.

Q. What was done with you?

A. That evening about eleven o'clock I was in town, and I met General White. He had been out looking for me. I met him on the sidewalk, and a conversation took place. He made some inquiry in regard to the revenue and the books. I told him that the books and the revenue were in the office when they took possession of it. There was nothing further done until the 23d of May. On that day I was arrested.

General White came rushing out to the back of the store, and said, "Mr. Williams, have you executed the warrant on Mr. Vaughn yet?" Williams answered no; that the warrant was in the hands of the deputy yet, but that he had acknowledged service of the warrant. White then asked him what he was going to do with me. Williams answered, "Mr. Vaughn is my prisoner, and I am responsible for his appearance on Monday morning." General White said, "By God, if that is the way you execute warrants for treason, I will get somebody who will execute them." Williams said, "General White, if you want my commission, by God, you can have it. Mr. Vaughn is my prisoner, and I am responsible for him." I told Mr. Williams there was no necessity for him to get in any trouble with General White on my account; that I was willing to go to jail, especially to avoid his getting into trouble.

Q. By whom did he say he was so ordered?

A. He said that General White ordered him to take us to jail. We said, "All right," and they took us down to jail and put us there.

Q. How long were you kept in jail?

A. They kept us in the county jail three days. They kept us in confinement fourteen days.

Q. The jail had been in your custody previous to your capture?

A. Yes.

Q. Who had the custody of the jail while you were a prisoner?

A. Colonel Franklin, who was quartermaster of Baxter's army in Jefferson County.

Q. Who was King White?

A. He claimed, I believe, to be major-general in Baxter's forces.

Q. Did you have any trial during any of this time?

A. I had a trial the last day I was in jail.

Q. Did you make any attempt to have any trial before?

A. We did.

Q. Before the magistrate?

A. Yes; we made an attempt the evening of our arrest.

Q. What became of your effort to get a trial?

A. We could not get one.

Q. Who was your attorney?

A. John A. Williams.

Q. What did they do with him?

A. About three days afterward they arrested him and put him in jail with us.

Q. How long did they keep him in custody?

A. About nine or ten days.

Q. This warrant charged you with treason, did it?

A. Yes.

Q. Have you a copy of the warrant?

A. I have not.

Q. Did you read it?

A. I did.

Q. What was the treason charged against you?

A. It just used the word treason. The warrant was written by General White in his own handwriting, and was signed by Eugene Nordmann.

Q. During the time you were held in custody, were any propositions made to you in reference to your resigning as sheriff?

A. There were.

Q. Who made them?

A. Dr. James M. Holcomb, and directly by Joseph W. Bocage.

Q. What was the substance of their talk?

A. On the evening of the 20th, the Sunday evening after my arrest, Doctor Holcomb arrived in Pine Bluff from Little Rock. He had been here figuring some time. He was a very prominent Baxter man. His proposition was that if myself and Mr. Kenyon, who was county treasurer, and Mr. J. L. Murphy, one of the board of supervisors of Jefferson County, being the only three officials in confinement, would resign our offices and give our resignation to him, Doctor Holcomb, to use, as he stated, to his own advantage, for some other purpose which he would explain to us, and if we would sign a proposition to that effect, and would sign an agreement that we would support the parties whom he would name as delegates to the constitutional convention, (he did not name any of them except himself,) and would agree to work in favor of the constitutional convention, he would have all of us out of jail in two hours.

Q. What response did you make to that proposition?

A. As Judge McClure said yesterday, we coquettched with him for an hour or two and desired to consult with our attorney, Mr. Williams. We made an appointment with him to meet us at half past eleven o'clock and in the mean time we would send for Mr. Williams, as we did. He came down. Of course we had made up our minds what to do. We did not propose to accept any proposition of the kind. Mr. Williams came, and he advised the same thing. At half past eleven Doctor Holcomb came and we told him that Mr. Williams had been there and had waited for him for some time and that he had better go out and look for him. We put him off in that way until morning. Next morning he took me to the east room of the jail and talked to me for a little while there in reference to the matter. I told him that, so far as I myself was concerned, (the others might do as they had a mind to,) I was elected by 2,200 majority of the citizens of Jefferson County; and that before I would compromise those citizens I would remain and rot in that jail; and I would not accept this proposition.

Q. What was your majority when you were elected sheriff?

A. Something over 2,200.

Q. Is John A. Williams a member of the constitutional convention?

A. He is.

Q. What was his majority?

A. Twenty-one hundred and sixty-five.

Q. He was elected since his arrest?

A. Yes.

Q. What was Williams arrested for?

A. I know no reason in the world, any further than that he was our attorney.

Q. State whether the town of Pine Bluff was held by the soldiers and property taken; give us a description of the condition of things there.

A. The town was held from the night of the 25th of April up to about the 5th of June.

Q. Were property and supplies taken?

A. Yes; property and supplies, and stock, and arms, and ammunition were taken promiscuously from the citizens by the military.

Q. Your county is largely against Baxter, as shown in the last election?

A. Yes, sir.

Q. Were there Baxter candidates running for the constitutional convention?

A. There were.

Q. How many votes did they get?

A. One thousand and eight votes out of 3,400 or 3,500. We had a little over 3 to 1.

This is a specimen of the manner in which county officers were disposed of. The following testimony of Edgar A. Nichols, late sheriff of Hot Springs County, is a further illustration of this method of dealing with civil officers; ropes and artillery were the mild antecedents applied to his case, with a little seasonable banishment:

Question. State your residence and occupation.

Answer. I reside in Hot Springs County; I was sheriff of that county before the Brooks war. I was elected in 1872. I am not acting as sheriff now.

Q. Go on and state how your office was taken.

A. During the troubles I was captured at Benton. I was taken off the train and was confined in the hotel at Benton about three days. While I was absent from home, Colonel Bull and a party of ten men came to my house looking for me. They had ropes, and he said that they had orders to hang me. He had some artillery on the train, and he notified my wife to move the women and children out of my house, as he was going to open on the house with grape and canister. My house is situated near the railroad track. It is a large hotel at Malvern. The whole party went through the house and searched it, and took what they wanted out of the bar. They waited there until the accommodation train arrived, thinking I might come upon it. But I was in confinement at Benton, and was not released until two days after that, when I came home. My life had been threatened by parties in the county as well as by this command of Bull's, and when I came home my wife begged me to go to Saint Louis, or go somewhere out of the State until the troubles were over. I went to Saint Louis, and staid there for two weeks, when I saw in the papers that everybody had been pardoned; then I started to come home. When I got to Malvern, the place where I lived, there were two detectives of Baxter's there, waiting to arrest me for treason, so my clerk informed me. I locked myself up in the sleeping-car and went through to Texas. Then I saw in the papers a few days after that that I had been impeached, and I came back to Little Rock as soon as I saw it. My successor was confirmed by the senate. I went and talked to Governor Baxter. I told him that I intended to leave the State, and asked him if he would allow me to settle up my business. He said that he would, if I would resign; and I then resigned. Since that time I have staid at home, and have kept five or six shot-guns in the house ready for any emergency.

The sheriff of Conway County, on examination, says that he is satisfied if he returns there the people will kill him. The community is infested with a set of cut-throats and murderers and with men for whom rewards have been offered, who are outlaws now, but who are running at large through the country under the protection of a militia company which is supported by the State government. Prominent democrats advised him not to return lest he be killed.

The auditor of state, the treasurer, and other officers shared a like fate. Two of the judges of the supreme court were arrested by the military officers of Baxter while going to the seat of government to hold court and held as prisoners for days; another escaped by sudden flight. The court was broken up, the judges impeached in their absence, and all this done as a part of the plan to destroy the State government for political purposes.

In the face of such infernal outlawry who would hesitate to give the President the power to suspend the writ of *habeas corpus*? What is it worth when judges are thus impeached, captured, driven off by terror, held by force of arms, their courts closed, their voices silent, their orders a nullity, their offices a plaything for usurpers?

In Louisiana affairs are in as bad a condition. Anarchy has reigned there in many districts for months. Justice is denied in the courts. The murder of colored men is treated as nothing; the warring factions have used every expedient of fraud and force to obtain and hold political power. I quote from the President's message and Judge Woods's charge to show the actual facts in a more succinct form than I can give them. Judge Woods says in a recent case:

"In the case on trial there are many facts not in controversy. I proceed to state some of them in the presence and hearing of counsel on both sides; and if I state as a conceded fact any matter that is disputed they can correct me."

After stating the origin of the difficulty, which grew out of an attempt of white persons to drive the parish judge and sheriff, appointees of Kellogg, from office, and their attempted protection by colored persons, which led to some fighting, in which quite a number of negroes were killed, the judge states:

"Most of those who were not killed were taken prisoners. Fifteen or sixteen of the blacks had lifted the boards and taken refuge under the floor of the court-house. They were all captured. About thirty-seven men were taken prisoners. The number is not definitely fixed. They were kept under guard until dark. They were led out, two by two, and shot. Most of the men were shot to death. A few were wounded, not mortally, and by pretending to be dead were afterward, during the night, able to make their escape. Among them was the Levi Nelson named in the indictment.

"The dead bodies of the negroes killed in this affair were left unburied until Tuesday, April 15, when they were buried by a deputy marshal and an officer of the militia from New Orleans. These persons found fifty-nine dead bodies. They showed pistol-shot wounds, the great majority in the head, and most of them in the back of the head. In addition to the fifty-nine dead bodies found, some charred remains of dead bodies were discovered near the court-house. Six dead bodies were found under a warehouse all shot in the head, but one or two which were shot in the breast.

"The only white men injured from the beginning of these troubles to their close were Hadnot and Harris. The court-house and its contents were entirely consumed.

"There is no evidence that any one in the crowd of whites bore any lawful warrant for the arrest of any of the blacks. There is no evidence that either Nash or Cazabat, after the affair, ever demanded their offices, to which they had set up claim, but Register continued to act as parish judge and Shaw as sheriff.

"These are facts in this case as I understand them to be admitted."

The President says:

To hold the people of Louisiana generally responsible for these atrocities would not be just; but it is a lamentable fact that insuperable obstructions were thrown in the way of punishing these murderers, and the so-called conservative papers of the State not only justified the massacre, but denounced as Federal tyranny and despotism the attempt of the United States officers to bring them to justice. Fierce denunciations ring through the country about office-holding and election matters in Louisiana, while every one of the Colfax miscreants goes unwhipped of justice, and

no way can be found in this boasted land of civilization and Christianity to punish the perpetrators of this bloody and monstrous crime.

Not unlike this was the massacre in August last. Several northern young men of capital and enterprise had started the little and flourishing town of Coushatta. Some of them were republicans and office-holders under Kellogg. They were therefore doomed to death. Six of them were seized and carried away from their homes and murdered in cold blood. No one has been punished; and the conservative press of the State denounced all efforts to that end, and boldly justified the crime.

Many murders of a like character have been committed in individual cases which cannot here be detailed. For example, T. S. Crawford, judge, and P. H. Harris, district attorney of the twelfth judicial district of the State, on their way to court, were shot from their horses by men in ambush, on the 8th of October, 1873, and the widow of the former, in a communication to the Department of Justice, tells a piteous tale of the persecutions of her husband because he was a Union man, and of the efforts made to screen those who had committed a crime, which, to use her own language, "left two widows and nine orphans desolate."

To summarize: In September last an armed, organized body of men, in the support of candidates who had been put in nomination for the offices of governor and lieutenant-governor, at the November election, in 1872, and who had been declared not elected by the board of canvassers, recognized by all the courts to which the question had been submitted, undertook to subvert and overthrow the State government that had been recognized by me, in accordance with previous precedents. The recognized governor was driven from the State-house, and, but for his finding shelter in the United States custom-house, in the capital of the State of which he was governor, it is scarcely to be doubted that he would have been killed.

From the State-house, before he had been driven to the custom-house, a call was made in accordance with the fourth section, fourth article of the Constitution of the United States, for the aid of the General Government to suppress domestic violence. Under those circumstances, and in accordance with my sworn duties, my proclamation of the 15th of September, 1874, was issued. This served to reinstate Governor Kellogg to his position nominally; but it cannot be claimed that the insurgents have, to this day, surrendered to the State authorities the arms belonging to the State, or that they have in any sense disarmed. On the contrary, it is known that the same armed organizations that existed on the 14th of September, 1874, in opposition to the recognized State government, still retain their organization, equipments, and commanders, and can be called out at any hour to resist the State government. Under these circumstances, the same military force has been continued in Louisiana as was sent there under the first call, and under the same general instructions.

This simple statement of a portion only of the facts pleads with greater power than any reasoning I can use to convince every fair man of the necessity of national intervention in the affairs of this unfortunate State. It is powerless in the hands of outlaws and conspirators; it is the prey of robbers and murderers; it is in a worse condition than the absolute monarchies of the Old World, where at least order and peace can be found under the shadow of despotism.

The testimony as to political affairs in Mississippi shows a fearful state of society there, but time will not suffice me to relate the circumstances detailed. There the colored republicans have been grievously persecuted, horsewhipped, driven into canebrakes, or murdered. Judges have been spirited away; courts broken up; ballot-boxes destroyed; witnesses, struck dumb by danger, murdered; men of color mangled in death by their malignant enemies. The republicans of Mississippi look out to-day from the gloom of conspiracy, cruel oppression, and pitiless hatred.

Now, if the authority of one State can be overthrown, can be usurped, can be destroyed by a set of conspirators, why may not the authority of other States be overthrown? The wave of disaffection and anarchy, spreading wider and wider and becoming more and more powerful, may soon override the entire Union; and the national Constitution itself may be subverted and set aside by these conventions that may meet in various States and send delegates to a national convention totally in contravention of the Constitution of the United States. If we can stand by the usurpation in Arkansas, if we can indorse that, if we can say that these institutions shall stand, why may not Mississippi, why may not Louisiana, why may not Indiana and Vermont likewise overthrow their governments, contrary to the provisions of their organic law and the very foundation of society, and re-establish governments to suit the whim of a political party that may by fraud and violence obtain the mastery of States?

Now, it is time that this thing was stopped. I am not arguing as to what ought to be done in the Arkansas case; but I stand ready to say that even if we decline to interfere in the case of Arkansas we ought to prevent such action taking place in the future in any other State.

It has been found that the use of fire-arms at elections has become in many places frequent, and has led to the most serious consequences. Peaceable citizens have been driven from the polls in large numbers and deprived of the right of suffrage. The ballot-boxes have been forcibly violated by armed and lawless men. The election papers have been destroyed; unoffending citizens present at the polls have been killed by their political opponents, and the will of the people as expressed by their votes suppressed or subverted. The election precinct has been in many instances thus transformed, from a scene where order and peace and the kindest intercourse among citizens should reign, to one of terror, danger, and death. This condition of affairs has recently been proven to have taken place in various localities. The evidence taken by the committee appointed to investigate political affairs in Alabama shows that at many points in that State, on the election day in November last, the citizens in large numbers went armed to the polls; that the white men did so almost universally, and in a few instances colored men were also armed. At Spring Hill arms were provided by the white men in advance, and in the latter part of the day an attack was made upon the polls. A large number of fire-arms were discharged, and a young man killed and a peaceable citizen wounded within the room where the election officers had been doing their duties. The ballot-box and election papers were

destroyed and all evidence of the will of the people annihilated by armed democrats. I quote the testimony of Judge John M. Keils, of Eufaula, upon this point. He was one of the supervisors of the election:

By the CHAIRMAN:

Question. State whether there were any deeds of violence perpetrated within your sight or hearing on the day of the election. If so, by whom and by what party?

Answer. I was at Spring Hill as United States supervisor on the day of the election, the 3d of November. That is eighteen miles from Eufaula, in the same county. Everything went along here quietly until about eleven o'clock that day, when a disturbance commenced outside. I was in the room; I did not see that, but I heard the reports of the guns; there were several guns fired; when these guns were fired the democrats present—I suppose seventy-five or one hundred—can to a house near by, Cody's store, where it was understood before that there were guns stored. They got those guns and paraded the streets there from that time until night. Some of them had two guns.

Q. What did they do with the arms?

A. They threatened to shoot anybody that did not do exactly to suit them. That was pretty generally the talk.

Q. What was the nature of their threats; were they personal, political, or how?

A. Political threats; but they would talk in this way: "We are going to make these damned negroes behave themselves. If they don't, we will kill out the last one of them." That was about the amount of it.

Q. What sort of arms were those?

A. Some of them were new double-barreled guns, and some not new. Some were rifles; but they were mostly shot-guns. There were a great many new double-barreled guns among them.

Q. Did Cody have those guns there for sale?

A. No, sir; this store was vacant.

Q. How did those guns get there?

A. I was informed that they were deposited there.

Q. When and by whom?

A. I was at Spring Hill and made a speech on Tuesday before the election, and I was notified then that those guns were in that house. I got to Spring Hill on the morning of the election, and the republican challenger, colored man, told me that the guns were still in that house, and that he asked Cody the day before why they were there, and Cody told him they were to keep the peace on the day of the election. That colored man's name is Green Burch. He lives in Spring Hill precinct. Perhaps Cody's remark was to make the negroes behave themselves. It was something of that sort. His full name is Michael Cody. He resides at Spring Hill.

Q. Were there any United States troops there at that time?

A. There was a lieutenant and ten soldiers there.

By Mr. BUCKNER:

Q. Was that on the day of the election?

A. Yes, sir; he went up from Eufaula a day or two before the election.

By the CHAIRMAN:

Q. Where was he with his men during the election?

A. He was about three hundred yards from the polling place, and refused to go there when notified that there was going to be a disturbance, because, as he said, the captain at Eufaula had telegraphed him that morning not to go about the polling place.

By Mr. BUCKNER:

Q. What was the lieutenant's name?

A. Turner.

By the CHAIRMAN:

Q. What did his men do that day?

A. I never saw them until after the ballot-box was destroyed. One or two of them came in then.

Q. State what was done at the time the ballot-box was destroyed, and how it was destroyed.

A. The polls were closed at five o'clock, as the law requires. One of the clerks got ready to go to counting out the votes in ten or fifteen minutes. The other clerk did not get his poll-sheets ready until just at dark. The managers were hurrying, but failed to get them ready. The clerk's name was Thomas Swanson. When he got them ready he got up, without saying a word to anybody, went to the door, and opened it. That door had been barred several times to keep the crowd out, and the last time, when the crowd was very boisterous, I went and barred it myself, good and strong. It took him some time to open it. As soon as he started to that door the crowd of democrats moved to it, as though they understood what he was going there for. As soon as he got the bar from the door they ran against it and came in, and then they commenced a promiscuous firing. A portion of them ran for the light and knocked that out. The instant before the light was put out several of the crowd commenced firing, as I could see, at me, and balls did go in the wall just above my head; but that was only for an instant until the light was out, and then it was a promiscuous shooting all around that room. The managers had run away, as I found afterward, and there was no one in there but myself and my son. They did not touch me, but murdered my son.

Q. How old was your son?

A. If he had lived, he would have been seventeen years of age on the third day of this month.

Q. How was he murdered?

A. He was shot; three balls entered his thigh and one his bowels; that was the shot that killed him.

Q. Was he near you when he was hit?

A. He had his hand on my shoulder when he was hit.

Q. How soon did he die?

A. That occurred on Tuesday night, and he lived until Thursday at half past three.

Q. Where was the ballot-box destroyed?

A. It was destroyed at that time. I never saw any more after the light went out.

Q. How long after this firing did you remain in the house?

A. I can hardly tell; I could not keep much time just then, because there were twenty-five guns firing every second, or even more; I was there two or three minutes, perhaps.

Q. Did you take your son out with you?

A. During the firing, when I thought it had slackened a little, some man, whom I thought I recognized by his voice as Comer, who lives at Spring Hill Depot, called me. I asked him what he wanted. He says, "I have come here to protect you." I said, "That is all right." He came right up to me, and then, for the first time, I missed my son's hand off my shoulder, but he had told me before that he was shot. He told me that he was shot to pieces. When Comer came up I missed his hand, and felt around and could not feel him. I told Comer that I wanted to find my son; that he was shot. He said, "Wait a minute; you can't find him now." His brother and two or three others came up, and they ordered a light. One of these men went out to the door and found my son there. Three or four colored men took him and carried him up to Dr. Davis's, about three hundred yards off, and in a few

minutes, the crowd around me preventing my being shot any more, guarded me up there. I went back to the polling place next morning with the lieutenant and some soldiers, and looked at the place. The contents of the ballot-box seemed to have been emptied on the floor and burned. I could see scraps of the poll-lists and ballots there. The place was riddled all around with bullets.

Q. What was said, if anything, within your hearing, about the time of the firing and of the destruction of the ballot-box?

A. The remark I heard, may be a hundred times, was: "Kill him, damn him, kill him." That was me, of course; because I was the United States supervisor in the room. I supposed that was the reason they said it.

By Mr. BUCKNER:

Q. You were appointed by the district court as supervisor?

A. I was appointed by the United States circuit court.

By the CHAIRMAN:

Q. Was there a democratic supervisor?

A. Yes, sir.

By Mr. BUCKNER:

Q. Where was he?

A. He had not been there for an hour before that.

Q. What was his name?

A. Dr. J. M. Barr.

Q. Were there only two supervisors for that precinct?

A. Yes, sir.

By the CHAIRMAN:

Q. How many ballots were put into the box that day?

A. Seven hundred and thirty-two.

Q. How do you know that?

A. I saw them go in.

Q. Did you keep a tally to know that that was the correct number?

A. I stood by that table all day and saw one of the inspectors number them as they came in.

Q. You saw the figures on the papers?

A. Yes, sir; and I saw the poll-lists where they were numbered.

By Mr. ALBRIGHT:

Q. What was the relative strength of the parties at your poll on this day; what proportion of the seven hundred and thirty-two was republican and democratic?

A. I am satisfied that at least five-sixths were republicans.

Q. What proportion of the vote was white and colored?

A. The republicans were nearly all colored. The only white republicans that I know that voted there were one from another precinct and one who lives there.

By Mr. BUCKNER:

Q. Did none of the colored men vote the democratic ticket?

A. Yes, sir; some of them.

Q. What number?

A. I do not think more than thirty voted the democratic ticket. I can tell that for this reason: Senator SPENCER had our ticket printed in Philadelphia, on strips of paper about two and a half inches wide and about eight inches long. They were perforated on each side, like postage-stamps are, so that you could tear them apart. The democratic tickets were smooth. That is the way I could tell a republican from a democratic ticket. And besides that, I knew that crowd. I knew the colored men were nearly unanimously going to vote the republican ticket.

Q. What is the proportion of the colored and white vote in Barbour County?

A. There are about 4,100 or 4,200 republican voters in the county, and not more than 2,000 democrats.

Q. What proportion of that 2,000 democratic vote is colored, do you think? I am speaking now of the last election.

A. I do not think there are more than 1,800 white democratic voters in the county. There may have been 300 colored men in the county who voted the democratic ticket; but I do not think there were more than 200.

By Mr. BUCKNER:

Q. Where were those troops? You say there was a lieutenant and ten privates sent up to Spring Hill from Eufaula a few days before the election.

A. Yes, sir.

Q. I understand you to say they were some distance from the polls?

A. Yes, sir; about three hundred yards.

Q. Where were they about the time this disturbance took place?

A. They were at that same place.

Q. How long did that disturbance keep up? How long were you there while the firing was going on?

A. At such a time as that I could not keep time very well. It was a few minutes.

Q. Those troops still remained there and did not come up?

A. They never moved. Half or three-quarters of an hour before this disturbance commenced my son and I heard them saying out in the crowd that the Spring Hill ballot-box would control the election in the county. He said, "Now you see very plainly that that there is going to be a disturbance here. They will come in here and destroy this ballot-box, and of course they will kill you, because you are the United States supervisor here." He said, "You had better let me go after Lieutenant Turner and his men to come up here." I said, "You can go after him." I let him out of the door, and he went as far as he could walk, and came back and said that Lieutenant Turner told him that he was ordered by Captain Daggett at Eufaula not to go about the place there at all. That is something I had never suspected before. When he came back and told me that, if I could have gotten out of that door and got away I should have gone; but it would have been certain death to have undertaken to have gone. I knew that, and therefore thought the safest way would be to stay in there, which I did. The next morning I asked Turner why he did not bring his men there. I wanted to see if he would tell me what he told my son, and he showed me a dispatch that he had from Daggett that came over the wires that morning, forbidding him to go about the polling place at all, or allow his men to go there for any purpose.

By the CHAIRMAN:

Q. Did he say that he was within hearing of the sound of the guns?

A. O, yes; he was within hearing.

Q. Did he say that he understood he was not to go there, even in the case of a fight or disturbance?

A. He said that that was his order from Daggett.

Q. Where is Turner now?

A. I understand that he is at Mobile. Daggett and his men left Eufaula, and Turner went with him. Next morning, after I had brought my son home—it was Friday morning—Captain Daggett came down to express sympathy, &c. I told him that it was the dispatch that he sent to Spring Hill that day to Turner that caused the destruction of the ballot-box and the murder of my son; and I told him that I considered him guilty of the murder of my son. I could not help telling him that. He explained that by saying that he had his orders from General McDowell, and showed me General Order No. 75, which McDowell gave him, which I thought never was intended to be understood as he understood it. I know, in fact, that it was not.

The result of these and other like crimes was a democratic majority in Barbour County, where the republicans number two to one of their opponents. At this time three democrats represent that county in the Legislature.

At Eufaula, a little after noon, while the citizens were voting, a difficulty occurred in the midst of a crowd of about a thousand men near the polls. Arms were drawn, firing commenced, and seven or eight men were killed on the spot and about a hundred wounded. The white men were armed almost universally, and when the firing commenced rallied toward the polls, stood their ground, cheered over the flight of the colored men, and gathered around the democratic candidate for judge, who at once mounted a box and delivered a boisterous harangue to them. A company of white democrats, who had their armory in a building above and near the polls, took arms, formed in line on the street, and remained there. The colored men in large numbers fled precipitately in all directions, and the most of them never returned to the polls. Many were so terrified as to lose their votes, which after this time could only be cast in the presence of the murderers who stood around the polls. I produce the testimony of

ALEXANDER HAMILTON (colored) sworn and examined.

By the CHAIRMAN:

Question. Were you here on election day and during the political campaign which has just passed?

Answer. Yes, sir. I have been here all the time.

Q. Were you engaged in the campaign?

A. I was. I am a republican,

Q. State whether you had any reason to apprehend violence on election day from what you saw.

A. I had some reason from what I could hear and from the feeling that existed among the people. I thought probably there would be something of that sort on election day.

Q. Did you or not hear any threats of violence on election day?

A. No, sir. I was at a meeting in the street here when some gentlemen were speaking, who said that there would be no danger; that the soldiers were here, and there would be no danger of anything like a riot; that the sight of a blue jacket would keep down all such as that; and I heard this remark in the crowd behind: "We'll show you on election day." I could not tell who that remark came from.

Q. Was that a republican or democrat who said there would be no trouble on election day?

A. It was Judge Keils. He was a republican.

Q. State whether or not the colored men came here armed on election day or were advised to do so?

A. No, sir. I advised them, and all of us did, not to come with any arms, telling them the soldiers were sufficient to protect them.

Q. Did they come armed?

A. I do not know that they did. I did not see any arms at all. I never saw but one pistol in a colored man's hands the whole day.

By Mr. CANNON:

Q. Were you a challenger on that day?

A. Yes, sir; at box No. 2.

Q. Were you present when the shooting commenced?

A. Yes, sir.

Q. What did you notice about that?

A. The crowd rushed opposite me into a little alley, and the trouble seemed to have quelled down, and then again diagonally from me they crowded up again. Some little hallooing was done about that time, and the people all rushed away from the polls where I was stationed. I had, consequently, no need to watch the polls, and was looking toward the crowd, when I heard one pistol fire. I suppose it had been fired probably three seconds before another shot was fired, and about that time I heard police-whistles giving signals, and the firing then commenced. The very moment that it commenced I saw guns shooting out of the windows all along up-stairs in the building above.

Q. From which side of the street?

A. I did not see any from the east side, but I saw from the west side there were guns pointing out of the windows that were firing.

Q. Where were they pointed?

A. Down in the crowd.

Q. Who was in the crowd below?

A. They were all colored people.

Q. Democrats or republicans, generally?

A. The colored people here are generally republicans. There are very few democrats. When the firing commenced they stampeded in every direction down the street, east, south, and west. I do not think very many went north, because the whites were on that side of them.

Q. Who did you see shoot, so far as you saw, whites or colored?

A. I saw whites.

Q. How many whites did you see shoot?

A. I could not number them. The statement in the papers next morning was that about fifteen hundred shots were fired.

Q. As the negroes ran what did the whites do?

A. They just fired on them.

Q. Did you notice whether they fired on anybody who was running?

A. Yes, sir. Those were the men they fired on. A man who ran out of the crowd was shot dead by my side. And as they went the black men would fall to prevent being shot. They were followed a little by the whites.

Q. Immediately after the shooting was over, if anything took place about your poll, or if the whites said anything about it, state what occurred.

A. As I say, I was challenger, and was standing at the box all this time. It was nearly a hundred yards from me where the trouble had commenced. A great crowd rushed afterward to me. One of the managers rushed out and caught me by the shoulder, saying, "Come inside." That was Mr. William Braid. I went inside. Some remarks were made as to the reason the soldiers did not come. I could not say who made them. There were a great many in there. About this time one of the managers remarked that all who were in there and who did not belong must go out. The firing had then just about ceased. I stepped outside, and they were making a terrible hallooing. Hats were going up in the air, and the white men were crying, "Hurrah for the white man's party," and that was, I suppose, about a minute and a half or two minutes after the last firing that I heard.

Q. Did they cheer?

A. Yes, sir; they hallooed as I told you. About that time they said, "White men, fall in on the sidewalk;" and some said, "No, fall into a line of battle;" and they fell in a line east and west.

Q. What took place then?

A. There they stopped.

Q. What did they say about that time about the Yankees coming, or soldiers coming?

A. The cry was made, "Where are the soldiers? Why don't they come? God damn them, why don't they come? Where are your blue-jackets?"

Q. Who were making those remarks?

A. The whites. The colored people were stampeded and gone in every direction, laying behind boxes, &c.

Q. Was the impression made upon you that they wanted the soldiers to come?

A. I do not know about that.

Q. What did they say they would do in case the Yankees did come?

A. That was a general remark which they had made, saying, "Where are the blue-coats, God damn them;" and I do not suppose any gentleman said it. I always considered that a few wild-brained young fellows were making those remarks.

Q. You say that the negroes immediately ran when the firing commenced?

A. Yes, sir.

Q. Did you see any colored men with arms in their hands?

A. I never saw but one colored man have a pistol the whole day. In fact, they were advised that morning to leave their pistols home that day. I heard that they were.

Q. Were you watching the riot pretty closely?

A. Yes, sir.

Q. What is your business here?

A. I am a carpenter and a sort of contractor, and have lived here since the war. I came here as a soldier.

AARON HUNTER (colored) sworn and examined.

By Mr. CANNON:

Question. Have you lived in this town?

Answer. I have been raised here.

Q. Were you here on election day last November?

A. Yes, sir.

Q. Did you see the riot?

A. Yes, sir. A colored man came in to vote. He was not old enough. His brother told him that he was not old enough and not to vote. The republican party wanted him first, and his brother told him that he was not old enough. They did not think so. The democratic party came in and took him off, and carried him and voted him anyhow. His brother said he was not old enough. They said he was. Mr. Charlie Goodwin said they had not anything to do with it. Any God damned man that had anything to do with it let him come to him, that he voted him. Milas Lawrence, a colored fellow, said: "By God, they had no right to do it!" When he said that Charlie Goodwin walked up to him and asked him what he got to do with it. He said, "I have got a heap to do with it. You would not let the republican party vote him, and you all took him and voted him." Clayton, a white man, said, "Shoot him"—that is, shoot Milas Lawrence. When he said that Milas Lawrence turned his back to run from Goodwin, and Goodwin stabbed him in the back with a knife, and by the time he got ten or fifteen steps from him Goodwin shot at him with his pistol, and he shot, and Clayton shot, and the whole town got shooting.

Q. Did Lawrence shoot?

A. No, sir; Goodwin and Clayton shot, and then the whole concern shot.

Q. Did you see them shoot from up-stairs?

A. Yes, sir; I saw the whole crowd. I saw the guns and shooting up there, and I was trying to get out of the way, but I could not see who was up-stairs.

Q. Did the negroes do any shooting?

A. No, sir; I saw no colored man have a gun or pistol that day.

Q. They were not armed, so far as you could see?

A. No, sir. I live out on the corporation, and the crowd that came in from the country I came in with. The negroes all broke and run.

By the CHAIRMAN:

Q. Did the negroes turn to fight at all?

A. No, sir; no colored man tried to fight at all.

Q. Did you see any armed men come down from up-stairs, and were ranged on the pavement?

A. Yes, sir; some of them ran out on the street and threw up a white handkerchief of peace, and then they came down.

Q. Then the men came down from up-stairs with the guns?

A. Yes, sir.

By Mr. CANNON:

Q. What did they say after the shooting was over?

A. They jumped out in the street and hurrahed. Bill Dowdy said, "Go and bring your Yankees down here and we will do them the same way."

Q. Who was he referring to then?

A. I do not know; he was making that remark in the street.

Q. Did this riot keep the negroes from voting after that?

A. Yes, sir; I think it did; for I heard a great many say they would never vote, and were not going to vote.

By the CHAIRMAN:

Q. Had you voted?

A. Yes, sir. I got shot myself; and I heard a great many more colored folks say they were not going to vote in this country any more if they did not have better laws. I was shot in the finger and calf of the leg; I was standing out in front of the polls; I could not see who hit me; I went off, then, ran to get out of the way, and as I was running Ben. Hendricks shot after me once and threw his pistol at me as I was running by him. Then Jim Crane, policeman of the city, shot after me two or three times as I was making down the street; as I turned to go in an alley he shot at me.

Q. Were you armed that day?

A. No, sir; I heard many a colored man say that they were not going to vote any more without there were better laws made in the country. The word had always been, advising them to come without arms at all, and when they came they were run off from the polls and never allowed to vote, and shot at.

Q. Do you think it is safe for colored men to vote here now?

A. No, sir. Reub. Cobb asked me if I was shot; I told him "Yes," he said, "Well, God damn you, you ought to have been killed." I went to Mr. Solomon to get change for a five-dollar bill; he said, "I want you to leave and go away from here; I do not want to have anything to do with you at all; I have got nothing for you to do, and do not want you to come about me."

Q. Suppose you voted the democratic ticket, could you have peace here?

A. Yes, sir; I reckon we would. They would have everything in their hands, and we would have to remain in peace and take the abuse they gave us; the colored men do not stand any more show here than a white man's dog; if I could get away from here I would go in two minutes.

By Mr. LUTTRELL:

Q. Did you see the shooting?

A. I am certain of it.

Q. Did you see any colored men with pistols that day?

A. No, sir; not one.

Q. Did you see any sticks?

A. Yes, sir.

Q. Did you hear them cursing and swearing that day?

A. No, sir; only Milas Lawrence. He only said, "God damn;" that "they had no right to vote this colored man."

Q. Do not almost all the colored men have pistols?

A. No, sir; they did not that day.

The election disturbances at Mobile were of the most serious character and involved the loss of many votes, together with bloodshed and the loss of life.

