

## THE ADMINISTRATION INDORSED.

Mr. COX. Then you come within my category. Not a man on that side has failed to defend the Administration. Not one. That was my remark. You all stand by it. And thereby you stand by the removal of Pratt; you stand by the removal of the collector at Philadelphia who bore the same relation as Bristow and Wilson, and the appointment of another in his place who bore a different relation. You stand by the accepted resignation and acquittal of Belknap. You stand by the enforced resignation of Bristow. You stand by the removal of Jewell. You stand by the removal of Bluford Wilson; of Yaryan, [laughter;] of all that class of men who were trying to punish the guilty and uphold the laws. Is there any one to challenge this remark? You have favored to-day the retention of General Babcock in office, as well as in your platform, by the indorsement of the Administration. You have to-day on the floor showed yourselves in favor of the retention of the Public Printer, Mr. Clapp, who has been recommended for indictment. All through this beautiful civil-service business, from one end of it to the other, you have manfully stood up for the Cincinnati platform indorsing the Administration. I honor you for it. Why should you not? General Grant is your representative man. Babcock and Belknap are your representative men. Bristow is not your representative man, or he would not have been discarded here and at Cincinnati.

When you say it has cost a million dollars for investigation this session you thereby give that amount of credit to the democratic party and to this side of the House for undertaking with all the energy of Hercules to clean out the Augean stables.

Now, sir, why is it when we are closing up the session you filibuster, as on yesterday, again and again, to prevent a full and prompt report of these investigations? Why is it that, failing to stop these reports, you try to make up to-day for your gross delinquencies as public servants by trivial excuses and small assaults on the constitution and conduct of this body? Why does the gentleman from Maine make that sort of a speech which Mirabeau once designated when he described hasty will-making—“*Ab irato, ab imbecilli, a territo, a delirante.*”

Mr. HOLMAN. Give us the translation.

Mr. COX. A speech angry, imbecile, fearful, and crazy. With that classic remark I conclude.

Mr. RANDALL. I move that the House adjourn.

Mr. HOAR. Mr. Speaker—

Many members called for the regular order.

The SPEAKER *pro tempore*. The regular order being demanded, the question is on the motion to adjourn.

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

## PETITION.

The following petition was presented at the Clerk's desk under the rule, and referred as stated:

By Mr. WIGGINTON: The petition of the several clerks of the committees of the House of Representatives, for an equalization of the pay of committee clerks, to the Committee of Accounts.

## IN SENATE.

WEDNESDAY, August 9, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

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

## PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Alexander Moffit, Theodore F. Wilson, James M. Thompson, and 22 other citizens of the District of Columbia, praying for the appointment of a joint committee of three, one from the Senate and two from the House, to continue and finish the investigation of the charges made against the management of the Government Hospital for the Insane, the same having been partially considered and some proofs taken; which was referred to the Committee on the District of Columbia.

WILLIAM H. FRENCH, JR.

Mr. OGLESBY. The Committee on Indian Affairs, to whom was referred the bill (H. R. No. 3856) for the relief of William H. French, jr., United States Army, late Indian agent at Crow Creek, Dakota, have had the same under consideration and instruct me to report it without amendment. There are several papers from the Department upon the subject. The bill is not one appropriating any money, but simply to settle the accounts of this man. His accounts have been waiting at the Treasury for a long time to be settled, and it would be very agreeable to me to have the Senate take up the bill and pass it now. It is a matter taking no money out of the Treasury, but simply settles an account.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It is an authority to the proper accounting officer of the Treasury to adjust and settle the property accounts of William H. French, jr., late Indian agent at Crow Creek,

Dakota Territory; and if it shall be made clearly to appear that John A. Morrow, who was a contractor for furnishing supplies of beef-cattle to the Indian agencies, has delivered to Henry F. Livingston, agent at Crow Creek, beef-cattle in lieu of 422,100 pounds, which he delivered to William H. French, agent, on 9th November, 1870, at Crow Creek, and for which Morrow afterward got receipts from Livingston, and collected from the Government on both, then the accounting officer shall be authorized to give French credit in his settlement accordingly.

Mr. SARGENT. Is there a report in this case?

The PRESIDENT *pro tempore*. There is no report accompanying the bill.

Mr. OGLESBY. The facts are these: French, the agent, was about going out of his department. The man Morrow delivered four hundred and twenty-one cattle, and French gave him a memorandum of the fact merely. Morrow collected from the Department the value of the cattle on that memorandum. Livingston came in immediately after French, and the cattle were delivered to Livingston. Livingston gave Morrow another receipt. Morrow collected on both receipts. Afterward Morrow agreed with the Department to deliver a second lot of 421,000 pounds of beef-cattle on the foot. The Department accepted the offer; the cattle were delivered and, as the papers show, received by Livingston and reported to the Bureau. The second lot was delivered as the first lot, but French in the mean time had been charged on his memorandum and is still charged in the Treasury Department. All his other accounts have been settled, as the second lot had been delivered in fulfillment of the receipts, and the account completed. This bill simply authorizes the Treasury Department to give French credit for the charge against him on the first receipt or memorandum.

Mr. SARGENT. It involves no expenditure, I understand?

Mr. OGLESBY. Not a dollar.

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

## WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That John H. Russell have leave to withdraw the papers in the matter of his claim against the United States for the destruction of the steamboat J. H. Russell while, as alleged, in the military service of the United States.

## THE CALENDAR.

Mr. CONKLING. I move that the Senate proceed now under the Anthony rule to consider the unobjection cases on the Calendar.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Calendar will be resumed at the point where its consideration was last suspended.

The CHIEF CLERK. The first business on the Calendar is the resolution instructing the Committee on Commerce to inquire what legislation is necessary to regulate the immigration into the United States of persons from foreign countries and to prevent the introduction of pauperism and immorality into the ports of the United States.

Mr. INGALLS. As the Senator from Vermont [Mr. EDMUNDS] is not in his seat, I suggest that that go over.

The PRESIDENT *pro tempore*. The resolution will go over.

## MOSES MARSHALL.

The next bill on the Calendar was the bill (S. No. 795) to enable Moses Marshall to make application to the Commissioner of Patents for the extension of letters-patent for improvement in knitting-machines; which was read the second time and considered as in Committee of the Whole. It gives leave to Moses Marshall, of Lowell, Massachusetts, to make application to the Commissioner of Patents for an extension of the letters-patent granted to him for an improvement in knitting-machines, dated the 15th day of March, 1853, for the term of seven years from and after the date of the extension by the Commissioner of Patents; the application to be made in the same manner and to have the same effect as if the same had been filed not less than ninety days before the expiration of the original term of the patent; and upon such application so filed the Commissioner of Patents is to consider and determine the same in the same manner and with the same effect as if the application had been duly filed within the time prescribed by law and as if the original term of the patent had not expired; but no person is to be held liable for the infringement of the letters-patent, if extended, for making use of the invention since the expiration of the original term of the letters-patent and prior to the date of the extension.

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

The PRESIDENT *pro tempore* put the question upon the passage of the bill, and declared that the noes appeared to prevail.

Mr. WADLEIGH. I ask that the vote be taken again. This is a very meritorious case, one that was agreed upon unanimously by the committee. It has been reported by two committees of the Senate unanimously.

The bill was passed.

## SHELDON S. HARTSHORN.

The next bill on the Calendar was the bill (S. No. 796) for the relief of the heirs of Sheldon S. Hartshorn; which was read the second time and considered as in Committee of the Whole. It authorizes the

Commissioner of Patents to hear and determine the petition or application of the heirs of Sheldon S. Hartshorn for an extension of letters-patent for an improvement in buckles, No. 13218, for the term of seven years from and after the 10th of July, 1876, when the letters-patent expired; and upon due notice to the public, according to the practice of the Patent Office in cases of extension, the Commissioner shall have full power and authority to hear and determine the same; and after such hearing, if the Commissioner shall decide that the petition or application ought to be granted, he is authorized and empowered to extend the letters-patent for seven years from and after the 10th of July, 1876, to the heirs of Sheldon S. Hartshorn.

Mr. COCKRELL. Is there a report in that case?

The PRESIDENT *pro tempore*. There is.

Mr. WITHERS. I should like to hear the circumstances of this case. Here are two or three bills extending patents, which I am on principle opposed to.

Mr. WADLEIGH. It is a meritorious case.

Mr. CONKLING. Do the whole committee say that it is a meritorious case?

Mr. WADLEIGH. Yes; the committee were unanimous in the report.

The PRESIDENT *pro tempore*. Does the Senator insist upon the report being read?

Mr. WITHERS. Yes; or a statement by the chairman of the committee.

Mr. WADLEIGH. The report is very short; let it be read.

The Secretary read the following report, submitted by Mr. WADLEIGH, from the Committee on Patents, May 2:

The Committee on Patents, to whom was referred the petition of the heirs of Sheldon S. Hartshorn for extension of patent, report:

The petitioners, six in number, are the children of Hartshorn, the inventor. The invention was for an improved buckle, which has been valuable to the public, as it has reduced the price from \$1.25 to thirty cents per gross, besides furnishing a much superior article. Very little was realized by the inventor during the first term of the patent, owing to his want of means to promote the business. He died, leaving very little property, and the children received only \$500 each for their interest in this and two other patents. All that the inventor and his children have ever received for the whole term of this patent will not exceed \$3,500. In view of the benefits received by the public by having a much superior article for one-fourth the former cost, the committee are of opinion that a fair remuneration has not been received for the invention, and recommend the passage of a bill authorizing the Commissioner of Patents to hear said case, and to decide upon the same according to the practice of the Patent Office in cases of extension, due notice having been given to the public, as in other cases of extension.

Mr. BOGY. I will not consume the time of the Senate in saying anything in opposition to the extension of this patent; I will satisfy myself by calling for the yeas and nays. I am opposed to the extension of patents as a general proposition. There may now and then be a case where it is a matter of absolute right; but as a general proposition, I am entirely opposed to the extension of patents. The reasons given in this report are the stereotyped reasons given in every case, that for the want of means or from some other cause the inventor has not been sufficiently remunerated. I do know the facts to be, and we feel it in my section of the country perhaps more than any other section, where we are annoyed with an endless multiplicity of patents for everything. The farmer can use no implement of husbandry but what it is patented. We can have no machinery introduced upon any of our steamboats, from the boiler to the upper-deck, but what it is patented. There is an annoyance in that way, and it is attended also with enormous expense and cost. I do know that the farming interest of my section of the country is borne down by patents applicable to agricultural implements.

For these reasons, stated briefly, I am opposed to the extension of this patent, as I am opposed to the extension of patents as a general proposition, saying at the same time that there may now and then be a case where an extension is a matter of justice. I will not consume any time. I shall be satisfied with calling for the yeas and nays and having my vote recorded in opposition to this extension.

Mr. CONKLING. I sympathize with everything my friend says; so do the Senate, and I think the Committee on Patents governs itself accordingly for it reports only exceptional cases. I rose, however, to ask the Senator not to call at this moment for the yeas and nays. He will understand why I make that suggestion. We want to get along with the Calendar if we can; and in the interest of the Calendar, I ask him not to insist on the yeas and nays, for if it turns out that the Senate finds itself without a quorum we defeat the morning hour for this purpose. I am told this is a matter about a suspender-buckle which a very credible man explained to me who told me the facts in regard to it. Taking the facts as stated, I hardly think the Senator would consider this a case which should not fall within the exception to the rule.

Mr. BOGY. I am not disposed to resist the application made by the Senator from New York. I have explained my view and the view I believe of every Senator from my section of the country. I therefore will not insist upon the yeas and nays for the reason suggested by the Senator from New York.

Mr. WADLEIGH. I will state that the views expressed by the Senator from Missouri are the views of every member of the committee; but they found that this was a case which was an exception.

Mr. WITHERS. So far as I understand the reading of the report, the only exceptional ground on which this application is based is that sufficient remuneration has not been paid to the patentee. It

seems to me that the patent having been once extended and ample facilities and every opportunity given to the patentee to realize a profit from it, if it is used as extensively as is indicated, the patentee must have realized a considerable profit from it, unless he assigned his interest in the patent away. I know that that is a very ordinary way of procedure in such cases. The patentee parts with his patent, some company gets it and makes a large amount of money out of it, and then about the time the patent expires and it becomes necessary that it should be extended again, an arrangement is made with the original patentee to come forward and state that he has only received a small sum of money, not sufficient to remunerate him for the time and labor expended in getting up the patent. He is the ostensible applicant, and if the patent is extended the same company that has previously enjoyed the monopoly of the business takes it again and makes money out of it. I am opposed myself to this kind of thing. I believe that legislation ought not to be as liberal as it has been in that direction, and therefore I cannot regard this as an exceptional case to what I regard as a good rule.

Mr. WADLEIGH. The Committee on Patents as now constituted certainly would not recommend the passage of a bill in any such case as the Senator from Virginia supposes. This is not such a case.

Mr. WITHERS. I am perfectly aware that the Committee on Patents would not knowingly do it, but it seems to me it is almost impossible to know whether such an arrangement exists or not.

Mr. WADLEIGH. There has been no case before the committee where they have not specially investigated that very thing, and applications have been refused again and again on the ground that the public had paid enough. In this case there has been no amount of any consequence realized from this invention, which is a valuable one to American manufacturers, and which has enabled our manufacturers to outsell those of foreign countries in their own market. There is no reason why in this case there should not be this encouragement and this compensation given to these poor children.

Mr. WITHERS. I ask whether the patentee has sold or parted with his patent?

Mr. WADLEIGH. He has not. The committee certainly would not have recommended the passage of this bill in that case.

Mr. WITHERS. If it is used so extensively it seems to me he ought to have realized considerable profit.

Mr. WADLEIGH. It is only recently that it has come into such use. There has been no case reported by this committee where there were not special circumstances which justified the passage of the bill. I will agree to every word the Senator from Virginia has said and that the Senator from Missouri has said. With every word of theirs the committee fully agree, and they have acted upon those principles.

Mr. COCKRELL. I voted against the bill which has just passed to enable Moses Marshall to make application to the Commissioner of Patents for the extension of letters-patent for an improvement in knitting-machines, and I shall certainly vote against this, and I vote against this not in consequence of any wrong-doing on the part of the committee; I vote against this extension and against this bill on the report of the committee just as the report has been made and read here to the Senate. Taking every word they have said in the report, I think it makes no case whatever authorizing Congress to extend this patent-right. It is just precisely the case which every patentee can make and will make before the Committee on Patents.

The parties have received \$3,500 for this patent-right for suspender-buckles, the distinguished Senator from New York said, I believe; and the committee say they do not think this enough pay for that patent-right for buckles. It has simply come to a question of remuneration. If a patentee in his first seventeen years now, or fourteen then, does not make a fortune out of his patent-right, Congress extends it. It just simply is a question whether he makes much money or makes little out of his patent right. I think there is no occasion in the world for passing this bill and granting the relief prayed for here.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

The bill was passed.

#### LANDS IN KLAMATH INDIAN RESERVATION.

The next bill on the Calendar was the bill (H. R. No. 1316) to adjust the claims of the owners of lands within the limits of the Klamath Indian reservation in the State of Oregon.

Mr. CONKLING. That will lead to debate.

Mr. EDMUND. That is not a short case; of course it involves long debate.

The PRESIDENT *pro tempore*. The bill will go over.

#### PROOFS IN HOMESTEAD ENTRIES.

The next bill on the Calendar was the bill (H. R. No. 2041) to amend section 2291 of the Revised Statutes of the United States.

Mr. CONKLING. I understand the Senator having that bill in charge has no objection to its going over.

Mr. KELLY. No; this is a House bill that I desire to have passed.

Mr. CONKLING. Will it not lead to debate?

Mr. KELLY. Not at all.

Mr. CONKLING. I reserve the right to object if it shall lead to debate.

The PRESIDENT *pro tempore*. The bill will be read for information. The bill was read.

Mr. BOUTWELL. I think that bill cannot be understood in all its bearings without debate. I must therefore object to its consideration.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. KELLY. I submit that it is too late to object.

The PRESIDENT *pro tempore*. The Senator from New York reserved the right to object.

Mr. KELLY. But not for the Senator from Massachusetts; only for himself. I will say that this is a very important bill. It was prepared because the Legislature of Iowa instructed its Senators and Representatives to urge it. It is a very important bill.

Mr. ALLISON. I trust the Senator from Massachusetts will not insist on his objection. This is a bill simply authorizing homestead settlers to go before the judge of the proper court and make their proof and transmit it to the registers and receivers, instead of traveling, as they are obliged to do, two or three or four hundred miles to make this proof before the receiver. That is all there is in the bill.

Mr. BOUTWELL. So I understand; but I think the Senate cannot pass upon the bill without some debate. I do not know that I shall be opposed to the bill; and yet I fear that I shall be.

Mr. ALLISON. I do not think the Senator would be opposed to it if he understood it.

Mr. HARVEY. The bill was carefully considered in the Committee on Public Lands and I assure the Senator from Massachusetts that nothing is in the bill but what the Senator from Iowa states. I am satisfied all the people of the States and Territories where there are public lands desire its passage.

Mr. BOUTWELL. I will withdraw the objection and let the bill be considered.

The bill was considered as in Committee of the Whole.

The Committee on Public Lands reported the bill with amendments.

The first amendment was in line 11, of section 1, after the word "State," to insert the words "or Territory," in line 13, after the word "made" to strike out "at" and insert "before the register or receiver of;" so as to make the section read:

That the proof of residence, occupation, or cultivation, the affidavit of non-alienation, and the oath of allegiance required to be made by section 2291 of the Revised Statutes may be made before the judge, or, in his absence, before the clerk, of any court of record of the county and State, or district and Territory, in which the lands are situated; and if said lands are situated in any unorganized county, such proof may be made in a similar manner in any adjacent county in said State or Territory; and the proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register or receiver of the proper land district; and the same shall be transmitted by such judge, or the clerk of his court, to the register and the receiver, with the fee and charges allowed by law to him.

The amendment was agreed to.

The next amendment was in section 2, line 3, after the word "register," to strike out the words "with his official seal attached;" so as to make the section read:

That said proof, affidavits, and oaths shall be properly filed in the land office by the register; and copies thereof certified to by the register shall be evidence of their contents in the courts of any State or of the United States.

The amendment was agreed to.

Mr. KELLY. I move a further amendment to be added to the first section:

And the register and receiver shall be entitled to the same fees for examining and approving said testimony as are now allowed by law for the same service.

The amendment was agreed to.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. KELLY, the title was amended so as to read: "A bill to amend section 2291 of the Revised Statutes of the United States in relation to the proof required in homestead entries."

#### OTOE AND MISSOURIA INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouria Indians in the States of Kansas and Nebraska.

Mr. PADDOCK. I move that the House amendments be concurred in by the Senate.

The PRESIDENT *pro tempore*. The amendments will be reported. The CHIEF CLERK. The House amendments are in section 3, line 3, after the word "offer," to insert:

One hundred and twenty thousand acres from the western side of.

In section 4, line 3, after the words "per annum," to strike out the following words:

Except such portion thereof as the Secretary of the Interior, with the approval of the President, may deem necessary to be immediately expended in removing said Indians to the Indian Territory, procuring a reservation for their use, and providing thereon homes and means of support.

And in lieu therefor to insert:

Which income shall be expended for the benefit of said tribes under the direction of the Secretary of the Interior.

Add to the bill:

SEC. 7. That whenever the Sac and Foxes of the Missouri tribe of Indians shall, in open council, in the usual manner, express their consent thereto, the Secretary of the Interior shall be, and hereby is, authorized, in like manner and upon the same terms prescribed in the preceding sections of this act, to cause to be offered for sale a portion of their reservation lying in the States of Kansas and Nebraska, not exceeding in quantity ten sections of land, to be taken from the western portion thereof; and the proceeds arising therefrom shall be used for the benefit of said tribes, as the Secretary of the Interior may direct.

Mr. CONKLING. May I inquire for what purpose is this bill taken up?

The PRESIDENT *pro tempore*. For the purpose of concurring in the amendments of the House.

Mr. CONKLING. We are proceeding under the order of the Senate with the Calendar.

Mr. PADDOCK. This is a conference report.

Mr. CONKLING. I beg pardon, a conference report is not a matter of privilege in the Senate. I shall not object to it if it will take no time; but I do insist on the regular order being observed.

Mr. PADDOCK. This will take no time.

Mr. CONKLING. Very well. I reserve my right to object to it if it does take time.

Mr. ALLISON. I ask the Senator from Nebraska to state the effect of this agreement.

Mr. PADDOCK. All the difference there is between the bill passed by the Senate and the bill as amended by the House is this: the Senate bill provided for the sale of the entire Otoe reservation, embracing about one hundred and sixty thousand acres. The Quakers who have charge of that reservation and the Indians upon it advised the House not to grant the right to sell the whole reservation, but to reserve 40,000 acres, upon which the improvements of the Indians are, in order that the Indians might remain there and not be removed. It was the wish of the Quakers and of the Indian Office that the bill should be passed in its present form, and so I think it best to accede to their wish.

Mr. ALLISON. I have only to say that we ought not to accede to their request. This Indian reservation ought to be sold and these Indians removed to the Indian Territory, as the Senate bill provides.

Mr. PADDOCK. If it was practicable to pass the bill in that form and to accomplish the result that my friend speaks of and that he desires, I should infinitely prefer that it should be done; but the whole question is left at any rate to the Indians to determine in open council whether they will accept the proposition at all, and the influence I speak of being always exercised to the end that I have spoken of, which is the end the House has in view, I think it would result in absolute failure. I hope my friend will withdraw his objection.

Mr. ALLISON. I do not insist.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Nebraska that the Senate concur in the amendments of the House to the bill.

The amendments were concurred in.

#### GEORGE E. PAYNE.

Mr. CONKLING. I call for the regular order.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be reported.

The next bill on the Calendar was the bill (S. No. 809) referring the claim of George E. Payne to the Court of Claims.

Mr. BOUTWELL. I object to the present consideration of that bill.

Mr. WEST. I ask the Senator from Massachusetts to withdraw his objection to the consideration of the bill. I have not asked the attention of the Senate to the consideration of any business out of the regular order. I have waited patiently to get the opportunity to bring this case before the Senate. It is now here, and no better time to consider it can be offered than the present moment. It is the result of a ten years' examination and solicitation on the part of this claimant to get his right before Congress and before the law, and I trust the Senator will not interpose a technical objection to its consideration.

Mr. BOUTWELL. I have some knowledge of this claim, having had occasion to investigate it several years ago; but I will withdraw the objection and allow it to be considered, and if the Senate agree to pass it, very well.

The bill was read the second time and considered as in Committee of the Whole. By its terms the claim of George E. Payne, for the wrongful seizure and detention of his sugar plantation and other property by military orders of the United States in 1862, with his petition and all the papers relating thereto, are referred to the Court of Claims, and the court is authorized and empowered to adjudge and determine, after hearing all evidence, what amount of damages, if any, are legally due to the claimant by reason of the seizure and detention of his property, and to render judgment therefor.

Mr. BOUTWELL. Is there any report with the bill?

The PRESIDENT *pro tempore*. There is a report.

Mr. BOUTWELL. Let it be read.

Mr. WEST. The reading of the report, the Senator is aware, will take half an hour.

Mr. BOUTWELL. Very likely it may. It is a claim made by a

man who was in Louisiana during the war who was involved in the rebellion, who claimed for mules and slaves that were taken by General BANKS's army, I think, and for one I am perfectly well satisfied that he is not entitled to any remuneration under that claim and that it ought not to be referred to any tribunal. If I have made any mistake, it is in allowing it to be considered.

Mr. WEST. The Senator from Massachusetts is scarcely correct in saying that this is a claim for slaves, because the Senator knows and he should know that no such claim could receive under the Constitution any consideration by a committee of this body.

Mr. BOUTWELL. I say the claim was for slaves and mules.

Mr. WEST. The Senator is entirely mistaken.

Mr. BOUTWELL. Not at all. I recollect very well the claim made by Mr. Payne was for slaves and mules taken away before the emancipation of the slaves. I am not in error about that. It was before the Committee on Claims years ago in that form.

Mr. WEST. If Mr. Payne ever made a claim for slaves, certainly that claim is not before the Senate now for consideration. Here is a claim passed upon by the Committee on Claims of this body, reported by the Senator from Oregon, [Mr. MITCHELL,] and undoubtedly meeting the sanction and the unanimous sanction of that committee. The character of the claim is this: The claimant's plantation was taken possession of by the United States Government in the year 1862 and was run by the Government; the profits derived from it and all the property upon it sequestered for the use of the Government; and subsequently this claimant, in making his claim to the Treasury, was allowed a certain amount, but not the full amount that he claimed. Now he wishes to submit whatever he has a right to go to the Court of Claims, and this is simply a bill to allow him, as has been allowed in other cases over and over again in favor of loyal people, to take his case to the Court of Claims, and of course, if it is necessary, to the Supreme Court of the United States to be adjudicated on. Cannot this Congress trust its courts, cannot this Congress trust its Court of Claims and the Supreme Court of the United States to do justice between a claimant and the United States? When this man has been debarred by your statutes from any other recourse, shut out from the Court of Claims by your own statutes, shut out from any recourse upon the officers making the aggression and the trespass on his property by your own statutes, and he appeals to your own courts for a justification of his rights, is he to be shut out on any technical pretext that at some time or other somebody else or perhaps himself made a claim for slaves?

This man has been before Congress, to my certain knowledge, for ten years. He is testified to by the highest and most unquestioned authority, both in respect to his integrity and to his loyalty. Three times this case has been before various Congresses. Three times has it been submitted and twice has it been partially and once completely acted upon by the Committee on Claims. Can you do any wrong in submitting to your own arbitration whether he has any right or not and whether the Government of the United States should pay him for the wrongs that have been done him? I think not. I think to reject this case now as it stands is to virtually acknowledge that you have no confidence in your courts even up to the supremest tribunal of the land.