The mayor of Mobile, Mr. Moulton, was present on election day at all points in the city, and did what he could to quell riots. He describes the situation of affairs as dangerous in the extreme to the colored men; that the whites were armed, active, aggressive, violent, and guilty of attacks with fire-arms upon the colored republicans. He is a gentleman of the highest respectability, and seemed to be free from any party bias or prejudice. He saw some two hundred mounted and armed democrats upon the street that day, and testifies that they did the shooting without provocation. His testimony is of the greatest weight, since he communicated only with democrats on election day, and he says:

All the information I derived inducing me to use the battalion of militia came from democrats.

He it was who called out the battalion clothed in the confederate uniform and filled many points with these armed and dangerous men, whose very presence inspired the colored men with terror. I quote from his testimony on pages 450 and 451:

Question. State whether or not the democrats of this city interfered with the free exercise of the right of the republican citizens to vote in any manner, and created any disturbances on that day?

Answer. There was a good deal of disturbance and bloodshed. I doubt exceedingly if there would have been any disturbance had it not been for a company of gentlemen who were on horseback on that day.

Q. Describe that company, what they did, who they were, &c.

A. I should call them a company of cavalrymen. They were not in uniform, but were armed, and paraded the streets constantly from morning until the difficulty at the court-house.

Q. How many of them were there?

A. I should judge that there were thirty or forty in that squad. They remained together all the time, and I believe there would have been no disturbance had it not been for their rashness.

Q. What was their conduct generally? What did they do to create a disturbance?

A. The shooting was done by them, although I did not see it.

Q. To what party did they belong?

A. The democratic party.

Q. What were their acts, and what was their appearance and conduct generally?

A. They were constantly riding through the streets.

Q. You say they did the shooting. Whom did they shoot, and where?

A. I did not see them shoot, although at the time of the difficulty at the court-house I was very near them. I was within ten or fifteen feet of the corner of Government and Royal streets. The shooting was done while I was there. I was running, leading a squad of my police for the purpose of arresting Allen Alexander. Q. Whom did they shoot, as far as you could observe?

A. A colored man was killed there; I do not know his name.

Q. What did you understand to be the cause of that shooting, as to whether it was provoked or unprovoked?

A. I think it was unprovoked, unless the demonstrations of Alexander could be considered a provocation.

Q. What was your opinion as to that demonstration then and there, you being in the crowd?

A. I saw Alexander; he had left the seventh ward polling place and marched down to Government street at the head of, I should judge, forty or fifty men. The boys following him might have swelled the number perhaps to a hundred; they were unarmed, so far as I could observe. I started from the post-office building, having come down to that building for the purpose of having an interview with the Federal commander to persuade him, if possible, to co-operate in the preservation of the peace after dark, in view of my interview with Senator Hamilton. While at the corner of the building these cavalrymen rode past and shouted to me that Alexander was at the head of a mob, and was going down Government street, Q. Where did the cavalrymen come from?

A. They came down Dauphin street. There were several polls above, and I do not know what poll they came from. I immediately ran to the central station guard-house and summoned every man to follow me. That was on Conti street, half-way through the square which led into Royal street. I ran to head Alexander off; the cavalrymen had gone in advance of me; they turned the corner of Government street and fired before I could get there; they fired one volley and then turned and came rapidly up Royal street, and I saw no more of them on that day. I saw one man lying dead on the street, and then ran from there to the armory, which was about a square off, to call out the entire force there and put them on active duty.

Q. What occurred when you got around the corner at the court-house?

A. Alexander was arrested and taken into the court-house. One man, as I say, was lying dead on the ground, and, perhaps, there were one or two wounded; one, I know, was shot through the thigh. I then went to the armory and found a squad of thirty or forty of the militia there; placed them under orders to preserve the peace.

Q. State whether you saw any one colored man make demonstrations of violence or hostility toward anybody.

A. Not the slightest on that day.

Q. State whether, at any point in the city on that day, you saw colored men making violent demonstrations toward any white men or making an attack upon any white men.

A. Not with the exception of this: About ten o'clock in the morning I was going the rounds, having traveled all day in a buggy, for the purpose of visiting the different places. There was abundance of evidence to convince me that there might at any moment be a difficulty, and I was very active, scarcely leaving my buggy on that day. While I was at the little market, opposite the jail, my attention was directed to a crowd at the jail, and I was informed that firing was going on up there, and that my presence was needed. I had about a half company of men stationed at the little market under my command, and immediately gave orders to the officer (Captain Underhill) to follow me at a double-quick. They did so, and reached the jail with me, where I found a great deal of confusion and excitement. One or two men had been shot and killed. From the jail toward the post-office building, for several squares, there were a large number of colored people, who had gone there from the seventh ward polling place. I begged them to go home, as I saw that they were in imminent danger; told them to let the election alone. Some went and others refused to go, giving as a reason that they had a right to be upon the street, and that they would not stand and see their people murdered in the way they were being. I saw they were in danger, and that the peace of the community was very seriously threatened; very few of them obeyed me.

Q. State whether the white men were in danger?

A. They were not.

Q. State whether there was any apprehension of any injury to any white men.

A. There could not possibly have been.

The testimony of George Holly, who was a challenger, shows that many citizens were overrun and intimidated on election day by violence. He demonstrates the fact that there was a complete organization, largely under the control of one Price Williams, a virulent partisan, and chairman of the democratic central committee, and that in obedience to his orders democrats went with arms in their hands to the fourth-ward polls to intercept colored voters, and that this resulted in bloodshed and murder. I quote from pages 460 and 461:

Question. State your name and residence.

Answer. My name is George Holly; I reside in Mobile.

Q. State whether you were here on election day.

A. I was.

Q. What occurred within your sight or hearing?

A. I was challenger on the day of the election at the first-ward polls in this city. On that day I saw men come up to vote who to my own knowledge had not voted. They were arrested and taken into a little house and told by parties that they would pay them so much, for instance a dollar, if they would go and vote the democratic ticket, and that if they did not they would send them to jail. I saw horsemen riding from poll to poll spotting men, to my own knowledge, who had not voted, and they were frightened away from the polls by intimidation and threats; they were driven off and did not vote at all. I saw men who were shot for attempting to vote, who were accused of inciting riots, and they were as peaceable as any men could be; all they wanted being to put in a vote and retire to their homes. Men were standing at the polls for the purpose of keeping those persons back, and they were crowded back and could not get in their vote. They were threatened to be turned off, and in fact were turned off, because they attempted to vote according to the dictates of their conscience.

Q. State how many men you know of being intimidated from voting on that day by threats of violence.

A. I am satisfied there was not less than from three to five hundred votes lost. At the second-ward polls I saw Mr. Price Williams come out of his office. He was informed that some men were coming from the seventh-ward polls who could not vote there on account of intimidation, and a man by the name of Alexander was bringing them down to vote. He came out and said, "Gentlemen, all you who desire to carry this election and are determined to carry it, go straight to the fourth-ward polls; there are some men coming there from the seventh ward who are going to vote there. Go down and see to it that they do not do so."

Q. Where was Price Williams when he said that?

A. Out on Royal and Saint Michael streets.

Q. To whom did he speak?

A. He was speaking generally. There was a large crowd, and they were there for the business of keeping men from intimidating the people.

Q. Where were these men whom Price Williams spoke to, and what was the occasion of the assembly?

A. They were on Royal street, close to the second-ward polls: they were there for that business, and were appointed for that business. When he spoke to them they all repaired to the fourth-ward polls. Not five minutes after that the shooting took place, and a man who lives near my house was killed and others were wounded. I think there were two wounded on that day.

Q. What were those men doing that were killed and wounded?

A. They were killed and wounded at the fourth-ward polls, where they went to vote.

The testimony of George Turner, on page 465, shows that there were a large number of armed white men at the polls in Mobile on election day, bent on the most fatal purposes. He says he saw more pistols in the hands of the white men that day in the crowd than he ever saw in his life. He "did not see a single colored man with arms."

Question. Were you supervisor at the fourth ward on the day of election?

Answer. I was.

Q. Do you know of a riot in that ward about four o'clock?

A. I did not see it.

Q. What did you hear about it?

A. I was on duty there, acting as supervisor. Shortly before the firing occurred a courier came up and announced that Allen Alexander was coming down to the ward with a crowd to vote.

Q. What do you mean by a courier?

A. A man on horseback.

Q. Not a deputy sheriff?

A. I don't remember who he was. That announcement created a great excitement in the crowd. There were four or five hundred white men around the polls. Soon after somebody ran around the corner and said they were coming. Then some man in the crowd cried, "Boys, let us go and meet them," and the polls were instantly deserted. Four or five hundred white men were there, at a rough guess, although there might not have been so many. They immediately rushed around the court-house toward where Alexander was coming.

Q. Did you see any arms drawn at that time, or hear any expressions used?

A. I saw more pistols in the hands of that crowd who were rushing around than I ever saw before in my life. When they rushed around they drew their arms, a great portion of them, and started to the corner to meet the negroes.

Q. State whether they kept two or three or four hundred white men there all day at the polls?

A. They did, constantly.

Q. Were those white men who drew their arms and rushed around the corner to meet Alexander democrats?

A. Yes, sir; they were.

Q. Did you see anything that occurred around there?

A. I was supervisor, and did not think that I ought to leave the boxes out of my sight, and consequently I did not follow them around, but heard firing almost immediately after they got around there.

Q. Did you see that they had arms in their hands?

A. There was only one man whom I could identify, and I do not know his name. I did not see a single colored man with arms in his hands, although I saw an immense number of white men with arms in their hands.

Q. What became of the colored men? Did they remain on the ground?

A. The white men all came back; but after that hardly ten colored men came to the polls. I do not think that over fifteen or twenty colored men voted after that. To the best of my knowledge that was between three and four o'clock. I did not hear any cause assigned why those men should not be permitted to go there and vote.

Q. Did you see the dead man lying on the street?

A. No, sir.

By Mr. LUTTRELL:

Q. What are your politics?

A. I am a republican.

Q. What is your business?

A. Practicing law.

Q. All you know is that the men rushed off? Did the negroes rush off with them?

A. There were only a few negroes there; they disappeared in that direction.

Q. The crowd all went together, black and white?

A. Yes, sir. The bulk of the crowd was white men, and they disappeared around the corner toward where Alexander was coming.

The testimony further shows that the white men, who are almost unanimously democrats, were well armed with pistols and other deadly weapons; that during the day several military companies of the city, both infantry and artillery, were brought under arms and marched through the streets and in the neighborhood of the polls. These companies were composed of white democrats, and were called out as the mayor says to keep the peace, then threatened by armed and lawless men in various parts of the city. During the day armed and mounted men patrolled the streets, threatening colored voters and heading them off from the polls; armed couriers were riding in all directions from poll to poll, and white citizens on foot at all points were prepared for a deadly conflict. In the forenoon arrests of colored men were made and they were being taken to the jail, a large crowd followed, firing began, one colored man was killed, others were wounded, and the white armed democrats drove in precipitate haste their colored fellow-citizens from the streets.

At or very near the fourth ward polls a large number of colored men, numbering from two to three hundred, coming there from the seventh ward polls, was met by armed democrats, mounted and on foot, were intercepted and attacked by men with fire-arms; one man was instantly killed, others were wounded; the white men rallied near the court-house and the polls, while the colored men fled in the wildest dismay and confusion. Many were so intimidated by these occurrences, the news of which spread rapidly over the entire city, that they did not approach the voting places; others remained at home, and others on the way turned back to avoid the dangers that beset their exercise of the right of suffrage. These facts are attested by the oaths of a large number of witnesses, not one of whom of either party stated that the white citizens of Mobile who attended the election were unarmed; while those who had the most knowledge of the facts concurred in saying that the white citizens were thoroughly organized and completely armed. I refer to the testimony of some of the eye-witnesses of the facts as they occurred on that day so disgraceful in the annals of Mobile. Mr. M. C. Osborne, who was the chief deputy marshal on election day, and who was during the whole time riding over the city, testifies as follows:

By the CHAIRMAN:

Question. State your name and what position you occupied during the recent election.

Answer. My name is M. C. Osborne. I was appointed by General Healy as his chief special deputy marshal on the day of the election.

Q. State where you were during election day.

A. I was riding over the city from poll to poll, and was at all the polling places several different times.

Q. State what occurrences of an unusual nature happened in your presence on that day in connection with the election, if any.

A. I saw a great deal of activity among the democratic party, and those particularly who were on horseback. I think there were one or two hundred of them riding around from poll to poll in a very excited manner all day long, giving orders. What the object of it was I cannot say, but the effect of it was to intimidate the colored voters, and a great many of them left the polls.

Q. How many mounted men were there?

A. I should think, to state it within bounds, that there were over two hundred.

Q. Who were those mounted men; were they soldiers, citizens, sheriffs, or marshals?

A. All whom I knew were citizens; some of them were deputy sheriffs.

Q. Were there some who were mere democratic partisans?

A. Yes, sir; I should think one-half of them were of that character.

Q. State what they did, so far as you could see.

A. One or two of them I knew by name. I do not know whether they were deputy sheriffs or not. Captain Dannar was in command of one squad of men, and he was at the first killing, as they call it here. A colored man was killed near the jail. The report was that they were fighting in the seventh ward, and I went there and found that the difficulty had occurred several blocks beyond, over at the jail. I saw the man who was shot, and met Captain Dannar at the head of his squad, riding away from there.

Q. Did he say anything?

A. Not to me.

Q. Were those men armed?

A. I did not see them have any arms. I do not know whether they were armed or not.

Q. Did you ever hear that they were armed?

A. I heard of their shooting.

Q. State whether you know anything else as to the effect of their operations on that day.

A. I noticed a great many of them at the fight at the court-house, and while I did not reach there in time to see any of the shooting, yet these very men I noticed were there and seemed to be more excited than anybody else, and were giving orders, and appeared to be the leaders of the trouble.

Q. What were they doing when you came in sight of the court-house?

A. They were standing on Government street. Every man seemed to be talking and boasting and laughing over the riot, which had just ceased as I came up.

Q. What was the nature of their conversation? Did you say that they were boasting and laughing?

A. Yes, sir; they said that they had cleaned out one negro crowd, and now they were ready for the carpet-baggers and scalawags; that it was time to go into them now. The dead man was lying right there.

Q. Did these men make any attempt to help him or treat him with any degree of humanity?

A. No, sir.

Q. How long did he lay there?

A. He was lying while I was there about ten minutes. I went to the custom-house and back again, and when I returned he had been taken away.

Q. State what you or the republicans did, if anything, to preserve order and peace during that day in this city?

A. I did all that was in my power to do as the chief marshal. Before the elec-

tion, in consequence of talk and threats that were made here, I went to Montgomery on purpose to see General Healy; told him that I thought the force of one hundred marshals would be powerless here, as several men had told me that they had two or three thousand old soldiers, and had determined to carry the election that day or wade through blood.

Q. How many deputy marshals had you?

A. I think I had a hundred and four.

Q. State whether they were able to prevent disorder and riot that day.

A. No, sir; they were powerless.

Q. Why so?

A. They were powerless in the face of so many determined men; they just carried the marshals away. I believe they picked up the marshals in the eighth ward and carried them off. I know that from their statements.

Q. State whether those deputy sheriffs interfered with your marshals or not.

A. I do not think they did.

Q. Who was it that interfered?

A. The citizens at the eighth-ward polls.

Q. And at other places?

A. Yes, sir.

The testimony of Gustavus Horton, an old white citizen, who was probate judge, discloses facts of a startling character:

By the CHAIRMAN:

Question. What is your name, age, and residence?

Answer. My name is Gustavus Horton; age, sixty-six; I reside in Mobile, and have lived here thirty-seven years.

Q. State whether you were present in this county during the last political campaign and during the recent election.

A. I was.

Q. State the condition of the public mind during that time between the two parties, and particularly whether either side intimidated the other or used any unlawful means to prevent the free exercise of the right of suffrage.

A. The feeling, I think, on the part of the democratic party was as intense and bitter as it was in 1861.

Q. What was the nature of their conduct; how was that feeling manifested?

A. In their organization. Almost every house was visited, the names of the voters were taken down in a registration, and intimidation made that they must vote in a certain way.

Q. State whether any persons were intimidated by threats of violence.

A. On the day previous to the election, or within a day or two, the business men were requested—and it amounted to an order—to close their stores that they might attend to the election, which is a thing I have never seen before in this city.

Q. State what occurred immediately previous to the election and on election day within your observation.

A. Heavy contributions were levied upon the merchants to carry on the election. On the day of the election I at intervals went to three or four of the polls, although being in office I could not spend a great deal of time on the street. I was judge of probate. A large part of the young men of the city were on horseback and, to a considerable extent, surrounded the polls, and that had the effect of intimidating voters, particularly in certain localities.

Q. What class of voters were intimidated?

A. I think the colored men were intimidated.

Q. How many do you suppose were prevented from exercising the right of suffrage?

A. My own idea is that, with a free, unbiased election there would have been a thousand more votes polled in the country than were polled.

Q. What was the conduct of these armed and mounted men?

A. They surrounded the polls and crowded up.

Q. How close did they get to the polls on their horses?

A. They would be within twelve to fifteen or twenty feet of them.

Q. Did they display their arms?

A. I could not see their arms, except as they were used during the day, but they were on horseback, which is a very unusual thing; I never saw it before in this city.

Q. Were they standing in the midst of the crowd around the polls on their horses?

A. Yes, sir; and then they would ride off and communicate from one ward to the other; that had the effect, I am satisfied, of intimidating the colored people and preventing them from voting. They are a timid race and dread anything that has the appearance of danger.

The testimony of Reuben Selas is to the effect that a large number of colored men approaching the polls near the court-house after three o'clock p. m. were met and cut off by a body of armed democrats, who killed two of them and wounded others, scattering and driving them off; that they then laughed and cheered over their victory, exulting over the corpse of a dead colored man who laid near them in the street, saying that "They had killed one damned son of a bitch, and he was out of the way." They then threw up their hats and waved them over the victory they had won. I quote a part of his testimony in further confirmation of what I say:

REUBEN SELAS SWORN and examined:

Question. Were you here before the election, and were you present during the election in this city?

Answer. Yes, sir.

Q. Do you know anything about any riots which occurred on election day, or any trouble? And if so, state what it was.

A. I was down on Government street the day of the election, about half past three o'clock. Allen Alexander came walking down from the seventh ward. I suppose there were about two hundred men in the street following him, and about twenty-five or thirty young fellows walking behind him. They came walking, laughing, and talking, along, and said they supposed that there was about 500 majority in the seventh ward from what they had learned. I asked them where they were going, and they said down to the fourth ward to vote, saying that they were afraid of being killed if they undertook to go to the seventh ward. Those were colored republicans.

Q. How many were there?

A. I suppose about two hundred of them.

Q. Were they moving along with Alexander?

A. Yes, sir; there were twenty-five or thirty close to him. They said they were afraid of being killed, as men had been killed there already at the jail. They said Allen Alexander told them he thought it was better for them to go around there. When Allen Alexander got in front of the court-house, a company of men, with A. C. Doman and Mr. McGill, and another gentleman named James Manette, came around from the poll and cried out to arrest him; some also cried, "Kill him." Manette got down off his horse and grabbed one man in the collar and cried, "Kill the damned son of a bitch," and shot the man, who was a colored man; he was a republican.

Q. What was the man doing?

A. He was not doing anything at all. It seems when they had hold of Allen

Alexander, this man came up to see what was being done. James Manette also took hold of Allen Alexander.

Q. How far was the man who was shot away from Allen Alexander?

A. The man was standing about five feet in front of him.

Q. How did he come to shoot him?

A. I do not know about that. Somebody or another commenced shooting before that. I saw James Manette shoot four times.

Q. Who did he shoot at?

A. He shot at a colored man.

Q. Who else did he shoot at?

A. He ran across the street after that and shot at a man, or two men. One man he shot through the arm. I suppose it was him.

Q. Did anybody else do any firing?

A. Yes, sir; there might have been a dozen shots fired. It scared me so that I jumped in a hall-way. The man that Manette shot at and hit through the arm is now dead.

Q. What was said about that time?

A. I could not say. They were all swearing and saying, "Kill the damned sons of bitches."

Q. Was that said by democrats or republicans?

A. It was said by democrats, because the republicans there were afraid to say anything.

Q. Were the republicans armed?

A. No, sir.

Q. Did you see any of the republicans do any shooting?

A. No, sir.

Q. How long did this firing keep up?

A. I think it must have lasted five or six minutes.

Q. What became of the colored people after the firing?

A. Nearly all of them ran.

Q. How many white men were there left there?

A. When I got outside of the hall door there was a crowd of white men standing on the sidewalk.

Q. Were the white men all left standing there after the colored men ran off?

A. The bigger part of them were.

Q. Did the white men run?

A. I don't think they did. Twelve of the white men I know had these big long pistols.

Q. Had they their arms exposed?

A. They had them out. I saw that. That was the same time they came up to take Alexander.

Q. When you came out of your hiding-place did you hear the white men say anything?

A. They were laughing and talking about the men they had killed. They threw up their hats and waved them about the victory they had won.

Q. Where was the dead man then?

A. He was lying between the railroad track and the sidewalk.

Q. How far was that from the white men?

A. I suppose about ten feet.

Q. Did they come and pick up this dead man?

A. Some went there after the colored people ran. The crowd of white men came up to his body after I came out of the hall.

Q. Did the white men cheer while the dead man was lying there?

A. Yes, sir; they were right on the sidewalk in front of him, between him and the court-house.

Q. How long did he lay there before anybody came to pick him up?

A. I could not tell exactly how long. Mr. Osborne had time to go away and get a few soldiers from the custom-house yard and go back before that man was taken up.

Q. Did the soldiers pick this man up or did his friends pick him up?

A. I don't know exactly who did it. I went away. He was laying on the ground when I went away.

Q. Was anything said about the election when they were hurrahing and cheering there?

A. There was so much said that I cannot recollect it. They said they had killed that damned son of a bitch, and he was one out of the way. Somebody asked what they had done with Allen Alexander; whether they had killed him. They said no; and then somebody said, "Damn him, he is one that ought to be killed."

Q. Did they say why?

A. He is a man of judgment, and he instructs the people. He is more intelligent than the common run of people.

Q. Is he a leading man among the republicans?

A. Yes, sir.

Q. Does he make speeches?

A. Sometimes.

Q. What does he do here?

A. He has been working in the custom-house, I think.

Q. Did they say why Alexander ought to have been killed?

A. Not that I know of.

By MR. CANNON:

Q. How many men were killed or shot at that same time?

A. On Government street, to my knowledge, there were two. Other witnesses state there were three.

Q. Did you see any of the colored men fire?

A. No, sir.

Q. Did the colored men make an attack on anybody?

A. No, sir.

Q. What was the effect of that shooting on the two hundred colored men going to vote; did they go on and vote, or did they scatter and leave?

A. They scattered and left. They were afraid to go and vote.

Q. Were there many colored men in the city who did not vote on account of that difficulty?

A. Yes, sir; I believe that there were over five hundred who did not vote, from what they told me.

Q. Do you mean five hundred republicans?

A. Yes, sir; they did not vote on account of those riots.

Q. Did they say they were afraid to vote?

A. Yes, sir; and they were afraid on account of those cadets who were brought out. The colored people here are afraid of them.

Q. Who are those cadets?

A. They wear gray suits, and they are called the State militia, I think.

Q. They do not belong to the United States Army?

A. No, sir; after they brought them out I saw no colored people hardly that voted afterward; they said they were afraid of those men; these men threatened what they were going to do to the negroes.

Q. Were you there at the time Alexander started with his men?

A. I was not at the seventh ward when he started.

Q. You spoke about the two or three hundred white men going about from poll to poll to vote. How do you know about that?

A. I followed the crowd that day, and I saw them do it; they do it boldly here, and there is no protection against it. If a colored man says anything about it he is apt to be shot. I am here now as a witness, and I am afraid of being killed after I go out of this room.

By Mr. LUTTRELL:

Q. Who do you think will kill you?

A. Those same men against whom I have come here as a witness will be more than apt to do it. There are crowds of colored men in this city to-day who are afraid.

Q. Do not these colored men have arms?

A. Some few of them have pistols, but they are afraid to show them.

Q. Why don't they fight back, and arm themselves?

A. They have arms and pistols, but in this town and in the country they are afraid to let it be known. If a colored man who has been out hunting comes into town with a gun, a crowd of men are looking after him and saying that if he don't mind he will be killed, or that he ought to be killed. There are nearly sixty witnesses here now who will tell you it is the same way in the country, and worse, if anything. If a man owes us a debt, and we ask him for it once and he refuses to pay, we dare not go to him again.

By the CHAIRMAN:

Q. Do you mean to say that you do not dare in this country to collect debts which the white man owes you?

A. I mean to say that if a white man refuses to pay you the first time and you go back to him again, you will be either locked up in prison or knocked over the head with a club or may be killed at night.

Q. Is there not justice for the colored man here?

A. No, sir; I don't think there is. I have been voting the republican ticket since the surrender, and now if an election occurred to-morrow I would be afraid to go to the polls. The colored men here are afraid of the democrats.

I will now quote from the testimony of Allen Alexander, a prominent colored man, who during a part of the day took a leading part among his colored republican friends. He saw the difficulties in the way of republicans voting at the seventh ward, and induced a large number who had not yet voted to follow him to the fourth ward to vote. He was met, arrested, and carried off to jail, while the crowd with him was fired into by armed democrats. Two colored men were killed, others were wounded; the voters fled away. Neither he nor those with him had committed any crime nor even breach of the peace, and yet he was indicted in the State court, and not one of the white men who assailed him and his friends has been arrested or indicted in the State courts. This testimony is uncontradicted. The testimony of some democrats is to the effect that he and his friends went along the street rapidly and in a boisterous and threatening manner, but no attack was made, no violence was shown to any one, not even a threat was heard. This unoffending company of voters was met by a troop of armed and mounted ruffians and ruthlessly attacked with deadly weapons, not one of whom has been prosecuted for his crimes in the State courts. He also testifies to the fact that the members of the city battalion took by stealth their arms at night from the armory just before the election to be ready for their use on that day. I quote from his testimony:

ALLEN ALEXANDER (colored) sworn and examined.

By the CHAIRMAN:

Question. State your name, age, and residence?

Answer. My name is Allen Alexander; I am thirty-three years of age; and I reside in Mobile.

Q. State whether you were in this town during the last political campaign and at the election?

A. I was.

Q. State what occurred here on election day within your sight and hearing which was calculated to disturb the peace and prevent the free exercise of the right of suffrage?

A. I was on the street all day from day-break until I was put in jail. At the seventh ward particularly the democrats were crowding and challenging the colored men. They commenced that early in the morning, at the opening of the polls, arresting the colored men and taking them to jail. For instance, if a colored man came up to vote some democrat would say he has voted, or he don't live here, or something of that sort; and the democrats had stationed at each polling place a justice of the peace, who had established an office near by. At the court-house there was an office inside. At the seventh ward there was one within twenty steps of the voting place. Upon complaint of any democrats, the deputy sheriffs would arrest the man and carry him before this justice of the peace, who would commit the man to jail. And that, as I say, started early in the morning, and was continued at every ward during the day. At the seventh ward two colored men were arrested in that manner on the charge of having voted twice, and the deputy sheriffs were taking them to jail, and the men were shot on the way.

By Mr. LUTTRELL:

Q. Do you say they shot the two colored men who were arrested, while on their way to jail?

A. Yes, sir.

By the CHAIRMAN:

Q. Who shot them?

A. They were shot by the men who arrested them. I didn't see that.

Q. State what occurred within your sight and hearing?

A. In the evening, after going around to the other wards, I went back to the seventh ward, and several colored men informed me that they were afraid to vote; that if they attempted to do so they were taken to jail, and that two men had already been shot in going to jail. They asked me what to do. I was in a buggy and stood up and spoke to them, saying, "If you cannot vote here without interruption, go to the Fourth ward, where you have some white friends; you can vote there. All who have not voted go to the fourth ward. You who have voted go home; for if you stay here you will get into trouble." I started off, two or three hundred following me. From what they said, I supposed they had not voted. As soon as we started off a lot of white democrats started on horses. There were between twenty and thirty on horses.

Q. Were they armed or unarmed?

A. They were armed.

Q. Who were they? What was the company called?

A. They were called deputy sheriffs. They rode to the fourth ward, where I proceeded. Some of them, however, went to all of the wards and as I understood notified a certain number of men to go to the fourth ward to meet me and the men with me. When we arrived on Government street we found that they had formed a regular line of battle across the street between us and the voting place.

Q. How far did you have to go from the seventh to the fourth ward?

A. Seven or eight blocks.

Q. How far did you get on the way?

A. We had gone about a quarter of a mile and had got within one block of the voting place.

Q. Describe that line of battle?

A. They formed a line of democrats across Government street, the most of them dismounting.

Q. Had they arms or not?

A. Yes, sir.

Q. Could you see their arms?

A. I saw some of them. Their line reached across the street. I went on and got half way of the block, between Saint Emmanuel street and Government street, when I stopped and told the colored men to remain and let me go ahead. They did so, and I then went across Government street toward the sheriff, whom I saw standing there. Before I got to him, being within two or three steps of him, a man named James Manette jumped off his horse. He led the crowd on horseback. After jumping off he grabbed me, and a number of them jumped around me. Some said, "Shoot him; kill him; the damned son of a bitch; the damned nigger," &c. The sheriff said, "No; let us take him to jail and arrest him." The sheriff then put me into a buggy, and as soon as I was put in shooting commenced. Manette shot at a colored man who came up close to me. He struck him with a stick first, and afterward shot him; and shooting commenced then generally from the democrats on the colored men. There was not a shot fired from the republicans or colored men.

Q. Were you in the buggy and able to see over the crowd at that time?

A. Yes, sir.

Q. What was said, if anything, by the democrats at that time?

A. They said, "Shoot him; kill him."

Q. Did you see anybody fall?

A. The one that was nearest to me was killed. I saw him lying four or five feet from me dead in the street. I heard the report of pistols, and looked around, thinking they had shot me, when I saw him fall.

Q. Were you acquainted with the man personally?

A. Yes, sir; I knew him when I saw him.

Q. What was his name?

A. I think it was Kinney. I was not particularly acquainted with him.

Q. State whether the democrats let him lie there or whether they picked him up.

A. He was lying there when they took me away.

Q. Did you hear any cheering over their victory, or any shouts?

A. Yes, sir.

Q. What did they do?

A. They hallooed and yelled, and drove all the colored men off except myself.

Q. Which way did they go? Did they come back or did they go toward the fourth ward poll?

A. They went back in the street.

Q. Did the colored men fire and shoot?

A. No, sir.

Q. Did they throw anything, or resist?

A. Not at all.

Q. Were they armed?

A. No, sir; that is, I saw no arms.

Q. How long did they keep you in jail?

A. Until the next evening.

Q. Had they a writ for your arrest?

A. No, sir; they took me without a writ. Some of the democrats wanted to kill me, and some wanted to protect me.

Q. Are the cadets republicans or democrats?

A. They are all democrats. You might, perhaps, pick out half a dozen republicans among them.

Q. Were they armed?

A. Yes, sir; with breech-loading guns.

Q. How many are there?

A. I do not know how many companies there are. There is a battalion commanded by a man named Higley.

Q. These mounted men were called deputy sheriffs?

A. Yes, sir.

Q. Was Manette one of them?

A. Yes, sir.

Q. Where is Manette now?

A. He is in the city.

Q. What has ever been done with those men who seized you and shot at the colored men?

A. I think nothing. I think Manette, McGill, and Danner were arrested by the United States commissioner. The judge elected on that day, whose name was Semmes, impaneled a special grand jury a few days afterward, which investigated the matter, and they only indicted me. I was indicted for inciting a riot.

Q. Was that in the State court?

A. Yes, sir.

Q. They did not indict any white democrats?

A. No, sir.

Q. Why did they not take the regular grand jury?

A. I do not know. They have one at each term.

Q. Who was this judge?

A. O. J. Semmes, the son of the rebel admiral, Semmes.

Q. Is Semmes a democrat?

A. O. Lord, yes.

Q. Then you were the only person who was indicted for the trouble which occurred on the streets that day?

A. Yes, sir.

Q. Have you been tried?

A. No, sir.

Q. Is the indictment now pending?

A. Yes, sir. It is pending in the city court.

Q. Did anything else occur during the campaign calculated to inspire republicans with terror in the exercise of their political rights?

A. Nothing except the speaking. They would boldly threaten, every time they spoke, that they intended to have the election or blood.

Q. Was anything of that kind said in the newspapers, or was it said in speeches?

A. It was said in speeches. They were very bitter. You could hear them every night.

Q. Did that have an effect upon the colored people here to keep them from the polls and to intimidate them?

A. Yes, sir; these threats, together with the acts of violence a few days before the election, had an effect. The members of the different companies of that battalion took all of the guns at night out of the armory.

Q. Where did they take them to?

A. I do not know. They were stolen out. They have an armory here in the city building.

Q. Do they usually keep the arms there?

A. Yes, sir; and near the time of the election they were all taken out. When they go to drill they go there and get them. They were carried off at night, at different times.

Q. How was that found out?

A. It slipped out that the guns were missing.

Q. Was the taking done publicly? Did they march there and take them away?

A. O. no; it was done at night. That was found out, as I say, and had the effect of inspiring the colored people with terror.

I now quote from the testimony of S. H. Davis, janitor at the mayor's office. He shows that the firing was begun by the democrats and not returned by the republicans. He himself was shot.

By the CHAIRMAN:

Question. State your name, age, residence, and occupation.

Answer. My name is S. H. Davis. I was born in 1848, and have been living here since my childhood.

Q. State whether you were here during the last campaign and election.

A. I was.

Q. Are you a republican?

A. Yes, sir.

Q. State what you saw on the day of election in this city.

A. I saw a great deal of excitement, shooting, and carrying to jail; in fact, I got shot myself.

Q. Where were you when you were shot?

A. I was shot on Government street, between Saint Emanuel and Royal streets. I was shot through the right thigh.

Q. State who shot you and how it occurred.

A. That I cannot say. I was janitor at the mayor's office, in the municipal building. I went out on the street and saw a great crowd. I saw men on horses with pistols in their hands, and as I got down half way of the block these men on horseback commenced firing. I turned back to go up into the building, and as I did so I received a shot. I do not know from whom it came, nor who shot me. I was going down town at the time to obtain some money to pay my house-rent.

Q. Had you any arms in your hand?

A. I had none.

Q. Were you attacking or assaulting anybody?

A. No, sir.

Q. What did you do after you were shot?

A. I came to the guard-house. It was shut up, and I then got a hack and went home.

Q. State whether anybody else was shot or not, or whether any other shots were fired at that time.

A. A man named William Kinney was killed.

Q. How close were you to him?

A. I did not see him. They told me he was killed.

Q. Did you see these men, with Allen Alexander at their head, coming up the street?

A. No, sir.

Q. Were you shot after he was arrested, or before?

A. Before.

Q. Did you see a line of armed men across the street anywhere?

A. No, sir.

Q. Do you know whether any colored people were kept from the polls through fear?

A. There were several of them. If a man went up to vote the white people would say that he voted twice, and would carry him to jail, and they became afraid and would not vote. In fact, I came near not voting myself on that account.

Q. Did you see any of them chased away from the polls?

A. My brother-in-law and uncle became afraid and did not vote.

Q. Were any of the negro men armed that you saw when you came around by the government building?

A. No, sir; the cadets were the only armed men that I saw.

These facts lead to the conclusion that the presence of fire-arms at the polls is dangerous in the extreme, and that a stringent law should be enacted forbidding their use. Voters are deprived of their rights, the will of the people is thwarted, the peace is broken, life is sacrificed, and anarchy inaugurated. The bill proposed is intended to apply a proper remedy. What occurred at the places named gives warrant for the belief that the white people of Alabama are in a great measure armed, and that they stand ready on election day to use their arms to enforce their political faith, regardless of the peace of society and the lives of their neighbors. And what is true of Alabama may reasonably be supposed to be so of the adjoining States, since the population is homogeneous.

The right to bear arms is, in many instances, a valuable one; but in the exciting occurrences of elections they become dangerous auxiliaries to bad men, and afford temptations to violence which cannot be resisted. Every view of the facts leads irresistibly to the conclusion that their use should be peremptorily forbidden under severe penalties. By the bill their possession openly or secretly on election day is made presumptive evidence of the felonious intent of the bearer to use them in violation of law.

It is time, if the State authorities will not intervene in this matter, that the authorities of the General Government should intervene. If we do not do it many parts of the country will be surrendered to the disgrace, the ignominy, the infamy, and the outrages that prevail in all the Spanish-American republics that border upon us and in that country which adjoins us on the southwest. If there is any place within our country that should be peaceable and quiet it is the polls on election day. They should be as sacred as even the churches, the place of worship of the living God, themselves are; and if we cannot have peace and honor on election day and freedom for our citizens, we had as well surrender our Republic at once.

Now the next part of the bill provides for protecting the people from frauds on election day and provides for the preservation of the ballots. It provides for all those guards which can be thrown around the ballot-box; it provides that the supervisors of the country districts shall have the same authority that the supervisors have in cities. It gives the best plan for inspecting the votes and guarding against fraud and seeing what is done at the ballot-box and to see what is going on that is wrong or illegal. Now has any democrat any objection to that? Has any republican? Why should not two men, one of each party, stand by the sacred ballot-box from the first moment the ballot is cast until the last ballot is taken out, and fairly and fully see that everything is done fairly and that recorded evidence in reference to it is safely preserved? Why should any man say that unusual power is given to prevent frauds of that kind? And why should not men be endowed with authority from the United

States for this purpose? Why should they not stand around the polls to see that the laws are not violated? Who fears a United States marshal unless it be the offender? Who fears the searching eye of the supervisor unless it be some fraudulent voter that wants to stuff the ballot-box or change the evidence of the people's will? No honest man fears it, no man who wants the will of the people carried out fears the eye of the supervisor or the arm of the United States marshal. These gentlemen who talk about the odium that is to be thrown upon the people of the country by having the officers and marshals of the United States Government surrounding the polls on the day of the election are not in favor of a free and fair election, but are willing to see the rights of the electors snatched from them by fraud and violence. I can interpret their conduct in no other way.

Another difficulty that besets the voter is the possibility of a refusal of the registration officers to make the proper registry, and the deprivation of the right of suffrage by this means. A recent occurrence of this kind took place at Mobile, at the municipal election which was held under a law passed in December last by the Legislature which is now in session. The time for registration was fixed at six days, and the officers in the ward in which there was a heavy preponderance of negro votes decided to register white and colored men by turns. This created delays; the whites, being few, registered slowly, and hundreds of negroes were worn out and left without registry. This is a cheap method of carrying an election, and done under the forms of law furnishes an admirable illustration of the spirit of a party that has resolved through law or over law to obtain and hold the mastery. I quote from the testimony of Mayor Moulton, of Mobile, on page 454:

Q. The question was whether the colored people have been treated fairly in elections, and otherwise, by the white democrats. Have they had a fair registration or not in this city recently?

A. There was a great deal of complaint with reference to that. The law upon its face was a fair law, I think, but in its operations perhaps there were several hundred colored men who were not afforded an opportunity to register. That was at the municipal election a few days ago. I cannot explain that.

Q. Did they give them time to register?

A. It was owing to the want of time.

Q. How much time had they to register?

A. One week.

Q. How was this registration conducted?

A. I know very little about it; I was called at one time to accompany Sheriff Parker to the seventh ward where there was a great deal of dissatisfaction as to the manner in which the registration was progressing. That is a ward where the colored element largely predominates; this occurred on Friday, then the fifth day of the registration. I think they had not reached a thousand, and there were about eighteen hundred or two thousand colored voters in the ward, which was one of the heavy negro wards. It was the seventh ward; the heaviest negro wards in the city being the first, sixth, and seventh.

Q. State whether or not the white men were fully registered in this city at the recent election?

A. I heard no complaint about that.

Q. What was the complaint about?

A. There was some complaining at the seventh ward about tardiness.

Q. How many colored men were excluded from registration, as you understand?

A. I suppose at the seventh ward, judging from former elections, that six or eight hundred were excluded.

Q. The question came up whether the colored men have been treated fairly or not recently in this State. Within your knowledge, has a white man ever been convicted for the murder of a colored man in the State of Alabama?

A. I never heard of such a case since their freedom.

I also quote from the testimony of George Holly, on page 461:

Question. Did your men all get an opportunity to register at the first ward at the last city election?

Answer. No, sir.

Q. Were they excluded from doing so?

A. They were threatened and were afraid to go up and register. They were intimidated and scared at the last election; were afraid to venture up even to register. At the seventh ward, where I frequently was, men crowded there to register, and were prohibited from doing so. They had a rule, so they said, at the registering place that one democrat should be registered and one republican. Sometimes there would be fifty republicans, and perhaps not one democrat.

Q. Would they not then register until a democrat came?

A. They would not. They would delay by asking questions, as to where a man lived, on what street, who lived next to him, what was his employment or business, how old he was, what day he was born, &c.

Q. By that means they filled the time up and kept them from registering?

A. Yes, sir.

Q. How many colored men were kept from registering?

A. I had a note of eighty-odd men. It is not with me, but from recollection I can state that there were at least three hundred, from that to five hundred, prevented.

The fourth section of the bill is intended to provide against this despicable trickery under the forms of law and to open the way to every voter who is entitled to registry to have it without danger from the malice or the villainy of his political foes.

The fifth section of the bill provides against the fraudulent or forcible destruction of the ballot-boxes, ballots, and election papers, looking to their preservation as evidence of the election.

The sixth section makes the killing of any one in the commission of any one of the foregoing crimes murder—a provision certainly salutary and founded upon just principles.

The seventh section provides for jurisdiction of these offenses in the United States courts. The testimony shows that the State courts take no cognizance of these political crimes against colored men, and there is but one instance known in the State of Alabama in which a white man has been punished by a State court since the war for killing a colored man.

The eighth and ninth sections provide for supervisors, with the same powers and duties as they now have in cities having over twenty thousand inhabitants. These are necessary and important provisions

and a part of the machinery requisite to insure fairness at elections. The tenth section provides for the counting of the votes before adjournment of the election board, and a public declaration of the result. The eleventh section provides that no additional expense shall be put upon the Government by reason of the creation of additional supervisors and marshals. Section 12 provides for the preservation of all the papers and ballots until after the first session of Congress after the election.

The thirteenth section provides for the suspension of the writ of *habeas corpus*, as provided in section 4 of the act of April, 1871, with the additional causes contemplated in the first and second sections of the bill; and is as follows:

SEC. 13. That whenever in any State or part of a State the unlawful combinations named in section 529 of the Revised Statutes, and in the first and second sections of this act, shall be organized and armed, and so numerous and powerful as to be able, by violence, to either overthrow or set at defiance the constituted authorities of said State, and of the United States within said State, or when the constituted authorities are in complicity with or shall connive at the unlawful purposes of such powerful and armed combinations; and whenever, by reason of either or all of the causes aforesaid, the conviction of such offenders and the preservation of the public safety shall become in such district impracticable, in every such case such combinations shall be deemed a rebellion against the Government of the United States, and during the continuance of such rebellion, and within the limits of the district which shall be so under the sway thereof, such limits to be prescribed by proclamation, it shall be lawful for the President of the United States, when in his judgment, the public safety shall require it, to suspend the privilege of the writ of *habeas corpus* to the end that such rebellion may be overthrown: *Provided*, That all the provisions of the second section of the act entitled

"An act relating to *habeas corpus*, and regulating judicial proceedings in certain cases," approved March 3, 1863, which relate to the discharge of prisoners other than prisoners of war, and to the penalty for refusing to obey the order of the court, shall be in full force so far as the same are applicable to the provisions of this section: *And provided further*, That the President shall first have made proclamation, as provided by law, commanding such insurgents to disperse.

This section contemplates combinations of men with unlawful purposes organized, numerous, powerful, able to defy the law—able to meet and overthrow either the State or national authority; or the other more dreadful alternative, and that is that the local authorities are in complicity with or connive at the crimes of these organized outlaws; or what is more shocking, that the courts of justice, the very fountains of fair dealing in society, are so poisoned that the violators of law, the unhung desperadoes who scoff at human rights, cannot be tried and punished for their crimes. When these things shall have happened, then the writ of *habeas corpus* may be suspended, and not until then. Then the President, in his discretion, may declare that a rebellion exists there and use military power to put it down. When civil authority in all branches is cast down, then military authority is to step in; not till then. If such a contingency has arisen or shall arise, who can say that the action of all branches of the Government should not be prompt, firm, and thorough? Has it happened anywhere during the past year that men have banded together, contrary to law, in armed combinations, for unlawful purposes? Has it happened that they are in such numbers and are so strong as to be able forcibly to subvert or defy the State and United States authorities within any State? Has it happened anywhere that the State or local authorities have winked at the misdeeds of these combinations or aided and abetted their outlawry? Has it happened that by reason of these causes the courts of justice cannot convict such criminals and the safety of the people is endangered? Or is there valid reason to believe from what has transpired that these crimes will be committed and the perpetrators go unpunished to such an extent as to require this authority to be placed in the President's hands to secure the public safety? Or, in other words, are we justified by past occurrences in placing this power in the hands of the President?

We have already seen that the armed, organized, lawless, murderous combinations of men in Alabama on election day at various points and previously have utterly destroyed the rights of peaceable citizens, and uprooted all authority; that before them personal safety, personal liberty, property, and life have all perished. At Girard, Spring Hill, Eufaula, Mobile, and other places, on election day human rights were as little regarded as they are among savage tribes, whose only law is brute force, and whose chief delight is the blood of their victims. It was no accident that these armed democrats met by the hundred at divers places both before and on election day and intimidated, scattered, drove away, or wounded or slew their political opponents. It was no accident that these outlaws defied the authorities in some places and were in complicity with them in others. It was no accident that the courts of justice took no cognizance of these multitudinous crimes, and held safety, peace, and human life as mere baubles and playthings for political partisans. It was no accident that in the aggregate thousands of voters in Alabama were kept from the polls by fear and the majority given to the men who surrounded the ballot-boxes by troops of armed ruffians and added to frauds of a glaring nature the violence of barbarians. These dreadful scenes were the result of design, of preparation, of organization, of a far-reaching and sagacious purpose to obtain political mastery.

There is but one authority that can now intervene to save human rights there, and that is the authority of the whole nation. The Army, the United States courts, the Congress, the President, they alone can be respected, they alone can compel order and restore peace.

The question has arisen whether the operation of this section should be general or confined to certain States expressly. It is believed that

the terms of the bill furnish in themselves a sufficient limit to the authority of the President, and that a legislative discrimination making the law local in its application is founded on no basis that justifies such an extraordinary course. The facts of rebellion are what at all events ought to determine the suspension of the writ, and can never be mistaken. They must be as apparent and indisputable as the existence of the nation, and no chief executive officer could for one moment manufacture an excuse to mistake them and be sustained by the people. It would be a usurpation as bold and as little calculated for success as the assumption of royal powers and a declaration of hereditary succession to the throne—a usurpation as improbable as a seizure by the President of the public Treasury by armed force and a declaration that the Republic had ceased to exist.

Passing by all these facts, what shall I say of the future if the action in Louisiana and Arkansas is to be repeated in other States? Where will violence, usurpation, despotism, crime, and calamities end if the examples there set are followed? State after State may by the lawless action of public assemblages of the people be carried away, and party spirit will overthrow and trample down whatever there is that is sacred in human institutions. One after another they will go down under the deluge of anarchy and at last the nation itself be swallowed up in the gulf of revolution. If there be no restraint, no system of amendment, no regulation that can bind the restless and ambitious leaders in political strife, then our days as a nation are numbered, and the sun of republican government is sinking already beneath the horizon. The twilight and the swift-following darkness of national death are rapidly approaching.

Such, then, is the condition of these States; and the question arises, what shall be done? Shall they be left to the dissensions, the disorders, the outlawry that now prevail, or shall a remedy be applied? If there was any hope for reformation within and by the States, the whole subject might be left to them. But years of experiment have proven that such a hope is vain. Whatever there is in patient waiting has been exhausted, the people have grown sick and weary to death of these outrages upon their rights. If their government cannot protect them, what resource is left but to begin a course of reprisal upon their enemies, to seek redress or revenge as the savage does, to resort to the weapons which God and nature have put in their hands for the protection of their property and the preservation of their lives? Upon them they must fall back, and upon them alone they must rely, if the General Government will not step in for their defense.

The measure presented forbids nothing that is right, puts no obstacles in the way of the free and proper action of the citizen, infringes in no respect upon his liberties, interferes in no manner with whatever he may have, or claim, or hope as a free American. It protects him, it guarantees his enjoyment of the benefits of his Government, it proposes to shield him from wrong and harm. The polls have been the constant scene of wrongs and crimes which the States in many instances disregard and overlook. They must be stopped, the criminals must be punished, the law must be maintained. Congress has the power to do so, the Constitution contemplates such action, and the emergency has arisen for it. This measure creates offenses and brings them within the jurisdiction of the United States courts, for the reason that that is the only tribunal left for their adjudication; for the reason that the State courts take no recognition of them.

What dangerous exercise of power is to be found here? Can we not trust the courts of the nation? What is there about Federal jurisdiction that is odious? What lack of legal skill or wisdom is found there? What stain of dishonor or bad faith or treachery attaches there? What lack of fealty to the Constitution resides there? So far our Federal courts have maintained an honorable and proud position in the administration of justice, in splendid contrast with many of the State courts.

No one has just cause to fear our Federal courts but the violators of law, the perpetrators of crime, their aiders and abettors, their sympathizers, those who expect to gain advantages from their villainy and arrogate power by their usurpations and outlawries. Let them be afraid, let them tremble before the stern authority of the nation that commands peace, that forbids wrong, that protects the weak, that establishes justice.

What dangerous power is intrusted to the President? When rebellion overmasters the civil authorities, he is to be authorized to suspend the writ of *habeas corpus*. When the facts are so obvious, so glaring, so overwhelming in their enormity as to amount to a prostration of civil law, then he is to use the military power to make arrests and hold for trial the persons who have offended. Then, and not till then, is the local court to be denied the power to inquire into the cause of detention, and to release the prisoner at discretion. Of what value is the writ of *habeas corpus* in Arkansas or Louisiana to the citizen when other more important and vital rights are utterly disregarded and unprotected? Had we better trust the governors of States to preserve peace and order, had we better rely upon the broken reeds that have so signally failed us, than upon that strong arm that never in war or peace has weakened or faltered or trembled under responsibility or in the face of danger? Is it better to trust to the leaders of parties and to rival governors, or to the responsible, unbiased, the cooler head of the National Government? Has the present Executive not shown the most signal forbearance and moderation?

tion under the circumstances, going so far as to wring from his bitterest foes, during last summer, their hearty commendation and applause? And only till recently, when further forbearance was impossible, has he by his decided action brought upon his head their unqualified and bitter condemnation. No one but a transgressor need dread him. No party need apprehend his interference unless it proposes by crime to gain supremacy; no State need tremble for its sovereignty that abides by the Constitution and upholds the sacred rights of humanity.

Can we not trust the President in the hour of danger, of disaster, of rebellion, be it great or small, as we have trusted him heretofore? Somebody in great emergencies must be trusted, somebody must be clothed with power, somebody must act, somebody must take the responsibility, or the nation will die. Civil wars do not originate always by a general uprising; they may have small beginnings, and like the fires of disastrous conflagrations, spread and magnify themselves until earth and heaven is wrapped in flames. When the eventful day shall come, the President must put his foot down; he is made for that, and a hundred years of liberty tells us that the Executive of our nation is none the less the representative of its might, because it is the most tremendous that mortal man can wield in a just cause.

Mr. BUCKNER. Mr. Speaker, it is not my purpose, in the few minutes that I have allotted myself this evening, to discuss the merits of this extraordinary, revolutionary, and anti-republican measure proposed by the majority of the committee of which I have the honor to be a member. As a member of that committee, I desire only to satisfy this House and the country that, so far as the result of the investigation made by the committee is concerned, there were no facts developed that justify the harsh and extraordinary measures which are brought to the consideration of this House by that committee.

I should be very glad to believe that there was any motive other than the interests of party at the bottom of the recommendation of our committee. I would be very glad to believe that the great interests of our country were to be consulted, and not the interests of party. But I cannot resist the conviction that what I see this morning in the National Republican, the presidential organ, in this city, is true. I find in a long and labored editorial in that paper of this morning, in speaking of this bill, this remarkable statement in small capitals:

We repeat here what we have said very often, the passage of the bill is required to preserve to the republican party the electoral vote of the Southern States.

That, I fear, is the motive that operates here with too many to force the passage of this measure in this time of peace. I regret that I have not time to travel over this testimony as it was disclosed before us, but I call the attention of the House, and in reference to this I speak of Alabama alone, that in the instructions under which we went to Alabama to obtain evidence in reference to matters that have been brought to our attention we had but three matters that we had to look into. First, the assassinations, murders, and outrages that had occurred in Alabama at the election and prior thereto in the canvass; second, whether the military had interfered in that election; and lastly, the question of disturbance at the polls. Those were the only questions that were submitted to us. But it will be found upon examination of this testimony that almost every other question than those were brought in evidence before us.

Why, sir, we had to go back to 1870, and I will call your attention to the remarkable testimony of a witness known as Primus Magee to prove a state of facts that had occurred in 1870 at or near a place where the Ku-Klux committee sat, in order to show what? Not that there was any intimidation, or any interference with the election of last year; not that there was any disturbance or outrage, but for the purpose of firing anew the northern heart and fanning the slumbering embers of sectional hate in this country.

Furthermore, I offered evidence to prove that that witness had testified falsely; and that was rejected. I have affidavits to that effect now.

I say, then, that in this large volume of testimony there is evidence bearing upon every conceivable question—ostracism, scalawaggy, carpet-baggery, mismanagement of the public schools, frauds in elections, and various other subjects which if you will refer to the resolution under which the committee was organized will be seen to be entirely beyond the scope of our authority.

But, sir, when we came to examine a question that affected the freedom of election—the question whether there was corruption in the election, whether voters had been influenced by the use of the generous bounty of the Government in giving rations for the overflowed sections of the State, on the Alabama, Black Warrior, and the Tombigbee Rivers—this testimony was excluded; we were not allowed to go into that, upon a specious pretext. But upon that point enough was shown to demonstrate, together with the evidence presented from the War Department, that the generous donation of the Government of the United States to that unfortunate people was used as an agency of corruption in the election. It was sent to places fifty or one hundred miles from any overflow. Before the investigation had proceeded three days it was proved beyond all question that three casks of this meat were used at Opelika for the purpose of giving a grand barbecue to the colored voters congregated there on the day before the election. A gentleman near me asks by whom? I answer by leaders of the republican party. More than that, these pro-

visions were sent to Decatur, one hundred miles from any overflow. There were five counties in the fourth district of Alabama where, although the Army officer sent to look after it says that the meat was not authorized to be sent there, yet he was able to reclaim only a portion of it, which was afterward seized by the officers of the Army because of the unlawful and improper diversion.

The gentleman from Alabama [Mr. HAYS] who sits near me says "Not in the fourth district." Yes, sir, it was in the fourth district. I have no time to read from the evidence; but I state what is proved by Executive Document No. 110, that there are five counties in the fourth district which Captain Gentry reports were not entitled to this bacon and yet it was distributed there.

Mr. HAYS. The gentleman makes a mistake.

Mr. BUCKNER. I cannot be mistaken in that point. One of the counties is Autauga; another is Bibb. They as I understand are in the gentleman's district.

Mr. HAYS. Will the gentleman allow me to say—

Mr. HAMILTON. The gentleman from Indiana [Mr. COBURN] would not allow himself to be interrupted even for a question. I ask that the gentleman from Missouri [Mr. BUCKNER] be protected from interruption.

The SPEAKER *pro tempore*, (Mr. TYNER in the chair.) If the gentleman from Missouri [Mr. BUCKNER] so desires, the Chair will recognize no other gentleman in his time.

Mr. BUCKNER. I only state the evidence which I obtain from the records here. I refer gentlemen to document 110, accessible to anybody. In this evidence it appears that Captain Gentry, who was sent down there by the War Department to report as to what had become of this meat, reports that five counties of the district represented by the honorable gentleman [Mr. HAYS]—counties that were not entitled to the bacon or any portion of it—did get their share. That is what I state. Whether they are in the gentleman's district or not, they are so set down in this report.

I say, Mr. Speaker, that after we had taken this testimony for three days and proved these facts at Opelika—that the meat was thus improperly used—the investigation upon that point was closed. Why? Because gentlemen said it had been investigated by somebody else—by some other committee. We all know there is no truth in that. It is true that the matter had been referred to the War Department, and it is from the report of the War Department that I get the facts to which I have called the attention of the House. That bacon was subdivided here by an agreement among the republican members of Congress from that State—the gentleman from the fourth district [Mr. HAYS] among the number. It was divided out in proportion to their relative strength. I go further, and say that according to this report, document No. 110, this meat was used during September and October and some of it as late as November. To Demopolis forty-five hogsheads were sent, weighing fifty-three thousand pounds. Here is a statement signed by John W. Dreen, one of the distributors. He says that this meat was given to counties not on the rivers; to counties not entitled to it; to Baker, Bibb, Fayette, Perry, and Shelby—"in accordance with instructions from Hon. CHARLES HAYS."

While the governor of the State was authorized to receive this meat, the republican members from Alabama were, by an agreement among them, to appoint the men who were to distribute it. A portion of it was sent to Decatur, away up on the Tennessee River, one hundred miles off any overflow.

Now, Mr. Speaker, I do not pretend that these matters were within the purview of our instructions as a committee; but I do say that they were as much within the terms of our authority under the order of the House as the question whether there was any fraud in the election or whether the public schools were taught by blacks or whites, or what proportion of money the blacks got, or hundreds of other questions that were examined into with so much gusto and delight by a majority of the committee, and the evidence upon which constitutes the great bulk of this volume. What did we go there to inquire into? The objects of the investigation are defined in the preamble of the resolution under which the committee were appointed:

Whereas at the recent election for Representatives to Congress in the State of Alabama, and during the canvass which preceded said election, Federal soldiers were stationed in several counties in said State by order of the President of the United States; and whereas information had been received by the President that intimidation and threats, violence, murder, and assassination had been resorted to in said State for the purpose of preventing electors from voting; and whereas these allegations have been denied by a portion of the press of Alabama and correspondents of northern newspapers; and it has been stated by them that there was no intimidation, or threat, or violence of any kind for the purpose of deterring or influencing voters at such election, and it has been charged by them that said troops were sent to Alabama to intimidate and overawe electors and prevent the free exercise of suffrage by such at said election.

The resolution then goes on and directs us to inquire into the truth of these allegations.

Now what is the evidence on this subject to prove murder and violence? Let me here call attention to what was generally circulated throughout the country prior to the election. This resolution you will recollect was introduced by the gentleman from Alabama [Mr. HAYS] who sits by me. It was he who moved for this investigation. The evidence shows that it was through his instrumentality the troops were sent there. The evidence also shows that he claimed credit for sending them there. In his letter he justifies and gives facts and particulars upon which the President and Attorney-Gen-

eral were to be justified for sending troops into Alabama. The House therefore has to look to the allegations that Mr. HAYS made as to the condition of the State of Alabama prior to and at the time the troops were sent there.

Mr. HAYS. I deny that; I never said it.

Mr. BUCKNER. The gentleman is correcting what one of the witnesses said. He does not deny the witness said it; and the witness, according to the testimony, is his intimate personal friend and business agent. Whether he said it or not I do not pretend to say; I am only looking at the facts as they appear in the printed volume.

Now, Mr. HAYS wrote to General HAWLEY under date of September 7, 1875. What does he say in that letter after being called upon by Mr. HAWLEY to write a letter justifying the action of the President and Attorney-General in sending troops into Alabama? What does he say? I will read from his letter:

The bare recital of proven facts shall be my only appeal. That will cause the heart to shudder, the cheek to blanch, and the mind to wonder how such dastardly outrages, such unprovoked murders, and such fiend-like conduct can be tolerated for an hour. I shall be particular to narrate no rumors, to color no atrocity, to "set down naught in malice," but simply to give you well-authenticated facts, with dates, names, and localities, so that every man in the land may himself verify the accuracy of my statements, if he deems it necessary. These, then, I proceed to give you, with the deliberate opinion on my part, that the half cannot be told, and that to-day many victims of hellish murder are sleeping in unknown spots and secluded places from which they will never be wakened until the final judgment-day.

He then draws up an indictment against the whole white people of Alabama, with counts one after another, stating where these outrages were committed, by whom they were committed, naming the guilty parties and the circumstances of the different offenses. Any one who is curious and desires to examine the letter of General HAWLEY and the letter which Mr. HAYS wrote in reply will find them on pages 1254 and 1255.

This letter was the operating cause in the formation of this committee. But in the report of the majority of the committee there are only three lines about it. Let me read them:

In this connection, and as an act of justice to a gentleman who has been bitterly denounced, we find that Mr. HAYS had reasonable grounds upon which to base his letter to Mr. HAWLEY at the time it was written, and that in the main the same is substantially corroborated by the testimony.

Now, Mr. Speaker, I undertake to say that there is no corroboration in this testimony for this indictment against the white people of Alabama. There are eight murders charged to have been committed in Sumter county, including Billings and Ivey. There is not a particle of truth there were any political assassinations in that county, not a particle of truth that any negro or white man was killed in that county last year except Billings and Ivey. And I wish to say now, for fear I may not have time to go into it, that while they may have been committed for political reasons, there is not a particle of proof going to show they were so committed except the simple fact that one was a white man and a republican and the other a colored man and a republican. There is not the first particle of testimony besides that simple fact to show there was any political consideration involved in the matter at all. Yet there are eight murders charged to have been committed—eight political assassinations in this county of Sumter.

Let us come to Pickens County. A terrible picture is given of the condition of things there. What is it?

Outrages in this county are the rule; yet from the terrorism existing in that locality only an occasional murder leaks out. I cite two cases. In Carrollton, Pickens County, four colored men, who were supposed to be "emissaries" sent to post the negroes on their rights, were taken the third week in August from their cabins and hung by the road-side. This deed was perpetrated in open daylight by a body of unmasked white men.

On the 20th of August, 1874, the bodies of three men, two colored and one white, were discovered floating down the Tombigbee River, lashed to some logs. When found the bodies were badly decomposed and their personal identity to this day remains undiscovered. The white man had a placard pinned to his neck saying, "This is the way we treat Dutch niggers," evidently alluding to the nativity of the man, who seemed to be a German. The other two were placarded, "To Mobile, with the compliments of Pickens County."

I undertake to say, and I challenge denial, there is not a scintilla of evidence of any such thing, not a word in this testimony. What do we find in Hale County, from which James Bliss, it is charged, was run out. Bliss never was run out of Hale; and he was a member of the convention held at Montgomery.

In Choctaw County it was charged that a company of whites ambushed a party of negroes returning from church, killed ten and wounded thirteen.

Mark you, this occurred prior to the 1st or at least the 15th of August. The convention met on the 20th of August, at Montgomery. These men, Jack Turner and Jack Finley, who were charged with being concerned in these murders, were there, and the evidence shows that they called upon Mr. Hays and told Mr. H. that there was no truth in the story; and yet September 7 he writes this letter to the distinguished gentleman from Connecticut.

So it is in Coffee County, where two were killed and six badly wounded. There is not a word of truth in it; that is, so far as evidence before this committee is concerned. It is charged that William A. Lipscomb, a republican, was killed on the public road in Marengo, and the evidence is that that man is living to-day. Mr. Hays was at the meeting of the republican convention where all the leaders of the republican party in the State were, and where this question of disturbances and outrage was canvassed and discussed and referred to a special committee.

By the way, they did not ask the President to interfere. They appointed a committee to request the governor to examine into these things. The President, or the Attorney-General, at the suggestion as is proved here of Mr. WHITE, Mr. HAYS, and Senator SPENCER, without ever consulting the governor, sent the troops there under the miserable pretext that it was necessary to serve the process of the courts. That is the pretext that is used here, that it was necessary not to preserve the peace, but to serve the process of the courts. Nor is there any proof before this committee but what a posse could have been had at any time from the people of Alabama in order to serve the process of the United States courts.

Now I say beyond all sort of controversy that with the exception of the burning of two school-houses away off in the eastern portion of the State and the murder of Billings and Ivey, up to the time that this letter was written Alabama was as peaceful a State as any State in this Union so far as outrages and violence are concerned. I say that the evidence proves that, and it cannot be contradicted. There were disturbances there as well as elsewhere. There were fights and disturbances among the negroes, and a great many of them, in various localities. But I say the only case on which you can predicate that they grew out of political considerations was the case of Billings and Ivey.

Mr. BROMBERG. You say it cannot be contradicted. You mean to say that it cannot be truthfully contradicted.

Mr. BUCKNER. I mean to say that the evidence went to show the contrary. That is what I mean to say.

I do not mean to go further into the testimony. But let me say that these facts here introduced, which were the cause for and the justification of the conduct of the President and Attorney-General and form the foundation of this indictment of Mr. HAYS against his own people, nine out of ten of them have their locality in his own immediate neighborhood, in his own district nearly; and I say if he had desired to find out whether they really occurred or not he had the opportunity. He was there up to about the 20th or 22d of August, when he came on to Washington for the purpose of getting troops sent to the State, and this letter is written here at Washington after the President or after the Attorney-General had, on the 3d of September, ordered the troops to go South to take care of Alabama and in effect to carry the elections for the republicans.

But, Mr. Speaker, I agreed to divide a portion of my time with some gentlemen here. As I said before, I only occupy any portion of my time for the purpose of disabusing the minds of members of this House of the idea that there was anything in the condition of Alabama to justify this harsh and extraordinary legislation which is proposed by our committee. It never was discussed in that committee, and I say that the object of this is not the benefit of the country, is not to give quiet to the South, but it is to draw the colored line more thoroughly, to antagonize the two races in hostile ranks forever, and to consign that region which ought to be one of the most happy and prosperous sections of the country to race conflicts and to eternal animosity. That will be the effect of all such legislation as this.

There are many other points to which I might have adverted, especially on this question of riots at the polls. I will make just one single observation in reference to those riots. It is a miracle, Mr. Speaker, that there were not more riots and more frauds in the election. There is no law in Alabama which provides for an honest ballot—no law whatever. There is no law, that amounts to anything, to prevent false registration; for there is no connection between the registration and the ballot-box. And the act of the Alabama Legislature, the republican Legislature, according to the testimony of Mr. BROMBERG, opened the door to fraud upon the ballot knowingly and willfully. It enabled the large black counties, the counties of the black belt, to mass their voters together by the thousand, as they did under the authority and direction of their leaders, and to repeat, to double vote as often as they pleased, and when a man was caught in the act of repeating, if he were taken up and brought before a justice of the peace or other judicial officer, he could be discharged on his simple recognition; and that is the last of the offender and the offense. The wonder is that there was not five times as much fraud and that there was not three times as much crime as there was on the day of the election.

I now yield to the gentleman from Michigan, [Mr. WILLARD.] The SPEAKER *pro tempore*. How long does the gentleman yield?

Mr. BUCKNER. For twenty minutes.

Mr. WILLARD, of Michigan. I yield for a moment to the gentleman from Indiana, [Mr. CASON.]

Mr. CASON. I ask unanimous consent to print some remarks.

There was no objection, and the leave was granted. (See Appendix.)

Mr. WILLARD, of Michigan. Mr. Speaker, it is not so much with a view to discuss the details of the bill now before the House that I have at this time sought the floor, as it is to deprecate any and all legislative action which shall result in still further inflaming the public mind. It is my wish to record a protest against any policy which does not tend to restrain the present irritation by which the whole country with its priceless institutions is made the prey of opposing extremists and the helpless victim of contending partisans. In this hour of jarring opinion and political bitterness, when too many seem ready to renew the disastrous conflicts of the past and to again let loose the waters of turbulence and hate, I would if possible speak a

word in the interest of peace and conciliation, and of allaying, so far as the limited measure of my influence may serve, the spirit of disturbance and discord already prevalent not alone in this Capitol but in various portions of the Republic. So far as my feeble efforts may avail, I would counsel and earnestly insist that the present destructive and ruinous contentions of partisanship might be immediately and altogether displaced by policies and exertions prompted by the broadest and most unselfish statesmanship. Could my voice reach not merely through the spaces and recesses of this Hall, but to the remotest community where political strife engenders public apprehension and endangers the public safety, I would invoke the utmost prudence and moderation and the adoption of wiser and more fraternal methods of policy by each of the two great parties which now seek the one to keep and the other to obtain the political supremacy of the nation.

Within less than two months the first decade since the war will have reached its close. During that time the formerly hostile sections of the Republic have made mutual professions of pacific sentiments. They have announced to each other and before the world that they were associated in perfectly pacific relations; and yet after all these professions of mutual fealty to a common Constitution which has broadened its guarantees of liberty and citizenship so as to comprehend men of every race, after all these pledges of union and concord, given under the most solemn and binding obligations that can hold mankind together in political society, after all this impartial extension of the sanctions and guarantees of equality and freedom, what are we forced to behold? We find cities and States influenced with the frenzy of partisan discord and ready upon the least provocation to burst out into the blaze of armed hostility; while other cities and other States partake of the excitement and enlist with divided sympathies in behalf of one or the other of the contending factions, thus keeping the entire country in a feverish condition equally injurious to its business prosperity and its political welfare, undermining the faith of the citizen in the stability of our institutions and destroying the very foundations upon which the hopes of liberty, either individual or national, must finally rest.

#### THE EVILS OF PARTY.

The two political organizations which respectively attract and aggregate the mass of electors throughout the land, under the inspiration of party feeling and the natural and almost inevitable pressure of extreme opinion to which they are subject, are flung against each other at every election with repeated shocks of violence, and are kept in constant collision chiefly for the purpose of distributing the offices of the country to their respective adherents or of promoting other personal schemes either political or financial. In the Southern States this evil is greatly aggravated by the fact that the two parties are separated by the discrimination of race, thereby adding to the rancor of the struggle for patronage and preferment the still more bitter strife that comes from arraying men against each other on the line of color; a line, too, which in this instance generally marks the distinction between capital and labor, between those who possess the greater share of the wealth and intelligence of the community and those who, however desirable it may be that they should soon acquire these qualifications, are nevertheless in great measure without them.

To the ordinary mischief arising from a partisan contest for office and the extraordinary mischief of having this contest involve the prejudice of race we must still add a third mischief, which is that every onset between the parties is apt to be marked with sharp crimination and recrimination in regard to events of the past, with the bandying of taunts and accusations which serve to revive and perpetuate resentments which our common interest and the interest of posterity require us as soon as possible to bury. For while we may gratefully cherish the memory of that patriotism which saved the Union for the sake of liberty and may honor the martyrs who died for the national preservation, yet no truth is more evident than that the general welfare imperatively demands that in this Hall, in the deliberations of the Chamber at the other end of the Capitol, and in every portion of the broad domain embraced under a Constitution conferring equality of rights to each and every State as well as equality of civil and political privileges to each and every individual, every enmity, every hostile thought, and every unfriendly memory associated with the war should be placed at once and forever in the tomb of everlasting forgetfulness, beyond every effort or even attempt at resurrection.