Mr. MITCHELL. Mr. President, this is not a claim for slaves. Certainly a claim of that kind would have received no consideration at the hands of the Committee on Claims. There is nothing in the papers from beginning to end, whether in the memorial or in any of the papers filed from the Department, and I have examined them all, that makes any kind of reference to slaves or a claim for slaves. Nothing of that kind. The claim received the careful consideration of the Committee on Claims and the report made, I may be permitted to say, received the unanimous approval of that committee. It is a very lengthy story and one that cannot be told in the morning hour.

The sum and substance of the whole thing, however, is that in 1862 Mr. Payne's plantation, lying in the State of Louisiana, was seized under military order and turned over to the officers of the Government, first to the agents of the Treasury Department, then to the Freedmen's Bureau, part of the time it was in the possession of the quartermaster's agents, and so on and so forth. His property was held and managed by these several agents of different Departments of the Government for several years, they receiving all the proceeds of the plantation, a part of which was put into the Treasury of the United States and part of that paid into the Treasury has been paid to Mr. Payne. Some six thousand odd dollars, as shown from the records of the Treasury Department received by that Department as part of the proceeds of the plantation, has never yet been paid to Mr. Payne and is in the Treasury of the United States to-day. That is one question.

This bill, reported by the committee, proposed to submit the whole question to the Court of Claims in order that that court may investigate the matter and if they find under the law and under the facts that anything is due Mr. Payne, to award it to him.

As was stated by the Senator from Louisiana, [Mr. WEST,] this certainly can work no injustice to the Government. We ought to be willing to trust our courts, and it does seem to me, if any case ought to be submitted to the consideration of that tribunal, this is one. Mr. Payne comes here with a very high character, indorsed by our pres-

ent Secretary of State in the following language in a letter I find among the papers, written not recently:

NEW YORK, April 27, 1864.

MY DEAR SIR: Permit me to introduce George E. Payne, esq., of Louisiana, a gentleman whom I have known for nearly twenty years and for whom I have ever entertained high respect. He is a gentleman of character and entitled to confidence.

With great respect, your obedient servant,

HON. W. H. SEWARD,  
*Secretary of State.*

HAMILTON FISH.

Numerous other testimonies of equally high character are among papers, from the State of New York, from San Francisco, where Mr. Payne lived for a number of years, and also from the State of Louisiana. It appears from the testimony on file that Mr. Payne was a loyal man in the fullest sense of the term during the war; that when an order was issued directing that all bells, for instance plantation bells, should be sent to New Orleans to be run into rebel cannon-balls, Mr. Payne declined to conform to the order and suffered persecution in various ways from the confederate authorities. I will state also that this plantation was, as I claim after a full investigation of the whole case, not liable to seizure at all; and that is one question to be submitted to the court. He was temporarily absent from his plantation at the time of its seizure for the purpose of paying a debt of over \$26,000 that he was then owing to a northern creditor, and that, too, in the direct face of the confederate act of congress prohibiting all that kind of business. It was to me one of the very highest evidences of the mind of this man upon the great questions then agitating the country. That he was a loyal man there can be no doubt. He did pay this debt amounting to very many thousand dollars, while the war was going on, and as I say in the face of the confederate act of congress prohibiting it.

Mr. HOWE. Has this claim been before the claims commission?

Mr. MITCHELL. It has not. It cannot go there. It is one they have no jurisdiction over.

Mr. HOWE. What is the fact in the case that bars it from that commission?

Mr. MITCHELL. It is not a claim for quartermaster stores and does not come within any clause of their jurisdiction. As I said, it would be a very long story to go into the facts of this case, to argue them, or even to present them fully to the Senate. I have stated in brief the general character of the case; and as I hope a vote will be had before the morning hour is over, and that that vote will be in accordance with the recommendation of the committee to submit it to the Court of Claims, I shall not occupy the attention of the Senate further at this time.

Mr. BOUTWELL. I suppose this is a long story; indeed, I know it is—

Mr. MORRILL. Let the bill go over.

Mr. WEST. It cannot be objected to now; it is up.

Mr. BOUTWELL. This bill, to say nothing of the merits of the claim, is drawn in such a manner that I think the court will take for granted various things which ought to be proved, especially the question of loyalty under the circumstances which then existed. When this claim was presented years ago, I recollect very distinctly that Mr. Payne set forth that in 1862 his slaves and mules were driven away from his plantation by the Army of the United States, and although, perhaps, he did not make a claim for the slaves, he set up that as one fact in the history of the case. About that there is no mistake.

Mr. MITCHELL. That was probably true.

Mr. BOUTWELL. Now then the record shows a fact or two to which I wish to call the attention of the Senate. At the time the order was issued, November 9, 1862, under which Mr. Payne's property was taken by the military authorities of the country, Major Joseph M. Bell was provost judge and president of the board to which by order of the commanding general all questions of loyalty were referred. I happened to know Mr. Joseph M. Bell. He is not now living. He was the son of the Hon. Joseph Bell, of New Hampshire, and he was of his age then already an eminent lawyer although a young man, and of the highest promise, I may say, of any practitioner at the Suffolk bar in the State of Massachusetts. He went into the Army and died in consequence of injuries that he received there. But his opinions and judgments are entitled to the highest consideration by the Senate. If the Senate will listen to the order, it will be seen that Mr. Payne had ample opportunity at the time these transactions occurred in the vicinity where he resided when he could command the testimony of witnesses and when the Government could command the testimony of witnesses to have the question of his loyalty fully investigated, and if it were so investigated and it turned out in the judgment of this court that he was loyal, by the terms of the order of sequestration his property would have been restored to him; and that it was not done is evidence of one of two things, either that he did not make application to this court or that making application his request was denied.

Mr. MITCHELL. If the Senator will allow me, the papers show that he did make some two or three different applications.

Mr. BOUTWELL. That I know.

Mr. MITCHELL. And the record further shows that that board never reported at all on the question one way or the other.

Mr. BOUTWELL. Major Joseph M. Bell was provost judge and made president of this board. The order is:

[General Order No. 91.]

HEADQUARTERS DEPARTMENT OF THE GULF,  
New Orleans, November 9, 1862.

The commanding general being informed, and believing, that the district west of the Mississippi River, lately taken possession of by the United States troops, is most largely occupied by persons disloyal to the United States, and whose property has become liable to confiscation under the acts of Congress and the proclamation of the President, and that sales and transfers of said property are being made for the purpose of depriving the Government of the same, has determined, in order to secure the rights of all persons as well as those of the Government, and for the purpose of enabling the crops now growing to be taken care of and secured, and the unemployed laborers to be set at work and provision made for the payment of their labor—

To order as follows:

1. \* \* \*  
2. \* \* \*  
3. \* \* \*

4. Every loyal citizen or neutral foreigner who shall be found in actual possession and ownership of any property in said district, not having acquired the same by any title since the 18th day of September last—

And Mr. Payne had not acquired title to his property "since the 18th day of September last," as I very well recollect—may have his property returned or delivered to him without sale, upon establishing his condition to the judgment of the commission.

That one fact is to my mind conclusive proof that Mr. Payne himself was conscious at that time that he could not establish his loyalty and bring himself within the equitable and legal provisions of this order, or else that making the effort he failed, and if he failed in making that effort, he failed because the judgment of Judge Bell was against him; and I know of no lawyer within my acquaintance upon whose judgment I should rely with more confidence that he would be governed by principles of law and guided by rules of equity in a case of this sort.

Mr. MITCHELL. The honorable Senator will agree with me that the Treasury Department as a rule is very careful on the question of loyalty, and I would offset what the Senator has stated by this fact, that on the 6th day of July, 1865, the Treasury Department paid Mr. Payne \$17,010.83, money received from his plantation, and kept back other moneys that were afterward received, some \$6,000, not on a question of loyalty, but on an entirely different question.

Mr. BOUTWELL. I am not going to indorse the Treasury Department about it; I am indorsing Mr. Bell; and I am asking the Senate to consider whether, on this simple statement of facts, there is not found reason for believing with a degree of certainty that amounts for our purposes to a conclusion, that Mr. Payne at the time these proceedings were going on did not establish his loyalty by witnesses who could have been taken from the vicinage where he lived; and whether we ought now, after thirteen years and after he had an opportunity to establish his loyalty in a proper tribunal and failed, to send him with this broad bill into the Court of Claims to recover whatever they may think he is legally entitled to without any regard to what he did in the State of Louisiana when these transactions occurred?

I have not had time to look at this report. I see that it is very favorable to Mr. Payne; but it is not in the main in accord with the impressions I received when I investigated the subject. I do not recollect whether there was a report made to the Senate at that time or not. There was a report prepared, but I do not know that it was even passed upon by a committee.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. WEST. Let us vote. There will be no further debate. The Senator from Massachusetts, I think, will yield to take a vote on this bill.

Mr. HOWE. I want to know upon what ground it was that the Treasury paid this claimant a part of the moneys which had been received from his estate and declined to pay the balance?

Mr. MITCHELL. I will state, as I stated before, that this plantation was in the hands of different Departments of the Government at different times. At one time, for instance, it was in the hands of the Quartermaster's Department, and they received certain moneys; at another time it was in the hands of the special agents of the Treasury Department; at another time in the hands of the Freedmen's Bureau. Seventeen thousand and odd dollars, if I remember, was the amount paid in by one Department at one time. The amount that has not been refunded was paid in by a different agent of the Government.

Mr. FRELINGHUYSEN. Was that the whole of his claim, \$17,000?

Mr. BOUTWELL. O, no. If the Senator from Oregon will allow me, the \$17,000 was paid as the net result of crops when the plantation was worked by some of the Government agents years afterward. He could not get his plantation returned to him, and it was worked by Government agents and the proceeds paid into the Treasury, and that money was re-inbursed to him; but he claims \$30,000 for example for the value of the growing crops in 1862 when the Army swept them off.

Mr. MITCHELL. I am now ready to answer the question of the Senator from Wisconsin more distinctly. The \$17,010.83 item arises from the following statement of account which I will read from the report:

Another statement, of date July 17, 1864, gives as total sales of same amount of sugar and molasses, evidently the same, with this different result: gross sales,

\$36,929.46; gross expenses of sales, \$3,108.97; net proceeds of products from the Payne plantation, —. This last statement, however adds the enormous sum of \$16,809.66 "as expenses of working the plantation," and showing a net profit to the Government of \$17,010.83.

That amount was paid to Mr. Payne. That was money paid in through the special agents of the Treasury Department. There was another account with the Quartermaster's Department of the War Department:

It further appears that on settlement of accounts by the sequestration commission with the Quartermaster's Department the sum of \$14,286.70 is reported by that commission as the amount of the gross sales of the crop taken by Woodward—

He was special agent—

and the net amount placed to the credit of claimant's plantation March 31, 1863, was \$6,688.13, and which was received by the Quartermaster's Department and by it used in its operations for and on account of the Government, and no part of which the claimant has ever received.

Now, I will state to the Senator from Wisconsin, because it comes back to my recollection—

Mr. HOWE. That was not received into the Treasury at all?

Mr. MITCHELL. That was not paid into the Treasury, but is in possession of the War Department, and the reason that amount was not paid was because the Judge-Advocate-General of the Army in an opinion delivered by him decided that inasmuch as this plantation was sequestered or seized by virtue of a military order of the general commanding the department, therefore, and for no other reason if I recollect aright, the Government was entitled to the use of the plantation and to all the money that might arise from that use, and upon that ground the Secretary of War declined to make any restitution. I understand that opinion of the Judge-Advocate-General to be in direct conflict with several decisions of the Supreme Court of the United States.

Mr. HOWE. The Senator has answered the question that I asked. I thought it very peculiar that the Treasury should have paid a part of the money in its vaults and refused to pay another part.

Mr. MITCHELL. It did not pay what another Department held.

Mr. HOWE. What another Department of the Government had had and used. I remember this case. It was before the committee for a good many years when I was a member of the committee. I never examined it very thoroughly.

Mr. GORDON. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. HOWE. If the Senator desires me to do so.

Mr. GORDON. I wish to suggest, with the permission of my friend, that while I am not prepared to say whether I shall vote against or for this bill I hardly think we are proceeding under the agreement made by the Senate that we would only take up those bills to which there was no objection. This bill seems to be one to which there is objection.

Mr. HOWE. I was not a party to the agreement nor a party to taking it up, and I do not want to be a party to the violation of it. I was only going to state, as the claimant seems to be here—

The PRESIDENT *pro tempore*. The Senator from Wisconsin will allow the Chair to call the attention of the Senator from Georgia to the ruling of the Chair, that if there is no objection at the time a bill is called up, when the Chair puts the question whether there is an objection or not, an objection cannot lie after that time. But if the Senate desire, for the purpose of economizing time, that an objection shall lie at each stage during the whole progress of the case, the Chair will so rule, and will now submit it to the Senate.

Mr. WEST. We are operating under another rule, and I do not want a different rule applied to this case. The rule has been interpreted by the Chair that unless objection is raised when a bill is taken up for consideration no objection can be made at a subsequent stage of the consideration of the bill. I ask that that rule be applied to this case.

Mr. SARGENT. I know that was the ruling of the Chair yesterday, but it was the pioneer ruling in that direction. Senators will remember that ever since we have adopted the Anthony rule it has been held that an objection would prevent the further consideration of a bill in exactly the same way that where a Senator is proceeding by unanimous consent an objection made by a single Senator stops him. Although the Senate unanimously allow a Senator to go on he is arrested by a single objection, and we have applied the very principle of that to the interpretation of the Anthony rule, and for a great many reasons. It is an exceptional rule. The new ruling entirely abolishes the effect of the rule. In the absence of the Anthony rule, when we went to the Calendar, bills were taken up, and considered, and debated at length, if necessary. Under the Anthony rule it was held that those bills were to be considered which did not lead to debate; in other words, those bills which were not objectionable. Debate is objection, the objection is stated by debating the question and making delay. In other words, it was held that such bills should be taken up as should not lead to delay. I believe I am taking up the time of my friend from Wisconsin.

Mr. HOWE. The Senator is taking up the time of the Senate.

Mr. SARGENT. I am taking it up for a useful purpose, if I am not incommodeing my friend from Wisconsin.

Mr. HOWE. Not at all.

Mr. SARGENT. I have less solicitude with reference to the time of the Senate.

**THE PRESIDENT pro tempore.** The Chair will state to the Senator from California and to the Senate that he is advised by the Secretary that an objection, in order to lie, must be raised at the time the bill is presented, and when objection is called for and no objection is made it will not lie after the matter has once been admitted, just as the Chair has ruled.

**Mr. SARGENT.** Very well; we shall have to invent another Anthony rule; for my recollection is, and I speak with some confidence on this point, that up to yesterday it has always been held that an objection would lie at any stage of a bill considered under the Anthony rule. I myself have frequently objected after the debate commenced. If the Senate is satisfied to have the Anthony rule whittled away and to have no provision against long debates which are sprung in this way upon the Senate, that is to say, without the Senate knowing that such a debate is going to occur, without the power of the Senate to stop it, then I of course can stand it as well as any Senator. A bill comparatively harmless is read, containing ten lines perhaps. Nobody supposes that it will lead to debate; nobody has any particular hostility to it; and no one objects; but it is found in two or three minutes that a debate is springing up on that unimportant bill that will probably run the whole day. Has the Senate no power to arrest it? The Anthony rule was intended to arrest such a debate.

**Mr. WEST.** Does the Senator take an appeal from the decision of the Chair?

**Mr. SARGENT.** I am discussing it as other Senators have done. I do not know that it would be worth while to take an appeal from the decision of the Chair if the minds of Senators are all made up. I think it might be well to hold to the rule as we have heretofore done. Now, in order to terminate an almost hopeless debate, if I do not incommod my friend from Wisconsin, I desire to call for the regular order.

**Mr. FRELINGHUYSEN.** I will suggest to the Senator from California that it seems to me the rule as he states it amounts to the passage of a bill only by unanimous consent, for if any one is opposed to a bill he can defeat its passage by an objection.

**Mr. SARGENT.** Certainly; and that is the Anthony rule; it applies to bills to which there is no objection. What is meant by a bill to which there is no objection? That there shall be no objection at any stage to the bill.

**Mr. FRELINGHUYSEN.** No objection to taking it up.

**Mr. SARGENT.** No, sir; no objection to the bill.

**Mr. HOWE.** I think I will contribute one fact which will have some influence on the judgment of my friend from California on this point, and that is that when the Chair proponed to the Senate the question whether there was any objection to proceeding to the consideration of this bill, it was announced by a friend here on my right that it would lead to debate, and he at first objected, but as he was quite as ready for the debate at this time as he cared to be, he withdrew his objection, and there was no other Senator to interpose an objection to the consideration of the bill at this time.

**Mr. SARGENT.** Let me make a suggestion to my friend. It very frequently happens that a debate is conversational among Senators, a little knot of four or five among themselves which the other Senators cannot hear, but the moment we observe that it is leading to a debate we desire to object; and it was in order to facilitate business in such cases that the operation of the Anthony rule is effective.

**Mr. MITCHELL.** I call for the regular order.

**Mr. WEST.** There can be no objection to that, but I should like to have the ruling of the Chair now upon this point. Under our rule of procedure this case will come up to-morrow as unfinished business, and will the objection of any Senator carry it over again?

**THE PRESIDENT pro tempore.** There cannot be unfinished business within the morning hour. This bill has been considered during the morning hour.

**Mr. WEST.** Will the question then be on proceeding to the consideration of this bill?

**THE PRESIDENT pro tempore.** The first case on the Calendar will have to be taken up.

**Mr. WEST.** And will an objection carry it over?

**Mr. CONKLING.** That question can be settled when it arises.

**Mr. GORDON.** Is there any objection to reading the Anthony rule? I should like to have it read.

**Mr. SHERMAN.** I call for the regular order.

**THE PRESIDENT pro tempore.** The regular order is called for. The Chair will lay before the Senate the unfinished business, which is the resolution of the Senator from Indiana, [Mr. MORTON.]

JOHN R. HARRINGTON.

**Mr. CONKLING.** I wish to ask every Senator who is on the floor—and I see there are several, and some Senators who are waiting for the floor—to give me, after I make a request, unanimous consent to do a thing. I have objected to no bill; I have moved for a long time to take up no bill. There is a little bill on the Calendar which has passed this body several times, and which has passed the House several times, the party interested in which is a man entirely blind. He has been here at other sessions with somebody to lead him. He is here at this session with a friend to lead him about and to inquire betimes of me why it is that his bill, to which nobody objects, cannot at some time be taken up. It stands here on the Calendar, page

23, order of business No. 586, an act for the relief of John R. Harrington, reported by Mr. WADLEIGH from the Committee on Patents, without amendment. It concerns a matter about carpets, and after I repeat, each House heretofore has acted upon it, I think nobody will object to it. If the Senator from Minnesota, [Mr. WINDOM]—I am sure I shall not appeal to him in vain—who is about to take the floor, will allow the bill to be read, if nobody objects to it, I will ask to put it on its passage. If anybody wants to debate it or it takes a moment, I will hide my diminished head and sit down with that confusion which will then belong to me.

**Mr. HOWE.** What is it?

**Mr. CONKLING.** It is a little bill. My friend has been attending to other business here. It is on page 23 of the Calendar, order of business No. 586, House bill No. 3392, for the relief of John R. Harrington, reported August 1, 1876, by Mr. WADLEIGH from the Committee on Patents without amendment, Report No. 508. Does the Senator want any other information?

**Mr. HOWE.** In addition to that, I have learned one other particular, and that is that Mr. Harrington is blind and is led about.

**Mr. CONKLING.** That does not appear on the record.

**Mr. HOWE.** But it appears by the very succinct and touching statement of the Senator from New York. Will the Senator be just good enough to tell us what Mr. Harrington wants us to do?

**Mr. CONKLING.** Mr. Harrington wants the honorable Senator from Wisconsin to make no objection, and when the proper time comes to vote "ay" on a little bill which is to allow him to go to the Patent Office and have a little matter straightened touching an invention he thinks he has about the manufacture of carpets, or words to that effect.

**Mr. SHERMAN.** Let us have the bill read.

**Mr. HOWE.** With that clear statement of the case, if the Senator from New York will be good enough to let me have twenty-four hours to think of it, I will tell Mr. Harrington whether I will object or not.

**Mr. CONKLING.** If the Senator will hear the bill read he may want thirty-six hours, and therefore I ask to have it read for information. Twenty-four hours may not be enough.

**THE PRESIDENT pro tempore.** The bill will be read.

**Mr. HOWE.** Subject to objection.

**Mr. CONKLING.** Of course.

The Chief Clerk read the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3392) for the relief of John R. Harrington. It gives him leave to make application to the Commissioner of Patents for an extension of letters-patent granted April 1, 1856, as re-issued December 11, 1866, for improvements in carpet-lining, for the term of seven years; and upon the application so filed, the Commissioner of Patents shall be authorized to consider and determine it in the same manner and upon giving the same notice as if the application had been duly filed within the time prescribed by law; but such application to the Commissioner of Patents is to be made within ninety days; and no person shall be held liable for the infringement of the patent, if extended, for making use of this invention since the expiration of the original term of the patent, and prior to the date of extension.

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

#### PETITION.

**Mr. STEVENSON** presented the petition of William O. Newman, of Metcalfe County, Kentucky, praying payment of certain claims against the Government for supplies and stores furnished the United States; which was referred to the Committee on Claims.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

**THE PRESIDENT pro tempore.** The regular order is before the Senate, on which the Senator from South Carolina [Mr. PATTERSON] is entitled to the floor.

**Mr. PATTERSON.** I yield to the Senator from Minnesota, [Mr. WINDOM,] but when he is through I will take the floor.

**THE PRESIDENT pro tempore.** The Senator from South Carolina yields to the Senator from Minnesota for a specific purpose.

**Mr. WINDOM.** I present the report of the committee of conference on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill.

**THE PRESIDENT pro tempore.** The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, having met, after full and free conference have been unable to agree.

WM. WINDOM,

W. B. ALLISON,

T. P. BAYARD,

Managers on the part of the Senate.

SAM. J. RANDALL,

W. R. MORRISON,

Managers on the part of the House.

**Mr. WINDOM.** I will make a very brief explanation of the position of this bill. On the 7th day of July last, the third or fourth committee of conference was appointed. Since that time the committee

have been in session, night and day, almost constantly, and have earnestly endeavored to reach a conclusion which should bring the two Houses together. They have failed to do so. It is proper for me to say, however, that I am satisfied the committee can substantially agree on all of the provisions of the bill except that relating to the compensation of Senators and Members of Congress and of the President of the United States. In reaching such agreement the committee on the part of the Senate will be compelled to yield on some points much further than their judgment approves. Believing, however, that on appropriations which are discretionary it is the duty of each House to yield as far as possible in order to meet the views of the other, the committee of the Senate feel that they can reach an agreement.

With reference to the two points about which at present there is the greatest difficulty, namely, that of the compensation of Senators and Members of Congress and of the President, I desire to say that the committee, if they shall be re-appointed, desire to be instructed by the Senate. I think the same is true of the committee on the part of the House of Representatives. Or, if not formally instructed, they wish the question put in such form as shall test the sense of the Senate upon the points in controversy.

We have exhausted all the ingenuity we could command in our endeavors to compromise. With reference to the salaries of members of Congress and Senators we have proposed to strike from the bill all provisions relating to compensation, in order that by eliminating from it all questions of an individual character appropriations indispensable to the maintenance of the public service might not be further delayed.

With reference to the President's salary we have offered to agree to an appropriation to the 4th of March, and to leave the question open for future action. I wish to state, because I do not desire to avoid responsibility on this point, precisely what my own position is on both of these questions. I wish to say also, on behalf of the Senate committee, that we have not brought this question here because we desire to shirk any responsibility. I think I can say for both my colleagues on this conference that they are ready here and now to express their views with reference to it, and I believe that mine fully coincides with theirs.

I am opposed to a reduction of the salaries of Members and Senators because I believe they are not too high. I am opposed to yielding to the demand of the House upon that question for another reason. The law has fixed those salaries. The demand made upon us during a long and weary month has been that we shall abdicate our constitutional rights and duties as a co-ordinate branch of the national Legislature. The condition thus far has been constantly and persistently presented to us that we must agree to changes in existing laws which we do not approve as the consideration for securing the necessary appropriations for the support of the Government.

Therefore, even if my judgment were not thoroughly convinced that the salaries are fair and reasonable, I would not under coercion yield what I believe to be the constitutional rights of the Senate as a co-ordinate branch of this Government. But I do not put it wholly upon that ground. I do not wish to evade any responsibility by even stating that point; I stand squarely upon the ground that should I vote to reduce congressional salaries it would be an act of sheer demagogism of which I will not be guilty. Believing that the salary is not one dollar too high to-day, I am ready to go home and answer to my constituents for my vote. I would quite as leave carry a five-hundred-dollar bill around the State and promise to donate it to the people in consideration of a re-election as to reduce salaries \$500 when they and I know there is no other motive for doing it than to purchase a little cheap popularity. The one thing which an honest people hate above all others is an attempt to deceive. The things they most approve are honesty and courage.

There is another reason which influences me somewhat in this matter. The salaries of Members and Senators have already been reduced. In 1874 they were reduced from \$7,500 to \$5,000, and it was expressly stated in that act that the salaries of members of Congress should be fixed at \$5,000. I am not willing to disturb that settlement. The people passed upon that question. They disapproved of the act raising the salaries to \$7,500, more, I think, on account of the manner in which it was done than on account of the increased compensation. I never yet have heard from any part of the country one word of complaint of the final adjustment at \$5,000. For one, I regard that as final, and do not wish to disturb it. Whether there be others who would like to cut off \$500 now, and when the election shall have passed come back here and insist upon a re-adjustment by raising it to \$7,500 again, I do not know. It is, however, a somewhat remarkable fact that those who are now apparently most anxious to re-open the question, which everybody considers settled, were among the most active promoters of the scheme to raise salaries three years ago. Believing the salary as now fixed to be about right, I will not re-open the question, for I do not wish to see repeated the performance of three years ago.

But again, we have actually reduced our salaries below \$5,000. I think it is safe to say that salaries which prior to the increase were \$5,000 are not now more than \$4,500. At that time we had the franking privilege. The act increasing the salaries repealed it; but the act repealing the increase did not re-instate the franking privilege. It is not too much to say that taking into account postage on correspond-

ence and public documents the increased expense of our postage will not fall short of \$500.

The question with reference to the salary of the President of the United States is somewhat different from that of members of Congress. It was not reduced when all the others were. I do not believe it is higher than the President of the United States should receive. But I will not argue that question. I have heretofore put myself upon the record against the reduction of the President's salary, and see no reason for changing that vote. Both Houses having passed a bill to reduce the salary of the President and having sent it to him as required by the Constitution for his approval, and he having vetoed it as he had a perfect right to do, it does not seem to be a proper thing to attempt to coerce him by inserting it in an appropriation bill, and thereby compel him to approve the reduction or veto a measure indispensable to the maintenance of the public service. It is simply an effort to do by a majority vote that which the Constitution says shall require two-thirds. It is an attempt to deprive a co-ordinate branch of the Government to do that which he has informed us does not meet the approval of his judgment. If the measure ought to pass at all it ought to pass by the means provided in the Constitution. If it cannot be passed by the constitutional method it should not pass at all. The veto message has been sent to Congress and no action yet taken. If we have the power to pass it by a two-thirds vote, let it be taken up and acted upon, but while insisting upon our own constitutional rights let us not invade the rights of the President. I think he was right in vetoing the bill reducing the salary of his successors, and he would certainly be justified in vetoing an appropriation bill if it contain this objectionable feature.

Mr. President, I move that the Senate further insist upon its disagreeing votes and ask another committee of conference. I will not now go into the details of the bill nor attempt to state the changes which have been made in the committee of conference. It will be time enough to do that when the final agreement shall be reached. I will only say that if the Senate shall further insist upon its amendments and the present committee shall be re-appointed they will regard it as an expression of the sense of the Senate that we insist upon our disagreeing votes upon the two points which I have named.

Mr. WEST. The Senator had better include that in his motion.

Mr. WINDOM. I do not desire, as suggested by the Senator from Louisiana, to include that in my motion, for I think that would make a trammelled conference; but we will regard it as an expression of the sense of the Senate upon that subject. Unless some Senator desires further information as to the details of what we have done I will not take the time of the Senate further.

Mr. BAYARD. Mr. President, a month ago I was assigned by the Senate to a place upon this conference committee, and I can well confirm the statement of the honorable Senator from Minnesota, the chairman of the committee, that that month has been a period of constant, unremitting, patient labor upon the part of the members of this conference in order to bring the matters in issue between them to just results.

I was not unmindful, and perhaps it would be well for me to remind the Senate, that this is the first session in fifteen years in which the conference committees of the two Houses have met with their respective majorities differing as to their party affiliation. It is a fact that should be noted, because we all know the practical influence which such a state of things exerts. The country recognizes it, and every practical man will also recognize it. I fully did, and I think I could appeal, if it were necessary, to my colleagues on this committee to bear witness to the fact that I have sought to elevate the consideration of all the questions involved to the high plane of the good of the country, without reference to mere personal or party results. Such has been my intention; such, I believe, has been my course of action, and I contribute my judgment to the Senate in favor of the proposition made by the Senator from Minnesota, [Mr. WINDOM,] after these four weeks of long, careful, and laborious investigation. I must, however, differ with him in this respect: that I do not understand and have not understood the attitude of the House of Representatives to be that of unconditional insistence of the Senate's yielding to their views at the cost of totally withholding appropriations. Sir, the very agreements that we have made, the mutual concessions which fill this report, will show that the Senator is in error in supposing that the House of Representatives has attempted to stand upon any such ground, which in my opinion would be untenable. It has been, however, the proposition to bring forward, according to our invariable custom of legislation in the last sixteen years, measures in the appropriation bills which ought to be treated according to their respective merits, and so we have endeavored to treat them, and in that spirit have made accommodations and concessions mutually, until, upon this great bill to provide money for the expenses of the Government, there stand but two points upon which the conferees have been unwilling to sign one and the same report of agreement. Those two points are the proposed reduction of the compensation of the President of the United States and the proposed reduction of the compensation of Senators and of Members of Congress. Let us dispose of each in its order.

It was perfectly competent and regular that a bill should be introduced to reduce the compensation of the President of the United States after the expiration of the term of the present incumbent, the Constitution forbidding the reduction of his pay during his term

after it had been once fixed by law. That bill came before this body. On that I voted and voted in the negative, believing that the pay was not in excess and that it should not be reduced. For that I have given my reasons three years ago. I did not care to repeat them at the time the bill was last before the Senate. They will stand upon the record to be judged according to their proper weight and merit.

But, sir, the bill passed the Senate; it also passed the House; it went to the President. He vetoed it. There can be no question of two things: that it was his constitutional right and duty to consider the measure according to his conscience; and there can be no doubt, if I may be pardoned for making reference to the fact, that he did so with entire disinterestedness, as the proposed reduction applied not to him but to a successor not yet chosen. That bill stands to-day in the Senate with the power of this body, should the proposition command the approval of two-thirds, to pass it, and, with a like concurrent majority of the House, to make it law despite the interposition of the executive veto. The two Houses can make that a law under the terms of the Constitution despite the withholding of the President's assent. That assent has been withheld under his constitutional power, and I never will consent to invade that right and duty of the executive branch any more than I should permit him to invade a right and duty of the legislative branch.

I hold, Senators, that we have no right by combining this measure, which we have ourselves elected to treat as a separate measure, which stands before the country upon our votes given according to our individual responsibility—we have no right to relegate that to association with other measures and compel the President to inconvenience the country possibly, or to seem to inconvenience it, by withholding his assent from an appropriation bill, and so by a species of moral duress to lessen his constitutional prerogatives. I never will do it. I never would do it. I have in other days criticised with denunciation parties that sought to enforce upon another President of the United States his consent and wring from him his assent to measures he disapproved by combining them in appropriation bills with the supply of moneys necessary for the support of the Government, measures to which he would have refused his assent if they had been presented separately and made a vote of two-thirds requisite for their passage. I will not do that by a President of your choice which I would not have you do by a President of my choice, and were I the President of the United States I would veto this appropriation bill if it came to me under the same terms in which the House has proposed to send it to him, having previously vetoed a separate measure to the same effect and not having changed my views as to the impolicy of the proposition.

I stand here upon a principle. I believe in the mutual independence of the branches of this Government. I believe our Government is to be maintained only by preserving that independence, and where an officer of the Government, charged with a constitutional duty, has exercised it in his own sense of responsibility before the people, I never will irregularly extort or by any indirection coerce from him a consent that it was his right under the Constitution on his oath and conscience to withhold.

Therefore it is I trust that, whatever may be the opinions of gentlemen of this body—and I know a majority have differed with me and have thought this compensation should be reduced when I thought it should not be, and, if the President assents, I should yield with the utmost composure and readiness—they will consider that there is a principle in this quite independent of their views as to the expediency of paying \$25,000 or \$50,000 salary to the President of the United States.

Now I pass to the question of the pay of Senators and Members of Congress. It is a simple question of money in one point of view, but it is not so in another. I hold that ours is a representative Government of the people. It is intended that that representation should not be abridged or denied by the poverty or the riches of the man who may ask or may be desired as a representative. It is not a simple question of mere compensation by weighing the faculties and services of each individual on one side as you may on a mere ministerial officer, and weighing in the other his capacity to perform them. It cannot be treated upon so narrow a basis. Consider, Senators, what would be the result of abolishing pay entirely for members of Congress. Should it come to that, there would be a short-sighted and absurd economy that experience would brush away in one short session. You would leave the choice of Representatives open to the people to be filled by but one of two classes, either the merely rich, who came here without regard to the expense, or those who came here penniless to grow rich upon legislation. One of the two classes would exist. Either would, in my opinion, be hurtful to the interest of this country.

Legislation could not safely be committed to the hands of a Congress, both Houses of which were composed solely of rich men and capitalists, nor, on the other hand, would the country feel safe in the hands of two bodies composed of needy men whose daily wants, being unsupplied, would subject them every day to sore temptation. Nor would a combination of these two classes lessen the public dangers arising from a loss of personal independence on the part of legislators.

What, then, is the reasonable ground upon which we should stand? That such a sum shall be given by way of compensation, not suffi-

cient to induce a man to come here to obtain the money, but not small enough to prevent him from coming here should his talents and the disposition of his people render it desirable that he should enter the public service. Sir, it will be a sad day for this country when men fit and competent to legislate upon the great questions presented for our consideration shall not be able to come here because prevented by their poverty. It is the duty of the people to say that poverty shall not prevent the man of intellect and character from coming here to do his country service, and the question is broadly what amount shall be provided by general law which shall enable a man to leave his home and come here to devote his abilities to the public service? Upon that point there is some difficulty. Nay, sir, there is another element that touches us all. We are speaking upon a subject that at present affects ourselves pecuniarily. There is a sentiment of delicacy appealing to every man who has this question to decide, for he is passing in some degree upon his own interests, but nevertheless it is our duty. We must meet it manfully and frankly, and treat it in a high spirit worthy of the positions we occupy.

On this subject I can give my judgment, and I was sent here to give my judgment; I was sent here not to yield to fears of ignorant and evanescent popular displeasure against my reason and my sense of right and justice. I was sent here to do that which is best in my judgment for the interests of the country; and I here do say to the people of the United States that it is doubtful whether the compensation to-day allowed to members of Congress does not exclude men of capacity and ability who find that pecuniary reward for industry elsewhere in private pursuits which they cannot find by the most assiduous attention to the labors of Congress. I know that as our life here in Washington compels us all to maintain two establishments, the one at home and the one here—for our stay here is uncertain—we cannot fix this question from month to month or day to day, but are compelled in great degree to have two homes while we are serving in Congress. A stranger is always at a disadvantage as compared with the man who lives at home; and here in Washington are mere sojourners and strangers swept in or out by the tides of political opinion. The expenses of our living, therefore, are of a necessity increased. There are also thrown upon us, as representative men, visits, most agreeable and welcome, from our constituents and from strangers who come here on visits of business or pleasure to the seat of Government of the Union, and, therefore, there is a wider field of necessary hospitality, however plain and simple, which must be exercised by representative men in Washington, which in the seclusion of their own homes could be avoided. Therefore the expense of living is increased. I will frankly say that, without other aid than that which I obtain from the pay I draw as a member of Congress, I must either have resigned my place or have given up the associations of my family; either of which would have been to me a painful trial, and it is not necessary for me to say which I would have chosen. But in this connection let me remark in all earnestness that I hold it to be of the highest use to the people of this country that home life and home influences should surround the men who make their laws; and this is a truth that had as well be told to-day as at any other time, and which I commend to the consideration of all legislative reformers and economists. If this salary shall exclude, as I know it does often exclude, men with families to rear and educate, men who are called upon to live upon a certain scale, not of lavish indulgence, but a certain scale of liberality, who shall not be called upon to question whether they can possibly screw from their narrow salaries the money to ask their constituents to break bread with them freely in their houses, there must be something wider and broader than this or else the office will undoubtedly sink, not simply in the estimation of the people but sink in the estimation of those who hold it, and be shunned by those men who by the highest public interest should be invited to accept and hold it.

I do not believe that a man with a family of the average size, a wife and three or four children, can come to Washington to reside and remain here during the long session of Congress and live with that degree of comfort and respectability which any constituency would desire and demand of their representatives upon one dollar less than the pay now fixed by law. On the contrary, I believe there are but few Members of Congress, few Senators, who are not compelled largely to draw from their private means to meet the expenses of maintaining themselves here. This is a very restrained and moderate statement of the history of living in Washington as verified by my own experience and that of a large circle of congressional acquaintance.

It has been truly stated by the honorable Senator from Minnesota that this rate of compensation was fixed in 1866. At that time there was what was termed the "franking privilege," a privilege that I always considered to be much more that of the constituent than of the Senator and Representative who wrote his name upon the mail matter because it permitted letters to come to him freely as well as go from him freely, and as the mass of his correspondence would be of an official character, of course, the gain was to those who were represented, and not to the person who represented them. Yet, nevertheless, by the abolition of the franking privilege the cost of postage is now paid out of the private moneys of the Member or the Senator. In addition to that there are many public documents for which I, in common with every member of the two Houses, have frequent applications, and which, when we are asked to send, cost us not an im-

moderate rate of postage, but an amount which, in the aggregate, is quite a serious sum. I think the Senator from Minnesota was very moderate when he estimated the loss in money by the abolition of the franking privilege—that is to say, the increased cost—I will not say the loss in money, but the increased cost to the individual Senator or Representative of the abolition of the franking privilege, at at least \$500 per annum. That is including the postage which he is now called upon to pay upon public documents, as well as the postage which he pays on letter correspondence. That has been diminished since 1873. I believe it was in 1873 this abolition of the franking system was made. So that, virtually, we stand to-day in 1876 with a salary although equal to what it was in 1866, yet a privilege of franking which then existed having been taken away, the office leaves at least \$500 less for the use of the occupant than it did before. I mention that because it is a fact that will show the unreasonableness of a reduction in these offices greater than that which is attempted on other positions. More than that the chief advance in the salaries of executive officers has taken place since 1870. I think I am right in that, and the greatest advance took place under what was known as the Kellogg bill in 1875. So that since the fixing of the salaries of members of Congress you have had two alterations and advances in the general scale of executive salaries which has not touched congressional pay at all.

Even on the mere money basis, therefore, treating the office of Senator or Representative as a merely ministerial office to be measured by days or hours of work and the power of writing so many pages of manuscript mechanically, the reduction already has been greater than on any other and unaccompanied by any of the advances which have been made upon all or nearly all the offices within the Executive Departments during the past six years. Therefore, sir, I feel perfectly justified, nay more than justified, I feel compelled in exercising my judgment, to say that there is not the reason for the reduction of the pay of this class of officials which has been applied, or may reasonably be applied, to the executive officials, simply upon the mere criterion of money value for ministerial work, that there has been a reduction in the first class, and not only no reduction but actual advancement in the second class. But I prefer not to leave this question upon so narrow a basis. The question is a broad one. It affects deeply, in my judgment, the practicability of our form of government. We may take illustrations from other governments and cannot fail to recognize how important the question would be there. For instance, in the Parliament of Great Britain, either the Commons or Lords, there is no pay whatever. What is the result? That no poor man, that no workingman, no man of the unmoneyed class can afford to take a seat in the British Parliament. What is the result? That property controls the representation there. Let them reduce as they please their basis of suffrage from ten pounds to five pounds, from five pounds to mere lodgers, and still they have at the end that, vote as they may, they *must* vote for a man of independent pecuniary means, because their government supplies no means from its treasury to sustain any other class. Why, sir, is it too much to say that if you were to establish the system of compensation for members of the British House of Commons you would revolutionize the government of that country in one short year.

Therefore, taking a broader and a higher view of this question applied to our own land where the case is different, where we have no privileged classes, where property *qua* property has no voice, and by the structure of the Federal Government was intended to have no voice; it was intended to be the government of equal rights, it was intended to be the government in which the vote should be given freely; not only that a man should be capable of voting, but that he should be competent to be voted for. How do you make him competent to be voted for? By giving him the means to live in office when you select him for it, because it were an idle thing to say "I choose you for the place; I send you to be minister at Great Britain and give you a dollar and a half a day to live on."

This would be turning our theory and form of government to a mockery.

I have stated, Mr. President, my mind freely on the subject. The people of this country are entitled to the judgment of their representative men. If those sincere judgments be withheld from them, where shall they look for truth? How can they judge for themselves of things when we withhold our fair, clear judgments from them? We have opportunities which they have not; we have responsibilities which they have not, and it has been an endeavor to fill that responsibility to-day that has caused me to say as much as I have on this subject of congressional pay.

I trust, therefore, that these long labors, which I think I may justly call patriotic labors, on the part of this committee to endeavor to bring the minds of these two Houses into harmony that provision may be made for the supply of money adequate for the actual wants of our Government; whatever the differences of opinion as to expediency, there must be a concession upon both sides. This must be so; and perhaps there is no wisdom so great as that which teaches men moderation. The agreement so far reached by the two Houses on this appropriation bill indicates that they have not been unmindful of this truth. Therefore I hope that the suggestion of the Senator from Minnesota may be approved by the Senate and that the opportunity will be given by the expression of the Senate's opinion upon these two points, having heard what your committee of confer-

ence think upon these two points, and that the House may be informed of the judgment of the Senate thus given, I trust calmly, and I know sincerely.

Mr. CONKLING. Mr. President, I should like to know one or two things about this disagreement which have not been stated in my hearing. Shall we understand that the two committees have virtually agreed upon reductions to be made in the clerical force?

Mr. WINDOM. In answer to the Senator from New York, I will say that they have virtually agreed upon that reduction.

Mr. CONKLING. A reduction in the clerical force of the Departments of how many?

Mr. WINDOM. Not in the clerical force alone, but in all the employés of the Departments, seven hundred and sixty-five.

Mr. CONKLING. The Senator has not the clerical force separated?

Mr. WINDOM. No, sir.

Mr. CONKLING. Seven hundred and sixty-five. Has the Senator a table showing the quota of each Department in that reduction?

Mr. WINDOM. I have in the committee-room and can present it in a few moments.

Mr. CONKLING. Where does the reduction chiefly fall?

Mr. WINDOM. Chiefly upon the Treasury.

Mr. CONKLING. What is the reduction there?

Mr. WINDOM. The total reduction is estimated at four hundred and ninety-one; but in making that estimate seventy-five are added for the \$60,000 that has hitherto been appropriated to be used for cases of emergency or exigency. Four hundred and nineteen would be the actual reduction estimated without taking into account the \$60,000.

Mr. CONKLING. Sixty thousand dollars has heretofore been reposed on the Secretary as a fund that he might use to employ temporary clerks. It is proposed to continue that \$60,000 now just as it was before.

Mr. WINDOM. It is.

Mr. CONKLING. And continuing that, saying nothing about that, what is to be the reduction in the Treasury Department?

Mr. WINDOM. Four hundred and nineteen employés, I believe.

Mr. CONKLING. Four hundred and nineteen, giving the \$60,000 besides.

Mr. WINDOM. No; four hundred and ninety-one would be the estimate if the \$60,000 were not allowed; but the conference committee propose to allow the \$60,000; so that the real reduction is four hundred and nineteen.

Mr. CONKLING. The \$60,000 was allowed before, and is for temporary or occasional service—that continues; but how many persons it employés is always beforehand uncertain; that depends upon contingencies. I ask for the actual reduction. The \$60,000 is not disturbed. Now, apart from that, saying nothing about that, what is the reduction?

Mr. WINDOM. Four hundred and nineteen, I think. The paper will be here in a moment, and I will give it to the Senator, showing it exactly. That is very near it.

Mr. CONKLING. I inferred from another statement that the actual reduction was four hundred and ninety-one, and that the \$60,000 was allowed to continue as it had been heretofore for whatever it might supply.

Mr. WINDOM. Four hundred and nineteen, leaving out of account the \$60,000 altogether. I have the table now.

Mr. CONKLING. The managers on the part of the Senate having virtually agreed to this reduction, shall I understand that they mean to advise the Senate that the Treasury Department can get along, can manage, with this reduction of four hundred and nineteen or four hundred and ninety-one, depending upon which way you state it in reference to the \$60,000 for temporary service?

Mr. WINDOM. The managers on the part of the Senate believe that the Treasury can get along or they would not have agreed to it; but they believe, as stated by Mr. Morrill, that it will be very embarrassing if not disastrous.

Mr. CONKLING. I ask the question for two or three reasons, one of which is this: It is clear to me that if the Treasury Department can get on—get on in any business-like sense with a reduction of four hundred and ninety-one in its force, it could clearly get on very well with the reduction of only a part of that force. I know the Treasury Department is a great establishment; but I know also that four hundred and ninety-one persons, most of them skilled persons, withdrawn from even a large establishment, is a great subtraction from its force and equipment. Therefore, I repeat that if it be true that the Treasury Department can proceed even economically, even inconveniently, when four hundred and ninety-one persons of its skilled force have been withdrawn, it must be true that that Department could proceed very well and could have proceeded very well with a considerable part of that four hundred and nineteen or four hundred and ninety-one withdrawn.

Now, when we remember the ability with which we are assured the Treasury Department has been of late administered, when we remember the high reformatory aim of that administration, when we remember the assurance which all must have that the Treasury Department has recently been administered with skill, with an eye single to economy, with an earnest effort for retrenchment, with a persistent and able endeavor in that direction, it is very difficult to

accept as fact the statement that four hundred and ninety-one persons can summarily be withdrawn from the working force that mans and operates that Department, and not utterly cripple it. I have no right to ask any Senator, for it would give some Senator trouble that I ought to take myself; but I should like to ask what the percentage of this reduction would be, and the percentage we should have if we saw the total of the force heretofore employed in the Department. My honorable friend from Minnesota, familiar with the subject perhaps can give it, but we must all see that it is a very large percentage. What is the total?

Mr. WINDOM. About twenty-five hundred.

Mr. CONKLING. The reduction there is about one-fifth of the entire force. I am told by the honorable Senator that twenty-five hundred is the total of the force as it has been. Here is a reduction of four hundred and ninety-one. For convenience I will add nine and make it a round five hundred, that is one-fifth exactly. It is proposed to withdraw from the Treasury Department one man in every five, and one woman in every five of those who have heretofore been employed to carry on its business in the city of Washington in one building. Consider such a thing in reference to a bank or a great commercial house in Chicago or New York; consider it in reference to the retail establishment of the late Mr. A. T. Stewart, an immense bazaar employing I know not how many, but a large number of salesmen, clerks, and others.

Mr. MORRILL. About one thousand.

Mr. CONKLING. About one thousand, my honorable friend says, in the up-town establishment at Tenth street. Suppose we were told that after Mr. Stewart disappeared from his business, it turned out on investigation by six gentlemen, whether Senators or others, that one man and one woman in every five in that establishment, two hundred in all, could be withdrawn, withdrawn with impunity—I do not stop to inquire with what exact convenience—and still the establishment proceed, still execute its functions, still sustain itself, still perform its daily routine of transactions and details with any degree of success which any three members of this body would pronounce fit to be accepted by those concerned, would it not be an extraordinary statement? Would it not compel every listener either to disbelieve it, or to conclude that the establishment had previously been conducted with a surplus force, with prodigal and unnecessary equipment, with, if not literally one-fifth of all its expenses unnecessary, at least virtually and substantially one-fifth?

Mr. President, such a statement is evidence to my mind of one of two things. It is evidence that a reduction of four hundred and ninety-one will not only cripple the operations of the Treasury Department but so essentially, so perniciously, so inadvisedly, cripple the operations of the Treasury Department, that managers on the part of the Senate ought to agree to it; or else if the statement be believed it proves that the Treasury Department as it stands now, the Treasury Department as it stood last winter, the Treasury Department as it stood any time within the last year has been not only by law permitted to employ and pay for needless service, but that in fact there have been put into the Treasury Department and kept in the Treasury Department, and are now in the Treasury Department in this city several hundred employés whose services are not and have not been necessary and whose appointment and continuance cannot be justified. I do not assert how this is; I pronounce no opinion upon it; but I say that it cannot be true that we can properly and excusably vote such a reduction, if it be true that the force thus to be reduced has been properly or justifiably maintained. It is proposed, as I understand,—and if I am wrong I will thank one of the members of the committee to correct me,—to make the whole reduction presently.

Mr. ALLISON. I do not see the chairman, and in his absence I will say that it is proposed to reduce one-third of it on the 10th of September, one-third of it on the 10th of October, and the remaining one-third on the 10th of November.

Mr. CONKLING. When I said "presently" I might have been more accurate. It is intended to take three months to do it. It is to be done in one-quarter of the fiscal year. I do not mean that they are all to be sent out on the same day, but I mean that it is a thing which is to occur as an entirety and the last of the dismissed are to go within the next three months. This may not be a time or a place to interpose in behalf of those who are thus to suffer. We all know the suffering which will be inflicted on those thus suddenly turned out; but if their services are unnecessary, the Congress of the United States is not a benevolent institution; Senators are not almoners to provide for the wants of others.

There is connected with it, however, another consideration more immediately in point. If this reduction be indeed feasible, and if during the last year, as place after place became vacant, (and in a large establishment like this vacancies always occur,) those vacancies had not been filled, had the force been allowed by degrees and by natural process to drop down to the proposed point, it would not only have saved us the contemplation of so grievous and afflictive a measure but would have reconciled somewhat the improbabilities and inconsistencies before us. But the statement shows us not only that by law all these places existed which are now to be treated as supernumerary places, places which can be vacated without serious detriment to the public service, but that in fact they were kept full. That

I understand to be the meaning of it, and the Senator from Iowa nods his head, to indicate that I am right. So that now a given force having been maintained up to the 9th day of August, or the 8th, whenever this statement was made, the information given us is that we may properly so legislate that four hundred and ninety-one persons shall all be dismissed within the next three months. I will inquire of the Senator from Iowa, who seems to be intelligent on this subject, is there anything he knows which has reduced the work to be done, the business to be transacted in the Treasury Department, and made it less now than it was three months or six months or nine months ago?