#### SAD RESULT OF THESE EVILS.

In the clash and collision incident to the efforts of these parties to secure the supremacy and to control the offices, both State and national, great communities are made to suffer, to have their business prostrated, their laws overborne by violent dissension, their resources squandered, their taxes swelled to an extent that renders property well-nigh valueless, and their people arrayed against each other with an acerbity of feeling which unless allayed will spread like a plague-spot and extend its deadly influence to communities now quiet and peaceable. Who shall deny therefore, in this condition of our affairs that the most pressing demand of our statesmanship is not menace but mediation? Who that rises above party and takes his stand upon the elevated ground of true patriotism does not see that the remedy for the evils here noted is not to be sought in measures that intensify the spirit of alienation, but in measures that deepen and broaden the affection of all citizens for each other and for the government under which they live.

#### THE STRIFE SHOULD CEASE.

Indeed, I believe, Mr. Speaker, that there has never been a time in our history when there has been so great a requirement, and I may add so great an opportunity, for an interposition to put an end to a causeless strife as at this moment. In calling this strife causeless I wish it to be distinctly understood that I do not speak of the incidents and consequences of the agitation, but of the real facts that originally justify it. There is really nothing to warrant the conflict now waging and apparently assuming a more threatening aspect by the very disturbance to which it gives rise. A year ago the nation was comparatively undisturbed by these questions growing out of the work of reconstruction. Congress divided upon measures relating to finance and the development of plans for promoting the material welfare of the entire people. Party lines were apparently obliterated in the attempted settlement of the leading questions of public policy. But now from the conjunction of sundry political puzzles presented by the partisan maneuvers in two of the Southwestern States of the Union, by the utterly reprehensible conduct of certain unlawful combinations in these and other neighboring States, and still more perhaps by the anxiety naturally excited by the preparation for the presidential contest of 1876, there is a state of alarm which a twelvemonth since no man would have dared to predict or even suspect. To successfully repress and stay this tide of popular agitation is to confer a boon in which the forty millions of American people, whether white or black, whether native or foreign born, shall derive an immeasurable benefit. Had we a Washington to counsel harmony and to hush the rising tempest by saying to the winds and waves of conflicting opinions, "Peace, be still;" had we a Clay to sound the trumpet of pacification, and thus awaken an enthusiastic response and glad acclaim throughout the nation; had we a Lincoln to proclaim with patriotic inspiration and with a great and gentle spirit, "Charity to all and malice toward none," we should have in one like these the statesman which the crisis requires, one who would meet the real aspirations of the great body of the people North and South, East and West, and be recognized as the nation's benefactor and the champion of its highest interests.

#### OPPOSITION TO FURTHER COERCIVE LEGISLATION.

Indulging this view, Mr. Speaker, in regard to the policy of conciliation, I need scarcely add that I am opposed to the measures embraced in the various political bills and resolutions recently reported, which imply a further extension and more rigid enforcement of Federal power in the South. This series of measures involve, among other purposes, the interference of the Federal authority in sundry ways in a sphere of legislation hitherto left to the several States; in conferring upon the President the power to suspend the writ of *habeas corpus*, in subverting the present State government of Arkansas, and in authorizing the maintenance against the popular will of the present fraudulent government of Louisiana by the military force of the nation. Let me briefly state the reasons of my opposition to all legislation of this character.

#### THE CONSTITUTIONAL OBJECTION.

In the first place, I object to all these measures because they are in the main based upon inferential and not upon the clearly expressed sanctions of the Constitution. The arguments which justify this conclusion have been and will be fully presented by other gentlemen of the House who confine themselves to that branch of the discussion, but I cannot refrain from insisting that arguments of this nature should receive the most serious and careful attention. If the nation's safety is the supreme law, that law consists in the unequivocal recognition of the absolute supremacy of the Constitution. Our escape alike from anarchy and despotism depends upon the maintenance of this doctrine. Never to any people on the face of the earth has the old Roman maxim that "all must be slaves of the law if all would be free" come with greater emphasis. Our government neither owns nor imposes upon any human being any master but the law; and in taking our seats, Mr. Speaker, as members of this House, no oath was registered by us in heaven to bow to any dictation save that imposed by the Constitution of the United States. Unswerving loyalty to this instrument is the exclusive motto inscribed upon the escutcheon of the national legislator. Scrupulous fidelity to this trust is just now of intensified obligation from the comparative relaxation of its sanctions in our recent history. The war, which resulted in the extension of the guarantees of personal freedom by the additional amendments to the Constitution, tended at the same time to impair its hold upon the popular reverence. It was subjected to a severe strain in the great contest by which its avowed supporters were sometimes forced to a doubtful construction of its meaning, and even to place themselves on the wrong side of the doubt by the nation's imperative necessity; while those, on the other hand, who by the force of arms sought a release from its authority could scarcely fail to come out of the conflict with a diminished veneration for that which they had fought for four years to destroy. To rehabilitate and accustom the entire nation to the sole use of constitutional methods; to reduce rather than to enlarge the redundancy and overflow of national legislation, and to cause it to again run in clearly defined constitutional channels; to strengthen and amplify the means and agencies for keeping both government and people within the limits of constitutional law—this is the highest work, and, I might add, is the fundamental condition of patriotism. To those who would warp the Constitution to meet a temporary expedient for the protection of

personal liberty I would say beware how you touch the shrine in which is deposited the only security of freedom to every citizen. In the rash and desperate effort to do even a seeming good, by a resort to measures which may establish unconstitutional precedents, do not demolish the very sanctuary of American liberty and leave us all to the mercy of faction or the fickle whim of power.

THE CONSTITUTION SHOULD BE PRESERVED FOR THE EMANCIPATED RACE.

To every class of persons a jealous regard for the constitutional limits of Federal power is a matter of deep concern; but to none so much as to those who have no other security. The weak and defenseless are they who most need the safeguards of the Constitution. The black man is in the minority. He is comparatively lacking in wealth and education. Upon him rests the traditional burden of a previous inferior condition. For him the Constitution, especially by its last three amendments, has been made a bulwark and extends over him the broad shield of its protection. To him, therefore, the least infraction of the instrument or the least deviation from the strict letter of its provisions is a proceeding of immense moment, since its preservation is his only sure defense against the prejudice and encroachments of the more fortunate race. Any measure of national legislation, any act of executive interference which obtrudes beyond that sacred boundary of power delegated to the General Government and invades the rights reserved to the States or the individual, is one which the colored man of all others in this nation should be the last to invoke and the first to resist by every lawful means at his command. For the black man the Constitution spans the heavens as the bow of grand promise and of sublime hope. It is his safety for the present and his encouragement for the future. He should religiously remonstrate against every act of Federal power which shall tend to dissipate that guarantee of his welfare, that only security of his continued liberty. With him, cursed should be the hand which under any pretext profanes the ark which bears the sole human covenant of his freedom and equal citizenship. Indeed, so far as all are concerned, if we would preserve the jewel of impartial liberty that sparkles in the coronet of the Republic, we must prevent the least infraction of the setting in which it is retained.

NO EXTENSION OF MILITARY RULE.

The policy proposed in these measures is also liable to the objection that it encourages further military interference by the General Government and implies in certain localities the prolonged subjection of the civil to the military power. This neither accords with the spirit of our institutions nor with the prevailing sentiment of the people. The termination of the period of the silence of the laws under arms in any section has been anxiously awaited. "*Cedant arma togae*"—let the bayonet yield to the ermine—is the popular aspiration as well as the essential condition of national safety. No race has clung to this principle through so long and severe struggles, or has come to the inheritance of its fruits by such immense sacrifices, as our own; and the price of ten centuries of Anglo-Saxon exertion and endurance is not to be heedlessly thrown away by acts of impolicy which some are so ready to urge. History, both English and American, has given its lessons in vain if it has not taught us that we can have no supremacy of law so long as the law is not left to its normal and constitutional methods of enforcement. Courts and juries furnish the methods by which justice is secured, and to suppress these by external force is to palsy the very arm of the law and to make it more and more powerless for the security of right. The law is ever jealous of its prerogative. It endures no rival and shuns companionship with every other form of jurisdiction. To be efficient it must be trusted. For this reason the Constitution throws every possible guard around its administration, and only permits its interruption under the two circumstances of rebellion and invasion. Such interruption is a last resort, being justified by an actual and not an anticipated necessity. Nothing can be more clear than that extraordinary provisions for the permission of executive power to suppress a prospective rebellion would inevitably inflame the communities suspected and invite them to further discontent and even open hostility. The Constitution evidently contemplates the use of such a measure as a remedy for an actually existing rebellion, not as a precaution against an imaginary one. Therefore to clothe the President with the power to suspend the writ of *habeas corpus* at his discretion is to assume that the nation is already convulsed with internal revolution or that an armed foreign foe is threatening its borders. That either of these contingencies exists no man will pretend.

NO SECTIONAL LEGISLATION.

Again, the measures embraced in this policy are to be disapproved, because they are intended for application to only one section of the country and propose an interposition of Federal authority in the South, which would not find endurance in the North. The Federal interference in elections; the filling the land with marshals and deputy marshals; the superseding of State authority to suppress and punish conspiracy and treason against itself; the multiplication of machinery for affording pretexts for displacing the local authorities by the National Government, are provisions which the people of my State do not want for themselves so long as their necessity can be avoided. They are not longing for the day to be hastened when soldiers shall be their reliance for peace and order and then United States officials shall constitute their police; and what they do not want for themselves, they do not wish to force upon others. They

desire no unequal legislation. Indeed, Mr. Speaker, I do not see how it is possible, under the Constitution, to frame a Federal law that shall not apply alike to all the States. The tenth amendment declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." The rights reserved to the States are reserved equally to each and every State. Each of the thirty-seven Commonwealths in this Union, so far as regards the possession of these rights, stands upon the footing of perfect equality with each of the others. Under the Constitution there can be no interference in the internal administration of a State which would not in similar circumstances be justified in Massachusetts as well as Arkansas. There can be no United States statute to which Michigan shall not be subject as well as Louisiana. Laws of intentional local application, imposed for partial and sectional enforcement, are impolitic and unjust, and can find no support either from statesmanship or patriotism.

HOME RULE SHOULD BE ESPECIALLY ENCOURAGED IN THE SOUTH.

There is another reason, Mr. Speaker, which should have due importance in the consideration of this question, and that is the wide departure implied in this whole policy from the theory and practice of local self-government. In this departure there is the greater evil, because of all sections of the Union, the South most imperatively requires the encouragement of the principle of home rule. We hear much said of imperialism, but with all deference to the State-rights sentiment so stoutly and conspicuously advocated in the South, let me say that if ever imperialism shall become a cherished idea and a practical result in this country, that idea and that result will find their first and readiest welcome, not in the Northern or the Western, but in the Southern States. The dangers of a movement for an empire lie on the lower side of the parallel of latitude that traverses this Capitol. There is a cause for such an apprehension from a defective feature in the constitution of southern political society which has no existence in the North and West, and which contributes to create in that section a centralizing tendency. For, according to my view, sir, the real unit of every free and truly republican political organization is the municipality. The attainment or the want of this, as also the perfection of its development, are conditions which determine the nature of the entire political fabric. The possession of a well organized municipal system affords that kind of home or local government which serves as the indispensable basis of republican liberty. In no portion of the globe is this system for the administration of those political affairs which have the most intimate concern with personal rights and the public interest so thoroughly established and so completely furnished for its designed service as in the New England States, where it originated, and in that belt of States which in this regard copied the New England example. In all the northern portions of the Union the republican form of government can no more be shaken from its foundation than the everlasting hills can be swept from their granite base. The doctrine of home rule, that kind of rule which for the most part settles disputes, quiets disturbances, distributes justice between man and man by agencies created by the people right at home in their own township, is imbedded in the popular heart and forms the essential feature of their political compact. Here imperialism has no encouragement and receives no sympathy. Society must be torn from the root out of which it springs; it must even be reorganized by a change of its constituent elements, before that spirit of centralization which tends toward an empire could become prevalent among the people.

But imperialism, let me tell gentlemen, if it shall ever overspread this country, if it shall rise like a dark cloud and overwhelm our political sky, will come from the South. There the strife of race if permitted to go on, the habit of the emancipated portion of the population to rely upon external aid, the impulsiveness even of Saxon blood under a warmer sun, and, more than all, the lack of a perfect municipal system fully enshrined in the popular heart and directing the popular will—these things may well suggest to statesmen of the South the fear of an empire, since in their own midst they see its causes and realize its perils. In that section of the Union home rule is not so much a possession as a want. It is enhanced in its worth and importance for the very reason that it is a matter of greater need. By every means, then, in our power, by every incentive we can offer, by every support and encouragement we can hold forth, in our action here or elsewhere, should the principles and habits of home government, of local self-government, be fostered in the South. By this means we of the North not alone give aid and sympathy in a great undertaking for others' advantage, but avert from ourselves a common danger.

Popular opinion in this country is generally correct opinion, and it justly condemns the misgovernment that appeals to external force for its support. The example of Louisiana has not increased the public confidence in the benefits to be derived from outside interference. And, sir, when I recall the terrible condition of that State, I do not forget that the first European occupation of Michigan and Louisiana was, in each instance, due to that remarkable spirit of enterprise which animated the French people under the illustrious reign of Louis XIV. The first years of the last century witnessed the founding of Detroit and New Orleans, each the respective commercial metropolis of its State, and each settled by the same buoyant and enterprising people. The prosperity of the leading city

which stands as one of the gateways of the commerce of the Northwest is in striking contrast with the misgovernment and adversity of the civic community which sprang into existence from the same origin and almost at the same time near the mouth of the Mississippi; and I am sure I speak the sentiments of the people of Detroit and the people of Michigan when I say that they are anxious that the people, of their once sister colony in the far southwest should be speedily made the participants in the same high privileges and blessings which they, themselves, enjoy under the self-imposed restraints of constitutional government.

## THE LEGISLATION REQUIRED.

The policy, Mr. Speaker, of further coercive Federal legislation for the South is also wanting in the wisdom of practical statesmanship, because it is not alone destructive of the material prosperity of that section, but tends to the continued stagnation of business and the depression of industrial and commercial activity throughout the entire country. If there be any duty which the citizens of this great Republic owe to each other, surely that is to be ranked as such which binds them under the obligation of an endeavor to secure a common and diffusive prosperity. The Union was formed, among other reasons declared in the preamble to the Constitution, "to promote the common welfare." One of the high purposes of our national existence is displayed in the opportunity which it secures for an efficient co-operation in measures for developing and advancing its material interests. The application of our energies to this purpose has a twofold advantage; it secures an object of high importance in itself, and what is of far greater value, it withdraws attention from those issues which the nation should immediately lay aside. In the presentation of a new and attractive object the petulant child will often forget its testy peevishness; and it is well worth our consideration whether in like manner the nation should not be led to forsake its bickerings by these common efforts for a development of our mighty national resources, and in thus conferring permanent and substantial benefits upon a united people, benefits which shall obliterate sectional feeling as well in their procurement as in their enjoyment.

Closely allied with this question of the revival of business prosperity is the undeniable maxim that no community can prosper where capital and labor are kept at variance and are made the mutual victims of a ruinous antagonism. They should be reconciled; and the partisan policy which foments and keeps alive a constant discord between them in the Southern States is as senseless as it is fatal to the revival of business prosperity. At the present time, when all the industries of the nation are paralyzed; when the spindles in our factories are silent; when the busy hum of our varied machinery has ceased, and that cessation has thrown our artisans out of employment; when those of our citizens suspended from their toil in the mines, in the workshop, in the field, or at the desk, and now rendered destitute by enforced idleness, are to be counted by myriads—when such is the condition of the people all over the land, it seems certainly to be no time for superfluous agitation or for the needless increase of difficulties which fasten a weighty burden upon an already suffering population. Let us address ourselves to the work of creating that spirit of unity and concord and of giving that impulse to business activity and enterprise which will go far toward the restoration of the bright angury of that financial prosperity which is alike our aspiration and our rightful claim. Sir, I do not speak without due reflection nor without the amplest evidence of the truth of my assertion when I say that the great body of the practical business men of this nation, in the North as well as in the South, demand an immediate cessation of these intestine troubles. They realize what we in this Hall ought to appreciate, that an increase of 25 per cent would be made to the business of nearly every northern or western city, and 50 per cent. to the production of every southern community, were there to-day a complete restoration of perfect confidence in the permanent stability of our internal affairs and a complete quiet of all that sectional alarm for which political agitation is chiefly responsible.

## CONCLUSION.

Sir, I have frankly expressed my views in regard to the policy of which the bill before us forms an important part; for I believe that true political wisdom points to the adoption of a different course, and I shall record my vote on this and other measures in accordance with the conviction that by the cultivation of concord, by strict allegiance to the Constitution, by intrusting the cure of abuses to the exclusive remedies of law, by the further restriction instead of the extension of military power, by equal and impartial Federal legislation, by the encouragement of home rule where its development is most required, by directing the national energies to an improvement of the industrial condition of the whole people, we of this Congress shall most wisely discharge our duty and most faithfully represent the will of our constituents.

During the remarks of Mr. WILLARD, of Vermont,

Mr. BUCKNER said: I yield to the gentleman from Virginia [Mr. SENER] fifteen minutes.

Mr. SENER. I yield five minutes of my time to the gentleman from Michigan to conclude his speech.

Mr. SENER. Mr. Speaker, I shall oppose the bill now before the House, and I regret to thrust myself so uninvitingly upon their attention at this time. My reasons briefly are these: I oppose the first

and second sections of this bill, as I recollect them, because I do not conceive that either by warrant of the Constitution or because of anything that has happened there is either any legal or moral requirement that we should pass any such legislation. It is within the power of the Executive of this nation, whenever there is a contest, to say what is the legally constituted government in any State; and when once that has been decided the decision of the Executive has always been, within the period of the last ten years, acquiesced in by the people of the South.

A MEMBER. How about Louisiana?

Mr. SENER. That is exactly what occurred in the case of Louisiana, to which my attention is called right here. Within the last six months an attempt was made to upset and overturn the Kellogg government; and although this revolution was apparently a peaceable one, as soon as the President of the United States issued his proclamation Kellogg went back into the gubernatorial office and is there to this day.

In the case of Arkansas there was a contention as to whether Brooks or Baxter was *de facto* and *de jure* the governor; the President had only to say who was the legal governor, and his proclamation was instantly obeyed.

Now, I oppose the thirteenth section of the bill for this reason: It is here in this land of freedom an attempt in a time of profound peace to set aside the grand writ of *habeas corpus* which for six centuries in England has been constantly growing more and more sacred to that people, and there this writ of right has received such sanction and approbation, it is so strong to-day that neither king nor Parliament dare to trifle with it. And in our own land, be it remembered, it stands as one of the strongest safeguards in this written Constitution of American rights for the protection of American liberty. Now, so strongly is the love of it ingrained into the affections of our people, and with such devotion do they cling to it, that the State of Massachusetts has within its constitution, if I mistake not, a provision which declares that it shall never be suspended for more than twelve months at a time; and the State of New Hampshire has a provision in its constitution that it shall never be suspended for longer than three months.

In the time of the treasonable schemes of Aaron Burr against the authority of the United States, the then President of the United States, Mr. Jefferson, sent a message to Congress asking it to pass a law authorizing him to suspend the writ of *habeas corpus*. The Senate in hot haste passed a bill to that effect and sent it over to the House. But although at that time it was supposed the Government was menaced, the House on a motion rejected the bill by yeas 127 while the nays were but 3. And a motion to reject is regarded as an indignity to the other House.

The war of 1812 came, but no suspension of the writ of *habeas corpus* occurred. Though foreign foes were upon our soil and the guns of foreign armies were thundering against the Capitol, the writ of *habeas corpus* was not suspended. And shall Congress now in a time of peace, upon a condition of things not in existence but yet to occur, declare a state of facts that shall constitute a rebellion? There are but two contingencies in which the writ of *habeas corpus* can ever be constitutionally suspended; in the case of rebellion and in the case of invasion. Invasion means foreign war, and rebellion means civil war; and I deny that there is any civil war in the South or that there is any likelihood of such a calamity. Every State of the South is represented on this floor. Every one of them has its full complement of State and municipal offices, duly filled and exercising all the attributes of official life. The courts, State and Federal, are alike open, and misdemeanors and crimes may be tried and punished.

Not until two years of the war of the great rebellion (as it was called) had been waged did Congress pass an act declaring that the writ of *habeas corpus* should be suspended. It is true President Lincoln acted upon that idea two years before, as did General Jackson in the war of 1812. Once during the war of 1812 General Jackson took the responsibility of suspending the writ of *habeas corpus* and he was fined for doing so, and many years after, in 1842, Congress, not as a matter of right but as a matter of grace and favor, refunded the money with interest that he paid as a fine.

What is the condition and state of facts put forward before the country to justify this character of legislation? It is gravely alleged that the people of the South cannot be trusted at the ballot-box. Yet that is stated in the face of the fact that upon the floor of this House to-day there sit forty-three republicans from constituencies in the Southern States. It is said there was a change last fall. Yes, there was a change all over the country. If there was a change in the South, so there was in the North; if there was a change in one State there was in all. But is there a man north of the Potomac who believes that there is a necessity for the suspension of the writs of *habeas corpus* in his section?

It is said there are proscription and intolerance in the South. To some extent that is so. But are you going to punish States and indict a whole people because some are intolerant? Do you suppose legislation can reach them? When Grant proclaimed amnesty at Appomattox, and followed it out through the years of his generalship and the first years of his term as President, peace came, republican success came. Suddenly there was a turn in the tide. I do not say it was due to the acts of the President. I believe he has made a good

President. Unfortunately, however, all the officers in the South are not good men.

It is said that the Federal courts are closed in some of the States of the South. If so, it is for want of judges. There is no Federal judge in Alabama. There was one there, but he was so corrupt he was forced out of office, by resignation, to escape impeachment. There is no court in New Orleans, because the Federal judge there was so corrupt that your Committee on the Judiciary brought into this House articles of impeachment against him. There was another judge in Arkansas, but he was likewise so corrupt that one committee of this House recommended the abolition of his district, and another committee was ready to recommend his impeachment. These things have something to do with the condition of affairs in the South. And because these things are true, they ought to be weighed along with and against the intolerance of disposition manifested in the South.

[Here the hammer fell.]

Mr. ALBRIGHT. Mr. Speaker, it would be a pleasant thing to be able to say that the war had left no bitter fruits behind it; that the situation produced by it was accepted in good faith in every section of the country, and that there was no necessity for any further legislation to carry out and make effective the thirteenth, fourteenth and fifteenth amendments to the Constitution and the fundamental conditions upon which the rebel States were rehabilitated with State sovereignty and allowed representation in the Congress of the United States. But to say or think that all is well in the South would be to shut out truth from observation and to stultify yourself to the current history of the day. It is idle to ignore facts. From whatever standpoint you look at the situation you find that society is disturbed and that life and property are insecure. The democrats say that all this is caused by republican misrule, and on the other hand the republicans charge that it is attributable to the fact that democrats resist the execution of United States laws and attempt to nullify the constitutional amendments and the laws which have been enacted to enforce them. Upon this point, then, there is no dispute, that many of the Southern States are in a disordered and revolutionary condition, that business and enterprise are paralyzed, and that the value of property is daily depreciating and life becoming more insecure.

The immediate and direct cause for all this may justly be attributed to the fact that the negro has been enfranchised. If he were disfranchised and not a prize at the ballot-box, order and quiet would reign in Warsaw, or if he would follow the domination of his whilom master and owner and vote with him there would be no trouble; but because he seeks to assert his manhood at the ballot-box and insists upon a recognition of his political rights he is persecuted, maltreated, and outraged, and violence and bloodshed prevail. Deprive the negro of suffrage—make him a serf—and you settle the question in one way and to the satisfaction of the democratic party and white-leaguers. Because the negro is free and a citizen, the hatreds that the war engendered are kept alive and burning in the South to an extent that is fearful and almost incredible, while in the North they are pretty much forgotten except as they are reflected from the South. However much men may deny or disguise it, the color line in the South is drawn and kept up by the white democrats—certainly not by the negroes; and the white man who allies himself with the republican party is counted vile and disreputable. The tendency therefore is to drive white republicans either out of the South or away from their party, and thus practically deprive the negroes of leaders and thereby make them powerless and unable to cope with their political adversaries. The negroes are republicans, and it would be a surprise if they were not. They are grateful to the republican party for freeing and enfranchising them, and they feel that they cannot better pay this debt than by voting with the great party that freed them. Whether this is right or not, does not change the fact; it is so, and everybody understands it; but this very circumstance has operated unfavorably against the negro in the enjoyment of his political rights and affected him unjustly in many other respects. The great mass of the whites of the South are democrats and hate the republican party bitterly and intensely, and especially the negro because they cannot control him politically.

For the purpose of showing this matter more clearly I introduce here and elsewhere testimony taken before the Alabama Committee.

Robert Reed, a colored member of the Alabama Legislature, testifies as follows:

By Mr. ALBRIGHT:

Question. Is it safe for you to live in Sumter County and express the political sentiments which you have?

Answer. No, sir; it is not safe for me to go back there. They say they will kill me if I ever come back.

Q. And the only crime that they bring against you is that you are a republican?

A. Yes, sir. The very worst democrats will tell you that is all they have against me. Men have come and told me that there is not a white man in the State that can beat me farming, and if I kept out of politics I would be the richest man in the country. Every two years, ever since 1868, they have robbed me from \$500 up to a thousand or two thousand, as the election comes along. My wife died about four months ago. I have three children.

Q. Where are your children?

A. They are there. I am going back to see about them. If they kill me I would just as soon die there, as for my children to be down there and me up here.

Q. It has been represented that leading colored republicans have been visited at night in their houses, and from fear and threats that were made they went to the woods and laid out there for weeks sometimes.

A. That is all so, sir. While they were looking for me they came across several

colored men in the woods, with guns. They had left their homes from fear of violence. They were arrested and carried to Belmont, and certain men told Mr. Hester to take them out and kill them. Nelson Doyle also saw the men killing Mr. Billings.

By Mr. CANNON:

Q. How long has this intimidation and terrorism, of which you speak, existed in Sumter County or in Alabama?

A. Ever since 1868. Instead of getting better, it gets worse every year.

Q. What acts of violence, if any, are committed toward white republicans?

A. White republicans are treated in the same way. Old Judge Abrahams, of Livingston, has to lay in his house and keep well armed. Mr. Billy Wayne is the same way.

By Mr. ALBRIGHT:

Q. If those colored people were let alone in that section of the country would they prosper and have comfortable and secure homes?

A. They would.

Q. And make good citizens?

A. Yes, sir. No man can go back upon their record there; but if the Government will not give them some protection they are bound to emigrate and go to some other country.

ROBERT WHITTAKER, (colored,) called by the minority, sworn and examined.

By Mr. LUTTERELL:

Question. What is your name, age, residence, and occupation?

Answer. My name is Robert Whittaker. I am twenty-seven years old. I live in Montgomery.

Q. As a general thing do not the democrats treat you and your people very well in this country?

A. In 1871 I was a drayman—a public carrier—of this town, and owned a great many stock. I had sixteen mules of my own, and ran eight drays. I did business for a great many of the largest merchants in the place. At that time I did not take an active part in politics, and I went to the polls, voted, and went about my business. In the fall of 1871 I made political speeches around town for the municipal election. They took my patronage away from me, and warned all the merchants in town not to give me anything to do, and did everything to break up my business, and did finally break it up, and to-day would not give me a nickel's worth of work if I was perishing.

Q. You say that in consequence of the notices which were put into the papers, giving the number of your drays, &c., you lost the patronage of the democratic merchants here, and that your business is broken up?

A. Yes, sir.

Q. What has become of your business? What have you done with your drays and mules?

A. They have all come to naught.

Q. Has it compelled you to submit to pecuniary loss and sacrifice?

A. Yes, sir; I tried to keep up my business and spent all the cash I had on hand trying to keep it up, but they finally broke me down and boasted of it, saying that they intended to break me down.

Q. Have you any of the papers that contained the notices of the number of your drays, &c.?

A. No, sir; but I have witnesses that such notices were given.

EDGAR R. KELLOGG, captain Nineteenth Infantry, United States Army.

By Mr. BUCKNER:

Question. State whether, in your opinion, a great deal of this bitterness that you speak of—that the democrats have as against the republicans—has not been owing to the character of officials that the Government has placed here, in so far as the United States Government is concerned.

Answer. I think that in many cases a part of the hostility is to be attributed to that. I think that the most of it is to be attributed simply and only to hatred of the Government and everything that pertains to it, and every man who supports it—hatred, and nothing else.

By Mr. CANNON:

Q. Hatred upon the part of whom?

A. The men who sought to overthrow the Government, in my opinion, would do it again if they had an opportunity; but they never will have it, I think.

Whatever may be said of the negro in other respects, in his politics he is not only honest but a hero; he votes according to his convictions. The pressure to vote the democratic ticket for reasons of gain, pecuniary profit, and immediate personal improvement and advantage, is much stronger than to vote the republican ticket. More democrats make promises of reward to negroes for their votes than republicans, and certainly more threaten to intimidate.

Testimony of G. R. WILLIAMS.

By the CHAIRMAN:

Question. State your name and residence.

Answer. My name is G. R. Williams. I reside in Huntsville, Alabama.

Q. Were you in Alabama during the last political campaign and election?

A. I was in Madison County and in Limestone County.

Q. State whether the election was entirely peaceable or whether there were any acts of violence or intimidation.

A. The election was not peaceable.

Q. In what regard was it not peaceable?

A. The white-leaguers were there armed and drilling at night and interfering with colored men, making threats to them, and telling them that if they voted the republican ticket they could not stay on their land; numbers of them were driven from their plantations because they had voted the republican ticket.

Q. Do you know of any one who was prevented from voting?

A. Yes, sir. Colored men were coming to the polls to vote at Maysville from Mr. Gurley's place and from other places around there. When they reached Maysville the polls were opened, and the white men asked them what tickets they were going to vote; they said they were going to vote the republican ticket, and the white men told them they could not vote there. They said, "No niggers can vote the republican ticket in this place. Death or life if you vote that ticket or the other." They commenced fighting there on the day of the election; the men were driven from the polls, and the train was kept back to keep them from coming to Huntsville.

By Mr. BUCKNER:

Q. You were there at Maysville, were you?

A. I was not at Maysville. I was in Huntsville when the party came to town. The colored men walked eighteen miles, and some of them wore their shoes out in going to Huntsville to vote. Some of them voted in Huntsville, and the democrats took some and put them in jail, saying that they had voted twice, both at Maysville and there. The colored men denied that, and some were driven from the polls and some others were shot at. Nick Gurley was shot so badly that they had to carry him home. Henry Moore, a colored man, went to some white men and told them

they would have to have peace that day; that the colored men had all come there to vote the republican ticket of their own free will, and if peace was not had, bad times would occur. A great many colored men had to leave without voting.

Q. You didn't hear of any of them being kept from voting except at this place?  
 A. Men were bought off from the polls by the democrats.  
 Q. Do you know anything about any being bought off?  
 A. I saw them giving boots to men with my own eyes.  
 Q. Where was that?  
 A. That was in Huntsville.  
 Q. Do you know what they gave them the boots for?  
 A. To vote the democratic ticket, I suppose.

Also Robert Ford, witness at Montgomery, Alabama:

Question. In your dealings here, would you not rather work with your old masters or those with whom you lived in early days; and would you not rather trust them than any other class of people; and do they not treat you kindly?

Answer. No, sir.

Q. What have they done to mistreat you?  
 A. The white people held me in slavery.  
 Q. I mean since that time.  
 A. Since that time it has been almost the same.  
 Q. Did you not within the last year find the white people treat you kindly?  
 A. No, sir; they have not treated me as they ought to, because I have done considerable for them, and they don't respect me any more than if I were a dog, in a great many things, and in a great many things they do.  
 Q. Do you expect to associate with them, and move with them in society?  
 A. All I want them to do is to pay me for my lab or and whatsoever I earn, whether it be little or much.  
 Q. Do you want them to pay you for the work you performed while you were a slave?  
 A. No, sir; but for work that I now do.

ALLEN ALEXANDER (colored) sworn and examined.

By the CHAIRMAN:

Question. State your name, age, and residence.

Answer. My name is Allen Alexander. I am thirty-three years of age, and I reside in Mobile.

Q. State whether you were in this town during the last political campaign, and at the election.

A. I was.

Q. State what occurred here on election day within your sight and hearing which was calculated to disturb the peace, and prevent the free exercise of the right of suffrage.

A. I was on the street all day, from day-break until I was put in jail. At the seventh ward particularly, the democrats were crowding and challenging the colored men. They commenced that early in the morning, at the opening of the polls, arresting the colored men and taking them to jail. For instance, if a colored man came up to vote, some democrat would say he has voted, or he don't live here, or something of that sort; and the democrats had stationed at each polling place a justice of the peace, who had established an office near by. At the court-house there was an office inside. At the seventh ward there was one within twenty steps of the voting place. Upon complaint of any democrats, the deputy sheriffs would arrest the man and carry him before this justice of the peace, who would commit the man to jail. And that, as I say, started early in the morning, and was continued at every ward during the day. At the seventh ward two colored men were arrested in that manner on the charge of having voted twice, and the deputy sheriffs were taking them to jail, and the men were shot on the way.

Q. Did anything else occur during the campaign calculated to inspire republicans with terror in the exercise of their political rights?

A. Nothing except the speaking. They would boldly threaten, every time they spoke, that they intended to have the election or blood.

Q. Was anything of that kind said in the newspapers, or was it said in speeches?

A. It was said in speeches. They were very bitter. You could hear them every night.

Q. Did that have an effect upon the colored people here to keep them from the polls and to intimidate them?

A. Yes, sir; these threats, together with the acts of violence a few days before the election, had an effect. The members of the different companies of that battalion took all of the guns at night out of the armory.

Q. Where did they take them to?

A. I do not know. They were stolen out. They have an armory here in the city building.

Q. Do they usually keep the arms there?

A. Yes, sir; and near the time of the election they were all taken out. When they go to drill they go there and get them. They were carried off at night at different times.

Q. How was that found out?

A. It slipped out that the guns were missing.

Q. Was the taking done publicly? Did they march there and take them away?

A. O, no, it was done at night. That was found out, as I say, and had the effect of inspiring the colored people with terror.

Q. How many men were kept from voting on election day by these riots and the terror that existed?

A. I do not know. I know that there were between four and five hundred at the seventh ward, which is a large ward. There are some 2,800 votes there.

Notwithstanding these things, the negroes vote the republican ticket and because they do this the hatred against them increases; but they have learned that unless they vote the republican ticket they might as well not vote at all, because for them to vote the democratic ticket in the South at this time would be equivalent to an abandonment of the franchise. It is the boast of democrats in Georgia that negro suffrage there virtually amounts to nothing; that out of 108,000 voters 75,000 of them failed to vote at the late election, and that the remaining 33,000 will be practically disfranchised by poll-taxes before long. Other States no doubt expect to follow the lead of Georgia. The negroes believe that in order to maintain their freedom and political equality and manhood it is their duty to vote with the republicans; and although they may be hated for it; they may be outraged in their legal rights; they may be defrauded in their contracts; they may see the doors of justice practically closed to them; they may feel and realize that their children have not equal chances in the schools with white children; they may experience poverty, hunger, and nakedness, yet amid all these discouragements and drawbacks they patiently wait in earnest hope that the

things which are guaranteed to them in the Constitution will be their heritage and legacy at last.