Mr. ALLISON. I do not know of any material change in the work of the Treasury Department within the last nine months.

Mr. CONKLING. The Senator knows of no material change in that respect?

Mr. ALLISON. I know of no material change.

Mr. CONKLING. The statement then proceeds on the idea that, either necessarily or unnecessarily, this working force has been maintained up to this time, that the same necessity exists for it now which existed any time within a year, and that we are to turn around and say that four hundred and ninety-one of these people are supernumeraries, and lag "superfluous" \* \* \* on the stage."

Mr. CRAGIN. Will the Senator from New York allow me to make a suggestion?

Mr. CONKLING. Certainly.

Mr. CRAGIN. The Senator from New York and other Senators must be aware that within less than a year the printing of fractional currency has entirely ceased; and as that currency was counted in three different Bureaus in the Treasury Department there can be a large reduction in that way. It is well known that the counting of fractional currency took place in the Secretary's office, in the Treasurer's office, and in the Register's office; and if that currency is not to be counted at all, and it is not now or hereafter, there can be a large reduction. So when the old currency comes in it is then counted three times over. Of course some little of that old currency is still coming in, but comparatively very little; so that there can a large reduction take place.

Mr. CONKLING. I am very glad the Senator from New Hampshire calls attention to this, for perhaps it will aid us to see how much we know and in how many respects we are mistaken. The counting out of fractional currency ceased about six months ago.

Mr. CRAGIN. Five months.

Mr. CONKLING. As I always want to agree, I will take five months in place of six—the fact, be the time a month more or less, is equally instructive. The fractional currency is counted three times; it is counted out and it is counted in. The only reduction that has taken place so far, is in omitting to count out the fractional currency, and the counting out ceased it is said five months ago. If this fact makes a difference, the difference occurred five months ago, not now. If the Senator is right in his understanding, for the last five months there has been maintained unreduced a force which he says was rendered necessary in part by counting fractional currency and that counting ceased five months ago. What other counting of fractional currency is there? There is the counting in of fractional currency, and that goes on still, and that is to continue hereafter.

Mr. CRAGIN. On inquiry I find that the silver bill, so called, authorizing the Secretary of the Treasury to issue subsidiary coin, was passed in April. It was at that time the printing of fractional currency ceased.

Mr. CONKLING. That is four months ago. The Senator forgets that when fractional currency does not go out silver goes out.

Mr. CRAGIN. But it does not require a force of two or three hundred employés in the Treasury to count it.

Mr. CONKLING. No, it does not require a force of two hundred or three hundred to count it. It does require force enough, however, to keep the accounts and make the transactions; and my point is that the business of counting out fractional currency having ceased months ago, it does not seem to me a very good reason for reducing the force when and not until this bill shall take effect, nor does it explain why the force has been kept up during these months past.

Mr. CRAGIN. There has been a reduction already.

Mr. CONKLING. I am very glad to hear that the force has not all been kept—that there has been a reduction. The difficulty is that this statement is a present statement and it is based upon the present force, the force that is there to-day, and the statement is of what reduction is to take place on that present force. That is what we are talking about. I say if four hundred and ninety-one men can be withdrawn from that Department, and it still go safely on, it is perfectly manifest that the number there now, and the number that has been in the Treasury Department for weeks and months all the time is a number to be justified only by showing that there was some business or labor in the Treasury Department continuing, not up to six months or four months ago, but up to this day, which hereafter need not be done. When you show that, and not till you show that, you show every business man in his own business sense exactly how he could dispense with part of his force. If he had been building two railroads and one of them was completed, we see how he could dismiss the men that manned the finished job, and with the residue go on with the other. But if the falling off in the requirement of the De-

partment was six months ago or four months ago and the force has been continued up to this day, I submit, according to any business principles or arithmetic, that a reduction now cannot be so explained.

Now I should like to ask another question of the honorable Senator from Minnesota. In this proposed reduction, as I understand, the subtreasury and its force and salaries is reduced. Am I right in that?

Mr. WINDOM. I think not.

Mr. CONKLING. I wish the Senator would look at the subtreasury in the city of New York; and I will say to him while he is looking that I am told that although the compensation for men conducting the subtreasury in the city of New York is cut down, the same officers in the city of Philadelphia and elsewhere have not been disturbed.

Mr. WINDOM. The reduction of seven hundred and sixty-five does not touch the New York office nor the subtreasury.

Mr. CONKLING. Is the Senator quite sure of that?

Mr. WINDOM. I am quite sure.

Mr. CONKLING. I should like to inquire of the Senator from Iowa because I have been very much misinformed, not by Senators but by others, if this is so as to salaries or compensation. I have understood for some days that this *projet* of reduction did cut down the subtreasurer's establishment in the city of New York in respect of salary. Take for example the coin teller.

Mr. ALLISON. It cuts down the salaries in a few instances, but not the number.

Mr. CONKLING. Now I inquire whether the salary of the coin teller in Philadelphia is cut down?

Mr. ALLISON. I will ascertain in a moment.

Mr. WINDOM. I know there were some slight reductions of the New York officers. They were higher than the Philadelphia officers.

Mr. CONKLING. Yes; put so by law and for reasons.

Mr. ALLISON. There is no proposed change in the Philadelphia office. There are proposed changes in the New York office, but none in Philadelphia or any of the other subtreasuries except New York.

Mr. CONKLING. I have this to say about it: The compensation of these men in the city of New York was fixed in reference to them and their duties, not in reference to other men and other duties. The salary of the coin-teller, for example, in New York was graduated and fixed by the facts in that case. Of course, among those facts were the enormous amounts of money, the almost fabulous sums which in the course of a year pass through that office, the responsibilities for which bonds are given, the various other elements entering into the modes of estimating salaries. The same thing was done in the case of Philadelphia and those salaries were fixed upon the same principles, and fixed as they ought to be. Now I understand that this *projet* of agreement cuts down the compensation of these officers in New York, passes over the same officers in Philadelphia whose salaries although at a different amount were for different service and fixed at a different sum because of the merits of the case, leaving them to stand untouched.

Perhaps I ought not to detain the Senate upon a matter of this sort; but it is a circumstance which fell under my observation and I call attention to it, and I think it might be well in dealing with this bill, particularly in standing by the idea that Senators ought to receive \$5,000 a year nominally at least because it is right in fact, to consider whether these officers in the city of New York ought to receive one salary or another because it is right in fact, and not level it down in order that salaries somewhere else may stand untouched.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota that the Senate insist on its disagreeing vote and ask another committee of conference.

Mr. WINDOM. I am very reluctant to detain the Senate a moment longer, but the statements of the honorable Senator from New York I think require a brief answer.

The committee of conference on the part of the Senate in agreeing to this reduction of force do not by any means assent—at least a majority of them do not—to the inferences which the Senator from New York would draw. They do not believe that the sweeping reduction which has been agreed to is justified by the business of the Departments. I will state to the Senate why the number seven hundred and sixty-five was suggested. The House bill as it came to us reduced the employés of the various Departments one thousand and twelve. The Senate reduced them three hundred and eighteen on its own motion, upon the recommendation of the Senate Committee on Appropriations. The committee of conference, after very much labor on this question and many trials and tribulations, finally suggested as a compromise a division of the difference, provided, upon a reference of the question to the Departments, it could be ascertained that that number could by any possibility be dispensed with. That is as to all the Departments. I will send to the Secretary two letters which I ask to have read on that subject. But before they are read I will state that in submitting this proposition to the Secretary of the Treasury and requesting him to confer with other heads of the Executive Departments on the subject, the committee on the part of the Senate suggested it rather for the purpose of obtaining information than otherwise. The letter addressed by myself as chairman of the Senate managers will explain the proposition as submitted to the Secretary of the Treasury, and his answer will show the opinion of the heads of the Executive Departments as to the effect of this reduction.

The Chief Clerk read as follows:

SENATE CHAMBER,  
Washington, July 22, 1876.

DEAR SIR: I am requested by the committees of conference on the legislative bill to ask that you will, in connection with the other heads of Departments, consider the proposition to reduce the number of employés in said Department seven hundred and sixty-five, and that you will suggest to said committees how said reduction can be made with least detriment to the service. It is desirable that the diminution of expense should be as nearly as possible in proportion to the reduction in number of employés. Please advise me at your earliest convenience whether this is practicable, and make such suggestions as you may deem important in the premises.

I have the honor to be, very respectfully,

WM. WINDOM,  
Chairman Senate Conference.

Hon. LOT M. MORRILL,  
Secretary of the Treasury.

TREASURY DEPARTMENT, July 23, 1876.

DEAR SIR: Your note of the 22d instant on behalf of the committees of conference on the legislative bill, in regard to the reduction of the number of employés in the Executive Departments of the Government seven hundred and sixty-five was duly received.

The proposition submitted for the consideration of the Executive Departments is understood to be that of a reduction of the civil list for those Departments by the number of seven hundred and sixty-five on the basis of the Senate bill, which was forty-nine hundred and ninety-one; but, as no account is taken of the temporary force usually provided for an appropriation to be used at the discretion of the Secretary, equal to an additional force of seventy-five employés or clerks, the proposition really is for the reduction of eight hundred and forty instead of the number mentioned, unless the usual appropriation should be made for temporary clerks, which is not understood to be included in the proposition submitted.

If the heads of Departments are to regard the proposed reduction as the legislative *ultimatum*, it remains only to make such reduction with reference to the efficiency of the service, in which case the accompanying tables furnish the distribution of the civil force in these Departments believed to be most advantageous to the service therein.

That there should be no misapprehension as to the views of the heads of Departments in relation to the matter of reduction proposed, it is proper to say that it is believed such reduction will essentially cripple the public service to a greater or less extent in most of these Departments, and that a reduction so large as that necessitated in the Treasury Department, to wit, four hundred and ninety-one, would be little less than disastrous.

Very respectfully,

LOT M. MORRILL,  
Secretary Treasury.

Hon. WILLIAM WINDOM,  
Chairman Committee on Appropriations United States Senate.

Mr. WINDOM. It will be seen that this very large reduction is not made with the assent and concurrence of the heads of Departments; but Mr. Secretary Morrill, for himself and representing them, as I understand, states that, regarding this number as the legislative *ultimatum*, they proceed to adjust the force upon that basis, and he concludes his letter by stating that the proposed "reduction will essentially cripple the public service to a greater or less extent in most of these Departments, and that a reduction so large as that necessitated in the Treasury Department, to wit, four hundred and ninety-one, would be little less than disastrous."

Mr. CONKLING. May I ask one question there?

Mr. WINDOM. Certainly.

Mr. CONKLING. Does the Senator and do his associates rest their agreement to that reduction upon the idea that it will be little less than disastrous?

Mr. WINDOM. I believe that it will very seriously embarrass the Department. I do not know that I would be willing to use quite so strong terms as to say "disastrous," for in the manner in which it has been made there will be but a short time between the final dismissal of this force and the next session of Congress. And further, the \$60,000 which we have allowed for temporary clerks in case of emergency will to some extent relieve or prevent the embarrassments that would otherwise be inevitable. I do believe, however, that in some Bureaus the reduction will cause serious delays, and greatly impair the efficiency of the service. The Adjutant-General's Office, the Surgeon-General's Office, the Pension Bureau, and some others will be crippled and embarrassed, and the public interests will suffer. I may be asked, "Then, why do you agree to it? I will answer, This is one of the questions on which I understand the House has precisely the same right to its judgment as the Senate has. The House in the exercise of its discretion said that twelve hundred and twelve employés should be dismissed. The Senate in the exercise of its best judgment said three hundred and eighteen. If the House chose to insist that they would not appropriate for more than one-half the clerical force actually required, I know no power in the Senate to compel them to appropriate. They must act upon their own responsibility and we upon ours. Both are responsible to the people. So far as that class of questions is concerned we must accept what they are willing to appropriate. They must take the responsibility of crippling and embarrassing the civil service of the country. That being in our judgment the position of the question, the Senate managers thought that for the present it was judicious to accept the proposition to divide the difference by two, making the reduction one-half the difference between the two Houses.

Mr. DAWES. I wish to inquire of the Senator if the basis of the committee does not relieve this statement of the Secretary to the extent of \$60,000?

Mr. WINDOM. It does. It makes the reduction four hundred and nineteen in the Treasury Department and seven hundred and sixty-five in all. The Secretary of the Treasury, it will be observed, says that if the \$60,000 be not appropriated the reduction will be equal to

eight hundred and forty. The reduction is to take place one-third on the 10th day of September, one-third on the 10th of October, and one-third on the 10th of November, so that if it shall be found that so large a reduction is likely to prove disastrous to the service Congress will be in session within two or three weeks after the final dismissal and can supply the deficiency. These were the arguments which induced the committee to agree to this proposition. We by no means agreed that this force has been as surerabundant as the remarks of the Senator from New York would indicate.

The Senate Committee on Appropriations when examining this bill before it was reported to the Senate took great care to ascertain how great a reduction could be safely made. Thorough investigations were made in all the Departments to ascertain how many could be reduced without detriment to the service. In the Treasury Department, for instance, Mr. Secretary Bristow caused an investigation to be made of every Bureau, and reported to the committee certain reductions upon which the Committee on Appropriations and the Senate acted. The Secretary of War made a similar investigation; and I happen to know that in that a commission, consisting of three of the most experienced men in the Department, was appointed, who spent twenty days in examining the War Department, going to every Bureau and desk in it, for the purpose of ascertaining the largest possible reduction that could safely be effected. Similar investigations extended throughout the other Departments, and upon reports made to them from those Departments the Senate Committee on Appropriations recommended a reduction of three hundred and eighteen, to which the Senate agreed. Applying to all the Departments the severest rules of judicious retrenchment, they were unable to make a larger reduction. I believe that all above that is an unsafe reduction, and to that extent is a crippling of the service; but I do not know any power we have, or that anybody else has, to compel either House to appropriate more money for such purpose than its own judgment or even its inclination may approve.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota [Mr. WINDOM] that the Senate insist upon its amendments and ask a committee of conference.

The motion was agreed to.

Mr. WINDOM. I intended to have withdrawn my motion in order to offer another. I ask leave to reconsider the vote just taken.

The PRESIDENT *pro tempore*. Is there objection to reconsidering the vote just taken? The Chair hears none.

Mr. WINDOM. If in order, I move that the bill be recommitted to the present committee of conference, and that the vote shall be understood to be a test vote upon the two questions I have mentioned, namely, the salary of the President and the compensation of members of Congress.

Mr. SARGENT. I should like to ask my colleague on the Committee on Appropriations if the same end exactly is not accomplished by his original motion? It is the understanding of the Senate. There is no dissent on either side of the Chamber to the action of the Senate in still further insisting and appointing the same conferees. They certainly will be appointed again, and this action is a sanction of their course. It seems to me that it would be better to agree to the original motion than to raise a doubtful parliamentary question by recommitting the report to a committee which is dissolved.

Mr. WINDOM. It is not dissolved.

Mr. SARGENT. It is dissolved by this report. It seems to me the conferees may consider themselves as receiving the sanction of the Senate by the original motion.

Mr. DAWES. I suggest to the Senator from Minnesota that his present motion would require precisely such a vote in the House as he calls on the Senate to make. The House would be called upon to recommit the report to this same committee. Let the House act independently and the Senate independently.

Mr. SARGENT. I think we had better not recommit it.

Mr. DAWES. Not a Senator indicated a desire for a different course.

Mr. SAULSBURY. I shall vote for the motion of the Senator from Minnesota; but as it happens to be inconsistent with the vote which I have frequently given upon a question involved, I desire to make an explanation of my vote. In reference to the salary of the President of the United States, I originally opposed the increase from \$25,000 to \$50,000, and I voted for the bill, which is now before the Senate with the veto message of the President, decreasing the salary of the next incumbent of the presidential office to \$25,000. I shall vote for a separate independent proposition of that kind again to make a reduction of \$25,000; but I do not believe that it is proper to put such a provision upon an appropriation bill. Therefore in voting for the motion of the Senator from Minnesota, I do not wish to be understood at all as favoring, as an abstract question, the increase which was made to the salary of the President. I vote for this proposition because, while we have a bill before us reducing the salary of the President, which it is in our power to take up and pass over his veto, I do not think it is proper to put a provision of that kind upon an appropriation bill. Whenever the proposition is made to take up the measure which has been vetoed, I will vote to pass it over the veto.

The PRESIDENT *pro tempore*. Does the Senator from Minnesota insist upon his motion?

Mr. WINDOM. There seems to be some objection to the second motion which I made, and with the consent of the Senate I will withdraw it and renew the first motion.

The PRESIDENT *pro tempore*. The Chair hears no objection; and the motion is withdrawn. The question recurs on the motion of the Senator from Minnesota that the Senate insist upon its disagreement and ask for a further committee of conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee; and Mr. WINDOM, Mr. ALLISON, and Mr. BAYARD were appointed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House had passed the resolution of the Senate to print extra copies of the report of the special committee to investigate the late election in Mississippi, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had appointed Mr. HENRY B. BANNING, of Ohio, and Mr. STEPHEN A. HURLBUT, of Illinois, members of the commission on the part of the House on the subject of the reform and re-organization of the Army.

The message further announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3964) granting a pension to Annie Gibson Yates; and

A joint resolution (H. R. No. 161) authorizing the Secretary of State to publish a history of the several surveys and scientific expeditions by the United States during the present century.

#### BILL INTRODUCED.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1038) for the relief of George E. Hasie, late inspector of cigars and snuff in and for the second internal-revenue collection district in the State of Mississippi; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

#### PACIFIC MAIL STEAMSHIP COMPANY.

Mr. JONES, of Nevada. Senate bill No. 1021, allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships, has been returned from the House with an amendment. The House amends the bill as passed by the Senate in a very important particular, and I do not think the Senate ought to agree to the amendment. To state what the amendment is will, I think, be sufficient to make the Senate agree to non-concur. The bill is very short, and I will read it with the permission of the Senate:

That the Postmaster-General be, and he is hereby authorized to accept from the Pacific Mail Steamship Company, for services in transporting the mails of the United States between San Francisco and China, the steamships City of Sidney, City of New York, and City of San Francisco, the same being new iron American-built ships of more than three thousand tons register; said iron steamships to be substituted for any wooden side-wheel steamers now lawfully doing service under the act of Congress of February 17, 1865: *Provided*, That nothing herein contained shall be construed as creating, reviving, or recognizing any claim now pending or as a basis of any claim which may hereafter be preferred against the United States by said steamship company, growing out of any law or contract whatever, except such as may lawfully exist under the law of February 17, 1865, above referred to.

The law of February 17, 1865, is a law making the contract with them, and agreeing to pay them a certain amount for carrying the mails, but by striking out "excepting the law of February 7, 1865, above referred to," as the House has done, the result is to deprive the Pacific Mail Steamship Company of the right of demanding pay for the service of carrying the mail. It expressly says that no claim shall be recognized, not even the claim arising under the law of February 17, 1865, which I am sure the House could not have intended to do. I hope the Senate will at once non-concur.

The amendment was non-concurred in.

Mr. JONES, of Nevada. Now I move that the Senate ask for a conference on the disagreeing votes.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the committee on the part of the Senate.

Mr. JONES of Nevada, Mr. DAWES, and Mr. KEY were appointed the conferees on the part of the Senate.

#### THE HAMBURGH RIOTS.

The Senate resumed the consideration of the following resolution, submitted by Mr. MORTON on the 2d instant:

*Resolved*. That 10,000 copies of the President's message and accompanying documents in regard to the late massacre at Hamburg, South Carolina, be printed for the use of the Senate.

Mr. PATTERSON. Mr. President, yesterday when I yielded the floor I was referring to the parties implicated in the recent murders at Hamburg, South Carolina. I was speaking of the character that these parties bore in the community in which they live. I have no desire to misrepresent any person connected with this transaction. What I have said about these parties is I believe true. My object in stating this to the Senate and to the country is to controvert the idea that is spread abroad whenever reports of outrages come up from the South. Senators on this floor, newspapers and public men, all join

in deplored these outrages. They all say they regret them; but at the same time we hear from all of them, or nearly all, some kind of an excuse. They say that the negroes were insolent, that the negroes were turbulent, that they were the cause of these riots, and that the authors of these crimes were low, reckless, and irresponsible men in the community. My object in speaking of the character of the parties implicated in these transactions is to show that that is not true. These murders have been committed. Whether the parties mentioned in the reports of the coroner's inquest are the parties really guilty, I do not know. They are charged with it upon the oaths of citizens of South Carolina; and if they are the guilty parties, I have this to say, that they are persons who are recognized in their communities as gentlemen and the best people in their community. I want to hold the real parties responsible for these outrages. I do not want the responsibility shifted onto people who are not responsible and who have no position in society. That is all I ask. I think it fair, and no man can complain of it. I know no man in South Carolina will object to that. It is all very well for Senators to talk about the authors of these crimes in the South being "spewed up" by the war, and all that sort of thing; but Senators know better than that; newspaper men know better than that; public men know better than that.

## DEMOCRATIC EXCUSES FOR THE RIOT.

I want to read from an article the Charleston News and Courier in regard to this outrage. This paper deplores these outrages. It goes further than that; it denounces them. Let me read to you the object of their denunciation. This is the Charleston News and Courier of July 13, only five days after the occurrence:

The northern newspapers, even those most friendly to the South, are loud in their denunciation of the Hamburg slaughter. They regard it as doing good work for Hayes and Wheeler, and predict that a few more outbreaks of the same sort will insure the defeat of Tilden. Is it not horrible that a band of regulators should have the power to destroy, by their inexcusable violence, the prospects of the party which, if successful, will restore constitutional rule to the whole people?

There is the reason given for denouncing these outrages. There is nothing in that paper of regret for the death of these poor people, but they put it upon the ground that it will hurt the election of Mr. Tilden. Why do they put it on that ground? Because they know that the North will never consent to the election of Mr. Tilden unless Mr. Tilden's friends in the South will quit killing negroes and radicals. They know as well as we know that that sort of thing will not do any longer. They know the people of the North are getting tired of this violence, and they say to their bad men, "Halt." I wish their bad men would listen to that advice. If the election of Mr. Tilden will soften the hearts of the southern democratic leaders; if it will stop the murders of colored people and radicals in the South, stop these murders for opinion's sake, I do not know but that I will be willing to say that I would consent to his election. Human life is more important than the question of who shall be elected President of the United States. What I plead for is for these poor people in the South who have no protection, these poor people who are being murdered because they are republicans, and murdered, too, by democrats in every instance.

I have read the opinion of one newspaper. Here is the opinion of another democratic newspaper, the Journal of Commerce, which takes the opposite ground, and I am sorry for it:

The village of Hamburg, South Carolina, opposite to Augusta, Georgia, is beyond its police jurisdiction, and has latterly become the nest and harbor of negro marauders, incendiaries, and cut-throats. The turbulent, malignant, and criminally intent, here dwelling within easy reach of the Georgia line, in full accord with their own local authorities, civil and military, armed with rifles and organized, have felt strong in the ability to annoy, injure, and endanger the white people of Aiken and Edgefield Counties.

The coroner was willing (I have no doubt) to call any person before the inquest the parties implicated in this trial asked, and there is not one word of evidence in this coroner's inquest that goes to sustain that charge. Why does that paper make such a charge? Simply because it represents a certain sentiment; simply because it speaks for that class of southern people who look upon outrages of this kind with, I will not say consent, but with quite too much kindness.

It is not long since another militia company of negroes in Edgefield, under Ten-  
nent, was disarmed by the State authorities and United States troops for drilling  
nightly with the intention to attack the whites.

The truth about that story is simply this, that a difficulty occurred two years ago in regard to a militia company in Edgefield County. The difficulty commenced at the Pine House, and the result of investigation proved that a white man was the aggressor. After months of excitement, in which both races were concerned and liable to a bloody collision at any time, the difficulty was settled by the arms being taken from the militia company by the State authorities for the sake of peace after three or four persons had been killed.

For some years now the population of Hamburg have been practicing a system of insulting and outraging the people of the neighboring counties. On the 5th of July it seems their militia company stopped the buggy of Messrs. R. Butler and H. Getzen in the public road, abused them, and threatened to make them prisoners for the night.

All the papers join in testifying to the fact that this militia company were parading in the streets of Hamburg on the 5th of July, as they had a right to do. The street is about one hundred and forty feet wide, and this militia company was marching four abreast. These two young men came along in a buggy and they ordered the militia company to give way and let them pass, and because they re-

fused to do it they had some harsh words, but for the sake of peace the militia company opened column and let these two young men ride through in their buggy. What right had they to order the militia company to do that? But the captain of the company for the sake of peace and to avoid a disturbance, to prevent the charge being made that the militia, the colored militia, were obstructing the highway, opened column and let these two young bloods pass through. I ask Senators to suppose that there was a volunteer company, a military organization of this District, marching up Pennsylvania avenue; would any Senator upon this floor, would the President of the Senate, have any right to stop that company and demand that they should open column and let him pass through? Is there any man in the Senate or any man in Washington who would ask such an unreasonable thing? Yet because these two young men were refused the right to go on the highway where they pleased, they stopped the company and got up this disturbance, but finally were permitted to pass through. That should have been the end of it. There it should have stopped. The militia company had yielded more than was reasonable. These two young men obtained more than any citizen had a right to ask.

For this wrong these men sought redress before Prince Rivers, of Hamburgh, trial justice and major-general of militia, a negro. The case was set for the 9th, and meantime the negro militia swore they would submit to no punishment from the officer of the law, and were loud and threatening in their views. They threatened to lynch Messrs. R. Butler and H. Getzen if they were not convicted.

Now, I ask Senators in all candor, where was the wrong to these two young men? If there was any wrong in it, the wrong was to the militia company and not to these two young men.

Convicted of what? There is no evidence of that kind.

Information of these threats reached the neighborhood of these men, and their friends and neighbors mounted their horses and went to Hamburgh at the time appointed to defend and protect them from violence, and to support the law and its officers in the prosecution of justice.

Great God! justice! I ask what justice did these young men want? Who had been outraged? Their friends resorted to Hamburgh. Yes, I understand all about this friend business. They did not go there like they would go to church. They came there mounted, with their rifles, their revolvers, and their shot-guns. Friends on an errand of friendship do not generally go with that kind of equipments. They went there to get up a row; they went there to get up a fight. That was the object.

Doc Adams, the captain of the company, when summoned for trial, attempted to bully the court—

The evidence shows he was not near the court—

and when served with an arrest, defied the officer of the law and assembled his company in the street, armed and supplied with ball-cartridges, to make good his defiance. He and his militia command now occupied the attitude of outlaws or rioters toward the trial justice, and of mutineers toward the major-general of militia. Five efforts were made to bring them to their senses and to induce them to give up the arms they were using to violate "the awful majesty of the law," and to let the people of the county have peace. But all efforts failed. They intended to fight.

Who intended to fight? Nobody was talking about fighting except these people who came in there.

They occupied the second story of a brick building in which they were wont to drill, set up a yell, and opened fire on the friends of R. Butler and H. Getzen from the windows with their Springfield rifles. Soon after they had opened fire they killed, by a shot from the window, Mr. Merriweather, an estimable young man.

When ruffianism is rampant and lynching is threatened white men who seek legal redress, by a band of organized negroes, with the best weapons in their hands, and when the officers of the law are defied and white men are shot dead, the blood of white friends will get up, even in meek and down-trodden Carolina. And when those engaged in this high-handed and criminal business are overpowered, it is not likely they will be treated as prisoners of honorable warfare and according to the laws of nations.

That is the other democratic account of this transaction. That account is written and published in a paper that represents the true sentiment of the white democracy of South Carolina. There is not a line to condemn the murder, not one line of sympathy for the poor men who were murdered, but denunciation and misrepresentation all through to excuse the perpetrators of this crime. I read this to show to the Senate and to the country that a newspaper published in South Carolina and spreading all over the State will dare to utter such sentiments, and no one will rebuke it. When newspapers by such explanations, by such excuses, by such palliation will justify a murder and outrage of this kind, is it any wonder that they so frequently occur?

## THE MILITIA ORGANIZATION OF A STATE.

Mr. President, one word before I get on to the cause of all this trouble. It is said that this militia company is not a legal organization. The evidence before the coroner's inquest shows that the militia company was regularly organized and recognized by the colonel of the regiment and the major-general of the military division. In addition to that, the evidence shows that the military company was organized under the act of incorporation. They were a regularly, legally constituted body of militia. They had the right to parade on the 4th of July or any other time that they saw proper. It has been said upon this floor that all the militia of South Carolina are colored people. That is true, but it is not the fault of the colored people and it is not the fault of the State government. The white democrats of South Carolina refused to come in under the militia law to organize companies and make themselves responsible to the State officers. No person quarrels with them about it. In order to

gratify their military taste they have military organizations of their own. They are organized under incorporation acts. They go to the clerk of the court and get an act of incorporation on the payment of a small fee of two dollars or two dollars and a half, and they organize companies. They call themselves "rifle clubs" and "saber clubs." We have them in every county in South Carolina and in some counties we have several. They are not an illegal organization. There is nothing in the law to forbid it and nobody objects to it. By common consent they are allowed to exist, owing to the peculiar state of feeling which we have in the State between the races. By common consent, by consent of the State officers, by consent of all parties, these military organizations, because of the refusal of the white people to go into an organization with the colored people, are allowed to exist. They arm themselves and equip themselves at their own expense. I am informed by one of the members of the House that there are two of these rifle clubs in Charleston and one in Chester which have been armed with State arms; and I take it for granted that the statement is correct. It may be said that white people are refused arms from the State. I do not think that ever the State authorities have refused to give arms to a white company if they were willing to come in under the State military law. I have never heard it charged, and I think I am safe in making the statement that that has never been done.

That disposes of the militia question. But with regard to these rifle clubs I desire to say that they were organized some two or three years ago, and during all that time and up to this time they have conducted themselves with order and decorum. I have never heard any complaint of their behavior. I have never heard any threat made by any person representing the rifle clubs, who was authorized to speak for them. I will say that to their credit. I know that there is an impression among the colored people that these rifle clubs are gotten up with a view to their injury. When they were first organized they created a very considerable alarm among the colored people, and to-day there is a feeling of uneasiness among the colored people that these rifle clubs might at some time be used to their personal injury. I do not say that that impression is correct. I know some three or four officers of these rifle clubs. I know the captains of two of them in the city of Columbia, and they are both very excellent citizens and clever gentlemen. I do not think that either of those gentlemen would be a party to a wrong upon the colored people in their capacity as officers of a military company. What may happen in the future I do not know. I am speaking of the behavior of those companies in the past.

I should like to read some of this testimony taken before the trial justice, but there is so much of it and it is so long that I forbear.

Mr. CONKLING. Is the Senator willing to have it go into the RECORD without actually reading it?

Mr. PATTERSON. Yes, sir.

Mr. CONKLING. I suppose if the Senator wants to read it as part of his remarks no Senator will insist upon actually hearing it read. If it does not inconvenience the Senator at all, I suggest that nobody will object to putting it in the RECORD, if that is his purpose, without reading it all here. He will judge of that himself, I suppose.

Mr. PATTERSON. I do not care to have it read.

Mr. CONKLING. Then I suggest that it had better be printed in the RECORD than to hear it read. Is it in print?

Mr. PATTERSON. It is in print.

Mr. CONKLING. I think there will be no objection to its being put into the RECORD rather than having it read.

The PRESIDING OFFICER, (Mr. CHRISTIANCY in the chair.) The Chair hears no objection, and the matter will be printed in the RECORD.

#### THE REAL CAUSES OF THE TROUBLE.

Mr. PATTERSON. Now, Mr. President, I have given both sides of this question, and tried to do justice to all parties. I want both sides to be heard. I now come to what I think is the real cause of these difficulties. That there is a false sentiment existing among the democratic party in the South in regard to the colored man no one will deny. They are determined he shall not hold office and rule. Right here I want to say a word in regard to the southern people. I have no malice toward the southern white people. I went among them a stranger, and I say to the Senate and to the country that so far as my personal relations with that people are concerned they have always treated me kindly and respectfully, and I have nothing for them but the kindest feeling in the world. I will defend them as faithfully and as promptly against a false imputation as if I had been born among them; but there is a class of people in the South that I do quarrel with. I have no quarrel with the great body of the southern people. The great body of the southern people are brave and generous and want to do what is right, and if the democratic leaders would let them alone they would do what is right. If it had not been for the democratic leaders in 1860 the people of the South would never have gone into secession and rebellion. It is a fact that is recorded in history, and the man is a fool who rises in his place, in the Senate or elsewhere, and attempts to deny that the South was dragged out of the Union in 1860 by their leaders, and that their leaders were all democrats. State after State was dragged out. When the people got a chance to vote they voted down secession, but through the manipulation of these leaders the States were dragged out. Governor Orr told me before his death that in 1860

there were not 10,000 secessionists in the State of South Carolina, and yet these few violent, bold, daring, arrogant democratic leaders dragged that State out. They forced the people out of the Union. What I complain of in the southern people is that they allowed themselves to be used by these leaders. They are intelligent; they are men; they were born under the American flag; they have as much interest in the country as those who live in Massachusetts or Pennsylvania or New York or Ohio; but I do find fault with them for allowing themselves to be used by these bold and bad and wicked rulers. Senators may argue that there is no such sentiment in the South. I am speaking particularly of South Carolina; but the case of South Carolina is the case of the whole South. South Carolina is not an exceptional State. Because she was the "first in the fray," is that any reason why the other southern States are not responsible? They were of age; they acted for themselves. The history of South Carolina, the action of South Carolina, represents the action of all of them, and the feeling of the white people of South Carolina represents the feeling of the white people of the whole South. I do not think any one will dare to deny that unless he is very reckless.

#### THE INFAMOUS BLACK CODE.

I hold in my hand the laws of the Legislature of South Carolina passed in the session of 1865-'66. This was after the war, and after South Carolina had passed into the hands of her old rulers. Under the Administration of President Johnson Governor Perry was appointed provisional governor and a Legislature was chosen composed of the old leaders. If they had this spirit in 1860 and during the war, this record shows that they had not forgotten it years afterwards. This record shows that they had not abandoned one iota of that spirit towards their colored fellow-citizens, because the black man then was their fellow-citizen. The black man was a free man then. It is true he had not the right to vote, but he was a free man. That Legislature met in Columbia, the State capital, and proceeded to general legislation. But among the very first acts that they passed was the act which is known all over this country and all over the world as the "black code" of South Carolina, a code that should disgrace every one of its authors, and every man who voted for it should be ashamed to show his face among an intelligent, an enlightened, and a civilized people. And yet these same people are claiming that they alone are fit to rule in South Carolina and should be put into power, and think it a great hardship that the negro will not consent to let them rule over him again and pass such laws. I will trespass upon your time in order to give the Senate an idea of this code, because I do not presume that many Senators have ever read it. So many things have happened in the last ten or fifteen years, events have crowded themselves upon us so rapidly, we have made history so fast, that a great many important events which the statesman should take notice of, ay, which the voter should take notice of, have passed from memory. This is a law to amend the criminal code:

SEC. 10. A person of color who is in the employment of a master engaged in husbandry shall not have the right to sell any corn, rice, pease, wheat, or other grain; any flour, cotton, fodder, hay, bacon, fresh meat of any kind, poultry of any kind, animal of any kind, or any other product of a farm, without having written evidence from such master or some person authorized by him, or from the district judge or a magistrate, that he has the right to sell such product.

Then it goes on to prescribe the punishment for that offense. That law is to apply to the laborer, it is to apply to the man who tills the soil, the poor man now free, the man who before the law is the equal of the proudest man in South Carolina; yet they passed a law and imposed a heavy penalty upon him if he dared to sell any product of his farm without the written consent of his master. This word "master" may sound very strange. People will argue perhaps that slavery was over, and there were no masters. As I read further in this book I will show you that by this law they provided that the employer should be known as master and the employee should be known as the servant, and yet it was not in the days of slavery; this was in the days of freedom. This was after the war, after we had what they called peace, and after the adoption of the thirteenth amendment abolishing slavery; and yet this law was to apply to the man of color, (and not the white man,) the man who had fought for and helped to preserve the life of the nation.

SEC. 11. It shall be a misdemeanor for any person not authorized to write or give to a person of color a writing which professes to show evidence, &c.

If any white man should give a colored man a permission of that kind he is fined. Here is section 13, which provides—

Persons of color constitute no part of the militia of the State.

When they had the authority in the Legislature, when they ruled after the war was over, and they pretended to accept the logical results of the war, they took good care to pass laws that the colored people should not serve in the militia. When the colored people got into power in South Carolina, what did they do? Did they pass such a law as that, providing that white men should not serve in the militia? No; they passed a militia law that white men and colored men, democrats and republicans, all, could avail themselves of, if they chose. Is not that a shame that the white democratic leaders of South Carolina should make a record like that, which shows so much illiberality, when three years afterward another law is on the statute-book which says, "No, we do not pass any such illiberal laws; we negroes pass a law that civilized nations can recognize and be proud of; we will open the militia organization to all classes and all colors

and to all people." This is the spirit of the legislation since reconstruction.

SEC. 14. It shall not be lawful for a person of color to be the owner, in whole or in part, of any distillery.

They were careful they should not have distilleries. I think that was a pretty good idea.

SEC. 22. No person of color shall migrate into and reside in this State unless within twenty days after his arrival within the same he shall enter into a bond, with two freeholders as sureties, to be approved by the judge of the district court or a magistrate.

That is, no man of color shall dare to go into South Carolina unless in twenty days he give bonds to be approved of by the judge of the district court. And who is he? Of course he is a democrat. Of course that was the only kind they elected in those days. That's what's the matter; they do not get them elected now.

If he failed to give bonds, as provided in the statute, he must leave the State, and if he refused he was to be whipped by order of court, and, if still refusing for fifteen days, he should be kept at hard labor (virtually sold) for five years.

Mr. MITCHELL. Is that the law now?

Mr. PATTERSON. O, no; that is not the law now. The negroes do not pass such laws to apply to white people, but white people pass such laws to apply to negroes. They had not learned down there that the war was over; that was the trouble. Here is another:

Visitors or other persons shall not be invited or allowed by the servant to come or remain upon the premises of the master without his express permission.

I ask northern democratic Senators, Would you like to vote for a law of that kind to apply to the poor white man of the North? Is there a democratic Senator on this floor from the North who would dare to vote for such a law? Yet this law was passed to apply to free colored men in South Carolina by your democratic friends. If that law was in force in South Carolina, the democrats could carry the election without any trouble by as large majority as that by which they carried Alabama the other day, because the colored people, if this law was in force, could not leave the plantation; no man could go there to see them; and of course we should have democratic majorities; but it is not in force, thank God, and I do not think it will be soon.

When the servant shall depart from the service of the master without good cause he shall forfeit the wages due to him. The servant shall obey all orders of the master or his agent, and shall be honest.

That is a very good idea.

For any acts or things herein declared to be causes for the discharge of a servant or for any breach of contract or duty by him, instead of discharging the servant, the master may complain to the district judge or one of the magistrates, who shall have power, on being satisfied of the misconduct complained of, to inflict or cause to be inflicted on the servant suitable corporal punishment.

I need not explain that; everybody understands what that is. The whipping-post had not been cut down yet in South Carolina, and this by a Christian, civilized people:

The contract for service shall not be terminated by the death of the master, without the assent of the servant.

The rules and regulations prescribed for master and servant apply to persons in service as household servants, conferring the same rights and imposing the same duties.

The master shall have the right to inflict upon the servant such corporal punishment as he may think proper.

He may think very severe punishment proper to inflict on these free citizens of America. Here is a section in regard to "mechanics, artizans, and shop-keepers:"

No person of color—

That does not say "no person," but

No person of color shall pursue or practice the art, trade, or business of an artisan, mechanic, or shop-keeper, or any other trade, employment, or business (besides that of husbandry or that of a servant under a contract for service or labor) on his own account and for his own benefit, or in partnership with a white person, or as agent or servant of any person, until he shall have obtained a license therefor.

Then it prescribes what he shall pay for the license.

All persons of color who have not some fixed and known place of abode and some lawful and reputable employment, &c., may be arrested as vagrants, and, by order of the district judge, be fined and hired out.

In other words sold into slavery again.

I have read these extracts to show the spirit that actuated the Legislature of 1865, a Legislature that met after the war; to show that the same spirit prevailed as during slavery: that these people were unwilling to accord to the colored man, although free, the rights that had been secured to him by the war.

Mr. President, I will not take the time of the Senate in reviewing the history of the Ku-Klux in South Carolina. It is well known that there were Ku-Klux in other States. The ku-klux organization existed in nearly every State in the South, and I will not weary the attention of the Senate by referring to it, but I will read for the information of the Senate an extract from the speech of Reverdy Johnson, who was employed by friends of the parties charged with ku-kluxing in South Carolina before the United States court to defend them. You all know who the late Reverdy Johnson was. I merely read this to get his testimony as to the facts in regard to these trials. I have heard Senators on this floor referring to the ku-klux outrages in

South Carolina deplore them very much, but I have heard them deplore in much stronger terms the manner of the arrests that were made of the parties who committed those horrible outrages. If they did not express sympathy for these parties who were implicated, they certainly did not express any condemnation of these crimes. I will ask the Clerk to read this.

The Chief Clerk read as follows:

I have listened with unmixed horror to some of the testimony which has been brought before you. The outrages proved are shocking to humanity; they admit of neither excuse nor justification; they violate every obligation which law and nature impose upon man; they show that the parties engaged were brutes, insensible to the obligations of humanity and religion. The day will come, however, if it has not already arrived, when they will deeply lament it. Even if justice shall not overtake them, there is one tribunal from which there is no hope. It is their own judgment; that tribunal which sits in the breast of every living man; that small, still voice that thrills through the heart, the soul of the mind, and as it speaks gives happiness or torture: the voice of conscience, the voice of God. If it has not already spoken to them in tones which have startled them to the enormity of their conduct, I trust, in the mercy of heaven, that that voice will speak before they shall be called above to account for the transactions of this world. That it will so speak as to make them penitent, and that, trusting in the dispensations of heaven, whose justice is dispensed with mercy, when they shall be brought before the bar of their great tribunal, so to speak, that incomprehensible tribunal, there will be found in the fact of their penitence or in their previous lives some grounds upon which God may say, pardon. —*Columbia Union*, September 2.

Mr. PATTERSON. That is stronger testimony than I could give. Mr. Johnson certainly believed everything he said, or he would not have given that testimony against the very clients he was there to defend.

Mr. President, I have attempted to show that the parties implicated in the Hamburg massacre were not low people; that they were the respectable people of that community. The history of the Ku-Klux trials shows that the parties implicated in those crimes were not low, irresponsible, and ignorant people. The testimony goes to show that the whole community, if they were not implicated as members of this organization, countenanced it. I remember an instance that occurred in Judge Bond's court. A young man was called up for sentence. He had been indicted and pleaded guilty. He was a fine looking young fellow, twenty-one or twenty-two years of age. Judge Bond called him up and asked him his name and where he lived. He said he lived in Spartanburgh. He asked him if he had been a member of the order of the Ku-Klux. He said he had been. He asked him why he joined. He said, "They said they would kill me if I did not join." "Who would kill you?" "My neighbors." "Why would they do it?" asked the judge. "Why," said he, "they said they all belonged to it and every man in the community must join." This transpired in court. The judge asked him if he had been on any raids. He said yes, he had been on one or two raids where there had been one or two negroes hung. He asked if he did not think it was wrong to hang negroes without trial and without any cause. "Why, no," he said; "they said it was not wrong; no harm in killing negroes if they were radicals." That young man believed that; he believed it religiously. The judge said now, "Why did you not tell your father when they threatened to kill you if you did not join the organization?" "Why," said he, "he belonged." He asked him if there was any county officer or township officer at hand. He said "O, yes, there were." "Why did you not tell them?" "Why," said he, "they belonged." He asked him if they had any churches in that township—Limestone Township. "O, yes." He asked him did he ever go to church. He did. He asked him if they had any elders in the church, any ruling men in the church. "Yes." "Why did you not go and tell the elders that these neighbors threatened to kill you if you did not join this order?" "Why," said he, "they belonged." "Well," the judge asked, "is there a preacher there?" "Yes." "Why did you not go and tell the preacher?" "Why," said he, "the preacher belonged too; for he was there at a meeting of the order the last night I was."

I only give this as an instance to show the condition of society, to show how these outrages and these crimes are participated in. That young man was honest; that young man was in earnest. The whole secret of this thing, the whole cause of this spirit is because of the education that the democratic leaders in the South have instilled into the minds of the people. That is the cause of this trouble. The young men in Edgefield and Aiken and from Augusta, Georgia, who were engaged in the Hamburg riot have been taught from their infancy that slavery was right, that secession was right, and that rebellion was the remedy. They have been taught to believe that negroes had no rights that white men were bound to respect, and they associate the white radical with the negro, whether he is a native or a northern man. They believe that. They have been taught to believe that the killing of negroes because they will not vote the democratic ticket or because they insist upon voting the republican ticket or because they will hold office is not wrong. Let any Senator go from this place to-day to Edgefield County and ask if the gentlemen charged in this return of the coroner's jury have lost caste in Edgefield or Aiken County or in Augusta, Georgia, for their participation in these crimes and the answer will be "no." Not one of them loses caste. The neighbors respect him as much as before these outrages. That is a fact that no man will deny. It shows a vitiated public sentiment, and it is all traceable to, and the parties responsible for it are, the democratic leaders of the South.

I do not say this in any unkindness toward the people of the South. I say the people of the South should inform themselves; they should resist such counsel from their democratic leaders. If they are bound

by the chains of such a prejudice, if they hold human life so cheap, if they believe that a man should be killed and murdered or knocked on the head because he seeks to vote as he pleases, I say it is their duty as American citizens to correct that impression and the sooner the better. Why, Mr. President, if Samuel J. Tilden was to go to Edgefield County to-morrow and be received by the democracy of Edgefield County, the chances are that M. C. Butler would be the chairman of the committee to receive him; he certainly would be on the committee, and he certainly would meet Mr. Tilden and meet him as his equal.

MR. TILDEN'S SYMPATHIES WITH THE WRONG.

It is well for the New York Herald to come out and say to Tilden that he must come out and denounce these outrages. Mr. Tilden did not do so. My able and distinguished and amiable friend from Connecticut [Mr. EATON] yesterday said that Mr. Tilden had nothing to do with such things—nothing to do with the interests, the lives, and liberties of five millions of his fellow-citizens! I say that Mr. Tilden, a man who aspires to the Presidency of the United States, should be ready to use his power and his influence and his voice at any time and at all times, before his election and after, to prevent the murder of American citizens. It is his duty; and if he had written one line in his letter of acceptance of the nomination by the democratic party for President that would have stopped these murderers, that would have stopped this violence, that would have stopped the shedding of human blood for opinion's sake in the South. It was his duty to do it, and if it lost him democratic votes he should have been man enough to have said "I do not want a democrat's vote who wants to vote for me because he thinks I sympathize with murder." Great God! Do you want to elect Samuel J. Tilden by such means? Cannot he be elected without the votes of all the murderers in the United States? Is he to be the candidate of all the murderers in the United States? I hope not. I have too much respect for him. Let Samuel J. Tilden be elected President of the United States by the votes of the honest people of the country and every man will say amen; but for the sake of the country, for the sake of the nation, for the sake of civilization, do not let it go abroad that Samuel J. Tilden cannot be elected unless he gets the votes of all the murderers in the country. I want to see Hayes and Wheeler elected; but if they must be elected by the vote of one murderer I pray God that they may be defeated. Now let the democrats join with me in that about Tilden.

THE STATE AUTHORITIES.

Mr. President, early in the discussion of this question it was said, Let the State authorities of South Carolina do their duty and bring these guilty parties to justice. The State authorities of South Carolina are trying to bring these people to justice. They have had them arrested and I want to show you what they are doing about it. The warrants were placed in the hands of the sheriff of Aiken County. These are no common fellows, I want you to understand; these are gentlemen. They are not the kind of men whom you can send the sheriff after and catch by the collar as you would a common fellow. He dare not do that. The sentiment of that community would not tolerate it. These gentlemen meet at the office of Mr. Butler—not M. C. Butler, but a namesake—and they surrender themselves to the sheriff, and make an arrangement to be at the Aiken court-house on a certain day to give bail, and the entire bar of Aiken has volunteered to defend the accused. Every lawyer in Edgefield County has volunteered to defend the accused. The democratic county convention of Edgefield met since this transaction, and they passed a resolution extending their "aid and sympathy to all the parties who may be arrested for complicity in the transaction at Hamburg." That is a formal, solemn resolution of the democratic county convention of the County of Edgefield, in which so many of these unfortunate gentlemen reside; because they are unfortunate. I always have sympathy for any person who is guilty of such crimes. I have no love for human misery; I want to see no one of my neighbors in trouble; but this resolution extends their aid and sympathy to these people. The judge of that district is democrat. He was elected by a republican Legislature; but as far as I have heard about him he is an honest man, a good judge, and I think he will do his duty.

In South Carolina our jury law provides that the juries shall be drawn from the taxables, not from the voters. The jury-list is made up from the list of taxables. With such a sentiment in Edgefield County, with such a sentiment in Aiken County, with the manner of making up the juries, I ask what the chance is for a conviction? These people do not care any more about going before that court, not half as much as I do about standing here and making a speech, for all things in the world that I dislike it is that of making a speech.

Mr. CONKLING. You are doing very well and making a good speech.

PUBLIC SENTIMENT DEFEATS THE COURTS.

Mr. PATTERSON. Thank you. These people have no fears of the State courts. They know they are in accord with the sentiment of the white democrats in the whole county, they know they have got a sentiment in the whole State to surround them and to protect them. Senators may think it is very harsh for me to speak in this way of the State I have the honor in part to represent on this floor. I am not responsible for this sentiment. I am not responsible for this feeling. In all the speeches I have ever made in South Carolina I have advised the colored people to be law-abiding, to give unto

others the same rights that they ask for themselves, and I have tried to inculcate upon them the same principles that govern citizens in Pennsylvania, and I have no desire except for the very best interests of the State of South Carolina. I am only speaking of facts; I am speaking of what does exist, and I do not think there is a democratic Senator on this floor who will deny the existence of this feeling. Why, Mr. President, the people of the South are not singular in this respect. They may be just now; but let us go back a few years. How many years has it been since there was the same feeling in the Northern States? Less than forty years ago Lloyd Garrison was mobbed in the streets of Boston and a rope tied around his neck and he was marched through the streets of Boston, by whom? Was it by the low people, was it by the blackguards? No, by the best people in the city of Boston, because they were in favor of slavery and they were opposed to abolition, and this man was a vile abolitionist, a pestilential fellow. Why was that done? Why was it tolerated? Why were not the parties punished? Because behind the action of that mob was the public sentiment that was depraved and vitiated just as this public sentiment of the South in regard to violations of the rights of colored people and radicals, as they are called; for we never hear the word republican there at all; we never hear anybody called republican in the South; it is radical, and radical "means nigger." That is what they say. Forty years have passed, and Boston has got rid of that sentiment. I am not a very old man, but I remember very well in Pennsylvania when an abolitionist was a despised and hated man. I know when we organized the republican party in 1855 in Pennsylvania they called us "nigger-heads" and "woolly-heads," the mildest phrase was "black republicans," and when we went out to make speeches they would throw rotten eggs at us. Who did that? The democrats in Pennsylvania.