Peyton Finley, receiver of public moneys of the United States at Montgomery, Alabama:

Question. The employment of negroes is largely through contracts, on the plantation?

Answer. Yes, sir; in the majority of cases.

Q. From your knowledge of them do they receive the fruit of their labor in money, or in supplies which are purchased by their employers?

A. By supplies.

Q. They do not get the handling of much money?

A. No, sir. They never did.

Q. In that way very largely the mercantile business of the country is controlled by the land-owners?

A. I think it is.

Q. As a rule, are colored schools taught by white democrats or republicans?

A. All that are taught are by republicans; that is, all that I know anything about.

By Mr. BUCKNER:

Q. Are they not generally colored republicans?

A. Yes, sir; colored and white.

By Mr. ALBRIGHT:

Q. State whether the white teachers teaching colored children are republican or democrat.

A. The whites are republicans.

Q. Is there not among the democratic portion of the community a strong feeling against the white persons who teach colored schools?

A. From report there is, but I cannot say of my own knowledge.

Q. Do you know what terms are applied to these white teachers?

A. They are called scalawags or carpet-baggers, as the case may be. If he is a northern man, he is called a carpet-bagger.

Q. Is it not a fact that there are a great many colored children to be educated, and that the democratic whites are unwilling to serve in the capacity of teachers, or refuse to teach; that there are not many colored people capable of teaching; and as a necessity white people from other sections of the country are induced to come for the purpose of teaching the blacks?

A. Really, I cannot say that they did refuse to teach; I do not know that; but I know one thing, that I have never seen any of them teaching; the cause I know not.

Q. If a white man taught colored children, did not that affect him politically?

A. I think it did.

R. T. SMITH, State auditor.

Question. Give your reasons for that opinion, if you have any.

Answer. From the fact that the negroes are a very timid people. The issues here were nearly all on the color line. There were very few white people that were republicans the last campaign. I think there was more excitement here than there had ever been before. They started up the white issue, and the negroes were worse alarmed than I ever saw them, I think. I saw some from that neighborhood, and they said they could not vote unless they were protected. They said they were afraid to vote. They gave it as their opinion that they were treated in that way in order to prevent them from voting—that was their impression.

To show how justice may be administered I introduce the following:

WILLIAMSON A. GLOVER, a witness on the part of the minority, sworn.

By Mr. ALBRIGHT:

Question. State your age, residence, and occupation.

Answer. I will be seventy-one the 10th day of next March. I reside at Forkland, Greene County. I am merchandising at present. I am notary public and ex officio justice of the peace.

Q. Was there a judicial investigation into the disturbance that occurred between the colored men and the whites when Robinson was killed?

A. The preliminary examination with regard to the killing of Robinson was before me; and I committed the ten negroes to jail and those that were captured at the affray that morning.

Q. You committed all that had any connection with the killing of Robinson, or that were present?

A. All that we had.

Q. And you committed all that you captured that morning?

A. There were ten altogether.

Q. Was there any investigation to ascertain who killed the negroes?

A. Yes, sir.

Q. Who did it?

A. There was an investigation before the grand jury afterward, and these men were put in jail as the parties, not centering the thing upon one; but then the evidence will crop out very clearly who killed Robinson.

Q. You are talking now about your side of the case. I ask you whether there has ever been a judicial inquiry before you or any other magistrate to find out who killed the negroes?

A. I told you there was not anything; an inquiry was made, but we could not find out.

Q. Did you subpoena any witnesses?

A. My dear sir, I was there and I was a witness myself.

Q. My dear sir, you did not hold the court there?

A. I would if they were brought up to me.

Q. But if you were one of the parties, you did not hold the court on the spot?

A. I held the court at Forkland.

Q. Will you please answer my question?

A. Yes, sir.

Q. Has there been a judicial investigation before you or any other competent authority to ascertain who killed the negroes?

A. No, sir; how could it be possible when there was twenty-five men in pursuit after negroes that had fired a volley at those twenty-five men and all of them shot—how was it possible to ascertain who killed him?

Q. You were in the party that fired?

A. I was; I didn't fire my gun until I got to the briar thicket.

Q. You were in the party when the negro was killed?

A. I was with the party that killed the negro.

This officer of justice committed the negroes, but was careful that no whites were committed. That a clear idea may be had of this affair I introduce the testimony of another witness, a democrat.

F. M. KIRKSEY, a witness on the part of the minority, sworn.

By Mr. ALBRIGHT:

Question. State your age, residence, and occupation.

Answer. My residence is in Eutaw, Greene County; I am in business here in Mobile in winter; I am fifty-seven years old; I am a planter; I have three plantations in Greene county; I am also a commission merchant.

Q. You talked about Forkland; you have no personal knowledge at all of what transpired there?

A. None in the world.

Q. Who were your informants?

A. I talked with Sheriff Steele, of Greene County, with Cole, and I suppose I talked with a dozen men, first and last. I talked with Mr. GLOVER, too.

Q. That meeting at Forkland was not a political meeting?

A. No, sir; the first I heard of it was that it grew out of this bacon affair.

By Mr. ALBRIGHT:

Q. Did the three men who went up there have any warrants to arrest anybody?

A. Yes, sir; I understood so.

Q. Warrants for what?

A. Some depredation; stealing, or something of the kind.

Q. You are speaking from information now?

A. Nothing but information.

Q. I am trying to ascertain some facts; did you hear that there were warrants to arrest anybody in particular?

A. Yes, sir; but I am not familiar with the names of the negroes down there.

Q. Do you know what the warrant was for?

A. No, sir; I won't be positive what it was for.

Q. Do you know who got out the warrant?

A. Mr. Glover, I understood.

Q. Do you know upon whose complaint it was issued?

A. I do not know.

Q. Then these colored people gathered there and resisted this man who came there with his warrant?

A. No, sir; it is all mere rumor as you hear of it. But this is the information I got. They started down there to arrest that negro, not knowing that these parties had reassembled, and went in the night so as to catch them at home. In going down they came in this crowd. They had out their guards, and they hailed them and stopped them, and one of them, Robinson, spoke, and some fellow back gave the order to fire, and as the white men broke and ran they shot Robinson in the back of the head.

Q. You do not know whether they showed their warrant?

A. I don't think they had time to show it, as I heard. They did not know who they were.

Q. Was there any firing upon the negroes?

A. No, sir.

Q. On the next morning when they went back there was a larger crowd of white folks?

A. Between thirteen and seventeen, I heard.

Q. Had they any trouble in dispersing the crowd?

A. They had a skirmish.

Q. Did they fire upon them?

A. Both parties were fired upon.

Q. Was anybody injured?

A. One of the negroes was killed, I heard.

Q. You do not know that any others were injured?

A. I heard that two white men were wounded.

Q. Do you know of any negroes being wounded?

A. I don't know.

Q. Was the crowd that came out the next day the posse of the sheriff?

A. No, sir; they came out before the sheriff's posse got there. They were summoned by the justice of the peace.

Q. When the sheriff came out they had dispersed?

A. No, sir; they had a little skirmish. I don't think anybody was hurt.

Q. How many were with the sheriff?

A. Twenty-five or thirty, or maybe forty.

Q. And they drew each other's fire?

A. Yes, sir; both parties fired at a distance of two or three hundred yards. I don't think any damage was done. The colored people broke and took to the swamps.

Q. Was there any arrest there?

A. No, sir.

Q. That meeting was not held for the purpose of intimidating democrats, or to destroy the property of democrats or anybody else, as you heard?

A. No, sir.

It will be observed that Robinson was not shot at the same time the negroes were. The negroes were driven into some swamp, fired upon, one killed, but no investigation.

In the face of this state of society in Alabama, Ex-Governor Thomas H. Watts gives the following remarkable testimony:

By Mr. LUTTRELL:

Question. Are not the people willing and anxious to conduct the affairs of Alabama in a quiet and orderly and peaceful manner?

Answer. I have not the least doubt of it.

Q. Guaranteeing to every man, black or white, equal rights in every sense of the word so far as the rights of *franchise* are concerned?

A. This is my opinion, and I have so advised.

He was not sure of that, and hence he spoke cautiously. However, he is a good witness, and his democratic interrogator proceeds:

Q. Guaranteeing the right to sue and to be sued and have equal rights in our courts of justice?

A. I have no doubt of it.

No doubt of what? Equal rights or equal justice. The governor did not explain.

But, again:

Q. Is not that the sentiment of the white democrats of Alabama?

A. It is, so far as I know.

That question is a little too broad, and the willing ex-governor does not feel free quite yet to commit his party entirely, and therefore he qualifies. But now comes the main question:

Q. Are not the white democrats of Alabama pledged to promote, advance, and advocate free government and a government which will guarantee equal rights to all men, irrespective of color?

A. There is no doubt of it. The platform of the party contains almost identically that language.

It was well for the ex-governor to say that the party was only pledged. He was careful to say nothing about performance.

The democratic party were pledged to the same thing in 1872, but the democrats have done nothing toward guaranteeing equal rights to all men irrespective of color. No, indeed; not they.

The ex-governor stated in his testimony that he had prepared the address of the democratic executive committee on the 26th of August

last. It is to be presumed that this address reflected his political sentiments as well as of his party.

For the purpose of contrasting the testimony of this witness with his address I introduce the following from the address:

4. The question of white or black supremacy in this State towers up giant-like in this canvas, despite all the efforts of a portion of the republican party to disguise, deny, or ignore it. The odious civil-rights bill, with its Pandora box of ills, insults, and injuries to the people of the South is a vital issue in the campaign and cannot be blinked or put aside.

Contrast this with the following from the national democratic platform of 1872:

Whereas it is essential that to just government we recognize the equality of men before the law, and hold that it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the proper object of legislation to enact great fundamental principles into laws: Therefore.

And the following resolutions of the democratic convention of Lee County, Alabama, June 28, 1872:

Whereas the radical party, with a devilish purpose in its unnatural and infamous teachings, has persistently urged and pressed upon the white people of the South social equality with the blacks; and whereas these infamous and diabolical teachings of the radical party are eliminating in legislation, as exhibited in the passage of the so-called civil-rights bill by the said party in the Senate of the United States and the unqualified endorsement of the same by the radical members of the House of Representatives, attempting by the strong arm of law to enforce upon the white people of the South social and moral infamy and degradation, whose gift of God is intelligence, purity, and virtue, and whose heritage is the bright sunny South:

*Resolved*, That all persons, whether white or black, who are the least in sympathy with the so-called civil-rights bill, or who shall in anywise lend aid to those who indorse or countenance said bill, shall be regarded by the white men of Lee as the political and social enemies of the white race.

*Resolved*, That nothing is left to the white man's party but social ostracism of all those who act, sympathize, or side with the negro party, or who support or advocate the odious, unjust, and unreasonable measure known as the civil-rights bill; and that from henceforth we will hold all such persons as the enemies of our race, and will not in the future have intercourse with them in any of the social relations of life.

These are the sentiments of the democrats and conservatives of Pike County, with their fifteen hundred white majority.

Now, see how well democratic negroes were treated and rewarded. It makes all the difference in the world whether a negro is a democrat or republican, so far as his civil rights are concerned. H. A. Campbell, a colored democrat, and now an office-holder under Governor Houston, testifies:

By Mr. ALBRIGHT:

Question. You addressed white democratic meetings and traveled with white democratic speakers?

Answer. Yes, sir; on some occasions, not on all.

Q. Did you eat at the same table with white democratic speakers at the hotel?

A. Yes, sir.

Q. Were the hotels kept by democrats?

A. Yes, sir; you might term them hotels. But in the country they had houses where they had something to eat, saloons and private houses.

Q. You said private houses a moment ago?

A. At Wilson's Station I ate with Colonel Blakie. Wilson's is one house fifteen miles from Montgomery.

Q. Is Wilson a white democrat?

Q. I couldn't tell his politics. I was with democrats there, and Mr. Blakie is a democrat, and Colonel Titcomb is a democrat.

Q. Did you ride in carriages with them?

A. Yes, sir; in buggies.

Q. Did you travel in any cars when you were traveling?

A. I went to Fitzpatrick's in the car that I wanted to go in, and nobody disturbed me.

Q. You were permitted to travel in a first-class car when traveling about?

A. I paid my fare and nobody bothered me.

DENNIS CROSS, (colored,) a witness on the part of the minority, sworn.

By Mr. BUCKNER:

Question. State your age, residence, and occupation.

Answer. I am twenty-nine years old. I have lived in Montgomery five years. I was raised in this county. I am now a servant at the capitol.

By Mr. ALBRIGHT:

Q. You were one of the democratic speakers, were you?

A. I was, in the county.

Q. Did they let you speak at white meetings?

A. Yes, sir; of course.

Q. What other colored men were democratic canvassers?

A. Here was Caesar Shorter; he addressed meetings; and Pike Walker, and John Kirkland, and Jack Sprivey.

Q. The white democrats said that your speeches were good!

A. Yes, sir.

Q. And they were very much edified by them?

A. Yes, sir.

Q. How much did they pay you?

WITNESS. What for; to speak?

Q. How much did they pay you for going about the county?

A. They supported us and our families while we were out.

Q. You have got an office now?

A. Yes, sir.

Q. Do they call you a carpet-bagger?

A. They better not.

Q. Or a scalawag?

A. I aint either one.

Q. While you were instructing the democrats, did they allow the colored children to be instructed? Did they furnish teachers?

A. They did not do anything of the kind.

Q. Do you know of any democrat, white man, that is teaching a colored school?

A. No, sir.

That this man was a sound democrat the following must be convincing:

Question. Do you like these people that kept your race in slavery?

Answer. Yes, sir.

Q. You like the men that kept your race in slavery?

A. Yes, sir; I was my master's property; he paid money for me, and he didn't bring me down here; other nations brought me down here and made money out of me, and I would have bought, too, if I had been white.

Q. You prefer to be in slavery and have your race there?

A. If I had been my boss I would have preferred to own them.

Q. Do you like the people who kept your race in slavery better than those who freed you?

A. Yes, sir.

Q. The Government, then, that freed you you think made a mistake?

A. I don't know.

Jacob Stringer, colored democratic witness:

By Mr. ALBRIGHT:

Question. You do not ride in first-class cars and sit at first-class tables?

Answer. No, sir; not unless it is a black man's table.

Q. Do you not think your money is as good as mine?

A. Yes; but I want to sit with my color.

Q. Suppose there were no people of your color on the cars, would you then want to ride in first-class cars if you paid as much money as I do?

A. Yes, sir.

Q. If you paid for a dinner and there was no colored man to eat with, would you eat with a white man?

A. Yes, sir.

Q. Do you not think a colored man's money is as good as a white man's?

A. Yes, sir.

Q. And ought he not to get as good a ride for it?

A. Yes, sir.

Q. And eat at as good a table?

A. Yes, sir.

Q. That is what they say about the civil-rights bill?

A. Yes; but I do not believe in mixing them together.

Q. There has been a great deal of mixing here, has there not?

A. Yes, sir.

LEWIS NEIL (colored,) a witness on the part of the minority, sworn.

By Mr. LUTTRELL:

Question. What is your age?

Answer. Twenty-four years.

Q. You have an idea that when the democratic party comes into power the colored man will get into office?

A. Yes, sir; I believe if the democrats get into power and black men are capable of holding office, I believe they will let him have it, if he gets elected?

Q. You believe that the democratic white people will vote for the colored people?

A. Yes, sir.

Q. Have not the democrats promised that they would vote for him and put him in office?

A. Yes, sir.

Q. Do you know of this being done?

A. No, sir; none that have run have carried the county this fall; the democrats say there aint any democratic black men capable of running.

Q. For any office?

A. No, sir.

Q. You think in that way the colored people will be better, the democrats will give them office?

A. Yes, sir; I believe if they are capable of keeping an office they will give it to them as much so as a white man.

By the CHAIRMAN:

Q. You say that one of the reasons why you left the radical party is on account of the civil-rights bill?

A. Yes; it is. I do not want that bill passed.

Q. It is not passed yet; don't you know?

A. They said they were going to pass it if they got elected. If I go and get on a first-class car you would not like to see me sit by the side of your daughter.

Q. They do it up North; they sit in the cars with a colored man, and ride with him.

A. I sit by the side of your daughter? No, sir. You can't make me believe that.

Q. Ought not you to ride in as good a car?

A. Yes, sir; that is all so. But that is not the thing; me sit by the side of your daughter! May be some young gentleman who was courting your daughter would come along and see a big, black nigger like me sitting there—he would knock me over.

Q. That is your idea of the civil-rights bill?

A. That is what they said!

Q. And that is the reason you opposed the republican ticket, because they said that was to be the effect of the civil-rights bill?

A. That is what they said; that is one of the reasons. There is a lot of reasons. I cannot tell you all the reasons. I don't like the party. They said that I would have to go to a hotel and sit up before you. I could not sit at that table and eat before you; but let them all be blacks, I might eat. But I could not eat if you were to put me alongside of a white lady. A heap of them would get killed.

Q. You think a colored man is as good as a white man?

A. Yes, sir; I think he is as good as any white man.

Q. You think that a colored man ought to have just as much right?

A. Yes, sir; every man to his own notion.

Q. Does that change the color, if you have as much right as I have?

A. I have just as much right as you have, in law or anywhere else, but you must let me sit by the side of my color.

Q. If the civil-rights bill passes, they do not compel you to sit by anybody but your color.

A. They said so. I don't know. I don't like that.

By the CHAIRMAN:

Q. You are not aware that in the capital of this nation, at Washington, colored men ride in the same cars with white ladies, and sit alongside of them?

A. No, sir; I have heard them speak of that.

Q. Do you believe it?

A. No, sir; I do not believe it.

By Mr. LUTTRELL:

Q. You are a little doubtful, are you no?

A. Yes, sir; I am doubtful.

By Mr. CANNON:

Q. The idea of the colored people down South, as they get it from the South, from both sides in politics, as to the effects of the civil-rights bill, is that it is to make the blacks and whites socially equal, is it not?

A. I do not know, sir, how it would be.

Q. I asked you what the idea is among the people here?

A. The way the people here said, is that the civil-rights bill makes me sit up at the table by the side of white ladies and in the cars. I asked a heap of them, and they told me.

Q. To make the negroes equal with the whites, socially as well as every other way?

A. That is what they said.

It is clear that there is no such thing as meeting out equal justice to all classes of society in the South under the existence of the present state of feeling. Declarations and promises of equal rights and justice are mere glittering generalities. It is idle to say that the negro can freely and without molestation enjoy his constitutional right; and until he can there will be no peace in the South unless we give up the contest for human rights there.

It is impossible for the negro to be secure in his political rights or to have a fair chance in the courts when leading men, democrats like Judge Brooks, of Selma, entertain sentiments like the following:

WILLIAM M. BROOKS, of Selma, Alabama.

By Mr. ALBRIGHT:

Question. You state that the jury that tried Thomas was a corrupt jury?

Answer. Yes, sir.

Q. Who was on that jury?

A. Twelve negroes.

Q. Is the fact that they were negroes evidence that they were corrupt?

A. *Prima facie* it is. I could not mention their names now.

Q. That is your deliberate judgment, that a negro being a juror is *prima facie* evidence of his being corrupt?

A. His being a negro, whether juror or not, is *prima facie* evidence that he is corrupt.

Q. The fact that he is a black man is the evidence that makes him corrupt, in your judgment?

A. Let me show you. We look, as a general thing—I should say I—I look upon all negroes as *prima facie* corrupt.

Q. Hereditarily so; a race weakness, is it?

A. They commence at a very early age, I suppose. Such is the fact here. I was born in a slave country and have owned slaves. *Prima facie* they are corrupt. Honesty is the exception.

The following testimony of Isaac Heymon shows the practical working of courts as applied to negroes:

By Mr. ALBRIGHT:

Question. Is it not a fact that the unsupported oath of a negro against one of a white man, as rule, defeats the negro's claim?

Answer. O, certainly. If a negro had a case in court, and the witness against him was a white man, the chances would be entirely in favor of the white man.

Q. That results from the color line?

A. Of course; nothing else in the world.

By Mr. LUTTRELL:

Q. Have you ever known of such cases in this county? If so, please state an instance.

A. I cannot name an instance, because I never go to a justice's court to hear any testimony given.

Q. You then give your opinion that a court will not do justice to a colored man, simply because he is a colored man?

A. I state that the testimony of a white man outweighs that of a colored man before a justice's court in Alabama.

By Mr. BUCKNER:

Q. Is that an invariable rule, simply because a man is white?

A. I think it is, unless he was less respectable, perhaps, than the negro; was known as a reprobate.

Q. Does it not depend on the respectability of the man as to whom you would believe?

A. There is not much respectability attached to a negro, as the courts and juries claim.

Captain E. R. KELLOGG, Eighteenth Infantry, United States Army.

By Mr. ALBRIGHT:

Question. If there had been a breach of the peace—a riot or disturbance—here on the day of the election, who would have been the sufferers from it mostly; the whites or colored people?

Answer. In my opinion, judging from all past experience and my knowledge in over, to the character of the whites, the negroes would have suffered, and not the whites.

By the CHAIRMAN:

Q. You mean to say in a case of a collision?

A. Yes, sir; I think the white man is much the better fighter.

Q. He is also much better prepared, is he not?

A. Yes, sir; all the whites in this country are always prepared for a fight.

By Mr. ALBRIGHT:

Q. As a general thing the whites are prepared and the negroes are not?

A. The whites are, almost without exception, always armed; the negroes are not, as a rule. A great many of them, however, of late years, have got into the habit of carrying arms.

Q. Do you mean concealed arms?

A. Yes, sir; pistols, generally.

Q. Let that result from the sense of insecurity which the state of society has produced?

A. Yes, sir; to a great extent. I think that the negro is gradually learning from the whites to commit deeds of violence.

Q. What is the character of the contract system with the negroes?

A. I have had no experience in that respect since 1870. In 1870 I was on a kind of service where I had occasion to investigate a great many questions of contracts—disputes between negroes and their employers, or those with whom they had contracts—and, judging from my experience that year and from hearsay of other officers, I am inclined to think that at that time and previously there had been great injustice done to the negroes in the South by their employers. I do not mean all of them, but in a great many cases. Practically, I think there was no redress for the negroes in the courts; and I think, from observation since, without having any real experience in investigating the matters, that that is still the case in a great many sections of the country—that the negro, if there is any controversy between him and his employer, is practically without redress.

By Mr. ALBRIGHT:

Q. Taking into consideration the fact that the negro has not the fair play which he ought to have, is not his condition remarkable for observance of law and order?

A. It would be if the negro were a Caucasian; but the negro is more docile and more easily led or controlled. I am not surprised really that the negro has submitted to injuries as quietly as he has, because he was educated to submission when he was a slave, and that education he has not forgotten yet.

I am fully persuaded that if there were no obstacles in the way of negro suffrage, and if white republicans were not ostracised and proscribed in business, there would be no trouble and no violence. I am equally well satisfied that the war which is made upon republicans by democrats retards the development of the Southern States and keeps immigration, capital, mechanical skill, and enterprise away. People will not immigrate and settle in communities where they can have and express but one kind of political sentiments. Such a bigoted policy is making barren the fertile fields and depopulates the cities and towns of the South. No country can long flourish where wrongs and outrages are perpetrated with impunity and where the privileges and immunities of citizens are abridged on account of race, color, or difference of political opinions. That I am not misstating facts, I select from a mass of testimony bearing upon these points taken by the Alabama Committee:

GEORGE H. PATRICK sworn and examined.

By the CHAIRMAN:

Question. State whether or not there is a class of republicans in this State called carpet-baggers and another class called scalawags.

Answer. They are so called by general custom.

Q. State whether those are terms of opprobrium applied to certain republicans.

A. I think they are so intended.

Q. Have you ever had your attention directed to the number of carpet-baggers in this State in any way.

A. Yes, sir.

Q. Please state to the committee how carefully you have directed your attention in that direction and what facts you have ascertained?

A. I shall have to state now entirely from memory the number of carpet-baggers or northern men who are residents in the State, and that I think is not over one hundred and fifty.

Q. Have you had means of ascertaining that fact?

A. Yes, sir.

Q. How recently did you make a calculation of that kind?

A. During the last two or three years I have had constantly in my office the list of nearly, if not quite, every northern man in the State who has been in the Federal Army.

Q. State, if you know, how many of those men have occupied official positions as State officers since reconstruction.

A. There have been three northern men who have held State offices since reconstruction.

Q. How many northern men have held county offices, so far as you know, since reconstruction?

A. Some twenty-five and perhaps thirty.

Q. State how many of those have been official defaulters.

A. To my knowledge, not one. I mean to say that I have heard of no such default.

Q. Have you had means of knowing the facts in relation to that matter, and have you directed your attention to that matter?

A. I think I have.

Q. What is your business?

A. I am a practicing lawyer, and reside in Montgomery.

Q. Have you heard the charges made against carpet-baggers that they were a set of robbers and thieves and plunderers, and men imposing on the people of the South?

A. I have heard such general charges.

By Mr. CANNON:

Q. How many other than carpet-baggers have held office in this same length of time in your State?

A. There are some fifteen hundred or more county officers in the State elected by the people every two years.

Q. That would make, since reconstruction, eight years ago, between five thousand and six thousand other than carpet-baggers who have held office?

A. At least that. I am the commander of the Grand Army of the Republic, and know who the republicans are here.

WILLIAM M. BROOKS, president of secession convention of Alabama, in 1861 sworn.

Question. How many of these are scalawags, as you call them? I understand you to say that southern men who espouse the republican cause are called scalawags.

Answer. That is the common term.

Q. Whether they hold office or not?

A. Whether they hold office or not.

Q. No; I did not ask that. I simply asked whether the southern republicans were not denominated scalawags. That is a term of opprobrium and reproach!

A. Yes, sir.

Q. And so understood?

A. So understood and so intended.

\* \* \* \* \*  
A. I think those among us who are called scalawags are generally men of very low character. Of course there are exceptions, and this term of reproach is applied to distinguish them, I presume. Of course it may occasionally have some influence upon them, but whether it prevents any man from the free exercise of his judgment or not is what I cannot say. When a man joins the republican party in our midst it has an effect upon his social position. And when he joins that he must feel or realize the fact that he is giving up his social position in a great measure, not altogether so; he feels that the cold shoulder will be turned to him.

Q. How is it in his domestic relations?

A. He is not treated with the same cordiality; the cold shoulder is turned toward him; that is a fact.

Q. Is Judge White denominated one of the scalawags at Selma?

A. Yes, sir.

Q. He is a southern man?

A. He is a southern man.

Q. And a man who has given the best portion of his years to this State?

A. O, yes; he has been living here a long time. I have known him myself upward of thirty years.

Q. Northern men who come into this section of country where you are acquainted are denominated carpet-baggers, irrespective of the fact whether they hold office or not?

A. Yes, sir; if they come in they are usually denominated carpet-baggers. Sometimes when they come and buy land and settle among us they cease to have that term applied to them; it is applied to men who have no local reputation, enter into

no business, and who come and go. You know how we talk together; I do not want to use offensive language.

Q. There is a feeling of prejudice against the southern men who are republicans, and against northern men who are republicans, is there not, in the democratic party?

A. Some little feeling and prejudice; not enough, of course, to treat any man impolitely, you know.

ELIAS M. KIELS sworn.

By Mr. CANNON:

Question. State whether men, either colored or white, are ostracized on account of their political opinions.

Answer. O, yes, that is almost universally the case. The white republicans and their families are ostracized.

Q. By whom?

A. By democrats. That is done in the churches and in the schools; children, even, are ostracized in the schools.

Q. On account of what?

A. On account of the political views of their parents. A man's wife, for instance, is ostracized in her church on account of the politics of her husband. If a republican undertakes to do business of any sort he is proscribed; that is very generally the case.

Q. Are there any other matters that you are aware of, of your own knowledge, touching affairs in your State?

A. I think I have about covered the whole ground.

By Mr. BUCKNER:

Q. Is that ostracism the result of politics or rather the result of a man's being a politician? Suppose a republican comes down into Eufaula, and is a merchant, and attends to his business without interfering specially in politics, is there any ostracism toward him?

A. I have no idea that a republican merchant in Eufaula could do any business.

GEORGE SHARP (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your name, age, residence, and occupation?

Answer. I am twenty-six years of age. I live now in Troup County, a mile and a quarter out of the city of La Grange, Georgia.

Q. How long have you lived there?

A. I left Alabama the last day of August last.

Q. What did you leave the State for?

A. Because the white men were trying to kill me. They shot at me on Saturday evening, the 31st of August. I lay in the woods that night, and Sunday I left, staid at Mr. Cape's house, and Monday morning I went to La Grange. On the Monday before this last I came down and got my family and moved them away.

Q. Are you afraid to go back and live at your old home?

A. Yes, sir. Since I have come back my employer told me there was no danger. Some have told me there was danger. Mrs. Blackmar told me not to stay here, however.

Q. What happened the week or two before you left—what occurred that made you go away?

A. The week before I left we had political meetings. There was a convention at Opelika. I think the democrats had a convention. They said we had a right to have our political meetings and send delegates up here to this convention. We did so. We had our meetings in the night, and they wanted to know what we meant by having them at night. We stated that we did not mean any harm at all, but we hated to meet and lose a day. They told us to have our meetings in the day, and we would have the privilege of running for any office we wanted. We had our meetings then in the day. One Thursday we had a meeting at three o'clock, at Pleasant Hill church. Several white folks were there. Pope Mangum and Mr. Piper were there at the time I was speaking.

Q. Were those democrats or republicans?

A. They were democrats. After I got done speaking the chairman of our meeting asked them if there was any insult spoken on either side, and they said no, that there was nothing said to hurt anybody, and they said that was a very nice speech for a colored man. This occurred on Thursday evening. Our large spiritual meeting was going on at the same time, and my wife's sister got ahead of me to carry her children down. I went, although I did not want to. I did not know that the white folks were making up a meeting to run on us at the valley. After I got down there I found them approaching. Bryant McCullough came to our church and called me out. He asked me what we were up to. I told him, nothing. I asked him why he asked me such a question as that. He said he heard that there was going to be a riot up there that night, and that we were going to kill the white folks. I told him that there was not a gun or pistol on the land. I told him I had one in my pocket, that my life had been threatened, and I had a right to carry it. I told him that there were not thirty men there. He saw that there was not, and said he would go back and tell the men to go home. He told us to have our meeting, and break up in peace and go home. We did so. That was still on Thursday night. When we broke up our meeting, some of the boys at our meeting went down in the valley, and they said there were about five hundred men whose guns were stacked up in the street.

Q. How far is the valley from the church?

A. About three hundred yards, as near as I can get at it. They came back, as I said, and told us that there was a club of white men going to do some harm that night.

Q. Describe the white men; were they armed or mounted?

A. Yes, sir; they were all armed; they were all riding.

Q. Were they disguised, or were they just with their common clothing on?

A. They had their common clothing on. They were drinking whisky, I was told. I did not see that. Our colored people all said they were going home, for the reason that we did not want to have a riot with the white folks. I staid out in the old field with Nathan Griffin and another, to see what devilment they were going to do. They ran down in the valley and began shooting, and then came back and set the church on fire. After it got burning well they came back, and ran up the road crying fire. The church blazed up so that we got out of the field. They were riding in the field to see who of us they could see; that was the reason we left it; the light was so bright. They said if they could run all the radicals out of that country they could live.

Q. Did they say anything else about the radicals?

A. No, sir.

Q. Did they ever make any threats to injure them or kill them?

A. Yes, sir; Wilbur Crawford and Pooch Collins came down to Mr. Terry Collins's grocery, which is in Alabama, near Chambers. It was a country store. I was sitting by the door. He came on and kicked me on the right thigh, and said, "What are you doing here?" I said I came to get Mr. Collins to shoe my horse, and he said, "Yes, God damn you, I am going to kill you for your big talking and speaking." I told him I had not done anything wrong. He then went out in the grocery room to get his whisky, and Charles Ellis came out and told me to get away, that the white men were going to kill me. Pooch Collins had a great big hickory club. Charles Ellis was a black man. I left there, asking him to bring my horse back. I had to leave my horse there and go home. They were going to kill me because Nathan Griffin and myself were delegates to this convention. They did not like that.

Q. How long before the convention was that?

A. That was the week before the convention.

Q. Did you go up to the convention?

A. Yes, sir; I was one of the delegates; this was a county convention; we were to nominate delegates, I think, to go to Montgomery.

Q. Do you know of any other church being burned on the night of the church-burning?

A. Yes, sir; I saw the Ebenezer Valley church set on fire.

Q. Who set that on fire?

A. Wilbur Crawford and Bob Tanksley.

By the CHAIRMAN:

Q. How many men? Was there a crowd?

A. Yes, sir.

By Mr. ALBRIGHT:

Q. Were they armed?

A. Yes, sir; they had their guns. They were on horseback.

By the CHAIRMAN:

Q. Were there any other churches burned that day?

A. Yes, sir.

Q. How far off were they?

A. There was another church about a mile and a half from Wacochee Valley, beyond the Wacochee Valley Creek. I saw the light of it, but I did not see it set on fire.

Q. Was there another one burned?

A. Yes, sir; these two that were burned were colored Methodist churches. The third one was a mile and a half beyond the valley.

By Mr. ALBRIGHT:

Q. Were those churches used for school-houses?

A. Yes, sir; this was burned at Mechanicsville was a school-house.

Q. Did you ever use these churches for any other meetings besides religious meetings?

A. Yes, sir; we used them for political meetings. They burned them because they wanted to break us up from having our political meetings. They tried to run us off before the election came off; we had no other place to hold our political meetings, and we held them in the churches. They were our own churches; the white folks said it was our privilege to have our meetings, and we held them in our own churches.

Q. Were those frame or log churches?

A. Two of them were frame, and the Wacochee Valley church was a log church.

When the war ended the people of the North, and especially the republicans, were desirous for peace and for the establishment of harmonious relations between the different sections of the country. They were anxious that southern plantations should bloom with prosperity, and that plenty and abundance should cover the plains and valleys desolated by the rude tread of war; and the republican party stands acquitted before the world of having done aught but acts of generous kindness toward the people who raised their fratricidal and disloyal hands to destroy and dismember the American Republic.

The legislative enactments for the Southern States by republican Congresses fully attest this, and challenge the history of civilization for a more favorable record of clemency and forgiveness. And yet for all this the leading statesmen of the republican party are held up as tyrants and pronounced craven-hearted and cowardly.

Gentlemen on the other side of the Chamber forget that many of them hold seats that they had forfeited in their efforts to destroy the Government which to-day lives and has existence among the nations of the earth by virtue of the prowess and valor of republican soldiers and through the wisdom of republican legislators, and that they are living and drawing their pay and subsistence from this "hated Government."

They forget that the republican party had the power to have confiscated the lands of the men who made war upon the Government, and could have compelled them to pay the debts contracted and occasioned by the war. Germany compelled France to pay her war debt before she withdrew all her armed legions from French soil, and the laws of war and of nations justify Germany in this.

The republican party could have disfranchised the men who bore arms against the United States and who aided and abetted them; it could through the military power have organized drum-head court-martials and tried the men who held commissions in the Army and who deserted the flag of their country and took positions in the rebel army the moment war commenced. But none of these things were done, no man was punished for treason; but all were pardoned and freed from disability with but few exceptions, and many of them since have held offices of trust and responsibility under republican forbearance and clemency. The chapter of kindness might be continued, but it is not necessary; the world knows it all and the future historian will be compelled to make faithful record of it. He will say that hundreds of thousands of men were traitors, but not one was punished for treason; that though the land was made crimson with the blood of loyal and true men, that suffering and penury and orphanage and widowhood were forced into thousands of once happy homes, but after the war was ended nobody was punished for bringing this woe, sadness, and desolation upon the land.

The historian will further say that billions and billions of treasure were expended to save the nation of our fathers, yet the taxes for the payment of the war expenses and debts fall as heavily upon the States that were loyal as on those that were disloyal, and that in proportion to the population much the greater portion of the war debt and expenses for maintaining the Government *per capita* is being levied from the loyal States.

Gentlemen forget, or seek to forget, all this, and arraign the republican party before the bar of public opinion as the great criminal of the age.

Many of the men who fought against the United States, or who were afraid to fight on either side, clamor to-day and cry out, "Away

with the republican party; crucify it, crucify it!"

Well, sir; you may drive the republican party out of power; you may turn the government and control of this nation, saved by the republican party, over to the men who sought to destroy it or who sympathized with those who did, but you cannot efface the history of the last fifteen years.

You may dam up Niagara or level the Rocky Mountains, but you cannot make the soldier's widow forget her tears, you cannot make the soldier's orphan forget his father or make him believe that his father did not wear the Union blue and die in a noble cause.

You may forget to be grateful to the defenders of our free institutions, but generations to come, if this nation shall have a future, will not forget Gettysburg, the great and historic battle of the war. It will become a Mecca for the lovers of liberty from all lands. Depend upon it, time at last sets all things even. The people will and do remember Appomattox Court-House and General Grant. Men may try to defame General Grant and call him tyrant and butcher, but when the prejudice and passion of the day shall be dissipated he will be remembered as General Ulysses S. Grant, the great soldier of the rebellion. His name will be honored in verse and in song, in bronze and marble, and will go down the stream of time as one of the great men of his age. U. S. Grant, the General of the United States Army, and U. S. Grant, President of the United States, will find his right place in history, and his name will be honored and revered when his traducers and calumniators will be unknown and the world will have forgotten they ever lived. Gentlemen need not be alarmed either about the fame of Phil. Sheridan or where he will rank among the great soldiers of his country. I doubt not the time will come when it will be universally recognized that he rendered good service in New Orleans, and that he was and is fit to breathe the air of a freeman.

Sheridan is roundly abused for using the word "banditti" in his New Orleans dispatch. Perhaps it was wrong for him to use this word in speaking of men who were and had been defying the United States laws and authority even to the shedding of blood and the destruction of life; but then he had ancient precedents, and he had a right to suppose that Washington's example would not be reprobated. In this, however, he was mistaken. Some men are losing their reverence for Washington and all respect for him as military authority.

President Washington's proclamation, dated August 7, 1794, in regard to the whisky insurrection in Pennsylvania, uses the following language:

By circulating vindictive measures against all who should otherwise, directly or indirectly, aid in the execution of the said laws, or who, yielding to the dictates of conscience and to a sense of obligation, should themselves comply therewith by actually injuring and destroying the property of persons who were understood to have so complied; by inflicting cruel, humiliating punishments upon private citizens for no other cause than that of appearing to be the friends of the law; by interrupting the public officers on the highways, abusing, assaulting, and otherwise ill-treating them; by going to their houses in the night, gaining admittance by force, taking away their papers, and committing other outrages, employing for these unwarrantable purposes the agency of armed *banditti* disguised in such a manner as for the most part to escape discovery.

Men call Sheridan hard names who would be ashamed to have him suspect them of having done so if they were to meet him face to face. The opposition may hold their carnival now and for the moment put down the soldiers of the Republic; but they mistake the people if they think that all the reminiscences of the war shall be remembered no more. You cannot get up oblivion enough to have Libby prison and Andersonville find no place in the annals of the rebellion. The power of this Government may be used to oppress negroes and to make their condition even worse and more intolerable than it was in slavery times, and to make null and void the amendments to the Constitution which were intended to secure to them absolutely the rights of free-born American citizens; the power of the Government may be employed (and in many places State authorities sanction it now) to drive negroes out of courts and outrage justice, equity, and mercy; but think not that God in heaven will hide such iniquities and will not avenge them. The blood of negroes which the plantations and swamps have swallowed up will yet become the seed of retribution. As no sparrow falleth to the ground without the notice of the heavenly Father and as the very hairs of our heads even are numbered, so surely will God treasure up the wrongs inflicted and imposed upon the negroes for their vindication and justification.

The negro was a slave; he was and is poor, illiterate, docile, and subservient. The issues of the war made him free. He became the owner of his own manhood, the lawful custodian of his own wife and children, and entitled to the fruits of his own labor. The war did not make him a citizen however, did not panoply him with the dignity, power, and glory of an American citizen; but the republican party did do it in the face of unremitting, fierce, and terrible opposition from the democratic party and from weak and doubtful republicans. It is a historic fact that the democratic party at no time yielded its opposition to the complete enfranchisement of the negro, and to-day it is a matter of no concealment with this party that it is not reconciled to his political equality. The democratic party accepted the situation on the subject from necessity and not choice. Would the citizenship of the negro be secure with the democratic party if it had the power to take it away? This is a serious question. To us on this side of the House—to the republicans belong the responsibility and honor of elevating a chattel to a freeman—a slave to citizenship.

It was an achievement that won the admiration of the civilized world, and marked one of the greatest epochs in the world's history. It was the greatest and sublimest stride that has ever been taken by a nation. When the war was over, we proudly pointed to this as next to the greatest trophy of all. The salvation of the nation was the *first*, and grateful hearts breathed thanks to God that the Union was saved, one and inseparable, and that a slave no longer trod the American continent; and on the background of the great picture, amid the carnage and battle scenes that the war had made, were four millions of Africa's sons and daughters, and we said to them, "You are slaves no longer; the year of jubilee has come, and with it your ransom. Abraham Lincoln, the man whom Providence has raised up to be your deliverer, has sanctified his devotion to your freedom with his blood."

I have said the republicans made the negro a citizen, and to protect him in the enjoyment of his rights we enlarged the *Magna Charta* of liberty by adding thereto the thirteenth, fourteenth, and fifteenth amendments. The negro in theory is a citizen, but practically in many places he is not; he is hindered and obstructed in the full and free exercise of the enjoyment of the franchise.

Let the following testimony go into history as some of the means used to intimidate republican voters:

PRIMUS MCGEE (colored) sworn.

By Mr. ALBRIGHT:

Question. State your age and residence.

Answer. I am thirty-one years old. I live in Sumter County, three miles from Carrollton; was bred and born there.

Q. You used to be pretty active in politics?

A. Yes, sir; I used to distribute out tickets.

Q. You were one of the leading men down there?

A. Yes, sir.

Q. Were you this year?

A. No, sir.

Q. Were you there this year?

A. Yes, sir; I did not take any part, because they worked on me because I took a part before, and I was afraid to take part in it this year. They said they would take my seeds from me.

Q. Did they take one stone from you?

A. Yes, sir.

Q. You would rather hold on to that than to take part in politics?

A. Yes, sir; without more protection than I have had.

Q. You have not taken an active part in politics since then?

A. No, sir; only voting.

By Mr. BUCKNER:

Q. You have distributed no tickets?

A. No, sir.

Q. They castrated you because you distributed tickets?

A. Yes, sir.

Q. Did you go before a United States commissioner to complain against them?

A. No, sir.

Q. What was done with them?

A. Nothing was done against them.

Q. Did you ever inform on them?

A. No, sir; I did not know how to start about it; our people had such a poor way.

Q. Was the judge of probate a republican?

A. The judge is republican, but he was just as much a democrat as he was a republican, and the black man had no show at all.

By Mr. ALBRIGHT:

Q. Did not somebody come to you about a year ago and ask if you remembered what they told you?

A. Yes, sir; they were talking to me about a year ago, and asked how my Ku-Klux was getting along.

Q. Was this done in the presence of your wife?

A. In the presence of my wife and my mother; it was done at night, between midnight and day.

Q. Did they take you out of bed?

A. Four of them stood with pistols right at my head; I do not know who they were; they were all disguised. I knew four of them; I could see under the false faces they had on; there was about thirty of them.

Q. About what time was it?

A. It was in August; I do not remember what year; it was four years ago last August.

Q. Did you suffer much?

A. Yes, sir; I suffered about three months.

By Mr. BUCKNER:

Question. Why did you not leave the country?

Answer. I bought land there, me and my father-in-law together, and he is old.

Q. How much land have you?

A. Two hundred and forty acres.

JAMES SAMMONS, colored, sworn.

By Mr. ALBRIGHT:

Question. State your age, residence, and occupation.

Answer. I will be twenty-seven the 15th of next July. I live in Pickens County.

I am a regular farm hand.

Q. The colored republicans voted at Carrollton?

A. Yes, sir; and there was a heap of them didn't vote at all. They wouldn't feel safe, and they were afraid to go out. If the troops hadn't been at Carrollton, there wouldn't have been a colored vote in that county.

Q. Did they get some of the colored people to vote the democratic ticket?

A. Yes, sir; they paid some of them to do it, and gave them a big dinner.

Q. State what they did.

A. They gave some of them fine suits of clothes, and some meat, tobacco, and whisky, and one thing or another to get them to vote.

Q. Did they give any of them money?

A. Yes, sir; they paid some of them money, four and five dollars to vote; that is just the way they carried it out; and then they voted in Bridgeville the way they wanted them to vote; there was no fuss there.

Q. State what the condition of these men is, whether it is safe for them in that neighborhood who voted the republican ticket since the troops have been withdrawn.

[Mr. BUCKNER objects to the question.]

A. I know myself, and I can prove it, that I haven't slept in my house three nights since the election, and it is pretty much that way all through that country; and these that do sleep in the house have got fall doors.

Q. Where do you and other colored men sleep at nights?

A. We dodge about and sleep in the fields and cotton-houses and one place and another; and when we do sleep in the house nearly every man in that section has got a plank sawed off somewhere, so that when they come to the door they can raise that up and slip outside.

Q. Is the reason why you are in this state of fear because you voted the republican ticket?

A. Yes, sir.

Q. Have any of the men that you know of been abused at their houses since the election?

A. Not right exactly where I live at.

Q. Do you know of any in the neighborhood, or of any reports of any in the neighborhood?

A. It isn't right exactly in that neighborhood. I couldn't state more than I have heard some men say who have been right there; they ran in there, I think, about two weeks ago, some twenty of them, up there at Spring Hill.

Mr. Speaker, have we come to this point in the history of this matter, that although we had the power to free the slave and endow him with citizenship, yet we are powerless or unwilling to protect him in the free exercise of his constitutional rights; and that in consequence of his ignorance and inexperience he may be intimidated and defrauded of his vote and we have no power to protect him, notwithstanding the fact that the Constitution expressly declares with regard to the amendments that "the Congress shall have power to enforce by appropriate legislation the provision of this article."

Do we confess that we recognize the truth of the wrong which prevails and is practiced toward the negro, and also the white unionist of the South, but that we are powerless to help him, and that we are willing therefore to consign him to his fate; or do we confess our unwillingness to move further in the defense and protection of the rights of outraged citizenship, and that we yield up the contest when the victory is scarcely half won?

Is this the proposition of American statesmen? Then, sir, what are your constitutional amendments worth? Of what use is a constitution that makes the promise to the ear and breaks it to the hope? Is it possible that you can find power in the Constitution to declare war, levy taxes, lay duties on imports, coin money, provide a national currency, and pass laws upon all conceivable subjects and find means to enforce them, but can find no power to protect American citizens upon American soil in the enjoyment and exercise of their constitutional rights in all sections of the country, without regard to "race, color, or previous condition of servitude"? If the reply to this is that we have the power but do not care to exercise it, then we acknowledge that we abandon the constitutional amendments in the interest of human freedom, and we acknowledge further that we consent to sacrifice the very principles we gained on the field of battle and in this legislative hall.

I warn my friends that this is not the occasion nor the hour when we should falter or hesitate in the great struggle for the common rights of man. The greatest victories and fairest fields have often been lost by cowardly retreats or faltering and hesitating counsel in moments of great and sublime emergency. To do right is always proper; to do wrong, never. Is it right to maintain constitutional liberty upon every inch of American soil whenever violated? Then let us see to it that the humblest citizen, be he white or black, may feel that back of him are a million of armed men with ready muskets and gleaming swords, if need be, to protect him, if in his person the Constitution is assailed.

Citizenship is the greatest privilege and most sacred right of the political man, and has been from the time of imperial Rome until the dawning of this Republic, and the highest function of a free government is to protect the citizen in the rights guaranteed to him in the Constitution, and if it fails in this, it fails in its highest office and proudest mission.

As a government we have assumed in the most solemn manner to guarantee to each citizen the fullest enjoyment of his rights, and we cannot long maintain the nation in its integrity and entirety if we fall short here.

Some men talk and argue as if the recent amendments were mere sentiments rather than fundamental principles of right and justice, and they are disposed to treat them more as abstractions than as representing living and vital issues. If these men are right, then the amendments are dead letters and bitter fruit in the Constitution, and they stand forth boldly as monuments of legislative folly instead of legislative wisdom, and they are but the symbols of mockery. Well may the negro say that Lincoln had better never have dipped his pen in ink to write his name to the emancipation proclamation; better the attempt had never been made to clothe him with citizenship and refuse to protect him in the free exercise of this prerogative. Well may he say, after all his sufferings and pantings for the exercise of a great right pertaining to his manhood, that as he is now enabled to enjoy it, it is after all but a snare and delusion.

Mr. Speaker, I believe we have the power under the Constitution to absolutely secure to every citizen the full and free exercise of the franchise and the equal protection of the law in every State, county, city, or hamlet of this country by "appropriate legislation." It is only a question as to how much force is necessary. Having the power, the correlative of this proposition is true, that we ought to employ it until American citizenship becomes the synonym the world over for equality under and before the law, and until the name, as did that of "Roman citizen," carries with it its own vindication when

outraged upon American soil or where the American flag has a right to float.

What is "appropriate legislation?" It is fit, peculiar, suitable legislation, adapted to the case, to provide a remedy for the evil or means to secure the ends.

The bill before the House is "appropriate legislation" under the Constitution as well as necessary, and is intended to secure to the people of the South, without regard to race, color, or previous condition of servitude, all the rights which any citizen may enjoy in Maine or in any other section of the country. Most of the provisions of the bill may be enforced in all parts of the country, and the application of the law can be made whenever necessary.

The first section of the fourteenth amendment to the Constitution is in these words:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This section is intended to hold a State in check; and if a State by its laws should infringe upon or violate this provision of the Constitution, such State would cease to be republican in form, and the power of Congress would be plain and the duty clear to interpose the majesty and force of the General Government in behalf of the citizen whose constitutional rights were invaded by the State government.

Nobody questions the authority of the General Government over the State when laws are made or enforced which abridge the privileges or immunities of citizens of the United States. Take the opposite of this proposition. Suppose there are laws upon the statute-books of the State for the purpose of enforcing the privileges and immunities of citizens of the United States and for the purpose of preventing any person from being deprived of life, liberty, and property without due process of law, and to secure to every person within its jurisdiction the equal protection of the law; but suppose the State does not enforce these provisions or suffers them to be violated in many or few instances, here the State government would be republican in form, but the guarantee of the fourteenth amendment would be violated. Now, is it contended that Congress could not by "appropriate legislation" meet this case or cases like it? If so, then you admit the right of nullification and the doctrine of State rights, and the General Government is barred from enforcing its own Constitution and laws.

Again, how stands the case if the privileges and immunities of citizens of the United States without any State legislation are abridged by the action of some of the citizens thereof? Do you answer that you have power to punish the State for hostile legislation, but not the individuals who violate the Constitution of the United States without the legal sanction of the State for their acts? In other words, is it contended that the General Government has power over the State when she passes or enforces laws in violation of the constitutional amendments or laws of the United States, but not over citizens when they violate the provisions of the same? The corollary must be clear, then, that the authority of the United States is supreme over the State in case of hostile legislation against the United States and also over the individuals of a State for the infraction by them of the Constitution or laws of the United States. The only safe ground to hold and occupy upon this question is, that whenever the rights of a citizen of the United States are invaded in any State by the State or individuals thereof, it is the duty of the General Government by appropriate legislation to secure to him such rights, and to use and employ the military and naval power of the Government to enforce them when necessary. A government becomes contemptible that does not exercise all the power necessary to enforce its own laws. Force is the only weapon that a government can use against those who violate its laws, and it is time that this great question should be determined to the terror of evil-doers. Let it be understood that the laws will be enforced in all sections of the country at all hazards and without regard to cost, and that the whole power of the Government will be employed to accomplish this, and you will have peace, security, and fair elections. If, however, it is understood that the Constitution of the United States is an expanding and adjusting sort of an instrument, and that, when set at defiance in any State by formidable combinations or otherwise, and citizens are shorn, stripped, and deprived of their high prerogatives, no power or force is interposed to right the wrongs of the downtrodden or to protect them in their proper privileges, then this boasted Constitution will not always be the bond of union between States. When the rights of a citizen of the United States are assailed the United States itself is assaulted.

Let it be known that a citizen has rights under the Constitution which are guaranteed and which the Government is bound to enforce, and our institutions are safe from within at least.

The safety and perpetuity of our institutions depend more upon free and fair elections than on anything else, and in no other direction ought the strong arm of the Government to be more firmly employed and exercised. Without this the guarantee that no State "shall deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws," amounts to but little. To deprive a citizen of the free exercise of the franchise is to take away from him

"the equal protection of the laws," because if he is not permitted to enjoy this the greatest boon of citizenship he does not enjoy the equal protection of the law. If this guarantee is not sacredly maintained our free institutions cannot be continued, because "the consent of the governed," when thus outraged, will be wanting. The solution of our southern troubles resolves itself into a single question, Can they be, and are the constitutional rights of the colored people secured practically, without aid from the General Government? Has the obligation of the Government ceased simply by incorporating certain amendments in the Constitution, and is there no responsibility beyond the letter of the law; or do we not, by virtue of the constitutional amendments, assume and say to the colored people, "We will see to it that you shall without violence, fear, or intimidation enjoy these rights?" There is little that you can do for the colored people of the South except as it is accompanied by force; laws upon the statute-books, unless you provide the means to execute them, afford no relief, and the only force that I know of that can be made effective is the military arm of the Government. There is often need of the military to aid the civil officers in many places to execute their process, and it is not so shocking a proposition as some imagine. This was done in Brooklyn and Philadelphia in connection with illicit distilleries a few years ago.

It may be unpleasant and undesirable to employ the military, but how else will you give effect to the constitutional amendments or enforce the laws when resisted? The Government assumed to guarantee to the negro certain great privileges when it forced citizenship upon him, and to desert him now would be worse than Punic faith. The negro would be better as a slave than to be abandoned now; and if you give up at this point, what becomes of the boasted fruits and victories of the war? Ah, yes, you can point out your national cemeteries where are arranged in military lines the graves of the dead patriots of the war. You can say when you strew flowers on their graves that after all they have died in vain. You can point to your long pension lists that swallow up \$30,000,000 annually, and say that you remember the dead soldiers. The purposes of this bill are to secure fair elections, to preserve State governments from overthrow or subversion, and to enforce the guarantees of the Constitution. The principal objection is against the last section, because it authorizes the suspension of the writ of *habeas corpus* and this is charged as an invasion of civil liberty. Perhaps there are men who have a higher appreciation of personal liberty than I, but there are none who will go further to maintain it.

A careful reading of this bill will show that the safeguards around the provisions of this section are ample. The suspension of the writ is to be in the interest of liberty and human rights. I am told that it may be abused by the President. I admit this, and reply that the same is true of the Constitution and the laws passed under it. But are you justified in refusing to do a necessary thing because there may be an abuse in the exercise of the discretion vested in the President? The Constitution, which gives great power to the President, and which he may violate and abuse, also authorizes his impeachment; and I verily believe that any President who would oppressively use this discretion in the suspension of the writ of *habeas corpus* could and would be more speedily and successfully impeached than for any other high crime or misdemeanor. The very fact that such power is lodged in the President would to a great extent obviate any necessity for its use, and make the President all the more prudent and careful before taking so important a step or exercising so great a responsibility. Clothe the President with that power, and I believe you at the same time remove the exigency for its use. The fact that the power is liable to be employed at any time will exercise a conservative, restraining, and wholesome influence upon persons who might otherwise be disposed to set at defiance the laws and authorities of the United States. You have it in the Constitution that the President shall "take care that the laws be faithfully executed," and in the oath of office as prescribed in the Constitution the President is required, "to the best of his ability, to preserve, protect, and defend the Constitution of the United States." This oath embraces all laws, treaties, and statutes.

Let me inquire whether it is just to legislate upon the presumption that the laws passed by Congress will not be fairly executed by President Grant or any subsequent President? It is an unjust aspersion upon any present or prospective official to oppose the passage of a law because there may be abuse in the execution of it at some time. If that were a sound excuse, it would be the best reason I have heard of yet for not passing any law, and I wonder this objection is not constantly interposed and heeded. Why did not the chairman of the Committee on Ways and Means apply this argument to his tax bill and tell the House that there is no use in putting a tax on whisky or tobacco because somebody will abuse the law and cheat the Government? Why does the chairman of the Appropriation Committee not take his stand on this ground and sound a halt on appropriations for the reason that there may be abuse in the use of public money?

Who denies but good may come from a suspension of the writ of *habeas corpus*? It saved South Carolina a few years ago. Human life and liberty may be preserved thereby and the peace and good order of communities maintained. But, say some, the President may violate his oath and suspend this great writ at a time and place and under circumstances not demanded by the exigencies of the case, and therefore the power ought not to be granted to the President. That

is the point and strength of the whole argument; but it is not the argument of the statesman, but rather of the special pleader begging the question. You might as well argue that a man ought not to travel on railroads because the cars may run off the track and hurt somebody. But there are two other objections; not to the principle of the section itself, but to the time and extent of its operation.

First, it is urged that there ought to be a limit as to the time in which the President should exercise this power. The difficulty about fixing a limit as to time is that you do not know when the necessity for it will cease; I would not limit it to the present Executive, because I have confidence that the successor to the present Chief Executive will not abuse the powers granted in this section. I am willing to trust the next President, be he republican or democrat; besides, if experience demonstrates that the use of this power works oppression, wrong, and injustice, Congress can repeal or alter it. I would not by a limit of time seem to reflect upon the President to be inaugurated in March, 1877. I would not limit the operation of the law to one or two States, because the powers that are intrusted to the discretion of the President it may be necessary to use in a State or Territory not thought of now. The true thing to do is to make the law general. I do not want to say that it is to be used in one section of the country alone, because to name the States would be almost directory as to those States. I want the President to have power to use it in any State or part of a State in this Union when necessary, and I hope that the time may never come when it will be necessary for the President to exercise the power conferred upon him by this section.

It ought to be borne in mind that since the war we are legislating under altered circumstances, which compelled changes in the Constitution and which require new and appropriate legislation that could scarcely be anticipated before. By the constitutional amendments four millions of human beings were guaranteed liberty to themselves and posterity forever. It should not be forgotten that the fourteenth amendment did not receive a single democratic vote in either House of Congress, and that in consequence our own obligations are multiplied. The constitutional amendments became party measures and now it becomes the most serious question of the day whether this Congress will follow up by appropriate legislation the work commenced and inaugurated by the Fortieth Congress, even to a suspension of the writ of *habeas corpus*. It may be necessary to do this very thing to secure liberty in the South. Is this a time to hesitate and forget a just duty?

The changes which have been and are still being made in our social and political affairs demand corresponding changes in the laws of the land.

That Congress has the power to pass this bill I believe is conceded. The real question is as to the necessity; and with a view of throwing some light upon this point as to Alabama I introduce the following testimony:

First Lieutenant Thomas McDougall, Seventh Cavalry United States Army, stationed at Greensborough on election day:

Question. From what you learned of the condition of the community, in your judgment was the presence of the soldiers there calculated to prevent difficulties between the people?

Answer. I think so.

Q. Is it your opinion that if you had not been there with your troops there would have been trouble about politics and the election?

A. Yes, sir; there would have been a difficulty if the troops had not been there, from what I could understand of the condition of the parties.

Q. If anything was said to you by democratic politicians in regard to their purpose about the negroes voting, please state it.

A. I can only state casual conversations with different parties, whose names I cannot give. They said the least word from those negroes would bring on a difficulty on both sides, and that they were tired of being subjected to a rule of that kind.

Q. What was said to you, if anything, by democrats after the election, as to what would have occurred if you had not been here?

A. If I had not been here, that the crack of a whip would have brought on a serious difficulty among the negroes and themselves on the day of election.

Q. During your stay in that community, what was the conduct of the negroes?

A. They appeared to be very quiet, and there was no trouble at all.

By Mr. LUTTRELL:

Q. What was the conduct of the whites during your stay there?

A. Very quiet also, except they were quite bitter in that town against northern people generally.

G. B. RANDOLPH sworn and examined:

By the CHAIRMAN:

Question. State what was the tone of the democratic press, including the Mobile Register and other papers in the State, toward you for making these arrests under the process of the United States courts, as you were bound to do?

Answer. It was as abusive as it could be. They have abused me; called me deputy handcuffer, and everything.

Q. These abuses and these epithets have been heaped upon you before even an examination of the prisoner?

A. Yes, sir.

Q. As I understand, you were an officer executing the process of the courts?

A. Yes, sir. I had warrants for the arrest of these parties three or four weeks before I arrested them.

Q. Have you ever been in Pickens County?

A. I was there last week.

Q. What state of feeling did you find there?

A. I found the negroes, as a class, were intimidated, and were in as bad a condition as they possibly could be. I think they are in a worse condition, and they say so themselves, than they were in slavery.

Q. Is this intimidation on account of politics?

A. Yes, sir. They begged of me, thinking I had some influence, to get the Government to buy land and locate them somewhere, saying they would be willing to work for the Government for their victuals and clothing, and give up all the profits of their earnings.

Q. What is the truth as to the negroes in these counties of which you have knowledge and of which you have spoken as to their chances for justice in the State courts?

A. There is no justice in the State courts for the negro in those counties, and no relief or protection for them, in my opinion.

Q. Why is this so?

A. It is on account of the prejudice of the democrats against the colored man's politics. I made a trip lately through Tuscaloosa County after some illicit distillers, and met negroes there in as bad a condition as they were in Pickens County. I had one old man as a guide. He told me that he had bought a tract of land and made part payment on it, asking my advice about taking it all. He said he had paid a thousand dollars, and then said to me, "I have understood that we are going to have democratic rulers and that the democrats are to be in power." He wanted to know if it would be safe for him to stay. I told him yes. He seemed to be afraid of being taken into slavery again. I asked him if he had voted. He said no. I asked him why. He said that a committee of white men waited on him and all the other negroes around his section and told them that they could not vote if they did not vote the democratic ticket.

Q. Then, from your knowledge of these counties of which you have spoken, you are satisfied that there is no protection either to life or property for this class of men?

A. Yes, sir; I am satisfied that no republican can obtain justice in any of those counties of which I have spoken, unless, perhaps, it is Marengo County.

JAMES BROWN, sworn and examined.

By Mr. ALBRIGHT:

Question. Judge Buckner has asked you what you heard about reports. Did you not hear that colored people were whipped and driven from their homes, so that they had to go out in the swamps and woods because they were republicans?

Answer. Yes, sir.

Q. What people did you hear that went into the swamps?

A. There is old Jim Tweedy. He lived on our place. He was carried out from his house one night and tied up to a tree and whipped.

Q. Who did he say did it?

A. He said the white people in his neighborhood did it.

Q. What was he whipped for?

A. I do not know.

Q. Do you know of anybody else?

A. There is John Lee.

Q. What was done to John Lee?

A. He was shot all to pieces.

Q. Do you know of people going out in the woods and swamps about the time they rode around there after Bob Reed?

A. There is Bob Johnson, a colored man, had to leave his own place and lay out in the woods.

Q. The white people say that they will kill the colored people?

A. Yes, sir; they say so, and they say it big, too.

Q. Are the black people whipped and driven from their homes or shot, that you know of?

A. There is a heap about through the country that I don't know the names of.

Q. Do the white people whip and drive into the woods the black democrats?

A. No, sir; they don't whip them. I never heard tell of one of them being whipped.

Q. All these men you know of who have been whipped and punished are colored republicans?

A. Yes, sir.

ARTHUR BINGHAM, late treasurer of Alabama, and editor of State Journal, sworn and examined.

By the CHAIRMAN:

Question. Have you any knowledge, direct or indirect, of an organization called the White League?

Answer. None whatever except what I have seen published. I published their constitution, which was furnished to me by one man who said that he had once belonged to them.

Q. Has that man made his name public?

A. I did have his name, but what I have done with the memorandum I do not know.

Q. How long since did you publish it?

A. I think in August. I believe it was immediately after the killing of Mr. Billings, which occurred on the 2d day of August.

Q. Have you any reason to believe that there is such an organization in existence now?

A. I have.

Q. Can you give us an idea of the numbers and purposes of their organization as set forth in the constitution as published?

A. As published, they are sworn, where any of them get into trouble, not to regard their obligation in courts; to clear one another by all means; and are sworn against the black race.

Q. The governor's guards of Talladega were organized under the laws of the State?

A. Yes, sir.

Q. How do you know that republicans in that organization were asked to leave?

A. I know because one of my own family was a member?

Q. Did he leave?

A. He did.

Q. Were there not white republicans enough in that part of the State to form an organization?

A. No, sir.

M. C. OSBORNE, a prominent citizen of Mobile.

By the CHAIRMAN:

Question. How long have you lived here?

Answer. I am a native of Ohio, and I have lived here since 1865.

Q. How long do you expect you will have to live here before you will cease to be called a carpet-bagger?

A. I do not know. I have been here nine years, and they still call me a carpet-bagger.

Q. Do you not think you will be called a carpet-bagger by them as long as you vote the republican ticket?

A. I do, indeed.

Q. State whether it is possible in this State to have a free and fair election without the presence of United States troops.

A. It is not.

Q. State whether it is possible to maintain republican government in this State without the presence of the United States Army.

A. I think not.

Q. What are your reasons?

A. Just such work as was done here on the day of election, and such as I know has been done through the country.

JAMES GILLETTE sworn and examined.

By the CHAIRMAN:

Question. State your name.

Answer. My name is James Gillette.

Q. What official position did you occupy during the election?

A. I was United States commissioner and chief supervisor, under the act of Congress of 1871. I acted in that capacity.

Q. You are satisfied that no State government can be maintained here without the aid of the United States Government?

A. I do not say that.

Q. Do you mean to say that a State government can be maintained?

A. Yes, sir.

Q. Do I understand you to say that you are satisfied no fair election can be held in the State without the aid of United States troops?

A. No, sir; not without the intervention of United States authorities.

Q. Do you not know that the very fact that the United States authorities interfere with the local elections in the State of Alabama has been the means of creating excitement and prejudice in the minds of Alabamians?

A. I think that the prejudice and excitement would be much greater without the protection given by the General Government.

Q. Do you mean to say that the people are not qualified to govern themselves?

A. I mean to say that at this particular juncture of affairs the protection of the United States authorities is necessary for good government in this country.

Q. Do you mean to say that the people of the State of Alabama are not qualified to govern and regulate their own affairs without the interference of United States authority either civil or military?

A. At the present juncture I should say that they were not.

Q. You mean to say, then, that Alabama is not possessed of intelligence sufficient to manage her own internal affairs without the intervention of the United States civil and military authorities?

A. I do not wish to say that the people of Alabama are not intelligent enough; but the Government has passed certain laws conferring the elective franchise upon a certain class of citizens, and there is a prejudice against those laws. If the Government intends that they shall be enforced, although the people are intelligent enough if they desired to enforce them, it is necessary under the present circumstances that the United States authorities should remain in the State in order that those laws shall be carried into effect.

Q. State whether a peaceful and orderly State government can be preserved in the State of Alabama, in your judgment, without the presence of United States troops, with protection to men of all ranks and classes of society.

A. In my judgment the presence of the United States authorities is necessary in order to secure good government in this country, and will be necessary for some time to come under the recent legislation of Congress increasing the number of citizens and conferring the elective franchise on the colored people. My opinion is that it is necessary that the Government should protect them in their rights until such times as those rights are generally acknowledged by all classes of people.

C. F. MOULTON, ex-mayor of Mobile, sworn and examined.

By the CHAIRMAN:

Question. How many colored men were excluded from registration, as you understand?

Answer. I suppose at the seventh ward, judging from former elections, that six or eight hundred were excluded.

Q. The question came up whether the colored men have been treated fairly or not recently in this State. Within your knowledge, has a white man ever been convicted for the murder of a colored man in the State of Alabama?

A. I never heard of such a case since their freedom.

Q. Can white men carry concealed weapons and colored men carry concealed weapons upon the same terms in this country?

A. Yes, sir; it is illegal in both cases.

Q. Have there been resolutions passed by democrats to employ colored men who vote the democratic ticket in preference to republicans?

A. Yes, sir.

Q. And state whether the conduct and action of the democrats and of the democratic party is not toward the protection and employment of colored men who vote their ticket.

A. Yes, sir.

Q. State whether men who vote the republican ticket are not proscribed by democrats in their employment.

A. Yes, sir; that is a notorious fact.

By Mr. LUTTRELL:

Q. Do you know of any person having exercised such proscription?

A. Hundreds in this city.

Q. Can you give the names?

A. I do not remember names, but it is so public a matter that I could go to the newspapers and get resolutions. It is a fact that never would be denied by an intelligent gentleman of Mobile.

Q. Can you find a single white gentleman in this city who has discharged republicans negroes for voting the republican ticket and employed negroes for voting the democratic ticket?

A. I have known them often to discharge men for voting the republican ticket. I do not know that they employed others in their places.

D. C. RUGG, of Mobile, sworn and examined.

By the CHAIRMAN:

Question. State whether or not the tone of the democratic newspapers here looked toward personal violence and intimidation.

Answer. The tone of the newspapers has been very violent; it has been so constantly, in fact, since reconstruction. For instance, I recollect one leader in the Mobile Register which particularly struck my attention. It appeared in the paper of April 25, 1874. In that article assassination was openly defended and advocated as a means of getting rid of the element in the community which was antagonistic to the democratic party.

Q. State whether the presence of soldiers in the community or anywhere in the State where you are acquainted intimidated democrats from voting according to their sentiments?

A. Not in the slightest degree.

Q. In this town did they have any effect whatever?

A. Not the slightest in either direction.

Q. State whether or not it is possible to have fair and free elections in the State of Alabama without the presence of soldiers in the State hereafter or at the present time.

A. I do not think it is possible; and I hardly think it is possible even with Federal soldiers here to-day. Certainly not.

JAMES D. WELLFORD, sworn and examined.

By Mr. ALBRIGHT:

Question. In your judgment, can the laws be executed in Sumter, Pickens, and Butler Counties without the aid of troops?

[Mr. BUCKNER objected to the question.]

Answer. They cannot.

Q. To attempt to do so would be dangerous to life?

A. I think so. I know it. I think I will take as much risk as any one, and I would not like to do it without assistance.

By Mr. BUCKNER:

Q. What counties do you say the laws cannot be executed in?

A. The laws cannot be executed in Sumter, Pickens, Greene, and Covington. These are the counties I have had experience in, and I know all about them.