The time was—my good friend from Pennsylvania [Mr. WALLACE] knows it—when it would have been very unsafe for an abolitionist to have gone up into the county where he lives and made a speech. He knows it and I know it. Within forty years Pennsylvania Hall was burned in Philadelphia because the abolitionists held meetings there. Public sentiment in Pennsylvania has been changed since then; more enlightened and more civilized ideas prevail there. Now I ask that the people of the South shall educate themselves. I am not here to ask the North to pass judgment upon the people of the South. I am not here to ask you to send armies down there again to inflict woes and horrors upon the people of the South because they have this spirit. I ask you to forbear, to give the people of the South an opportunity to recover from this nightmare, as you have done at the North; give the people of the South an opportunity to get educated up to the idea that the American citizen is an American citizen, and is entitled to the same rights everywhere. They will learn it. The time will come, and it will come in Georgia, and it will come in Texas, and it will come everywhere, that an American citizen will be as safe there as he is in Pennsylvania or in Massachusetts; but it has not come yet, and many, many will be the victims who must lose their lives before they learn that lesson. It is in behalf of these victims that I plead. I ask in their name, in the name of these innocent people that a party that has the power will use it to stay the hand of this violence. In the name of God and in the name of humanity, raise your hand to save the lives of these poor, innocent, and unoffending men; and when that is done this long-continuing Iliad of our woes will cease, and peace and concord will prevail throughout the land.

USE OF UNITED STATES TROOPS.

It is said the Government of the United States has been called upon for troops. I want the trials to go on in the courts. I want the State authorities to exhaust all their power. I know that in the South the presence of United States troops is offensive to our democratic friends, and I am such a good-natured man that I do not want to offend anybody. I know they do not like the presence of the blue-coats there, and why I cannot understand. I do not see what harm they do there. I say right here that since I have been in South Carolina—eight years—the United States troops have been there all that time, and I challenge any citizen of South Carolina, no matter who he is, to show the time and the place when the United States troops were used to interfere with the right of the voter, or used for any other purpose than to protect the life of the citizen, except once, and that is the only instance in South Carolina since reconstruction, and I am going to speak of that for the benefit of our democratic friends; for it is a case in point, as the lawyers would call it.

I have here the New York Sun of July 31, 1876, and that is a Tilden paper. I am going to read this. I state the fact on my own responsibility and knowledge, and I want to show that somebody else has heard of this. This is a democratic paper—the New York Sun—that flies the names of "Tilden and Hendricks." It refers to what occurred in 1871, when Mr. Wagener was the democratic candidate for mayor of Charleston:

During the election of Mayor Wagener the negroes openly avowed their purpose of winning the election, as they had done before, by clubs and stones. The whites, though thoroughly prepared, shrank from the conflict to which they had been invited by the turbulent wretches, and called in the United States soldiers to protect them in the exercise of their suffrages. Even the soldiers at the polls could not press the turbulence of the aggressive negroes, and it was not until several had been knocked down and one or two shot that they were quelled.

I was there and know all about it. General Wagener was a candidate for election to the mayoralty. The republicans had an honest

majority in the city of Charleston of about twelve hundred at that time. They have more now, as the population has increased; but at that time they had twelve hundred. Efforts had been made on both sides. The democratic city committee of Charleston went to the commandant of the troops at the arsenal and asked him to place troops at the election polls of the city of Charleston; and that was the first time in the history of South Carolina and the only instance where troops ever were placed at the election polls, and I defy and I challenge any man to contradict that statement. The only time that ever the United States troops were present at the polls, the only time that ever they were used at the polls was at the instance and request of the democratic city committee of the city of Charleston. The result of it was that the negroes were driven away from the polls; one negro was shot by the soldiers, another was wounded so that he died, and the democrats carried the election by seven hundred or eight hundred, and of course they were happy, because they are always happy when they carry elections, it does not make any difference how. That is the only case when the troops were present at the election polls, and the democrats asked it. We hear about the United States troops being sent south; we hear about their interfering with the rights of voters. I challenge any man to show me an instance in South Carolina that there was anything like that, and all the republicans protested against it. If we cannot carry South Carolina at the coming election without troops being stationed at the polls we do not want to carry it.

#### MARTIAL LAW IMPRACTICABLE.

The troops are in South Carolina to suppress domestic violence if it occurs. The New York Herald says, "Why does not Governor Chamberlain march a regiment of colored militia over to Hamburg, declare martial law, and hang these people?" Let me ask southern Senators if Governor Chamberlain dare do such a thing as march a regiment of colored troops over to Hamburg and to declare martial law and commence hanging these people? I ask the Senator from Georgia, I ask the Senator from Florida, I ask the Senator from Texas, as good citizens, if they would advise Governor Chamberlain to do so rash a thing? How little the man knew who wrote that editorial about the condition of affairs at the South when he advised the Governor of South Carolina to march a regiment of colored soldiers into any county of the State and declare martial law and commence hanging white democrats. He would inaugurate a war of races that would involve the whole country in bloodshed, and bring shame and sorrow upon the entire nation. Every southern Senator knows that is true. It would be the act of a madman for him to attempt any such thing. It is not in his power to do it; he dare not do it; and he would be false to his duty if he were to attempt to do it, because he knows that it would inaugurate a war of races, and no man could imagine where it would end. With the militia on the one side that he dare not use, and the rifle clubs on the other side over which he has no control, his only resort is to the courts; and if they fail, all the governor can do is to call upon the President of the United States that troops shall be stationed in these counties to prevent further violence and outrage and murder; and that is all he proposes to do, and that is all, as I understand, the Constitution authorizes the President to do.

#### SOCIAL OSTRACISM.

Now, Mr. President, there is one subject that I want to say a word about in regard to the South. The republicans charge that there is social ostracism at the South. The democratic party down there deny that. In regard to this social question I have this to say: I never quarrel with any man because he does not invite me to his house, and I do not like any man to quarrel with me because I do not invite him to my house; but for a man to say that there is no social ostracism of radicals at the South I think is not correct. In all the years that I have lived there I have heard complaint made, made more particularly by the native republicans than by the northern men. Northern men do not care anything about it. Native republicans have told me the story of their ostracism; how their families have separated from them; how their friends have refused to unite with them. Why? Because they left the democratic party and joined the republican party; in the language that they have expressed it, "gone back on your own people." I want the southern people to get over that prejudice. Let the southern people understand that a man should exercise a freedom of opinion, and if his neighbor who was once a democrat with him chooses to become a republican, let him do it. It is not so in the North. There was a time when it was so. There was a time in the North when if a man became an abolitionist he was hooted at. In the South that time is to-day. If he becomes a republican, his neighbors distrust him, they ostracize him.

#### CARPET BAGGER.

Now a word about the carpet-bagger. I belong to that distinguished class of individuals. I was born in Pennsylvania, and I am proud of it. There I learned the very essential doctrine of true Christianity, "Love thy neighbor as thyself." That doctrine I carried with me to South Carolina. I have tried to practice upon it and I hope I shall continue to practice that doctrine so long as I live. But it will not do to say that there is no proscription because a man is not born in the South. I will grant that a northern man may go south, go into business, keep quiet, vote the democratic ticket, and I do not think anybody will knock him in the head; but the man who goes south, carries with him his principles, carries with him his manhood, a man who lives in a community, pays his taxes, becomes

a citizen, and attempts to exercise the same rights that the man in Ohio or Pennsylvania does, is at once called a carpet-bagger and is set upon by these people, and when he goes out to address an audience of colored people and make speeches, everything he says is incendiary. I never made a speech in South Carolina that this News and Courier did not come out and say that PATTERSON was making another incendiary speech. I never said anything in South Carolina except what I am saying here, and I submit to the judgment of every candid man if I have made any unfair statement.

#### WHY REPUBLICANS IN THE SOUTH ARE UNABLE TO MAINTAIN THEMSELVES.

Here I want to call the attention of the North to this idea. The people of the North say, "Why do not republicans in the South maintain themselves better?" O, my northern friend, you have not studied this question as we who live in the South have. When the war closed you had in the Grand Army a million of men fighting for the idea of freedom. You had all along the line that separates loyalty from disloyalty more than a million of men fighting for what? The Union? No; it was the grand idea of American freedom that they were battling for; the Union was only an incident. It was the grand principles of the Declaration of Independence they were fighting for. To save them you had to save the Union. The war closed; the mailed hand that struck at the life of the Republic was stricken down, and you withdrew your armies; but ideas are not controlled by armies. Ideas roll on, roll on. They may be a thousand years in their journey, but roll they will and armies cannot stop them. It was the idea of American citizenship, the idea of true American freedom that you were fighting for, and you turned that battle over to the poor bondmen, and the native white and the northern man who joined in with him.

I ask the northern people if it was a fair fight. Did you not hand over to us a conflict that tried your strongest and your last energy, and yet you turn the battle for that great idea over to four million bondmen just emerged from a bondage of two hundred years and a few native white men who had the courage to come out and say, "We will accept this new gospel, we will accept the logical consequences of the war, and we will join this republican party and the few northern men who went down there." And what has been the result? That struggle has been going on day after day, year after year, in State after State; an unequal struggle. We had the old enemy to fight, an enemy that you had to fight, an enemy that met you and made you pour out all your treasure and the best blood of the North upon a thousand battle-fields. We had that enemy to meet. They had brains; they had wealth; they had experience; they had military prowess; they had numbers; they had all the property in the South; they had all these advantages in this conflict, and we had nothing except our lives.

The cry of "nigger" was sent up North and northern republicans took it up, and, to their shame be it said, they believed too much of these slanders and these lies that were sent North purposely to poison the public mind. They believed too much of them. The word "scalawag" was coined for that purpose. The cry of "carpet-bagger" was sent up from the South all over the North and a great many good people at the North were made to believe that every northern man who went South was a thief. The southern people know better than that. There are democratic thieves down there and republican thieves, and white thieves and black thieves, and native thieves and northern thieves. The thieving is not confined to the carpet-bagger by a long deal. No, Mr. President, this cry of "carpet-bagger" is like the old cry of "abolitionist." Before the war the cry was "the abolitionists are trying to steal our slaves." Now the cry is "the carpet-bagger is trying to steal our money," the same spirit and uttered by the same men; it was democrat then, it is democrat now; and why is it that the people of the North do not understand this cry? South Carolina they say is a "nigger" State. I believe in the doctrine that the majority should rule. That is claimed to be democratic doctrine, and I want them to act upon it. South Carolina has thirty-six thousand colored majority in her population, as appears by the census of 1875; and yet democrats get mad there because the negroes do not elect them to office; and why should they elect them to office? They know what they were before the war. Nobody wants to repeat that history. After the war was over here is the kind of laws in this black code that they passed for the negro as soon as they got power; and yet they turn around and damn the "nigger" because he will not vote for them and put them in office. I say if the negro does that, he ought to be damned, and I tell them that on every stump in South Carolina, and I will do it again.

#### A FREQUENT QUESTION—SUPPOSE REPUBLICANS HAD RULED IN SOUTH CAROLINA IN 1860?

Mr. President, let me ask the people of the North this question: Suppose the negro, the scalawag, and the carpet-bagger had ruled in South Carolina in 1860? I ask is not that a pregnant question? That question gives rise to a train of thought that would occupy the mind indefinitely. It requires no imagination to point out what would have been and what has been; volumes could be written upon that idea. If the negro and the scalawag and the carpet-bagger had ruled in South Carolina in 1860, how vast would have been the change in the history of this country. Would you have had any war? Would this mountain of debt have ever been dreamed of? O, Mr. President, that is not the sad part of it. The six hundred thousand lives that

were sacrificed in this war would not to-day be charged against the democratic leaders of this country. No, sir; if South Carolina had been republican in 1860 we should have had no war; the democratic politicians could not have dragged South Carolina out. The democratic politicians cannot drag South Carolina out to-day. There are quite too many of these objectionable classes there, as they call us.

## THE NEW DANGER.

South Carolina was the Pandora box from which proceeded all our ills. From it proceeded all the woes the country has been suffering. It was the first to secede. The first gun that was fired at Fort Sumter involved this country in a war and roused this people to a sense of their danger. Now, as a South Carolinian, (for I claim to be that,) as a representative of South Carolina, I stand here to-day to speak of a new danger. If any man will ask me if I believe the southern people contemplate another secession, I tell him no; they do not think of such thing; but there is a sentiment abroad in the whole South that these democratic politicians understand. No English-speaking people ever made such sacrifices in defense of an idea as the southern people did in defense of "the lost cause." They believed they were fighting for their liberty; they believed they were attempting to relieve themselves from an oppression as intolerable and unbearable as the oppression that our forefathers attempted, and did successfully relieve themselves from in the contest with Great Britain. They believed it then; they believe it to-day.

Have you ever heard a democratic Senator on this floor get up and say that he believed the lost cause was wrong? No; it is the boast of these people that they fought honestly because they believed they were right. History never deceives any person. History will repeat itself. These people in the South believe that their liberties were stricken down at Appomattox. That flag of the stars and the bars represents a principle dearer to them than life, and they sacrificed their lives freely and cheerfully in defense of that principle. They were conquered, but the spirit of liberty never has been driven out of any people. It may be stricken down, but it has never been in the history of the world forgotten by a people. They may be overcome, they may be held within the power of a stronger nation; but they never forget an idea that they once fought for, and that idea with the Southern people is that they were fighting for their liberty.

I do not wish to be misunderstood upon this point, because I say nothing here that I do not believe. I say that South Carolina was the Pandora box of all our ills; she was the first to strike; she led the southern column; she inaugurated secession and rebellion by her bold and able leaders. I say that South Carolina to-day has the whole question in her power: she is to-day the key of the situation. South Carolina is the only State in the South that the republicans have any certain prospect of carrying. South Carolina is the only State that is to-day certainly a republican State. But let this spirit of Hamburg, let this spirit of Ku-Klux, let this spirit of violence, let this spirit of murder go on, and let South Carolina be swept into the vortex of democracy, and you have a united South, and I say to the people of the South in all kindness—my home is there, all that I have in the world is in South Carolina, my interests are their interests, the evil that overcomes them overcomes me—and I say to the people of South Carolina that when they consent to have that State swept into this vortex, they may make up their minds to prepare for a new horror. A united South just as truly means a united North in the future as it did in 1860. Unite the South and you unite the North; you array one section against the other section and it means war.

Senators may say that this idea is an air-drawn dagger, the creation of my own heated imagination. No; my friends, in behalf of the people of the South, I say no. This new horror will be visited upon the people among whom I live just as certain as God rules above. Let this thing go on, let the South unite, and you will unite the North, section against section. It means a quarrel; the rule of the stronger, and that means oppression of the weaker, and the time will come when the wise counsel and the clear head of the statesman will not solve this question. The last resort will be the only arbiter. God forbid that I should do anything in my place here in this Senate to bring about this new horror for these people. The South has suffered enough; the South has lost enough of blood and treasure; and I say to the democratic politicians of the South and the democratic politicians of the North, do not bring about this new danger.

## THE SOUTH NOT ALONE RESPONSIBLE.

Now, Mr. President, the South is not alone responsible for this spirit; the democratic party of the North is responsible for it. Up to 1860 was not the democratic party of the North in accord with the democratic party in the South on the question of slavery? Did they not say that Judge Taney's decision was right in the Dred Scott case? They encouraged this spirit; they had it themselves years before. That is history. The democratic party of the North kept abreast with the democratic party in the South, and in 1860 they charged along the whole line against the column of freedom. They charged up until when? The whole line charged until the first fire, and then the left wing of the army of slavery that was in the North fell back, and the right wing of the army of slavery met the army of freedom boldly and manfully and fought it out, and their friends in the North, the left wing, sneaked off. There is not a democrat in the South to-day but has contempt for them. I have heard thousands of

them say that they had contempt for the democratic party of the North, because they encouraged them to go into the rebellion, and, when the first gun was fired, they sneaked back. That is true. If the democratic party of the North had kept their pledges to the democratic party of the South, the North never could have whipped the South. They promised to do it or the South never would have gone to war, never would have gone into rebellion.

## JUSTICE TO THE WAR DEMOCRATS.

Right here I want to say, in justice to the thousands and hundreds of thousands of brave and true and gallant democrats who went into the Army, that I do not include them in this left wing of the rebellion whose ranks they left to fight treason. They accepted the new gospel. I know plenty of men in Pennsylvania, democrats, who before the war said, "Before you fellows go down there to whip the South you have got to march over our dead bodies," and who when the war came, when Fort Sumter was fired on, when the integrity of the Union was in danger, went into the ranks and fought like brave and gallant men, and thousands and thousands of them lost their lives on the battle-field. I say that much to the credit of the northern democrats who went into the Union Army. I thank God for another thing, that we find very few northern democrats who went into the Union Army who are democrats to-day. There was a class of democrats all over the North during the war, the rear-guard of the confederate army, who believed everything that my friend from North Carolina [Mr. RANSOM] was fighting for; they believed everything that the gallant soldier from Georgia [Mr. GORDON] was fighting for; but, unlike them, they had not the courage, they had not the manhood to fight it out on the battle-field, but they staid at home sneaking and voting and declaring "this war is a failure."

## THE DEMOCRATIC PARTY—BOURBANISM.

The democratic party is like the Bourbon party in France. They never learn anything and never have forgotten anything. They neither know how to rule nor to fight. They have always been on the side of aristocracy, caste, and oppression. For forty years they have opposed progress and fought stubbornly every advance made by the nation in the cause of human rights. The great truths of free speech, freedom of the citizen, and universal suffrage have found in this party constant, violent, and bitter opposition. And when their resistance was no longer heeded they closed a career of infamy by rebellion and an attempt to overthrow the temple of liberty they had so long polluted with their presence. They are correctly described by Tennyson:

They are the ancients of the earth  
And in the morning of the times.

In the South they raise the cry of white man against the black man, and upon this color line appeal carry the elections, thus arraying race against race, and to prove that they, the white democrats, will not consent to let the negro rule over them even where the negroes have overwhelming majorities in number. This spirit governs and controls the white democrat, and is the true cause for the violence constantly occurring in political campaigns in the South.

Now, a word about southern democracy. Bad as it is, illiberal as they are, sometimes I do think that I should rather live among the southern democracy than among this northern democracy; one we understand and the other we do not understand, and they do not understand themselves. One is an open enemy to republican ideas, the other is as hostile, but low and cowardly. That mob that went howling through Hamburg, South Carolina, on that night were insane. They were insane because of their education, because of their association, because of their teaching; but it was not a mob of ignorant men; it was a mob of men who claim to be intelligent, men who hold high positions in society. The cried "shoot the nigger," and shoot him they did. That is not the only mob of men who have gone through a city at night uttering the cry of shoot and crucify. We read about another mob away back in the olden time, a mob that went howling through the streets of Jerusalem, crying, "Crucify him, crucify him." Was that mob a mob of ignorant men? No. That was a mob of the best people in Jerusalem, as the account tells us, sent out by the high priest and elders. Their cry was "crucify him." They were the gentlemen of Jerusalem. I do not know whether they were democrats or not. [Laughter.] I suppose if some democratic editor should get it into his head that that mob in Jerusalem that night that went through the streets howling "crucify him" were democrats, and that the chief priest and elders were democrats, it would shake the faith of my friend from Connecticut, [Mr. EATON,] because he could not possibly believe that any but the rabble could have been engaged in that dreadful work; and if Christ had been crucified by democrats of his class, it would, in his estimation, of necessity have been a proper thing to do. He would say he did not believe it. If the democrats get the idea into their heads that that story is not true, that these fellows who went through the streets were democrats, I am afraid it would shake the faith of the whole democratic party; and, with their bad politics and no religion, God only knows what would become of them. Why, Mr. President, if there had been a democratic newspaper published in Jerusalem at that time, and an election pending for president and vice-president of the province of Palestine, Dana would have done very well to have been the publisher of that paper. The very first thing the editor would have done the morning after the crucifixion would have been to run up the name of that high priest, Caiaphas, for presi-

dent, and Pontius Pilate for vice-president. Why should they not run up the name of Caiaphas? Did not Caiaphas proclaim before the Sanhedrin that this new religion of this man Jesus of Nazareth was a failure; that by it no man could be saved. Now, of course, he is a fit democratic candidate for President. Did not Samuel J. Tilden, in 1864, in the democratic Sanhedrin at Chicago, as a member of the committee on resolutions, solemnly declare to the people of America and the world that the war for the Union was a failure and by it the Union could not be saved? Is not one the prototype of the other? It is the most fortunate thing for Samuel J. Tilden that this high priest Caiaphas is not alive to-day, or he would have beaten him to death for the nomination at the Saint Louis convention.

## RECONSTRUCTION ACTS—RADICAL RULE.

Mr. President, I have wandered off on to national politics; but I want to talk a little more about South Carolina before I conclude. It is charged that all the woes, all the distress, all the misery, all the bankruptcy experienced by the people of South Carolina have been brought upon them by the reconstruction acts and by radical rule. Sir, I deny this charge. It is politically convenient, but historically false. The democratic party and the democratic leaders North and South are mainly, if not wholly, responsible for the disasters that have overtaken that section in the present decade. I am astounded at the mental and moral blindness to current facts that can exempt those leaders and that party from its due share of responsibility in the premises. Their demands, however, bold and unblushing as they are, are not without precedent. The guilty Macbeth whose bloody instructions drove the dagger to the heart of the gentle Banquo also denied his guilt; ay more, he made this denial face to face with the pale specter of his murdered victim who rose before him clad in the petrifying garments of the grave. He lied in the presence of death when he exclaimed:

Thou canst not say I did it; never shake  
Thy gory locks at me.

Mr. President, that quaint and sterling old English writer, William Wootten, when asked to define the word "ambassador" answered, "An ambassador is an honest man sent abroad to lie for the benefit of the commonwealth." It appears now that the democratic leaders are in many instances sent away from home and democratic papers are paid that a similar service may be rendered to the democratic party. But it is due to the truth of history and to the American people that we should present the facts as they are in regard to the reconstructed States. I shrink from no responsibility which those facts rightly interpreted impose upon the republican party of this nation. To this end I invite the attention of the Senate to a brief review of the condition of the South prior to the passage of the reconstruction acts, and before the advent of the republican party to power in the Southern States; and since we may best judge of the virtue of any system, political or otherwise, by contemplating its effects in that sphere in which it has had its widest and most extreme application, I shall, therefore, cite South Carolina, the State which I have the honor in part to represent on this floor, as the typical State of the South in exemplifying its general condition so far as affected by the reconstruction acts of Congress. The fairness of this test will not be questioned by our opponents, since the proportion of colored or republican voters is larger in my own State than any other State, with the exception perhaps of Mississippi.

Let South Carolina itself furnish the crucial test of the charges made against the republican party. South Carolina, where the institution of slavery crowned its rulers with its richest diadems, jeweled with the tears of eight generations of suffering bondmen, arrogantly and defiantly challenged this great Republic to armed conflict and declared open war against its just authority. She was the first in the fray, the last on the field, and may well exemplify the condition of her sister-States under a system applicable by like agencies equally to all.

## CONDITION OF THE SOUTH.

Let us inquire into the condition of the people and the State before the advent of the radicals to power. It will not be claimed that the people of that State were oppressed, robbed, plundered, and beggared (to repeat language used upon this floor) by the radicals until they got into power, which was in 1868. Yet, Mr. President, all these evils had been visited upon that people before that to a degree almost beyond conception and human endurance; and I ask by whom? Will any one dare to say by the negro they so unjustly assail? Who plunged that once prosperous State into the throes of secession and rebellion and overwhelmed life and property in a common ruin? Was the negro or poor white, who composed four-fifths of the population, consulted? No, sir! The few *oppressed* the many and one of the fairest States of this Union, its blood, and its treasure were offered up as a sacrifice to the mad folly of a few wicked rulers. That was *oppression* followed by *plunder, robbery, and beggary*. Yet democratic Senators have no terms of censure for such as these. Had their madness involved only themselves in ruin, the history would have been sad enough, but the precious blood poured out on a thousand battle-fields, the suffering of the wounded, the waste and destruction of property, the mountain of debt, and the disgrace to the nation were the sacrifices required to atone for the great folly of a few mad men in South Carolina.

But the heart sickens in dwelling upon the picture, and I pass to the date of the provisional government for the State under Johnson's administration. Governor Perry was appointed in 1865, and was succeeded by Governor Orr, who was elected and took office that year. He held office until 1868, and during all that time the former rulers, the men who had plunged the State into secession and ruin, were in power and enjoyed the offices of honor and profit. No negro voted before 1868, and there was no radical party there before that date. The Government said to the colored people who had just emerged from a cruel bondage of two hundred years, "You are no longer slaves, but we deny you the attributes and defenses of free-men," thus making their condition worse than when enduring slavery. During the whole war they had been loyal to the Union and patiently waiting for the year of jubilee, which their faith assured them would come. He (the negro) scorned to obtain, during such a time, his liberty by servile insurrection, and, like the Sepoy, imbrue his hands in the blood of innocent women and children. Up to that time (1868) the Government gave him his liberty only; and now let us inquire how the democratic politicians requited his long years of unrewarded toil and devotion and kindness to them and their families during their years of peril. I challenge democratic Senators to point to the erection of one school-house or one church, or the passage of one act of legislation for their improvement or benefit by the politicians now restored to power through the magnanimity of a generous Government.

In passing here I may add that we can point in sorrow to the fact that school-houses were burned by these men that were erected through the contributions of northern people. And they went further than that. The school-master and the school-mistress were driven from their homes, maltreated, and in some instances murdered because they came down there to spread intelligence and teach the people this new gospel; they came there to enlighten the people of South Carolina as the people of Massachusetts were enlightened forty years ago and get out of their minds this old prejudice.