By Mr. ALBRIGHT:

Q. What did Mr. Lindsay, a democratic member, tell you on that subject?

A. I was up there in Tallapoosa County for the purpose of serving some papers, and I met Mr. Joseph Lindsay, an ex-member of the Legislature. He says, "Are you not afraid to ride up here by yourself?" I said, "No; I am not. I don't think there is one man in a thousand would shoot another man from behind the bushes, and that is the only way I am afraid of them." He says, "You are in great danger." I said, "Why do you think so?" He said, "I heard a man say you could not live long in this community if you came up here to serve papers." But I have been back there since and have not been killed. I was resisted, though, the last time I was there to serve papers.

Q. Will you state what effect your political course has had on you socially?

[Mr. BUCKNER objects to the question for the reason that it is not within the purview of the resolution under which the committee is acting.]

A. I am ostracized without any other reason than my political opinions, because I serve the United States Government. Recently at my boarding-house I noticed one of the boarders did not speak to me after making these arrests in Eufaula; on leaving the boarding-house I remarked that Mr. Barker did not speak to me.

Q. Is Mr. Barker a democrat?

A. Yes, sir; a rabid democrat. The landlord said, "We hate to tell you, but they are all down on you for arresting white men, and I wanted to let you know it, but I hated to tell you. We consider you the most of a gentleman of anybody that ever boarded at our house, and I hate to lose you." I then went to another boarding-house, and nothing was said or done there. I have never had a direct personal insult offered me, but I could see the cold shoulder at that other house, and left it.

Q. Have you had any conversation with John Ardis, a democrat?

A. Yes, sir; while in Sumter County making arrests I had a subpoena for John Ardis and called on him between midnight and day; the old man was very much agitated. He is an old negro. I told him not to be alarmed. "Why is it you are a democrat? That is singular for a negro to be a democrat." He says, "I see the blue-coats now, and I will get protection. I have been obliged to be a democrat to save my own life."

Let us learn that progress is stamped upon everything; and that for a party in this age to halt in the march of great events is to go backward, or like an army withdrawing from the field just at the moment when victory is about lighting upon its banners. Let it be remembered that, as the hand printing-press has given way to the steam-power, the post-boy to the electric current that encircles the globe, the flint-lock musket to the breech-loading repeating rifle, the hand-loom to the mighty power-loom whose shuttles never cease, the rush and tallow candle to the brilliant gas, so old laws in the interest of human rights must yield and give place to newer and better ones and that prejudices in favor of the old must give way to the new.

This bill, however, is objected to by some one because it is to be a declaration in favor of a third term. Well, sir, the man who sees a third term in this bill has a prescience that is not often found in a human being, and certainly not in a Congressman; but certainly the man who can by any possible reasoning or construction see such a thing in this bill is justified in voting against it.

The reports of the various southern investigating committees abound with the evidences of outrage, violence, intimidation, murder, destruction of business, property, churches, and school-houses on account of men being republicans. It shows that men and families are ostracized and proscribed and driven out of business all over the South for being republicans. That many of the State governments are unstable and insecure, and would have been overthrown but for the presence of United States troops, and that some are only now maintained because of fear of the United States authorities, cannot be denied. Take from the South the few troops that are there, and you invite revolution, destruction of State governments, anarchy, usurpation, and bloodshed. I am not sounding a false alarm, nor am I unfriendly to the South. No unkind feeling pulsates in my heart toward the southern people, but I want a just and fair government for southern States that will protect all classes of citizens in their constitutional rights, and to secure them I would use the entire power of the General Government to suspension of the writ of *habeas corpus* when necessary.

Republicans should remember that when the party was bold and aggressive in its policy of right and justice the people trusted and sustained it; but when it commenced to apologize for wrong and hesitated in doing right, decomposition and dissolution set in; and unless we come up squarely to the protection of outraged citizens and the defense of the Constitution we cannot stop the work of disintegration that is going on, and it will be written of the party "Weighed in the balance and found wanting."

I am anxious to save the great republican party that has done so much to advance civilization and to elevate the standard of liberty. There are men to-day who think they stand at the doors of power and greatness and expect to enter in, but the hinges of those doors will never turn for them if they fail in their allegiance to the principles that have made glorious the history of the republican party. Tantalus-like they will see the fruit before them, but when they stretch out their hands for it, it will turn to ashes. Mr. Speaker, let us stand up for the principles of equality before the law, be true to the early mission of our party, and not give up the struggle until the rights of American citizens are protected and secured everywhere in this broad land, and God will be with us.

Mr. WILSON, of Maryland, asked and obtained leave to have printed in the RECORD as a portion of the debates of the House some remarks which he had prepared upon the pending bill. (See Appendix.)

The SPEAKER *pro tempore*. The gentleman from California, [Mr. LUTTRELL,] a member of the committee reporting the bill, is entitled to the floor for one hour.

Mr. SPEER. With the permission of the gentleman from California [Mr. LUTTRELL] I will move that the House now take a recess until to-morrow morning at ten o'clock.

Mr. HARRIS, of Virginia. We had better adjourn.

Mr. HAWLEY, of Connecticut. I have another suggestion differing slightly from either that has been made, and I would like to make it now if the gentleman from California will permit me.

Mr. LUTTRELL. I am willing to yield for any suggestion, provided it does not come out of my time.

The SPEAKER *pro tempore*. It will not come out of the gentleman's time.

Mr. HAWLEY, of Connecticut. The gentleman from California as one of the committee reporting the bill is by usage of course entitled to an hour. I understand that he has awarded some of his time to gentlemen who are too ill to be present and speak now. He does not wish to lose his right to the floor. Suppose that instead of now adjourning until to-morrow, or taking a recess until ten o'clock, the gentleman yields the floor now so as to permit other gentlemen who desire to speak, and who would not get an opportunity to do so to-morrow, to have an opportunity to address the House to-night. I understand that the other committee-men who will be entitled by usage to be recognized have awarded a portion of their time to their friends.

Mr. SPEER. If that can be done, I will withdraw my motion for a recess.

Mr. LUTTRELL. With the understanding I suppose that on to-morrow I shall be entitled to the floor, and then the gentleman from Illinois [Mr. CANNON] a member of the committee will follow me. I have awarded a portion of my time to members not on the committee, and I presume I will be first entitled to the floor to-morrow.

The SPEAKER *pro tempore*. The present occupant of the chair responds by saying that in all probability he will not be in the chair to-morrow and cannot recognize any attempt to make an arrangement for the order of debate to-morrow?

Mr. HAYS. How much time will the gentleman from California have to-morrow?

The SPEAKER *pro tempore*. The gentleman will be entitled to an hour.

Mr. HAYS. How much time will be given to the other side?

Mr. LUTTRELL. The gentleman from Illinois [Mr. CANNON] will be entitled to an hour, and after that it will be for the House to determine how much more time will be allowed for debate.

The SPEAKER *pro tempore*. No limit has yet been assigned by the House for this debate. The Chair thinks he can safely say that the gentleman from California will be recognized to-morrow as entitled to the floor.

Mr. CESSNA. In order that silence may not be construed as giving consent to any arrangement which gentlemen may desire to make, I wish to say on my own behalf at least, and I think on behalf of many others, that there will be an earnest effort made to-morrow to call the previous question on this bill at twelve o'clock, or at the latest at one o'clock.

Mr. RANDALL. The notice distinctly given was one o'clock.

Mr. CESSNA. I know that one o'clock was named, but gentlemen on the other side refused to agree to it.

Mr. HAWLEY, of Connecticut. If there is to be any disposition on the part of any one to object to the proposed arrangement, I beg the House to remain longer to-night for debate. I want to say something, and so do other gentlemen.

Mr. CESSNA. That is just what I want, precisely.

The SPEAKER *pro tempore*. The gentleman from California, as a member of the committee, will not in all probability lose his rights. The present occupant of the chair cannot say so positively of his own knowledge; but he thinks he is safe in giving the gentleman that assurance.

Mr. LUTTRELL. Then if I shall not lose my rights to-morrow, I will give way now and yield the floor to other gentlemen who desire to speak.

Mr. CONGER. I object to any arrangement by consent to-night.

The SPEAKER *pro tempore*. The Chair has not recognized any attempt at making an arrangement. The Chair has the right, however, to respond to the inquiries of gentlemen on the floor.

Mr. CONGER. In the present arrangement of the business here, contrary to the expectation, those who had arranged the plan of discussion are precluded from either any control of the bill or any opportunity to speak upon the subject; and I am authorized by several gentlemen to object to any arrangement being made to-night which shall bind us to-morrow.

The SPEAKER, (Mr. BLAINE having resumed the chair.) The Speaker has been in the House while the present discussion has been going on, and he has not heard any proposition for an arrangement. The only point is whether the gentleman from California, as a member of the committee, shall be recognized to-morrow. Does the gentleman from Michigan object to that?

Mr. CONGER. I do not propose to express any opinion in regard to the manner in which the right to take part in the debate has all been given to certain gentlemen here to-night. At the proper time I propose to do so. I have only to say to-night that I object to any arrangement which shall bind me and some others as an agreement in regard to the order of debate to-morrow.

Mr. TYNER. I cannot let this occasion pass without saying that the only gentlemen who have been recognized here to-night are gentlemen of the committee; that each gentleman has been recognized for the period of one hour only; and if the gentleman from Michigan has any objection to that, he may, if he can, find some precedent in the past upon which to base his objection.

Mr. CONGER. The manner in which this bill was prepared and the manner in which it was by chance reported—differently from almost any other bill ever presented in the House—is known to most gentlemen on our side of the House. Unexpectedly, without any arrangement at all in regard to the speaking and contrary to the arrangements which had been made, an hour each was assigned to members of the one committee who presented the joint report of several committees.

The SPEAKER. The gentleman from Michigan will please observe that only the committee that reported the bill can receive parliamentary recognition. Any outside understanding that there may have been in the preparation of the bill cannot be recognized in the House.

Mr. SPEER. That was a mere caucus arrangement.

The SPEAKER. The members of the committee reporting the bill are entitled to precedence in discussing it. Any outside arrangement that there may have been cannot of course obtrude itself on this floor.

Mr. CONGER. I have never before known an occasion when the whole of the time of a limited debate (and from the near termination of this Congress the present debate must necessarily be limited) was assigned so that no other persons than members of one committee could get the floor to be heard at all.

The SPEAKER. The present occupant of the chair does not know at all what has transpired during his absence to-night. The gentleman from Indiana [Mr. TYNER] was requested to preside, without the slightest limitation. But to the rule that members of the committee reporting a bill are entitled to precedence in the debate the Chair has never known an exception, unless in this respect only: that while members of the committee are in general entitled to the floor alternately, one on each side, yet if the committee unite unanimously in a report the members of that committee are not permitted to speak consecutively all on one side. If, however, there be a difference of opinion in a committee the parliamentary right, as well as the right of propriety, suggests that in the debate they shall alternate on the different sides of the question.

Mr. TYNER. And that rule has been followed to-night.

The SPEAKER. If that has been followed to-night, the proceeding has been consistent with parliamentary law and the instinctive law of justice.

Mr. CONGER. That may be “the instinctive law of justice;” but some gentlemen here have thought that in the five hours given to this debate it might be possible for others to be heard than the five gentlemen of the committee.

The SPEAKER. If the House limits the debate to five hours, it limits it to the five gentlemen who prepared the report.

Mr. CONGER. The then occupant of the chair informed me, on my inquiring whether there would be opportunity for anybody else to speak, that the list was handed to him and that the order as there given would be followed.

The SPEAKER. No list was handed to the gentleman whatever.

Mr. TYNER. The “then occupant of the chair” did not make any such statement to the gentleman from Michigan.

Mr. CONGER. What does the gentleman mean by that?

Mr. TYNER. The gentleman means just what he says. The “then occupant of the chair” simply said this to the gentleman from Michigan: that the Speaker had indicated to him that members of the committee should be first recognized.

The SPEAKER. Of course; nothing else could be done.

Mr. TYNER. But the Chair did not hand me a list.

The SPEAKER. Of course not.

Mr. TYNER. Nor did I say to the gentleman from Michigan that he did hand me a list, nor did I make any statement out of which he could draw such an inference.

Mr. CONGER. Nor did I say so, but that the gentleman showed me a list and I read it.

The SPEAKER. The gentleman stated that the list was handed to the gentleman from Indiana.

Mr. CONGER. But not by the Speaker.

Mr. TYNER. I said to the gentleman I had made that list out myself, recognizing the members of the committee first in favor of the bill and then against it.

The SPEAKER. There need not be the slightest secrecy or mystification about it. When the Chair called the gentleman from Indiana to preside he asked what was the order of debate, and the Chair replied the first recognition was of the members of the committee, and he presumed he himself would be in the Hall before the committee was exhausted, and the Chair is here.

Mr. CONGER. That is an important fact, and I recognize it to be such.

**THE SPEAKER.** Then what is the point of the gentleman?

**MR. CONGER.** But it is not a more important fact than that a dozen or fifteen or twenty or perhaps one hundred gentlemen in the five hours which is proposed for discussion cannot have a few minutes' opportunity to express their views.

**THE SPEAKER.** That is for the House to decide whether the debate shall continue.

**MR. HAYS.** The only thing I ask is that the list may be preserved and I may have an opportunity of having some time to speak.

**THE SPEAKER.** There is no list for the gentleman from Alabama or anybody else.

**MR. CESSNA.** I think in justice to myself I ought to make a suggestion in addition. I do not desire to make any reflection upon any arrangement to be made.

**THE SPEAKER.** The Chair does not understand how there can be any room for reflection, whether the gentleman has any desire to do so or not.

**MR. CESSNA.** He has the right.

**THE SPEAKER.** He has no right to make any reflection.

**MR. CESSNA.** I do not make any.

**THE SPEAKER.** He will please observe not to make any.

**MR. CESSNA.** But I wish to give the notice for which I was assailed for not giving, and that is this: We spent twenty-eight hours of time in the last hours of the session, which I thought was crucifying us, to prevent the consideration of this bill, and now to save from destruction the appropriation and other important measures, I will not give further time for debate.

**THE SPEAKER.** What parliamentary connection has the gentleman from Pennsylvania with the bill?

**MR. CESSNA.** None in the world.

**THE SPEAKER.** Then the Chair will take direction from the gentleman who has charge of it.

**MR. CESSNA.** The gentleman from Pennsylvania has the right to give his opinion.

**THE SPEAKER.** As his opinion individually; but the Chair will hear the gentleman from Indiana, [Mr. COBURN.]

**MR. HAWLEY,** of Connecticut. Let me rise to a point of order.

**MR. HAYS.** I only desire to say that I requested the gentleman who was in the Chair to put my name on the list to speak after the members of the committee had been gone through with, and he promised to do it. If there is no list, then I have nothing to say. If I cannot be recognized, then I will humbly submit.

**THE SPEAKER.** The Chair finds here, which he had not observed before, a list of gentlemen who are to speak, taken by the gentleman who temporarily occupied the Chair.

**MR. HAYS.** I wish to have an opportunity to speak on this question.

**THE SPEAKER.** It will be the duty as well as the pleasure—

**MR. HAYS.** To answer charges made against me.

**THE SPEAKER.** It will be the duty as well as the pleasure of the Chair, if debate is continued, to recognize the gentleman from Alabama.

**MR. HAWLEY,** of Connecticut. I suggest, for the gratification of gentlemen who desire to speak, that if there are two hundred men who do not desire to speak, let the one hundred, if there be a hundred, or fifty, if there be only fifty, make speeches in the time which is left.

**SEVERAL MEMBERS.** Go on.

**MR. TYNER.** Lest there should be some misunderstanding, I desire to say that a number of gentlemen came to the Chair to-night asking their names might be put down on the list to give them an opportunity to speak. I distinctly said I had no right to make any arrangement in connection with it, but that I would put their names down.

**THE SPEAKER.** Lest there might be the slightest misapprehension in regard to the way the gentleman from Indiana has discharged his duties, the Chair begs to say that he would have done precisely as that gentleman has done.

**MR. HYNES.** In order that somebody may have the right to speak, I call for the regular order.

**THE SPEAKER.** The gentleman from Alabama [Mr. HAYS] is recognized.

**MR. HAYS.** Mr. Speaker, in view of the fact that the minority of the committee appointed to investigate affairs in the State of Alabama has seen fit to rehash a number of the falsehoods, which the democratic press of the South published concerning my letter on "outrages" to General HAWLEY, of Connecticut, I deem it proper on this occasion to claim a few minutes' attention from the House to vindicate myself for the course I saw proper to pursue in order to protect the republicans of my State from personal violence and intimidation at the late election.

By reference to the report of the majority of the committee, page 44, it will be seen that those gentlemen vindicate the truthfulness of my letter in the following paragraph:

In this connection, and as an act of justice to a gentleman who has been bitterly denounced, we find that Mr. HAYS had reasonable grounds upon which to base his letter to Mr. HAWLEY at the time it was written, and that in the main the same is corroborated by the testimony.

Had not a minority of the committee, instead of addressing themselves to a refutation of the facts as contained in the printed testi-

mony taken by the committee, if this was possible, seen fit to devote the greater portion of their report to personal abuse of myself I should have remained silent; but, sir, knowing as I do the condition of affairs in that State, feeling that every general charge which I have made has been sustained by the evidence, I feel constrained to point the attention of the country to the fact that this minority intend to divert the notice of the people from the terrible and atrocious crimes against the freedom of the ballot-box and liberty of the people which have been committed in Alabama by making a personal attack upon me.

The minority of that committee say:

That, with the exception of the murder of Billings and Ives in Sumter County and the burning of the two school-houses in Russell County, every specification made in the letter of Mr. HAYS was without the shadow of foundation, or so grossly exaggerated as to lose almost all resemblance of facts presented to that committee.

It could not have been supposed, Mr. Speaker, by any sane man, that I had visited every portion of the territory of the State covered by the specifications in my HAWLEY letter to glean the facts. In the very nature of things I was compelled to rely upon the truth of statements made to me by parties in whose veracity I had reason to repose confidence; and while I am free to admit that as to some minor facts I was misled, I publicly declare here to-day that the general charge of lawlessness and murder which I made against a portion of the people of Alabama has been sustained beyond the question of a doubt. Indeed, sir, the truth of the enormity of these crimes has never been and perhaps never will be told.

What men have suffered and endured for political opinion's sake in many portions of that State has been only partially developed by the labors of your investigating committee.

I desire specifically to mention some of the circumstances surrounding a few of the charges which I made in that letter. First, as to the Choctaw County affair. The reports of that affair were given to me by William B. Jones, United States commissioner, and a gentleman who is at present in full accord with the democratic party of the State. Had I mistrusted that Mr. Jones would so soon become a convert to the principles of democracy, it is probable that I should not have attached much importance to the statements made to me; but believing then that these statements were true, I published them to the country, and did not learn until after the publication of my letter that I had been misled as to the number of murders committed in that county.

Now, sir, while it may be true that I was mistaken as to the exactness of locality, yet I fully believe that no one will deny the general allegation that there does exist in that county and section of the State an organized system of lawlessness which is a blot upon the fair name and fame of the people.

Again, the minority of the committee say that I falsely "alleged that eight murders had taken place in Sumter County."

Now, sir, by reference to page 1191 of the printed testimony it will be noted that *perhaps I was mistaken* in my enumeration of the murders committed in Sumter County; but it is there in evidence that Major Bolton—a leading democrat—had acknowledged that some "seventeen or twenty or thirty negroes were killed," and he said: "We do not want it to go out that but three were killed; we do not want the world to know that but three were killed." So if I erred in this matter, it seems from democratic testimony that I placed the number of murders at a much less figure than a knowing democrat did.

It is the democrats and their allies that wish to conceal these murders in the South. It is the democrats and their allies that have driven out of my county and out of my district every single northern man who went there and carried the flag of the Union except Luther R. Smith. I represent upon this floor fourteen counties in the State of Alabama, and I desire to say here that in those counties numbers of men who followed that old flag that floats to-day over our country settled in my district; they carried their money there; they bought land there; they did not say what political party they belonged to, or what purpose they had in view; but they said they had done so for the purpose of working out an existence in the State of Alabama as citizens there. After they did that, and after Alabama had refused to support the fifteenth amendment and the negroes had the franchise conferred upon them, they chose to vote; and the very moment that they chose to vote the republican ticket ostracism, persecution, vilification, and murder reigned supreme around their domiciles. They were driven from their adopted homes, and to-day the only living man remaining who carried that flag or who followed the Union Army in that country is Luther R. Smith, the judge of the circuit court in my district, and he would not be there to-day if he had not "toadied" to the democratic party, which, so help me God, I never attempted to do and never will if I can help it.

But not to digress further. As to the charge that I had falsely reported that W. P. Lipscomb, a prominent republican, was "publicly shot to death on the public road," I have to say that I gathered that information from a telegraphic dispatch published and republished in a number of the democratic papers of the State. They vouched for its authenticity, and if it was a democratic lie, I can only remark that it was nothing unusual on their part.

It is very easy, Mr. Speaker, for the minority of this committee who have gone to Alabama to come back with a whitewashed report of the doings of their Ku-Klux political brothers in that crime-ridden country.

They tell us Alabama has the same peace and quiet within her borders that Georgia has, that Mississippi has. I am free to admit it, sir; and that peace is the peace that the wolf gives to the lamb, or the assassin to his victim. It is, sir, as the gentleman from Michigan [Mr. CONGER] is wont to remark, "the peace of the grave."

The colored men, who compose the body of the republican party, have been made "peaceful" by the shot-gun of the raiding white-leaguer, the bowie-knife of the southern desperado, or the whip-lash of an ex-slave master.

Sir, it is in evidence in the testimony taken before your Alabama investigating committee that witnesses were afraid to be examined before that committee for fear that they too might be made "peaceful" after they had retired from the investigating room.

I do not desire to claim the attention of this House in arguing as to the truth or falsity of the charges of intimidation, violence, and murder in Alabama.

The book of testimony that is at the command of every member on this floor most fully sustains every specification made, and the committee say in substance that the atrocities committed in Alabama are such as have only been "witnessed heretofore in savage warfare."

It remains to be seen if in America, this boasted land of liberty and freedom, an American citizen has the right to utter such sentiments as he may see fit not in derogation of the Constitution of our country.

If the republican party allows this session of Congress to end without throwing some protecting ægis over the shoulders of republicans in Southern States, our doom is sealed; liberty of speech will be throttled, and maintenance of liberty in that country will be "among the things that were." If you have no helping hand to offer the republicans of the South in their struggle against the desperate and reckless attempts of the White League democracy to destroy the Government, you may as well sound the funeral knell of liberty and independence in that country. We do not want to suspend the *habeas corpus* writ to intimidate voters; we do not want soldiers to overawe white men; but what we do want is a fair chance to express ourselves at the ballot-box for the men of our choice.

Mr. Speaker, I want to say one other thing to you and the members of this House. No man understands so well or knows so well the dangers of the seas as those that have been upon them. I have been "there," and I know whereof I speak.

Sir, the very moment that a man goes into the southern country, especially into my district, he is watched. Let him be a northern man and set himself down quietly and peacefully and orderly; let him be a democrat or a republican, and he is recognized there as one of the best "fellows" in the world if he carries capital with him. But the moment he votes the republican ticket, capital or not, then he is obnoxious to every man in that country. The very moment he votes the democratic ticket he is one of the "winers and diners" of that hospitable land. So far as I am individually concerned, Mr. Speaker, I have nothing to ask of them. I went into the confederate army and I tried to do my duty there to the best of my ability. When the war ended I proposed to recognize this Government "as the Government of the people, for the people, and by the people," and to submit to its authority quietly and orderly.

I was a Douglas democrat, opposed to secession, and was one of those who went to the Charleston convention. Sir, I think my record is clear; and I am sorry to see such men as those men on this floor who voted supplies to the armies of the North, who voted supplies to the Government to go down there and conquer the southern people, come up here to-day to arraign me for doing that which they had imposed upon me. I do not know what position that gentleman took who occupied the floor to-day, [Mr. BUCKNER;] where he was during the war; whether he was in the Federal Army or in the confederate army; and I care not. But, sir, when a man comes to me and says that I propose to malign my own people he says that which is not true. I do not propose to malign my own people. I do not propose to say anything on God's earth that would pluck one laurel from the wreath of Alabama's fame. No, sir; I had rather be banished in oblivion. The bones of my father are there, and my children are there, and the dearest ties that I have got on earth. All of my people are there to-day, and the last tie that I have got upon earth is to Alabama and her sacred soil; "polluted never, so help me God." I am here to-night to declare that I would never malign her people or do aught to bring upon them injustice or oppression.

But, Mr. Speaker, there is a duty that impels me which, in my judgment, is paramount to any local feeling. There is a national duty. It is a duty I owe to that flag which floats above your head. It is a duty that I owe to the country and to the Government of my fathers. It is a duty that I owe to myself and to my children and to my children's children that may come after me. That duty bids me protect the helpless and defend the right. The oppressed people of my State look to me to tell you of their condition and to plead with you in their behalf. They have stood to me in all the dark and dreary hours of the past; they have toiled for me and mine (some of them) when the yoke of slavery was upon them; and now in the hour of their need, come weal or woe, I will be true to them.

Mr. Speaker, some people arraign me for being a republican, and point at me as one of those who followed the confederate flag until it was furled in disaster and defeat. I have no apology to make

to such men. I did follow it and wanted it to succeed. But it did not succeed, and when it failed I was one of those who proposed to remain quietly and peaceably at home upon my plantation and vote for whatever I thought best for the people of my State and my country.

Sir, I was forced into the position that I have taken here to-night. I was forced into the position I occupy upon this floor. The very moment that I said to the people of my country that I proposed to be a republican and that I proposed to obey the honorable edicts of those who had fought and carried the flag of the Union through the land I was denounced, (and let me say just here that they freed as many slaves of mine as they did of any other man in my country or upon this floor.) I have followed the fortunes of the republican party because I believed it was right, and because I believed that such a course would bring us peace, happiness, and prosperity. Upon those who charge me with being the maligner of my people I hurl back the imputation, and trust to posterity for that vindication which should be dear to every honorable man in the land.

Now, sir, the question has come to this: whether we shall have another revolution or whether we shall abide by the decision of the majority of the people of this nation! The question has resolved itself into this: Is this a "government of the people, for the people, and by the people," or is it a government of a country which proposes to control all votes of the people by intimidation and violence? The "bacon" affair alluded to by the gentleman from Missouri [Mr. BUCKNER] is a matter of small consideration to me. I had nothing to do with it. I was asked by the governor of my State to appoint gentlemen to distribute it, and I appointed the very best men I knew of to distribute those supplies. I was engaged at the time in a canvass in the State of Alabama, in fourteen counties. I did not know what was going on, and I never saw a hogshead or a pound of the bacon referred to in my life, and there is not a man upon the floor that believes that I ever did. My democratic colleagues on the floor know that when men assail me about a matter of that kind they are "reckoning without their host." They do not know the position I have occupied heretofore in my own country, but there are democrats on this floor who followed me in the confederate army through Kentucky, and who were with me in the retreat from that State, who know me well. I appeal to them to vindicate me on this floor; and I know they will do it.

Mr. Speaker, the time has come that we should cast about to see where we stand. It is a question how the Federal Government stands in the South; how the people of Alabama stand to-day, governed as they are by a governor elected on a platform of proscription and by a Legislature proscriptive in every single instance against the party that they have succeeded.

I do not know that I shall make, Mr. Speaker, any more remarks on this subject. I only wish to pay a parting call to my colleague from the Mobile district, [Mr. BROMBERG,] who rose in his place "to explain," and with the pompous zeal and officious tone of all new converts assailed me. He is one of the men that "captured" me. He deserted his country when the war came upon us in the South and fled—shall I say northward—westward, yes, "westward the course of empire takes its way." Yet, sir; he claimed no "place in the picture nearest the flash of the guns;" he "struck" for the "green graves of his sires;" he "skedaddled," "standing not upon the order of his going;" he "went" North and he remained there in "non-combative" seclusion, curbing the martial southern spirit that he evinces now, until "white-winged peace" had fanned his warlike brow. And what did he do then? Why, his very first act was to return to his sunny southern home and "catch" all the "fellows" he could in the State of Alabama to join his radical party, and I am one of the "fellows" my colleague from the Mobile district [Mr. BROMBERG] captured.

The gentleman tells us that the story of the falsity of outrages cannot be "truthfully contradicted." Such an expression, coming from one who not long since was wont to touch the chords of the negro lyre, and suck with near-sighted energy the teat of the public Treasury, is peculiarly refreshing. Doubtless the gentleman has forgotten the time of the riot in Mobile, when Mr. KELLEY, of Pennsylvania, (why is it not Mr. KELLEY here,) was driven from the rostrum. Somewhere about that time his present White League brethren fired into his private residence, and doubtless would have been delighted to take the scalp of my erratic neighbor that night. Is not that so, Mr. BROMBERG?

Mr. BROMBERG. That was two years later.

Mr. HAYS. Ah, Mr. Speaker, they fired into it anyhow. There is "method in the madness" of my erratic colleague. If he was still the "radical" postmaster of the city of Mobile, perhaps he might now be singing peans of praise to the "radical party." Yes, sir, strange as it may seem, my zealous friend, now so eager to repel any "imputation" upon "southern honor," has an "official and private history." Ben: Perley Poore does not give it in our "record" of statesmen, but yet he has it. Once upon a time he was called the leader of the "nigger party" in Mobile, and "nightly" presided over hosts almost equal to those hurled with Lucifer from the battlements of heaven. True these hosts were "black," yet the democratic papers then said my friend was the "blackest sheep in the flock." Yes, sir, he was "grand chief scalawag" among us all; he raised the hymns in our "midnight gatherings," and in good old Methodist style shook us by the hand when we "joined the little German band." Oftentimes when I

have gazed upon his melancholy face in "secret leagues," "radical caucuses," and "black and tan" conventions, Homer's touching picture of the last sad scene between the noble Hector and his disconsolate family rose before my sympathetic imagination. We were all wont to say, "Brother BROMBERG feels what he says."

But, one from "the noble army of martyrs" had to be dropped. That public pap which once he took with astonishing regularity had to be taken away from him. He clutched the "bitter cup" with patriotic firmness, but at length it passed away. I had the honor of helping the gentleman into the "walks of private life." He was chagrined, and in the desperation of his heart he joined the democracy, who have just run him the second time for Congress, and got him beaten by one of our "colored brethren" by a small majority of from twenty-five hundred to three thousand. He now sees his chance to traduce his old party associates, and make himself a fame among his new ones. Take him, gentlemen, and "may God have mercy on your souls." He proved false to us; may he not prove so to you!

But, Mr. Speaker, I will say no more on this; but before I conclude let me say to my friends that the time for action has arrived—the supreme test has come. It is a battle between law and lawlessness, between law-abiders and law-breakers.

It may seem idle to tell you, but unless something is done to avert the coming storm the waves of a new revolution, terrible in its magnitude, bitter in its hatred, and disastrous in its results, will be upon you.

In conclusion, as for the maledictions which the democratic leaders and party press deem proper to bestow upon me for my faithful discharge of duty to my country and my State, I shall endure them in silence and peace, and trust to that spirit of justice which sooner or later must come to vindicate my record from the aspersions which have been so foully cast upon it.

Mr. HAWLEY, of Connecticut. Mr. Speaker, I had not desired to speak upon this bill or on this subject, and my urgency to-night in seeking that the floor might be left open was for the sake of others who I supposed did desire to occupy the time of the House and who would not be likely to obtain the floor otherwise. I hoped that before this debate closed some Representative would express substantially the views which I hold upon this question, but I fear that that may not be the case, and therefore I propose in a very imperfect and irregular way to indicate my opinions. It may not be improper to make a personal remark to begin with. I have been a radical abolitionist from my earliest days. I began on reaching my majority as a member of the free-soil party. I fought in it with all my might until the republican party was formed, and I joined that party. I went into the service of the Union the first day of the war, and I staid in it until I was honorably discharged after the close. I have worked with the republican party for its most radical measures, the thirteenth, fourteenth, and fifteenth amendments included. So my record on that subject is tolerably clear and radical.

But I am coming to a time now when I must seriously consider whether I shall go on with some of my radical associates. I am compelled in a measure to part company with them, but I dislike to do it. A very few minutes will suffice to tell why I must take another path this once. I cannot agree to put any further or greater powers into the hands of any President of the United States. I think the existing laws upon the statute-book are strong enough for the preservation of all the rights guaranteed by the Federal Government, full and strong enough for the fulfillment and discharge of all the obligations resting upon that Government.

Now, I acknowledge the unhappy condition of affairs in the South. I am compelled to believe in the substantial correctness of that admirably-drawn report presented by Messrs. HOAR, FRYE, and WHEELER. I think the conclusions they have stated commend themselves to all impartial men as sustained by the evidence and the general course of affairs in the South.

But gentlemen say, if that be so, if that terrible arraignment be just, "are you not ready then to put into the hands of the President the power to suspend the writ of *habeas corpus* over any portion of the Union and for an indefinite time?" No; I am not. "Are you not ready to go on? Are you not ready that still further and further and further terms shall be imposed to make that people good, and to control the elections there?" No; I am not.

"Then you acknowledge yourself to be without power to remedy these evils?" To a large extent I do acknowledge it. There are wrongs there that we can never reach in this Hall until we have changed the Constitution of the United States. There's a social, and educational, and moral reconstruction of the South needed that will never come from any legislative halls, State or national; it must be the growth of time, of education, and of Christianity. We cannot perfect that reconstruction through statutes, if we had all the powers of the State Legislature and of Congress combined. We cannot put justice, liberty, and equality into the hearts of a people by statutes alone. "But," say you, "if that be true, then this Government is imperfect." I say it is; you all acknowledge it. We all know that this Federal Government which we are administering here is an imperfect government. It does not reach into all the relations of life. It does not directly protect all the rights of humanity, it does not profess to. Theft and robbery and murder may be common in a State, may be said to prevail all over a State, and if those crimes are not committed in accordance with the plans of any wide-spread conspiracy,

if they do not come under the head of insurrection, or invasion, or rebellion, and do not touch the mails, or the Federal laws, powers, and duties, how are you to interfere with them? Your brother living in Alabama may be most foully murdered before your very eyes and the eyes of your fellow-citizens, and the authorities of the neighborhood may see and know it, and may utterly refuse to take any notice of it whatever; and we sitting in this Hall may be and are absolutely powerless to interfere, if it be not done as a part of a rebellion or an invasion or in disobedience to some Federal law. And murders like that may be repeated in the next town, and the next, and the next, and there may be five thousand of such murders in that State in five years, and this Federal Government is absolutely powerless. We all see that, and all know and accept it. So this is an imperfect government, and was constituted as an imperfect one; perfect within the lines it has laid down for itself, but outside of those lines absolutely powerless.

Mr. CLEMENTS. Will the gentleman allow me to ask him a question on a point about which I wish to hear from him? Why is this Government less powerful to protect an American citizen in Florida than one in Cuba?

Mr. HAWLEY, of Connecticut. That is a fair question. I was coming to that very point. Take the case of an American citizen going into France, Austria, or England. Let his family or himself be there outraged or robbed, or let some of his family be murdered. Should there be any hesitation on the part of the authorities of the place and country to give him full and ample justice, the entire power of forty millions of people is at the back of the President to vindicate his rights as an American citizen, and the President would be impeached and hurled headlong from the White House who did not protect that man to the extent of the nation's power. Every lawyer knows that that precise occurrence might be duplicated in any State and the President be absolutely without a particle of power to interfere to prevent or punish. Is not that constitutional law? No lawyer will deny it for a moment. This serves to illustrate the proposition (I might prolong my illustrations by the hour) that this is a Government of certain defined and limited powers. It was constituted upon the belief that, taking an enlarged view and running through a long series of years, the personal rights of the citizen would be best protected by this limited local State sovereignty around him; that on the whole these twenty, thirty, forty, or fifty State sovereignties would protect in general the personal rights of the citizen, while this Federal Government, constituted in whatever way you please, (whether by the people at large or by a confederation of the States does not for my present purpose make any difference,) would protect a certain wider range of rights—would protect the national existence, and would also in certain other well understood cases protect the citizen against great wrongs within his own State; that is, would interfere in cases of domestic violence or insurrection or invasion, while the State as a little republic within itself would take care of him in all the other respects not provided for in the national Constitution. That was the theory.

Mr. CONGER. Will the gentleman state to the House why the President under the law or Constitution has any more right or authority to bring the power of forty millions of people to protect a citizen abroad than at home?

Mr. HAWLEY, of Connecticut. Well, I sincerely think, with due respect for my able friend from Michigan, that it can hardly be necessary for me to restate my position on that question. Did I not say, and does not every lawyer know, that in Hartford my neighbor next door on my right hand may murder my neighbor next door to me on the left hand; the grand juror to whom I complain as soon as I can reach him may say, "I do not care; it was a justifiable homicide;" or "I do not care anyhow." He may refuse on whatever ground to interfere. The State's attorney may give me no attention when I go to him. The proper authorities may refuse to take notice of the criminal neglect of the prosecuting officers. Even the governor may refuse to hear me. Yet if I go to the President he will simply say, "This is a matter legitimately belonging to your own State authorities only; it does not involve any crime against the United States. I see in it no violation of United States laws. It is a gross, an awfully wicked and criminal neglect on the part of your people to protect themselves. But I do not see how I can send my Army there or my United States attorneys there to interfere in the matter." Now, is not that a correct statement?

Mr. CONGER. Where does the gentleman find the authority of the President to interfere, with the power of forty millions of people, to protect a citizen of the United States in a foreign country?

Mr. HAWLEY, of Connecticut. Well, I find it in every book on international law that was ever written; I find it in the fact that when we enter the family of nations, it is not for any member of that family to make distinctions between State and Federal sovereignties. It is not the State of Connecticut, nor the State of Alabama, nor the State of Ohio, nor the State of Pennsylvania, that appears in England to protect the American citizen. It is a nation known as the United States—one of the family of nations—which goes there clothed with all the powers belonging to any national entity, to vindicate the American citizen. Of course, when I speak of the President, I speak of him as typifying the United States Government with all its powers.

Mr. CONGER. Did the gentleman then mean simply to say that

Congress could make such laws in the way of declaring war, &c., as would secure the vindication of an American citizen suffering injustice abroad? Or did he mean to say that the power was vested in the President?

Mr. HAWLEY, of Connecticut. O, no; I think the gentleman ought not to have understood me in that way. When I said "the President," I meant the whole Federal power; I meant the nation—Congress united with the President.

Mr. CONGER. Does the gentleman mean anything more than that the citizen when injured abroad is protected by the "instinctive sense of justice" of "forty millions of people," and that the President is required to execute that?

Mr. HAWLEY, of Connecticut. I mean that he is protected by all national obligations—by justice and humanity and common sense. Of course we all know that the President cannot declare war. I mean to speak of him as representing the Federal power.

Mr. SMITH, of Ohio. I wish to put a question to the gentleman. I understand him to say that when a citizen of the United States suffers wrong in a foreign country, the President of the United States, wielding the power of "forty millions of people," has a right to correct the wrong.

Mr. HAWLEY, of Connecticut. The President representing the Federal Government.

Mr. SMITH, of Ohio. Now, if a citizen of the United States is murdered in England, I want to know from the gentleman on what ground the President of the United States can interfere for the punishment of that murder, any more than he can interfere in the State of Connecticut in a similar case? If that foreign government does not by its laws provide for the protection of the citizen of the United States, have we any right to attempt it?

Mr. HAWLEY, of Connecticut. O, Mr. Speaker, I thought I was talking to lawyers mainly.

A MEMBER. You are mistaken.

Mr. HAWLEY, of Connecticut. Why, of course in such a case as that the President, through the Secretary of State and the American minister near the Court of Saint James, would make application in due form to the British government; he would receive a communication in reply stating that due justice would be done in the case; that the criminal would be promptly arrested and prosecuted; that proper reparation would be made; that indemnity would be allowed to the widow and orphans of the murdered man; or that government would say "We do not care anything about your miserable Yankee;" in which case the President would lay the facts before Congress. There would then probably be a declaration of war and a great fight on land and sea. That is what I meant.

It does not follow that because a thing would be good if it were done, therefore Congress ought to do it. There are a good many things I should like to see done in every Southern State—yes, in Northern States too; yet the attempt to have Congress do them I would resist to the uttermost. I think that is obvious. Now I have not the time to enlarge upon these points. I do scarcely more than state them as legal propositions.

I have a few words more. We hear a good deal said about centralization and the tendency to put or take too much power into the hands of the Federal Government, the Executive and Congress as well. I want to say this now in the spirit of fraternity and friendship for my southern friends here. Who are the centralizers? You say we are, because our hearts are warmed up whenever we hear of great wrongs in the lately rebellious States. We begin to draught Federal statutes and then we stop for a while to look at the law-books and think what our fathers tried to make of this Government, and we hesitate. I am one of those who hesitate. But you say we are the centralizers, that we are the men who seek to usurp power.

I am quite sure that if we pass the bills now before us, and follow them on and on in that direction and begin to creep over, to *march* over the proper lines of State sovereignty and grasp more and more power for the sake—and that is the motive in our hearts—for the sake of securing liberty, justice, equality, and peace for the people down there, it will not be our fault altogether. Reflect, my friends of the South! When we were plunged into that great war we went on and on with it, and finally became sure there was no other way to root out, to absolutely clean out, the whole great wrong but to abolish slavery; and we made four millions of people free. Then, thinking there was no other way to secure liberty, to secure the freedom we gave them, we gave also to this poor people the right of suffrage. We knew how you would feel in regard to them, but we felt obliged to take this course. We felt that we had come under solemn obligations as the friends and in a peculiar way the guardians of those people, bound to see fair play given them. That is what troubles many of us. It is an obligation of honor as well as of constitutional law, and we cannot endure to see the wrongs which we must believe exist there. I do not want to believe it; but there are wrongs grievous and terrible there, some of them owing to circumstances, to peculiarities of society and civilization existing before the war as well as now, some of them owing to that spirit of resistance to Government and its measures which naturally enough remains a residuum of the rebellion. But if you want to check these tendencies to centralization you can do it. You my former enemies in the field, you officers of the confederate army, you the former slaveholders, you can do it; you

can quiet this movement in a week by giving us the solemn assurance here from men who I know will keep their word that you will put an end to Ku-Kluxism and put an end to the White League; that you will see fair play by any being that walks on two legs and received a soul from God. Do that, my friends, and there will be no longer any desire to go down and interfere with you; no longer any desire, creditable I say to our honor and our manhood, to strain the Federal power to establish justice there and everywhere.

That is an appeal I should like to make in the face of every white-leaguer in the South. Remember what obligations we are under to these men, the white Unionists and the black Unionists. Think how you would yourselves feel in regard to suffering and appealing friends in another section if the case were reversed. I know you; I was born among you; came away early, to be sure; but I have kept up the traditions of the South and many associations and friendships. I want you to see the beauty there is in the doctrine of universal liberty, equality, and fraternity—the glorious beauty there is in it. Love it and adopt it in dealing with your former slaves. I would rather trust them with many of you to-day than with a great many northern men. Treat them as your own friends and neighbors, your full equals in all rights under the law, treat them with patience and full, unswerving justice, allowing full liberty of political creed and action, and you will have struck an effectual, final death blow to what you dread as centralism.

But, my good friends, let me give you a warning. If these wrongs continue, if we hear of Ku-Klux living and flourishing, if the white-leaguers go on, if murders and outrages and ostracism for political opinion go on, and thereby nourish a spirit of hostility and rebellion to the Government and establish caste and a relation between so-called dominant and subject races by a spirit that may keep out of the statutes but be more effectual than statute-books; if you and others, the real gentlemen of the South, do not put these things down, you will give an additional heat and strength from day to day and from week to week to the desire to do justice there, and by and by the fire will burst and blaze out as once before; and if it does come, if the slow and sluggish North shall at length arise in the hot blood of war, I shall dread the future of my country, for State lines will vanish like tow in the fire and right will be rendered at whatever cost. We will have a centralized government, reaching down with abundant power, with all power, to the lowest citizen. But it will be over the ruins of the original theory of the Republic, and it will be in the end, I fear, the destruction, the final failure of this great experiment of free government.

I have spoken without reserve. I know some of you of the South can adopt some of these ideas. I shall go home to my people now on a campaign and make very much this sort of a speech over and over again. That is the way I am going to talk there. You can help those of us who believe in the proper theory of government, or you can strengthen those of our friends whose motive is an honorable one and who are working in the direction of centralization.

I shall watch the pending bill carefully. I cannot vote, in time of peace, without the most powerful evidence of great and immediate necessity, to put this tremendous power of suspending the writ of *habeas corpus* in the hands of a President of the United States; any President, George Washington, Abraham Lincoln, or Ulysses S. Grant. I doubt not that as time passes Ulysses S. Grant will be vindicated from the charges that now rest upon him—charges so reiterated that many have come to believe them. I believe he desires justice, equality, obedience, and peace, and only that, in the South. But I would tell him, if he were my own father and I believed he had the wisdom of Solomon, that I could not vote to give him this power; for I do not believe it is for the good of the nation, and I will not do it.

I trust to see the ideas of the republican party triumph in this nation. To a very large extent they are now incorporated, crystallized in the Constitution of the United States. I want to see them prevail not only in the letter of the Constitution and the law, but in the hearts of the people. I understand those gentlemen who believe that the welfare and even the existence of the country are to a large extent dependent upon a perpetuation of our party. But we must be very careful how we permit that consideration to govern us in discussing constitutional questions. Why, sir, see how the honest and candid man who wrote that article in this morning's Washington Republican regards the question. He closed as follows:

THE PASSAGE OF THE BILL IS REQUIRED TO PRESERVE TO THE REPUBLICAN PARTY THE ELECTORAL VOTES OF THE SOUTHERN STATES.

REMEMBER THAT IF THE DEMOCRATS CARRY ALL THE SOUTHERN STATES, AS THEY WILL IF THE WHITE LEAGUE USURPATION IN SOME OF THEM IS NOT SUPPRESSED, IT WILL REQUIRE ONLY FIFTY DEMOCRATIC ELECTORAL VOTES FROM THE NORTHERN STATES TO ELECT A DEMOCRATIC PRESIDENT. THIS IS A LIBERAL ESTIMATE.

All this in large capitals. Well, now, the writer honestly thinks that liberty, that justice, equality, and fraternity will be trampled in the dust if the republican party does not succeed. He thinks it will be a wise policy to go to the very verge of constitutional power—even under his own acknowledgment—to perpetuate that party in power. I cannot say that. I prefer to adhere to the doctrines that I think will wear best for fifty years to come, and if need be to go into a minority. If the democratic party should carry this country in 1876 and should fail to live up to the ideas that we have im-

pressed upon this Constitution and these laws, if it should fail to carry them into its Federal and State legislation in a true spirit and without hesitation or evasion, it will go out of power. Do not let any of those men who devotedly believe in the lost cause flatter themselves that there is to be a reaction of that kind. The North desires simply to guard the Constitution. If there be a reaction, it has come because of some abuses that have crept into the republican party, and not because that party's great ideas are not forever enshrined in the hearts of our people; not because they do not stand ready by ballot or by sword to vindicate the truth. The ideas will live. Those I work for and pray for. The organization may go into the dust, but our doctrines will arise and rule this land.

Mr. BROMBERG. Will the gentleman from Connecticut answer me one question? I know he is a fair gentleman. What does he mean by the White League and white-leaguers?

Mr. HAWLEY, of Connecticut. I hope the gentleman will excuse me for not entering into that part of the subject. An organization, good or bad, take your own view of it—an organization exists called the White League.

Mr. BROMBERG. In what States does it exist?

Mr. HAWLEY, of Connecticut. I do not know how many.

Mr. BROMBERG. I desire to say that it does not exist in the State of Alabama, for one.

Mr. HAWLEY, of Connecticut. Alabama has not reached the millennium yet, no more than has Louisiana.

Mr. BIERY. When I came here to-night I did not intend to speak. I desire, however, to say a few words on this question. I have heard a few remarks that pained me as a citizen of this great Republic.

When I read the Constitution of my country I find in the preamble this:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

I find that that instrument was adopted for great and noble purposes. The question arises here to-day, in the face of all the facts we have in connection with the southern country, whether that preamble is being carried out to-day. If it be, then truly are we safe; if any of these principles are being trodden under foot, if any of them are being disregarded anywhere in this country, then in my judgment whatever wrong is perpetrated ought to be righted and protection afforded against the future perpetration of such wrongs. Unless all the evidence that has been taken by the committees that have been sent into the Southern States to investigate affairs and facts there are untrue, unless the men who have come here and when they took their seats on this floor swore that they would defend the Constitution of their country and perform their duties as legislators are committing perjury and are submitting as facts what are not facts according to sworn testimony, then we have great reason to believe that some of the great principles that are laid down in the very preamble of the Constitution are being disregarded, are being outraged in the southern part of the country. If that testimony be true, then we find that State governments are being subverted by what may be termed mobs. I allude particularly to the State of Arkansas. As I understand the facts in that case, there can be no pretense at all, under the evidence taken by the committee sent down to investigate, that the present government of Garland & Co. has any validity whatever. If we go to Louisiana, what do we find? We find such a state of facts as will characterize some of the lower governments on the face of the globe, but no republican government.

But, sir, if we want to find a subversion of the rights of the people and non-protection of life and property, it is not necessary to travel over the whole southern country. I do not intend to refer to any great extent to the facts, because they are patent to every one that listens to me; but the question is, What shall be done with the country? Shall we suffer right to be trampled under foot when the State courts refuse or neglect to punish crime in the shape of murder; when men ride at night and take their fellow citizens from their beds and take them out and hang them; when they shoot them down on the street; when trains are flagged and United States officers in the shape of mail carriers are shot on the train and not as much as an investigation is had upon the subject to ascertain who perpetrated the outrage? These men apologize for these crimes, and say, "Do you not have crimes in the Northern States and cities? Have you no murders there; no assassinations?" We have none of that kind. There is a difference in crime in this country. There is one kind of crime which is perpetrated in all civilized communities; but there is another sort of crime committed in certain parts of this country. When a man thinks that because men advocate political principles which they believe in they ought therefore to be persecuted, the government of that part of the country is not republican in form. As I understand republican government, it is a government where the people rule through their chosen representatives. Shall it be said that America, which boasts of its freedom, has certain States in which a man cannot go and carry with him the sentiments of a free man? Shall it be said that America has any part within its borders where a man is not safe in person and property because of the political principles which he avows?

Sir, we boast of our freedom. We tell foreign monarchs that their institutions of government are not those of freemen, are not fitted

for the highest type of liberty. What do we do ourselves? When a man goes into a Southern State—take Louisiana, for instance, or take Alabama—and we find that murders and outrages are committed there because of the political sentiments of the person murdered or outraged, are you going to tell foreign monarchs that this is the freedom which is superior to their institutions?

Sir, the blush of shame mantles on my cheek when I hear gentlemen apologizing for the President and when I hear men talk as I heard a member on this floor not long ago who said that he would let hell reign in the South for a time until the North was aroused.

Mr. HAWLEY, of Connecticut. If the gentleman refers to me, he must not misrepresent me. He refers to what was said in caucus, which he has no right to mention and misquotes it. I said that wrongs existed in the South, and great wrongs; but that the North did not want to believe it, and would not. I said that I did not know that they would believe it at all until things were let to run there, and hell was allowed to reign.

Mr. CESSNA. I do not see the difference between the quotation and the explanation.

Mr. BIERY. I ask the gentleman if he did not use substantially that language in that connection.

Mr. HAWLEY, of Connecticut. I did not say that; I do not pretend to quote my words to the letter. I was misquoted in the papers by somebody who had no business to report what was said in caucus, but I did not notice it. But now that I am misquoted in the House I must correct it. I said that there were wrongs in the South, great wrongs, but the North did not believe it, and I did not think there was any way in which they could be convinced until things were let to run there to such an extent that hell would reign in the South.

Mr. BIERY. I have no desire to misrepresent the gentlemen; I would not misrepresent any one. I only want to ask him whether he did not use that language in that connection.

Mr. HAWLEY, of Connecticut. I have made my explanation, and the gentleman can now state it in any way he pleases and make the best of it.

Mr. BIERY. I will simply say this in reference to that question, that it did not seem to me to be just that any innocent man should suffer in this country in order to raise a spirit of antagonism in any other part of the country. As I understand it, it is the duty of this Government to protect the humblest citizen in every part of its domain. And when it fails to do that, then your Government is a mockery. When my Government refuses to lend me its aid when I am in danger anywhere because of political sentiments or because of any principles that I hold and advocate fearlessly in the face of anybody, then I say that the government fails in its duty to me. This Government is not a sham, and ought not to be made a sham. Governments are set up for the good of the people that are governed by them.

What further do we find in the South? As I understand it, we find not only that the State courts of justice do not apprehend, convict, and punish criminals, but we find that the cause of education is being interfered with, and that for certain classes of its citizens the means of education are becoming extinct in the South. I refer to the colored citizens, when I refer to the number of republicans who live there. The schools are being fast closed to every child of color down there. Wherever there are no schools established for them specifically, they are shut out from all opportunity of acquiring knowledge. It is so in regard to the churches in which to worship God.

We find that in some of the States where it is claimed there is peace and quiet, it is the peace of death and the quiet of the grave so far as certain of its citizens are concerned. We are told that the State of Georgia is quiet; that it is peaceable there; that there are no outrages there. Why is it peaceable there? Because certain people see fit to keep their mouths shut rather than die. To-day seventy-five thousand of the colored citizens of Georgia see proper to remain away from the polls and not exercise the high privilege of an American citizen to cast his ballot for the man he wants to put into office. Therefore Georgia has no assassinations and is quiet. And you can have that kind of peace all over the South, and that is the only kind of peace you will get in the South when the white men who are leagued together to accomplish their purposes shall have succeeded.

Now do you want that kind of peace there? Having declared that the colored man is a citizen of this country, it is your duty to protect him in every right that you and I exercise. When you fail to do that by means of every power this Government has, then in my judgment you fail in a very vital part of your duty.

The bill that is now before this House for consideration is a long one and has many provisions. But the principal clause that is antagonized here is that which proposes to suspend the writ of *habeas corpus*. The Constitution puts that power into the hands of the President. In the first place, it defines what shall be the occasion on which it may be suspended, and then it leaves to his judgment to determine whether circumstances have arisen when he may suspend that great right.

For one I would not make the people of this country familiar with the suspension of the writ of *habeas corpus* on ordinary occasions. I would not lead the American mind to think that it was a light thing to suspend that great writ, or that it could be suspended except on very extraordinary occasions. But when occasions are pre-

sented such as I believe now exist in the southern country, when circumstances arise such as I understand are now in the South, I think it is high time for Congress, for the Government of the United States to take into serious consideration the question whether it will permit that state of things to continue, or whether it will make an honest and earnest effort to check it.

I am as reluctant as any man can be to give my vote to a measure which may be regarded as doing injury to any man in this country. But, sir, believing as I do that there is not only great danger in the subversion of the rights of individuals but that the principle of subversion may be extended from State to State, that unlawful bodies of men may overthrow State governments, and that the same destructive principle may perhaps be applied finally to the central government, I tremble to withhold my vote from a measure which I believe in the discretion of a well-balanced mind (such as the present occupant of the presidential chair has) would enable him to arrest and bring to condign punishment the perpetrators of outrageous crimes.

Has the President to-day any power to interfere with lawless men in any part of the country? Can he arrest a band of men who are riding out at night to take men from their homes and inflict outrages upon them? Why, sir, your blue-coated soldier may stand upon the very spot where murders are perpetrated and he will not dare to fire a shot. What does your Army amount to in the South, except for arrest? When criminals or alleged criminals are turned over to the courts, what happens to them? Why, sir, we were told the other day that out of quite a number of persons apprehended for crime only six were convicted and punished! When this was stated to be the fact in a United States court I inquired what kind of men composed the juries, and I received no answer.

Mr. COOK. I did not hear the gentleman's question; I can answer him now.

Mr. BIERY. I should be very glad to have an answer.

Mr. COOK. Three-fourths of the Federal juries in Georgia are colored men. Upon the last Federal jury in my county there were four colored men and one Jew.

Mr. BIERY. Is that the general character of the juries in the gentleman's State?

Mr. COOK. Yes, sir; that indicates the character of the juries in the State of Georgia.

Mr. BIERY. Is that the character of the jury that acquitted those men?

Mr. COOK. I do not know, sir.

Mr. BIERY. That is a very pertinent question, as the gentleman must see.

Mr. COOK. I know that colored men are on the Federal juries there.

Mr. BIERY. Does the gentleman allude to the juries that convicted those six men?

Mr. COOK. No, sir; I cannot state the composition of the juries that convicted or acquitted. I know that there have been seven hundred and two discontinuances by Federal judges in the South. In my State the white men are excluded from the Federal juries, and the negroes are put upon those juries. In my own county it is not the good substantial white citizens who are put upon the juries. On the last Federal jury in my county, as I have stated, there were four negroes, one white man, (the Federal postmaster,) and a Jew.

Mr. BIERY. I understand, then, that the gentleman cannot tell what kind of men composed the juries that acquitted the men referred to?

Mr. COOK. I speak of the grand juries and the traverse juries—the juries that try the cases. The last time we had a Federal court at Atlanta, negroes sat around the room by the dozen waiting to be summoned upon the juries.

Mr. BIERY. I would like to ask the gentleman another question. In his State are any colored men ever put on juries in the State courts?

Mr. COOK. Yes, sir.

Mr. BIERY. In about what proportion?

Mr. COOK. I do not know in what proportion. But a very large proportion of the white men are not on the juries. Our jury system is organized under a constitution which a republican Congress adopted for us. It has not been changed. Most of our judges who administer the law are republicans. Our whole jury system as now existing was organized under the constitution of 1868, made by a republican convention and ratified by the Congress of the United States. In the county in which I reside there are more than three hundred white men whose names never go into the jury-box, and the case is the same in a large number of counties. On the other hand, in a large number of counties there are negroes whose names are regularly placed in the jury-box, and who are constantly drawn to serve as jurors in the State courts.

Mr. BIERY. As I did not intend to occupy the floor but a few minutes—

Mr. COOK. I merely wanted to answer the gentleman's question. I did not hear it the other day or I would have been very glad to answer.

Mr. BIERY. I am very glad to have had the gentleman's answer. If what he says now in regard to the State courts is true—

Mr. COOK. Well, sir, it is true.

Mr. BIERY. I have no doubt it is true. I do not mean to question the gentleman's veracity, but putting my statement in that form, I repeat that if what the gentleman now says is true in reference to the juries and the courts of his State and the juries in the

United States courts there, and if the testimony taken by the men we have sent down there to investigate be also true, then, Mr. Speaker, I think it is high time for the central Government to take hold of this matter. If there is no court down there that will afford proper protection to citizens; if when criminals are placed upon trial juries in so many cases bring in verdicts of acquittal, while murders continue to be committed day by day all over that country, then it is high time I think that we should do something to protect human life in that portion of the Union.

Not wishing to occupy further time, I simply say in conclusion that as an American citizen I am pained to see that men who have not only stood with the republican party but who have fought in defense of the flag of the country are willing to pander to what I believe a spirit of outrage in one part of this country—are ready to sit down folding their hands meekly while the destruction of life and property goes on unopposed.

Mr. COBURN. I now move that the House take a recess until half past nine o'clock to-morrow morning.

Mr. RANDALL. I object to that for two reasons. In the first place, it is contrary to the agreement that no business should be done this evening. If the gentleman from Indiana [Mr. COBURN] has the right to make such a motion, I might move that the House adjourn until Monday. The Digest declares that—

Where less than a quorum is present the motion to take a recess is not in order, and no motion is in order except for a call of the House or to adjourn.

Now, Mr. Speaker, I submit there is no quorum present.

Mr. CESSNA. Why not take a recess?

Mr. RANDALL. I object, because it is contrary to the understanding and agreement.

Mr. COBURN. It is not contrary to the understanding or spirit of it.

Mr. RANDALL. It is; as the understanding was that no business whatever was to be done. Now, a recess is in the nature of business. However, the rule is so explicit that there are only two paths for the Chair to travel. There must either be a call of the House or an adjournment.

Mr. CESSNA. I desire to say a word on the point, and that is this: The only way to decide—and the question has often been determined—whether a quorum is present or not is upon some vote to be taken, and that vote cannot be had under the agreement. Therefore there is nothing in that part of the gentleman's point.

As to the remaining part of his point of order, that it is against the agreement to take a recess, that in my judgment is a mistake as a matter of fact. When the House agreed unanimously to meet here tonight for debate only, it put into the hands of the House, or those gentlemen of the House who chose to attend, to hold the House until eleven o'clock to-morrow morning. These members, if only three, may stay and hold the House during the parliamentary day until eleven o'clock to-morrow morning. They have the power to stay and hold the House, and they do nothing more and nothing less by taking a recess during part of that time, continuing the discussion until eleven o'clock, the hour of meeting to-morrow. It is therefore strictly within the line of the agreement—within the letter and spirit of the agreement.

Mr. COBURN. I should like to have the Chair state exactly what is the proposition.

Mr. CESSNA. The proposition is to take a recess until nine and a half o'clock to-morrow morning.

Mr. HAWLEY, of Connecticut. Why not say ten o'clock? That was spoken of a while ago when the House was fuller than it is now as the time to which we should take a recess. I really cannot see why we should not fix ten o'clock instead of nine and a half. To be sure I cannot see precisely from the gentleman's point of view. I cannot see why there should be any objection to taking a recess, as it will give one hour longer for this debate.

Mr. YOUNG, of Georgia. What objection can there be to an adjournment?

Mr. HAWLEY, of Connecticut. The advantage I see in taking a recess is that there is one hour longer of debate.

Mr. RANDALL. I am willing to stay here as long as gentlemen may wish to continue the debate, but I rise to the point of order that there is no quorum present, and that brings it within the rule.

The SPEAKER *pro tempore*, (Mr. POLAND in the chair.) The gentleman is right in saying a recess is business requiring a quorum of the House if he insists on having a count. There is no quorum present.

Then all that can be done is to have a call of the House or an adjournment. It is manifest, however, that if we should take a recess to ten o'clock to-morrow morning it will afford an additional hour for debate which an adjournment will cut off.

Mr. RANDALL. Take the additional hour for debate from one to two o'clock. They have the power and they can do as they please. We have been here all night during one night and now it is twelve o'clock midnight.

Mr. COBURN. I do not see what you are going to lose if the House shall take a recess until ten o'clock to-morrow morning.

Mr. RANDALL. Let me say to the gentleman from Indiana that I frankly acquiesced in his proposition made this morning.

The SPEAKER *pro tempore*. The Chair is of the opinion that if the gentleman from Pennsylvania insists on having a count on the mo-

tion for a recess, and it should turn out there is no quorum, then all we can do is to adjourn or have a call of the House.

Mr. GLOVER. Then let us adjourn.

Mr. CESSNA. The gentleman's objection, then, is to prevent further debate.

Mr. RANDALL. No, sir; I am willing to debate this from now to the 4th of March next.

Mr. CESSNA. But that is to prevent the transaction of any other business. Now as one member of the House I desire to say if debate is not allowed from ten to eleven o'clock to-morrow morning there is one hour to talk less to be allowed.

Mr. RANDALL. I understand perfectly well that the gentleman is prepared to do anything he can which will secure behind him a majority.

The SPEAKER *pro tempore*. The hour from ten o'clock to-morrow of course will be considered as part of this day's legislative session, and will be devoted to debate only.

Mr. RANDALL. I insist on my point of order.

The SPEAKER *pro tempore*. What is the gentleman's motion?

Mr. COBURN. If the gentleman insists on a count, as it is apparent no quorum is present, we had better adjourn, and I make the motion.

The motion was agreed to; and accordingly (at twelve o'clock and twenty minutes a. m. Saturday, February 27, 1875) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BIERY: The petition of 112 workers in iron and coal at Allentown, Pennsylvania, for Government aid to the Texas and Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. BLAINE: Memorial of the Legislature of Wisconsin, praying passage of an act to authorize the States of Wisconsin, Iowa, and Minnesota to cede to each other, mutually, concurrent criminal jurisdiction over the islands in the Mississippi River lying between them, to the Committee on the Judiciary.

By Mr. COX: Numerous petitions of manufacturers and workers in steel, for specific duty of one cent per pound on steel, to the Committee on Ways and Means.

By Mr. HUBBELL: The petition of William W. Curtiss and 100 others, of Newaygo County, Michigan, for a bounty of one hundred and sixty acres of land to every Union soldier, to the Committee on Military Affairs.

By Mr. LUTTRELL: Statement of Henry George, of San Francisco, California, relative to the Western Union Telegraph Company, to the Committee on the Judiciary.

By Mr. PACKER: Resolutions of the General Assembly of the State of Pennsylvania, in relation to an appropriation for the improvement of the harbor of Erie, Pennsylvania, to the Committee on Commerce.

Also, resolutions of the General Assembly of the State of Pennsylvania, relative to equalization of bounties, to the Committee on Military Affairs.

Also, the petition of citizens of Philadelphia and Baldwin, Pennsylvania, artisans and manufacturers of iron, for Government aid to complete a great southern line of railroad to the Pacific, to the Committee on the Pacific Railroad.

By Mr. PERRY: Memorial of the Board of Trade of Albany, New York, relative to appropriations for the Signal Service Bureau, to the Committee on Appropriations.

By Mr. ROBBINS: Resolutions of the Legislature of North Carolina, asking an appropriation to build light-houses on Albemarle Sound, to the same committee.

Also, resolutions of the Legislature of North Carolina, asking repeal of the tax on State banks, to the Committee on Ways and Means.

Also, the petition of citizens of North Carolina, for a post-route from Yadkinville to East Bend, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. SMART: The petition of L. C. Land, of Hoosick, New York, for relief, to the Committee on Claims.

#### IN SENATE.

SATURDAY, February 27, 1875.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

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

#### REORGANIZATION OF THE DEPARTMENTS.

The VICE-PRESIDENT. The Chair will announce the committee that was authorized to be appointed to examine and thoroughly investigate the several branches of the civil service, with a view to the reorganization of the several Departments and the reduction of expenditures. The Chair appoints the Senator from Iowa, [Mr. WRIGHT,] the Senator from Massachusetts, [Mr. BOUTWELL,] the Senator from New York, [Mr. CONKLING,] the Senator from North Carolina, [Mr. MERRIMON,] and the Senator from Connecticut, [Mr. EATON.]

Mr. WRIGHT. Mr. President, I believe it has never occurred during my short service in the Senate that I have declined the discharge of any duty assigned me in connection with any work here. I wish to state with reference to that committee, however, that my engagements during this coming summer will be such as that it will be next to impossible for me to serve, and my distance from the capital also is such that it will be exceedingly inconvenient for me to come here and return to my home. I therefore trust the Senate will excuse me from service upon this committee.

Mr. MORRILL, of Vermont. I ask if the Senator from Iowa does not think it would be just as well to rescind the resolution authorizing the committee to sit during the recess?

Mr. WRIGHT. Not at all, Mr. President. The select committee was raised upon the recommendation of the Committee on Civil Service and Retrenchment, and after very careful consideration. The select committee ought to be continued, but I trust I shall be excused from service upon it.

The VICE-PRESIDENT. Is there objection to excusing the Senator from serving upon the committee? The Chair hears none. The Chair will appoint the other Senator from Iowa [Mr. ALLISON] to fill the vacancy.

#### CREDENTIALS.

Mr. MORRILL, of Vermont, presented the credentials of Hon. GEORGE F. EDMUNDS, chosen by the Legislature of Vermont a Senator from that State for the term beginning March 4, 1875; which were read, and ordered to be filed.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution of the Legislature of Wisconsin, in favor of the States of Wisconsin, Iowa, and Minnesota being authorized to cede to each other mutually criminal jurisdiction over the island in the Mississippi River lying between them; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WINDOM. I present a petition of 344 farmers of Minnesota, residing in various parts of the State, asking for appropriations for the improvement of the Fox and Wisconsin Rivers; a petition of 518 farmers of the State of Iowa asking for the same appropriation; a petition of 326 farmers of the State of Wisconsin, urging the appropriation for that improvement; and a petition of 86 farmers of the State of Nebraska; a petition of 82 farmers of Dakota Territory; making in all 1,356 farmers of those States and that Territory, which, added to the 48,853 presented the other day, make 50,209 petitioners specifically asking for that thing, or sixteen times as many as were ever presented in any one petition on any subject before, as I am informed.

I move the reference of these petitions to the Committee on Commerce.

The motion was agreed to.

Mr. SCHURZ presented a resolution of a meeting of citizens of Saint Louis, Missouri, soldiers in the late war, in favor of the enactment of a law for the equalization of bounties; which was ordered to lie on the table.

Mr. HAMLIN presented the petition of Lucy Jane Thomas, widow of Josiah Thomas, praying indemnity for the loss of property belonging to her husband captured by the rebel cruiser Florida on the high seas in 1863; which was referred to the Committee on Claims.

Mr. PEASE. I present a joint resolution passed by the Legislature of Mississippi, instructing her Senators and Representatives to support the Texas Pacific Railroad. I ask that the resolution be read and laid on the table.

The Secretary read as follows:

Joint resolution in regard to the Texas Pacific Railroad.

Whereas the early construction of the Texas Pacific Railroad, traversing, as it will, a semi-tropical region of great fertility, extensive, varied, and inexhaustible agricultural and mineral resources, and on a route free from the ice and snows which annually obstruct trade and travel on the Union Pacific road, is an unquestionable and vital national necessity; and whereas the early completion of said Texas Pacific Railroad, with its eastern terminus at a point in Louisiana opposite the city of Vicksburgh, will add immensely to the prosperity and the population of Mississippi, increase its productive capital, and enhance its assessable values, thus increasing the revenue of the State, and reducing the rate of taxation imposed upon the citizens, and advancing the State once more on the high road to the happiness and prosperity of all its people: Therefore,

*Resolved by the Legislature of the State of Mississippi.* That our Senators and Representatives in Congress be, and they are hereby, requested to give an earnest, cordial, and zealous support to the bill now pending in Congress authorizing the indorsement by the Government of the United States of the bonds of the Texas Pacific Railroad Company to the amount asked for by said company to insure its early completion.

*Resolved further,* That these resolutions be signed by the governor, and it shall be the duty of the president of the senate to forward to each of our Senators and Representatives in Congress a certified copy of this preamble and the resolutions accompanying it.

ADELBERT AMES,  
Governor.

The resolutions were laid on the table, and ordered to be printed.

#### REPORTS OF COMMITTEES.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3712) granting a pension to Stillman C. Spaulding, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3727) granting a pension to John M. Allen, reported it without amendment.