The Legislature of that State in 1865 was composed of the chivalry, the heroes of the late war, the gentlemen for whom democratic Senators so eloquently plead, who again attempted to fasten the chains of slavery upon the black man, violated the civilization of the age, requited the charity and magnanimity of the loyal North to whom they were indebted for their lives and property, rewarded the forbearance and devotion of the former slave, and outraged all decency by passing the

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by a vote of 103 to 21 in the house and but 1 vote in the negative by the senate, (Winsmith,)—a statute, the spirit born of slavery alone could have concocted, its very horrors bringing down upon its authors a shocked and indignant North, and which should have covered them with shame.

Senators have no language of censure for that Legislature and its shameless act, but grow eloquent in denouncing a legislature of radicals for paying rewards of \$35,000 for the arrest of murderers and outlaws, who in palliation of their offenses plead that their victims were radicals, victims for opinion's sake, and that too in free America. No, sir, what we cannot and dare not defend, and we *do not wish* to censure, we in charity will cover with the mantle of silence.

A fellow-feeling makes us wondrous kind.

This was the love of these democratic politicians for the freed slave which we hear them prate so much about when they ask his vote to return them to power. Such love is like the instrument of torture, which invites the victim to its polished and luxurious seat but to inclose him in its deadly embrace. Their treatment of the former slave when he was in their power again was illustrated by the maxim "that we learn to hate those we have injured." The policy of thus giving power to the former democratic politician who had ruined the State and denying it to the loyal freed slave was a sad and fatal mistake, and was atoned for by the loss of thousands of lives in the South. The result soon proved that, and Congress so declared it, over the will of a faithless Executive. I refer especially to this infamous black code of South Carolina, to which I have frequently alluded, as evidence of the malice shown by the democratic politicians for the freedman, and ask their apologists to show any act of legislation since the freedman assumed power at the command of the Government and in obedience to that good old democratic doctrine that the "*majority must rule*" which showed any resentment, which was for the benefit of one class against another, and that was not for the benefit of all.

But I do not wish to anticipate. I have shown that the power of the State was up to 1868 in the hands of the democratic politicians and former masters; you all know no colored man voted up to that time. But for two years a struggle had been going on between President Johnson and Congress. It was feared the negro would be allowed to vote and the negro would assume power, and thus the necessity that the "bland and child-like" manners of the heroic order of the Ku-Klux should be taught to the radicals of the State. But in order to take time by the forelock, as the evidence before the ku-klux committee proves, these angels of light commenced their visits to fallen man early in 1866; and yet there could be no *oppression*, no *robbery*, *plundering*, or *beggary* of the people by the negro until his advent to power in 1868. Yet murders and whippings had been committed upon these defenseless people for two years by a *hidden hand*,

and no effort made to bring them to justice by the then rulers. The lamented Randolph had been killed in 1863 in cold blood, in daylight, as he stepped on the platform at Cokesbury depot; a man of ability, character, and pure patriotism, chairman of the republican State committee, and killed because he was a black man and radical. Yet white democrats were present with eyes open and did not see who did it. Now I ask who was oppressed, robbed, plundered, and beggared up to this time, 1863? Not the white democrat, but the loyal black man. Ay, more, he had been murdered and whipped, and no protection offered him. He had cause for resistance, for kn-kluxing, for murdering his oppressors; but he patiently submitted to this new tyranny, although the law made him free. It was a sad mockery on freedom, and cost the lives of multitudes of its votaries.

These democratic politicians then in power refused to accept your constitutional amendments, and Congress at last, backed by the North, determined to enfranchise the negro; and in 1868 he assumed power, and from that date he is responsible for its use.

The administration of Governor Scott went into power in 1863, with a large radical majority in the Legislature, and nearly all the offices in the State were filled by men of the same party. Some of the judges and others during the next two years, who professed republicanism to secure office, fell by the way-side and smote the hand that fed them. During his first administration the taxes were very low. No class legislation was enacted. Wholesome and beneficent laws were passed for the benefit of the rich and poor alike; the school system was organized, and from that time dates the revival of business and the renewed prosperity of the people.

These democratic politicians, by secession and rebellion, by laws like the black code, failure to do justice to the colored man, and refusal to accept the logical results of the war, had oppressed and ruined and plundered the people and bankrupted the State, and when they turned over the Government to these radical successors in 1868, the condition of things was worse than at any time during or since the war. They left but \$45 in the treasury, the interest on the public debt unpaid for years, an immense floating debt of past-due obligations, and State credit gone, old bonds selling at twenty cents, the credit of the State having been blown away by the first gun fired at Fort Sumter. With the bitter hostility of the former ruling classes, and under such discouraging circumstances, the new administration went into office; and the wonder is not that they succeeded so well, but that they succeeded at all.

#### PROSPERITY OF THE STATE RESTORED BY THE COLORED MAN.

I say the colored man found the State impoverished and the people suffering for food and they have given them plenty and prosperity. The Legislature at once settled the labor question; the laborer, confident that his rights would be protected and that he would now be paid for his labor, went to work, for there was no pay under the democratic rule. In 1868 the first good crop was made. The owners of the soil were at once benefited, and since then annually they have had good crops, labor has been rewarded, capital has been repaid, and the general prosperity of the people has increased as rapidly as that of any other State east of the Blue Ridge range. In eight years the banking capital has increased threefold, almost every important town now has its bank, and all from the surplus of the country. People do not start banks unless there is business to do and they have the capital upon which to establish them.

The railroads then were dilapidated and embarrassed with debt; now they are in good condition, well stocked, and doing a profitable business, all showing receipts double and treble what they were in 1868. Nothing more surely indicates the growth of a country than constantly increasing trade and travel on railroads. The products of the State for sale and export in 1874-'75 amounted to \$35,000,000, consisting of cotton, rice, naval stores, lumber, &c. Virginia and North Carolina cannot make such an exhibit. The crops of cotton are greater than before the war and the price more remunerative. The State debt has been funded into a new bond, and when it is all funded the debt will be \$6,000,000. The floating debt has been provided for in other ways, and will certainly be paid off. Expenses of the State government and the taxes have been largely reduced, and the people of the State have full confidence that a few more years of such prosperity will relieve the State from its financial troubles.

The State census taken in 1875 shows the total population of the State to be 923,000, while in 1870 it was only 705,000. The cities and towns have increased in population, while the rate of improvement in the way of new buildings has been surprising. Charleston has a greater population than ever in her history and is rapidly regaining that commercial supremacy to which her fine harbor, central location, and superior facilities entitle her. And all this prosperity under radical rule.

I invite attention to the following statement of the debt and wealth of the State at different times:

	1860.
Debt.....	\$12,027,090 16
Property.....	489,319,128 00
Value of slaves.....	211,203,000 00
Balance without slaves.....	278,116,128 00
	1865.
Debt.....	15,802,946 30

	1866.
Property.....	\$90,888,436 00
Loss by the war.....	388,430,692 00
Debt.....	14,896,040 10
	1875.
Debt, when all funded.....	6,000,000 00
Property.....	175,000,000 00

But it is charged the Legislature has been reckless and the expenditure largely increased from what it was under democratic rule. I admit there has been extravagance and the taxes have been too high. Is it not true of all the States and of the General Government that the expenditures since the war have greatly increased and the cry of economy and retrenchment is heard beyond the limits of South Carolina? But the case of that State is an exceptional one. Under democratic rule, the legislation and expenditures of the State were for the benefit alone of less than three hundred thousand white people, while the interests of over four hundred thousand (free but) colored people were entirely ignored. True, they were asked to perform all the labor, thus paying the taxes for themselves and their employers, but not one dollar of the revenue was ever applied for their benefit. They were not a part of the body-politic, and were only counted as so many "beasts of burden" and *that* too without owners.

Under the new order of things and enfranchisement of the negro, the population had suddenly swelled to over nine hundred thousand free citizens. The machinery of the old government was so rude, unjust, and unfair it had to be abandoned and a new system of government had to be established, "a government of the people, for the people, and by the people;" one that would foster, protect, and cherish the rich and poor, white and colored, all alike.

Now, Mr. President, I have briefly and frankly reviewed the history of South Carolina under the rule of the democratic politicians and that of the republican party, and I submit to every candid man if under the former the people were not oppressed, robbed, plundered, and beggared, and the prosperity of the State utterly destroyed; and is it not true that under the radical rule the prosperity of the State has been restored?

#### LABOR QUESTION.

It is true that up to 1868 the labor question gave great trouble, and prevented the making of crops, but whose fault was it? The negro, it was said, was lazy and would not work. No law but his own interest and necessity could compel him, and unless he was interested it was folly to expect him to work for the white man. When he was paid he worked faithfully, but refused to work unrewarded. Laws like the black code and compulsory contracts forbidding him from leaving the plantation without his employer's permission were well calculated to disturb the kind relation which should exist between employé and employer. He was forbidden to attend political meetings and to vote, when at last the franchise was given him by Congress. Why should the colored man work for nothing for the white man any more than the white man for him? This was one reason of the sad condition of the State until 1868, when the radicals got power and gave confidence to labor of full protection. From that time up to this date all the labor in South Carolina has been done by the colored people, and to them they are indebted for their rapidly increasing prosperity. They found the State poor, and its people, because of bad laws and wicked rulers, suffering for actual necessities of life; and to-day, after eight years of their rule, the people exhibit to the world evidence of their prosperity in many ways and count the increase of their wealth by millions.

#### POSITION OF THE NEGRO—HIS LOYALTY AND IMPROVEMENT.

Labor in South Carolina is to this day considered dishonorable, and white men do not and will not work as colored people there do, and as millions of white men do at the North. Slavery crushed out the manhood of the slave and left him no hope this side of the grave. It is gone, but still casts its dark shadow across his path. The love of liberty is as strong with the negro as the white man, while his desire for learning and information is wonderful. He is patient, without resentment, peaceable and moderate in the use of his newly acquired power. He is loyal to the Union, and carried your flag through the late war, although to him for generations it had not been a flag of stars, but of stripes only. Two hundred thousand negroes were borne on the rolls of your Army, and 30,000 sealed their devotion to the cause with their lives. Not one armed negro ever was found in the confederate ranks. He was ever the devoted friend, the trusty guide, and tender nurse of the Union soldier, who always knew that in the slave he had a friend. Napoleon, the great master of the military art, laid it down as a cardinal maxim that "in war nothing must be regarded as done while anything remains to be done." All history demonstrates that in every emergency the adequate policy is the best. For governments, as for individuals, the path of duty is the path of safety, and this nation must insist that every right guaranteed by the Constitution to the colored man shall be enjoyed by him freely and peaceably.

#### THE SOUTH CAROLINA LEGISLATURE.

The other day a Senator on this floor [Mr. THURMAN]—I wish he was present—attempted to sneer at the South Carolina Legislature. A majority of the House is colored, but in the Senate the proportion

of colored and white is about equal. On the democratic side in the house we have Mr. Trenholm. If our northern democratic Senators do not know him the southern democratic Senators do. He was the Confederate States secretary of the treasury, and is an able and intelligent man. We have Chancellor Johnson in the house, an ex-chancellor of the State, and we have Mr. Crittenden, Mr. Barnwell, and several of the ablest lawyers and representatives of the democratic party in the State. Upon the other side there is the speaker of the house of representatives, a colored man, Hon. R. B. Elliott. He presides over that house with as much ability and dignity as any man I ever saw in a speaker's chair. He was a member of the other House of Congress, and while there he met one of the most distinguished representatives of the South in debate on the civil-rights question. He made a speech in that debate in answer to Mr. Stephens, of Georgia, and I have never heard that Mr. Stephens or any one else ever attempted to answer it. He is to-day the peer of any man in that Legislature. There is no democrat upon that floor who will say that he considers Mr. Elliott in point of ability beneath him. But he is not the only one. There are a dozen able colored men upon that floor, Curtis, Simons, Banfield, Hamilton, Thomas, Humbert, Miller, Boston, T. A. Davis, Spencer, Freeman, Hayne, and others that I could name, who would do honor and credit to any legislative body; but because they are colored they must be sneered at. Why cannot democratic Senators be frank enough, and honest enough, and American enough to do justice to every American citizen, white or black.

Take the senate. We have the representatives of the bar of South Carolina in the senate—men sent from counties where there are democratic majorities. In the State senate Lieutenant-Governor Gleaves, colored, presides with grace and ability. General Swails, also colored, is president *pro tempore*, and has no superior as a presiding officer. Nash, Jones, Warley, Johnson, Clinton, Maxwell, Cain, Carter White, Green, Myers, Jersey, and Gilliard, all of whom are senators, I will mention. I know that I am not making a statement that any man will contradict in South Carolina when I say that there is not a white democratic senator upon that floor who claims that he is the superior in point of ability or fitness for the place of any of these colored senators whom I have named. The legislation of South Carolina is as wise, as beneficent, and as creditable to the Legislature of that State and as useful to the people as the legislation of any State of this Union. I will compare the Legislature of South Carolina with the Legislature of any southern State.

You need not go to the Legislature of South Carolina to find colored men who cannot spell. You can find white men in this Capitol who cannot spell who are holding high positions and representing the democratic party. O, no; democrats cannot all read and write. A great many of them cannot read and write. I see my good-looking friend from North Carolina [Mr. MERRIMON] coming along the Chamber, and I want to tell him something. In 1872 I went down through the State of North Carolina on the cars the day before the election for governor, when he was a candidate. I was in the smoking-car, and entered into conversation with a gentleman. I asked him about the election. I did not know my friend from North Carolina then personally, but I knew him by reputation. Since I have known him I have learned to love him and to respect him. This man did not know me. Said I, "Who is going to be elected?" "O, MERRIMON; MERRIMON will be elected." "Is that so?" He said, "All the white people in North Carolina are going to vote for MERRIMON." "Are not any white men going to vote for Tod Caldwell?" He said, "O, no; he is a damned radical." Said I, "How about the colored vote?" "O," said he, "the negroes are all going to vote for Tod Caldwell." "It is all wrong; no man should vote who cannot read or write." "These damned negroes cannot read or write, any of them."

That fellow was strong for MERRIMON, and he was going home to vote, and he was opposed to negroes voting because they could not read or write. By and by we came to a station and I saw something that attracted my curiosity. I asked him what station it was. He said he did not know. I told him I had a list of stations along the North Carolina Railroad in my pocket, but I did not have my glasses with me, and I handed it to him telling him that Concord, or Salisbury, naming some place, was the last place, and I said, "You can see there what is the next place." You ought to have seen him,—this fellow who was going home to vote for MERRIMON, who was opposed to negroes voting because they could not read or write. He took that list, he looked at it, he twisted it around and then turned it the other way. I asked him, "Are you near-sighted?" "No," he said, "that is very fine print." "Yes," said I, "it is very fine print, but you are a young man and not near-sighted; you ought to be able to read and write." "Well, stranger," said he, "I never went to school much; I cannot read." Said I, "You cannot read!" He said, "No, I cannot read." "Well," said I, "did you not tell me a few minutes ago that you are going to vote for MERRIMON?" He replied, "Yes, sir; I am going to vote for MERRIMON." "But," said I, "did you not tell me that the fellow who could not read or write should not vote?" He replied, "I said a negro should not vote because he could not read or write, but a white man ought to vote." That is the idea; white men should have the right to vote if they cannot read or write, but you should not give that right to the colored man.

Because colored men hold seats in the South Carolina Legislature, low-minded and ignorant men, North as well as South, attempt to sneer and misrepresent them. With gentlemen of true refinement

and education the true standard of merit is not the color of the skin, but the head and the heart. Fill the former with knowledge and the latter with pure patriotism and genuine humanity, and you describe a good citizen, and one worthy the respect and confidence of all the people. Because negroes have only recently been found in our legislative bodies, ignorant people argue they are not fitted for such positions. Two colored men sat in the British Parliament from 1832 to 1839, while twenty negroes sat in the French Assembly of 1792, and history records that they acquitted themselves with credit. They prove that they are as well fitted for positions of honor and responsibility as white men, when the opportunities for education have been the same.

The colored people in South Carolina are attending school and are learning rapidly. I will here mention the progress we are making in South Carolina in schools. When the reconstructed government took possession in 1868 there was not a school-house open. We have now nearly twenty-five hundred school-houses open in South Carolina. We have nearly three thousand school-teachers, and we have 110,000 young men and young women in schools. In 1860 \$75,000 was appropriated for schools. We spend now a million dollars for common schools. If these people who are concerned in these riots like Hamburgh are not too old, if we should just get them to go to schools and teach them, we would have no more Hamburgh riots. Should the negro not have credit for that? I wish I could say as much of every other southern State. I wish that the cause of education in every other southern State was fostered as it is in South Carolina. This foul spirit that murders men for opinion's sake and without any regret, but believes it is right, would soon die out; but there is no remedy for it except education. I challenge any democratic Senator upon the other side to get up in his place and tell us the condition of his State and compare it with South Carolina. Let him say whether the cause of education is prospering in his State like it is in my State under negro and radical rule. "The school-master is abroad" in South Carolina, and I pray God that he may travel into our sister States.

#### PRESIDENTIAL ISSUE.

One or two words more and I have done. South Carolina, like every other State, feels an interest in the presidential election. In the South we have no politics like you have in the North. There we hear nothing about soft money or hard money. It is not tariff or free trade with us. In South Carolina it is a question of existence. All that the republicans there ask is to be let alone and in time we will work out the redemption of the State. We ask that our lives may be protected, and that we may live there in peace. The republicans of South Carolina, in common with the republicans of all the other southern States, feel that the election of Mr. Tilden bodes evil to them. Their papers convince us, the declarations of their speakers convince us. We know that many of the men who vote for Tilden are the men who commit these murders. If these men vote for Tilden they must hold the offices if he is elected, and if these men are to hold the offices, they will shield and protect crime; they will shield and protect the murderers; we will have no protection, and the former bondman must make up his mind to become virtually a slave to the old master and the white radical must leave the country.

I ask Senators, I ask the people of the North, if that is not a kind of politics that they are not accustomed to; but, so help me God, I believe I am telling the honest truth when I state that that is all the politics that we have got in South Carolina and all that the republicans in every State throughout the South fear. Why should the democratic party be returned to power? Let me ask the honest people of the North if the democratic party is any more honest than it was in 1860, when it was driven from power because of its corruption and its fraud, its villainies and its bankruptcy of the Treasury? Let the people of the North answer that question. Let every man who goes to vote ask himself the question if the democratic party to-day is any more honest than it was in 1860?

Mr. President, I ask another question, which I hope the people will ponder. Let every loyal man in the North when he comes to cast his vote for President ask himself whether the democratic party is any more loyal to-day to this Union than it was in 1860, when the democratic party turned over the wreck of this Government to Mr. Lincoln's administration, with rebellion rampant throughout the whole country, a new and bastard government set up within the limits of this Government, which a democratic President helped to bring about. He had not the honesty, he had not the fidelity, he had not the loyalty, because his party had no loyalty, to stop this secession and this attempted dissolution of the Union and he had not the courage to go against his party. Let the northern voter ask himself that question. In the name of the poor, down-trodden colored man of the South I implore him to do that. If the people of the North vote blindly and think not seriously upon this question, upon us first, but upon them afterward, falls the result of their folly.

I have nothing to say against Mr. Tilden's character as a man. It is not necessary for my purpose that I should do that. The other day as I was going up the street I saw a beautiful flag. It was the flag of the Union, the Stars and Stripes, stretched across the street. I looked upon the beautiful blue of that flag and I counted thirty-seven stars. Tied to the foot of that flag was the name of Samuel J. Tilden for President. The thought rushed upon my mind, Samuel J. Tilden to be President of thirty-seven States when he declared solemnly in 1864, in the democratic convention, that the war for the Union was a

failure, and consented to blot from that bright escutcheon eleven of those bright and beautiful stars. Yet that man to-day is put up by the democratic party as a candidate for President of the United States which he did not save, which he was willing to let be dissolved, and by whom? By the democratic party. The next name was Hendricks—Tilden and Hendricks. There was one line which I wanted there, and if I had the power I would write it. It is this: "No more murders for opinion's sake." I say right here, with full knowledge of the responsibility of the assertion, that there are but two men in the United States who have the power to command the bad men, the murderers of the South, to halt. There are but two men living to-day who can say to the murderer of this class whose hand is raised to strike the innocent victim in the South, "Halt;" and those two men are Samuel J. Tilden and Thomas A. Hendricks, because every murderer whose hand is raised, and whose hand will be raised between now and the election, is a democrat, and he is their friend, and he will vote for them. The President of the United States has no power to prevent these murders. This Congress has no power; the General of the Army has no power; but the candidates of the democratic party, they, and they alone, have the power. They who are responsible to the people of this country owe it to their God to issue that edict. If it defeats them let it do so, but in God's name, for the sake of humanity, for the sake of the credit of the country, they should use their influence with these bad men of the South to stop these outrages.

Senators may not have studied this question as I have. They may think I am trying to shake the "bloody shirt." Senators will testify that I have been quiet since I have been in the Senate about the "bloody shirt." Sir, I have hesitated to attempt to describe the condition of affairs at the South because the truth is so frightful as to make men at the North believe it is fiction. No, sir; half the truth has never been told, and I had hoped that no necessity should arise to require me to address the Senate upon this subject, as I preferred to cover the errors of my people with the mantle of silence, but duty compelled me to no longer keep silence. I am in favor of peace; I want reconciliation; I want harmony between the sections. The northern people have forgiven the southern man for being a rebel. They take him by the hand and say he is a citizen. They invite him to this high place of power and they invite him to all the places of power and responsibility under this great Government. I ask the southern white man to conquer his prejudice and forgive the negro for being free, being a voter, and being his equal before the law. The South has been famous in the history of this country. She has been great in counsel and gallant upon the field, and she has reflected honor upon the whole country. Why cannot the white man of the South conquer his prejudice and extend the hand of true friendship and protection to the republican, no matter where he comes from and no matter what his color may be?

No, Mr. President, I am not trying to shake the "bloody shirt," but I speak words of "truth and soberness." The people of the North are not aware of the true condition of things in the South. If the history of the crimes and the murders since the war for opinion's sake up to this time could be written and published it would be a record that would appall this nation and shock civilization. More men have been murdered in cold blood in the South for opinion's sake since the war than were killed in any one battle in the war on the Federal side, and that, too, in free America. I make that statement not hastily. The facts and the record will prove it, and I beg the people of the North to consider it. If such a carnival of murder had been visited upon the North they would realize it. We who live in the South do realize it, but we have not the power to help ourselves. The power of this Government, the seat of empire, is at the North. You hold the key to the position. You have got the power and you are responsible for the rights and lives of these people. I pray my people of the North, from whom I have descended, who have the same blood that flows in my veins, for my sake, for the sake of my family, for the sake of the poor colored man throughout the South, who is as loyal to the flag as the proudest, the greatest, and the best man in the North, to consider these facts. I beg them to consider them and reflect upon them when they come to vote, and if they do conclude to vote for the democratic candidate for President, I say so be it. But I have the satisfaction that I have given them my warning. I have entered my protest against his election.

South Carolina in this contest will do her duty, and in the face of these dangers, in the face of these outrages and these murders the loyal people of South Carolina will do their duty and their whole duty, not as politicians, not as partisans, but as American citizens. We believe in the principles of the republican party. We believe they will promote the prosperity of this whole country. We believe they are right, and believing in them, the republican party of that State will sustain them. Every republican in South Carolina is prepared to go out and take his life in his hand, and we have to do that in every campaign. This Hamburg matter is no new thing for us. We had murders, we had violence, we had our meetings broken up in 1874, in 1872, in 1870. We are used to all that. When we go out there to make a speech we take our chances, and it is not any more pleasant than a person would imagine. Somebody has got to do it, and the republican leaders in South Carolina do not hesitate to do it; and while we do our duty we expect our friends at the North to do their duty. When the storm rolled over the North in 1874 and carried the State of

my distinguished friend here from Massachusetts [Mr. BOUTWELL] into the democratic column, South Carolina stood true. South Carolina was then found on the side of the true American principle, and she will be found there again.

Every colored man in South Carolina will pray that Mr. Hayes and Mr. Wheeler may be elected, not as politicians, but because they believe that the election of Hayes and Wheeler will give them protection. They want time to educate their children, they want time to work out their own salvation in their own way, and they do not believe that they can do it under a democratic administration. They have a right as American citizens to be given that opportunity.

#### RETURN TO POWER.

Mr. President, a few short years ago an army of brave and desperate men, full half a million, well-tried soldiers, commanded by officers of genius and skill, experience and courage, were drawn up in battle array beyond the line that separated loyalty from disloyalty. That army was the "mailed hand" of a bastard government, whose cornerstone was "human slavery," and whose flag was not the Stars and Stripes, the flag of Washington, Adams, Jefferson, Madison, and Jackson, the dead patriots of the Republic, but the stars and bars, the miserable rag of Davis, Toombs, Hunter, and Benjamin, the living traitors of a betrayed nation. That mailed hand was raised against the life of this Republic; ay, that army was knocking at the very gates of this capital. That army met its "Appomattox;" that hand was stricken down, and that flag was furled in defeat, it was then hoped forever. The glorious sunlight of peace, clouded by the sad sorrow for their martyred President, cheered the hearts of all true Americans.

Eleven years have passed away. Forgiveness, generosity, and magnanimity have been extended with "gospel measure" by the victor to the vanquished. Not one drop of blood has been demanded as an atonement for the crime of treason. The armed traitor of yesterday is the respected ruler or honored representative to-day. Yet it is a fact, as I have already stated, that more American citizens, many of whom passed safely through the "fire and hail" of the battle-field, have been murdered in the Southern States during the past eleven years for opinion's sake than were killed on the federal side in any battle during the war.

The same men who directed the movements of that army in war have since by what they call peaceful means obtained political control of nearly every southern State. Nearly one-third of the present Congress comes from what was but yesterday the confederate army, while scarcely one-tenth of this present Congress comes from what was but yesterday the Army of the Union. The Romans opened the doors of the temple of Janus in times of war. We in times of peace open the doors of our temple of liberty to our enemy of yesterday, and invite him to preside at its high altar upon promises of peace and sealed by the solemnity of an oath.

The traitors of yesterday were democrats, they are democrats to-day; they enter Congress as democrats, join hands with their democratic allies from the North as naturally as the links of a chain are united, but to all appearances that chain never was broken, but has always been united by the mystic bonds of an ardent sympathy. This we are told is the return of democracy to power and means peace.

Mr. President, it is recorded in the history of France that the allied armies of Europe assembled at her capital to witness the coronation of Louis XVIII after the fall of the great Napoleon. In the vast throng who gazed upon that scene, made resplendent by the jewels of the most powerful dynasties of the world, there stood a soldier of the empire who had grown gray in war while following the eagles of the mighty Corsican alike over the vine-clad hills of Italy, through the olive groves of Spain, and amid the deadly snows of Russia. As he contemplated the scene, with his heart beating in sorrow beneath the cross of the Legion of Honor which he had earned by his gallantry at Austerlitz, a Bourbon nobleman, not recognizing in him one of the grenadiers of the Old Guard, said to him: "Is not this magnificent? Is it not grand? What could make it more perfect?" "Nothing," answered the battle-scarred veteran; "nothing but the presence of my brave comrades who died to prevent it."

I say to the loyal people of this nation to beware in placing in the presidential chair a State-rights democrat. Already we have seen sixty wounded Union soldiers, employés of the House, dismissed, and forty ex-rebel soldiers appointed to their places. The one-legged Union soldier made to give place to able-bodied ex-rebel soldiers. Union soldiers of the North, you know the reason; and think well over this picture before you cast your votes in November. Yonder flag, which floats so proudly from the Dome of this Capitol, the emblem of a nation's honor and pride, the representative of its greatness and power, honored at home, respected abroad upon every land and sea, may be lowered by the new ruler and in its stead may be unfurled the "stars and bars," a fit representative of a nation's degradation and a free people's shame. The last democratic President lowered the flag, destroyed public credit, and let the Union be broken up; and what assurance have we that the same treason may not again be witnessed under another democrat if elected?

When that time comes, loyalty will furl the Stars and Stripes, deposit them in the tomb at Mount Vernon, the only place on American soil sacred against the hand of the vandal, burn the battle-flags of

the Republic, plow up the cemeteries in which are deposited the ashes of a nation's dead, and thus remove every remembrance of the late struggle which may be offensive to our new masters.

By a democratic triumph, is treason to gain all it lost at Appomattox? Is this the feast to which you invite the American people in the coming election? Is this the price you demand for the peace you promise? Is this the hidden purpose of a democratic triumph, not to be revealed until the power is secured?

In the campaign of 1860 the scheme of secession was concealed and denied by the democratic leaders north. The American people have before them that terrible lesson, and in 1876 let them meet this new issue with full knowledge of its great danger and settle it at once and forever. God grant that my fears may not be realized, that the people of the South may be spared a new sorrow and the nation a new shame.

All I have to say in conclusion is that I hope the people of the North will wake up to the real issue involved in this contest. It is not a question of currency at the North any more than at the South; it is not a question of hard money or soft money at the North; it is not a question of tariff or free trade. Every man in the Senate, every man in public life in the United States, every intelligent man throughout the North knows that, after all, the secret spring in this contest is the question of loyalty. The question for the people of the North to decide is, Will you and are you prepared to trust this Government in the hands of the democratic party, controlled as it now is, with its present leaders North and South? That is the question in this national contest. That is the question that must be decided; and I have so much confidence in the good sense, in the integrity, in the patriotism, and in the loyalty of the people of the North that I believe that their verdict will be in favor of the right, and that the right will prevail.

For the democratic party, with such aims and such designs upon the integrity of the Union and the existence of the Republic, I can only express my horror by quoting the following verse:

May all thy hopes be smitten,  
Thy brightest hour be gloom,  
And infamy be written  
In lightning on thy tomb.

Mr. HAMLIN and Mr. WALLACE rose.

Mr. HAMLIN. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania yield to the Senator from Maine?

Mr. WALLACE. For what purpose?

Mr. HAMLIN. I think I rose on my feet before the Senator from Pennsylvania did. I am very sure I did.

Mr. WALLACE. I have had the floor on this question.

The PRESIDENT *pro tempore*. Does the Senator from Maine rise to this question?

Mr. HAMLIN. That is not an inquiry to be put to me by the Chair. If I rose first I am entitled to the floor.

The PRESIDENT *pro tempore*. The Senator from Maine claims the floor, having addressed the Chair first.

Mr. HAMLIN. The rule provides that the Chair shall recognize which Senator is entitled to the floor when two shall rise at the same time.

Mr. WALLACE. I was certainly recognized by the Chair.

The PRESIDENT *pro tempore*. The Chair will state that the rule requires that the Senator who first addresses the Chair shall be recognized. The Senator from Maine first addressed the Chair. The Chair did recognize the Senator from Pennsylvania, but strictly within the rule he will be obliged to recognize the Senator from Maine, if he insists. The Chair would say in justification, however, of the recognition that the Chair understood that the Senator from Pennsylvania desired to speak upon this subject. It was for that reason that the Chair addressed himself to the Senator from Maine and asked if he rose upon this question. That is the justification of the Chair.

Mr. PATTERSON. I will state that the Senator from Pennsylvania had the floor the other day and very kindly gave way to me.

The PRESIDENT *pro tempore*. The Chair understands that, and for that reason the Chair recognized the Senator from Pennsylvania; but the Senator from Maine is correct, according to the rule.

Mr. INGALLS. I was present in the Chamber the other afternoon when the Senator from Pennsylvania rose and addressed the Chair to speak upon the pending question. My recollection is that he was recognized, and that the Senator from South Carolina then asked the Senator from Pennsylvania to yield to him, and that he did so with the consent of the Senate. It seems to me that under the rule which has uniformly prevailed, the rule of which the Senator from Maine is so strenuous an advocate, courtesy, if nothing more, and the uniform precedent, would certainly require that the Senator from Pennsylvania should have the floor after the Senator from South Carolina has concluded.

The PRESIDENT *pro tempore*. The Chair will state that the Senator from Kansas is correct in his statement. The Senator from Pennsylvania had the floor yesterday, and yielded to the Senator from South Carolina; but having yielded, of course lost the right to the floor, but the Chair supposed the Senator rose to speak on this question and recognized him for that purpose. The Senator from Maine first addressed the Chair, and according to the rule, ruling strictly, the Senator from Maine has the floor.

Mr. HAMLIN. I want to say a word upon this subject of courtesy, because I hope I am as incapable as any Senator in this body of acting discourteously toward any member of it. In the first place, a little bill with which I was charged here, and in which all Senators are interested, got under this great big load of hay precisely by the same movement which I have risen to inaugurate. Again, knowing that the Senator from Pennsylvania had gotten the floor yesterday and expected to follow the Senator from South Carolina, the Senator from Pennsylvania I know will do me the credit to say that I called upon him and stated to him that I was incapable of doing a discourteous thing to him, but situated as I was in relation to the post-route bill I felt that it was my duty, at the importunity of Senators all over the Chamber, to see if I could get the floor and get the Senate back to that bill, and back precisely in the same way it went from it, by moving to lay the pending order upon the table. If the Senator from Pennsylvania insists that under these circumstances he ought to have the floor, I will not make that motion, and I submit it to him.

Mr. WALLACE. If the Senator from Maine moves to lay the pending motion on the table, it necessarily cuts off debate, and I, in common with all other Senators who wish to speak on the subject, will be foreclosed by the action of the Senate on account of other business pending before the Senate. I think that would be perhaps a breach of courtesy. The Senator from Maine did call upon me, and asked me the question as to whether I desired to speak, and said to me that he intended to move to proceed to the consideration of the post-route bill if he could get the floor for that purpose. I will state that he did say so to me, and hence I rose as rapidly as I could. I thought I had the recognition of the Chair; but it seems I was mistaken. If the Senator from Maine insists, I have nothing to do but to submit.

Mr. HAMLIN. I want, then, to say to Senators who have come to me and asked me to get the post-route bill again before this body, and to whom I said I would make the effort, that I decline to do so simply upon the ground that the Senator from Pennsylvania insists upon the floor.

Mr. WALLACE. Mr. President—

Mr. SARGENT. Will the Senator from Pennsylvania allow me a moment?

Mr. WALLACE. Yes, sir.

Mr. SARGENT. Before Congress adjourns the Senate ought by all means to take action either favorably or unfavorably upon the legislation pending which has passed the House in reference to the Hawaiian treaty. I doubt if there is a Senator upon the floor who will disagree with me upon this proposition. We certainly ought to act promptly upon it for the benefit of trade, either that the treaty shall go into effect or release business from the embarrassment which the uncertain condition of this legislation has put upon it. I ask the consent of the Senate that this subject be made the special order for Saturday next. I think that will be enough ahead to allow Senators to make their speeches and to dispose of the matters pressing upon the Senate.

Mr. MERRIMON. We want to adjourn on Saturday.

Mr. SARGENT. I do not think we can adjourn before next Monday. At any rate I will take my chances. I have waited from day to day for an opportunity to call this measure up and could not do it without incommoding Senators.

Mr. SHERMAN. I think that as there is now a prospect of an adjournment I will make a suggestion that will dispose of this political matter. I suggest that after a reasonable recess we meet to-night to allow Senators who desire to make speeches (and I am one of them, because I wish to speak briefly and do not wish to stand in the way of business) to come here this evening and finish this political question. Then I think the three days left of this week will be sufficient to dispose of the business that the Senate will desire to act upon. As a matter of course neither the Hawaiian treaty bill nor the post-route bill can be acted upon to-night, but we can afford an opportunity to speak to those who choose to attend and we shall probably have enough Senators to vote upon the resolution. I think everybody or nearly everybody will vote for it at the end, it being merely to print several thousand extra copies of a document.

Mr. HAMLIN. Having yielded the floor to the Senator from Pennsylvania I now ask the Senator from Pennsylvania to yield to me the floor for the purpose of affording me an opportunity of moving that the Senate take a recess until half past 7 o'clock this evening.

Mr. SARGENT. Will the Senator from Maine allow me to have some understanding with reference to the Hawaiian treaty first?

Mr. HAMLIN. Well.

Mr. SARGENT. If there should be a session for debate to-night I should like to have Friday assigned for the consideration of the Hawaiian treaty. I ask the Chair to submit the question to the Senate that the Hawaiian treaty be made the special order for Friday next after the morning hour.

Mr. INGALLS. Subject to appropriation bills.

Mr. SARGENT. Of course not to interfere with the appropriation bills.

Mr. ALLISON. I desire to say that to-morrow morning I propose to call up the report of the conference committee on the river and harbor bill.

The PRESIDENT *pro tempore*. The Senator from California asks that the consideration of the Hawaiian treaty be made the special order for Friday next at one o'clock p.m., which requires a two-thirds vote.

Mr. DAVIS. I wish to make an inquiry as to the post-route bill. I think that bill ought to pass and we ought not to make any order to interfere with that bill.

Mr. SARGENT. This will interfere with no bill whatever.

Mr. ANTHONY. I have no possible objection to making this special order; but, as my friend from California knows, a special order does not amount to anything; it is superseded by the unfinished business; and there is one bill that I think we ought to consider in preference to any other bill that is before this body, even the appropriation bills, and that is the bill for counting the electoral votes for President and Vice-President. I think it would be criminal for us to adjourn without at least attempting to pass some bill of that kind.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from California to make the Hawaiian bill the special order for Friday next, at one o'clock.

The question being put, there were on a division—ayes 22, noes 14.

Mr. SARGENT. I will not press the matter at this time; but I give notice that I shall vex the ear of the Senate unless I get this thing attended to.

Mr. MITCHELL. I also give notice that I will join the Senator from California every time he does it. I think it would be a case of self-stultification if the Senate should adjourn without taking action.

Mr. HAMLIN. I will join the Senators and make a trio in that. Now I renew my motion.

The PRESIDENT *pro tempore*. What is the motion?

Mr. HAMLIN. That the Senate take a recess from half past five to half past seven o'clock to day.

Several SENATORS. Say five.

Mr. HAMLIN. Well, from five to half past seven o'clock.

Mr. ALLISON. I ask the Senator from Maine to yield to me. I think if we have a session to-night it may be possible to report the legislative bill from the conference committee.

Mr. HAMLIN. Then we shall consider possibilities. This general discussion is regarded of more importance than your post-route bill, and I do not know but that it should be more than your other public business. I will express no opinion upon that just now. I ask that my motion be put.

The PRESIDENT *pro tempore*. The motion is that the Senate take a recess from five o'clock to day until half past seven.

Mr. HITCHCOCK. With the understanding that this evening will be for debate only?

Mr. HAMLIN. No, sir.

Mr. SHERMAN. No; we must go right on.

Mr. McDONALD. Is it the understanding that the debate is to close on the pending resolution to-night? ["No!" "No!"]

The PRESIDENT *pro tempore*. There is no understanding on that point.

Mr. KERNAN. I understand that it is for business as well as debate.

Mr. SHERMAN. And the Senator from Pennsylvania has the floor.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine.

The motion was agreed to.

The PRESIDENT *pro tempore*. The hour of five o'clock having arrived the Senate takes a recess until half past seven.

#### EVENING SESSION.

The Senate re-assembled at half past seven o'clock p. m.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania [Mr. WALLACE] is entitled to the floor on the resolution of the Senator from Indiana, [Mr. MORTON.]

Mr. SPENCER. I move that the Senate proceed to the consideration of House joint resolution No. 100, which has been read twice at least.

Mr. EDMUND. I hope I may be allowed to make a report.

Mr. SPENCER. Very well.

#### THE SCHOOL AMENDMENT.

Mr. EDMUND. I ask unanimous consent to make a report from the Committee on the Judiciary. I am instructed by the Committee on the Judiciary, to whom was referred the joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States, to report the same favorably with an amendment. I give notice that I shall move to take it up to-morrow.

Mr. DAVIS. Will the Senator have the amendment printed?

Mr. EDMUND. It will be printed under the rule, of course.

#### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting, in answer to a resolution of the Senate of the 24th ultimo, a statement showing the aggregate number of civil officers in or connected with the Navy Department, not including laborers or mechanics employed by the day or contractors, for each of the years named; which was ordered to lie on the table and be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. ADAMS, its Clerk, announced that the House further insisted on its disagreement to the amendments of the Senate insisted on by the Senate to

the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM R. MORRISON of Illinois, and Mr. JOHN A. KASSON of Iowa managers at the further conference on the part of the House.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 1823) to change the name of the pleasure-yacht Ella to that of Myra;

A bill (H. R. No. 2252) to authorize the Secretary of the Treasury to change the name of the steamboat Hiram Wood;

A bill (H. R. No. 2602) to relinquish the title of the United States to certain property in the city and county of San Francisco, California;

A bill (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky;

A bill (H. R. No. 4060) to provide for the payment of certain indebtedness incurred in the construction of the New York court-house and post-office building; and

A bill (S. No. 84) extending the time for the redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes.

#### DISTRICT GOVERNMENT.

Mr. SPENCER. I move that the Senate proceed to the consideration of the joint resolution (H. R. No. 100) providing a commission to frame a permanent form of government for the District of Columbia, and other purposes.

The joint resolution was read.

Mr. DAVIS. I ask the Senator from Alabama whether this comes from the Committee on the District of Columbia unanimously? I see no member of that committee on this side present.

Mr. SPENCER. It comes from the Committee on the District of Columbia, and the committee are unanimous. The resolution has passed the House, and the committee propose to amend it so as to make it a joint committee.

Mr. EDMUND. Is the thing taken up?

The PRESIDENT *pro tempore*. Not yet. It has been read for information. Will the Senate proceed to the consideration of this resolution?

Mr. EDMUND. Subject for a call for the regular order.

The PRESIDENT *pro tempore*. It is before the Senate, as in Committee of the Whole, subject to a call for the regular order.

The Committee on the District of Columbia proposed to amend the joint resolution by striking out in line 3 the words "two non-residents," and inserting "three members;" by striking out in line 4 the words "District of Columbia and one resident thereof," and inserting "House of Representatives;" by striking out in line 5 the word "appointed," and inserting "designated;" by striking out in line 6 "two residents of said District and one non-resident thereof," and inserting "three Senators;" by striking out in line 7 the word "selected," and inserting "designated;" so as to make the joint resolution read:

*Resolved*, &c. That a commission, consisting of three members of the House of Representatives, to be designated by the Speaker of the House, and three Senators, to be designated by the presiding officer of the Senate, is hereby appointed, whose duty it shall be, during the recess of Congress, to prepare a suitable form of government for the District of Columbia, and appropriate draughts of statutes to be enacted by Congress for carrying the same into effect, and report the same to the two Houses, respectively, on the first day of the next session thereof. It shall also be the duty of said commission to prepare and submit to the next session of this Congress a statement of the proper proportion of the expenses of the government of the District of Columbia, or any branch thereof, including interest on the funded debt, which should be borne by said District and the United States, respectively, together with the reasons upon which their conclusions are based. Said commission are authorized to employ such assistance as may be needed to enable them to discharge the duties hereby imposed on said commission; and the sum of \$5,000 is hereby appropriated, or so much thereof as may be necessary, to defray the necessary expenses of said commission.

Mr. EDMUND. I wish to ask the Senator in charge of the resolution whether it is usual to provide by law for a joint committee of the two Houses? This is a law making appropriations, and then to provide for a committee of three Senators and three members of the House of Representatives to be appointed.

Mr. SPENCER. To be designated. The resolution as passed by the House provides that two non-residents of the District of Columbia should be appointed and two residents, two by the Speaker and two by the President of the Senate. The Committee on the District of Columbia thought after consultation with numerous citizens that it would be better to appoint members of the respective Houses, and they have amended the resolution accordingly.

Mr. EDMUND. I dare say it is better. My only inquiry is as to providing by law for each House appointing members of its own on a particular committee. That belongs to their own constitutional privileges.

Mr. SPENCER. As this resolution had passed the House we concluded this would be the shortest way to get at the matter. The House provided that a commission should be appointed, not of mem-

bers of Congress, and we have amended it so as to provide for a commission of members of Congress. We thought this was the shortest way of getting at it.

Mr. EDMUNDS. This is a joint resolution and is in the nature of a bill with an appropriation, and it requires each House of Congress to do a thing which the Constitution gives them the power to do by a mere resolution.

The amendment was agreed to.

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

Mr. EDMUNDS. I now call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Vermont calls for the regular order.

Mr. SPENCER. I hope the Senator will allow this to be finished. It has been up several times.

#### HAMBURGH RIOTS.

The PRESIDENT *pro tempore*. The regular order is the resolution of the Senator from Indiana [Mr. MORTON] to print ten thousand extra copies of the President's message and accompanying documents in reference to the Hamburg riots; on which the Senator from Pennsylvania [Mr. WALLACE] is entitled to the floor.

Mr. CAMERON, of Wisconsin. If the Senator from Pennsylvania will yield for a few moments I should like to call up a House bill that I have tried to get up several times and I think it can be disposed of in a few minutes. It is House bill No. 3849.

Mr. EDMUNDS. As I have called for the regular order against my friend from Alabama I would not be courteous to yield to another Senator.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania has the floor.

Mr. WALLACE. Mr. President, I shall not attempt to defend the outrage at Hamburg. Like many another outrage upon society, it can neither be palliated nor defended, if the facts charged in the documents sent to us are true. But, sir, if this offense, heinous and outrageous as it is, shall be judicially investigated by the courts constituted to arrest, investigate, try, judge, and punish; and if these courts shall visit upon this outrage prompt, condign, and legal punishment, I shall rejoice. I shall rejoice, sir, because of the vindication of outraged law. I shall rejoice that in that community, among a people who claim to have the power to govern themselves, they have succeeded in vindicating that power and have vindicated the majesty of law. They will then have proved their capacity for self-government. But they are upon trial. It is for them to vindicate their capacity in the proof that comes from this very situation. If they shall thus vindicate themselves, it will add another proof to the theories of our friends on the other side.

But let me ask those who find in something else the cause of these outrages, why it is that they always occupy their minds and always vex the public ear when important elections are pending? Why is it that we hear so little of them on other occasions and at other times? Why is it that only when the people are upon the eve of an election in which the rulers of the country are to be changed that these outrages come to the public mind and communities are stirred to their very depths by accusations, by tergiversations, by charges of riot and bloodshed and of wrong and injury? Why is it that peace and order and the administration of the law, the vindication of the majesty of the law, are found in all the reconstructed States controlled, governed, and directed by democrats, while from those alone in which some other power is in control do we find these reports of outrages, of broken law, of riot, and of bloodshed?

Mr. EATON. Will my friend from Pennsylvania yield to me for a moment?

Mr. WALLACE. Certainly.

Mr. EATON. I have just received a dispatch which I desire to read in this connection. I had the pleasure yesterday to say here on the floor of the Senate that the election in Alabama had been carried on with absolute fairness. The Senator from Alabama [Mr. SPENCER] avowed that there had been intimidation. Doubtless he believed it; I did not, and I so expressed myself. I have just received this telegram, which I desire to read:

MONTGOMERY, August 9.

Senator W. W. EATON:

Alabama thanks you for your generous defense of her in the Senate yesterday. The election was conducted throughout the State with absolute fairness and without the slightest disturbance or complaint of intimidation that we have heard. The democrats have elected their State ticket by over forty thousand majority, and at least four-fifths of both branches of the Legislature. Negroes in large numbers voted with us.

W. D. GRAHAM,  
Chairman Democratic State Committee.

Mr. SPENCER. Will the Senator from Pennsylvania allow me a moment? I desire to state, in answer to the dispatch read by the Senator from Connecticut, that the majority in Alabama is very large and that on Monday last large republican counties, for instance the county of Greene, which has, ever since the republican party was formed, given over 2,000 majority, voted the democratic ticket; that the county of Sumter, which has a republican majority of 2,000 in it, voted the democratic ticket; that the county of Marengo, which has a republican majority of 2,000, voted the democratic ticket. Those counties voted the democratic ticket simply because the colored people

were afraid to go to the polls and vote. The colored people did not vote, and it was intimidation and nothing else, the chairman of the democratic State committee to the contrary notwithstanding.

Mr. WALLACE. Mr. President, what better answer is there to the arguments of the Senator from Vermont [Mr. EDMUNDS] and the Senator from Indiana [Mr. MORTON] than that the State of South Carolina, the State of Louisiana, and the State of Mississippi are the only places in which they can find these outrages. Why is it that in democratic States, in States that are reconstructed and controlled by democrats, prosperity is returning, peace and order prevail? Why is it that the freedman is contented and industrious? Why is it that taxation is being reduced, that the communities are orderly, that material prosperity is increasing? Why is it that in all of these States under democratic rule order prevails, business is restored, material wealth grows, taxes lessen, interest on State bonds is being paid, the credit of the State is being restored? Why is this, I ask, while in States that are still under control of others than the democratic party in the South the freedman is discontented and riotous, outrages, blood, and murder are heard of, the people are discontented and unhappy, taxation is redoubled, and the only right that a white man has there is the right to be taxed? Why is it that in all these States material prosperity is lessening, prosperity decreasing? Why is this? Can there be any other answer than that in the latter the power, the control, the interference of the Federal Government exists, and men are not permitted to govern themselves as we do in the North, regulating and controlling our domestic affairs in our own way; our township affairs, our roads, our schools, everything that concerns us as a people from the bottom upward through the township, the county, the State, to the Federal Government; while in these States you undertake to rule them from the top through the power of the Federal Government with the bayonet, through the State, through the governor, through the power that the Federal Government only controls and directs. This is the true answer to it, and it is an answer that goes to the very essence of Saxon liberty. It is an answer that will come to you wherever and whenever you undertake to reverse the traditions of the governments and people from whom you get your liberty and your laws.

The old Saxon form of government, the government of the people themselves in their closest relations to their home life, the home government, home rule, is the only rule for any free people. When you give to these people the entire and absolute control of their institutions themselves; when you take away the Federal bayonet and cease to vex and oppress them by interfering with them, then you will have peace and order; taxation will be reduced; the credit of the Commonwealths will be restored, and you will have contentment and industry and peace and order and just administration of the law.

But it is charged that the free schools are disturbed; it is alleged that education does not prosper in the States that are reconstructed and under democratic control. Such is not the fact. Sir, but yesterday, this week certainly, we have the information from the trustees of the Peabody educational fund that in all the States south save and except alone the States of South Carolina, Louisiana, and Florida, their school systems are being properly managed and cared for, while in those States the report states that they are not being properly managed, that they are not being cared for. The report of Mr. Stearns, the general agent, is as follows:

The report shows the general flourishing condition of public schools in the Southern States, except in the three States of Florida, South Carolina, and Louisiana. Mr. George Peabody Russell, who has been spending the last winter in the South, gave it as his opinion that nothing could be expected from these States in the way of advancing their educational interests until there was a change in their State governments.

Here is an answer to the educational argument of Senators, and you find this answer everywhere in the democratic South. The charge of the Senator who was last upon the floor in this regard may be placed side by side with the report of the general agent of a non-partisan independent educational fund, and let the people judge between them.

This is a political discussion. It has degenerated into such. We recognize it; it is declared to be such by our brethren on the other side. We have already had extracts from the letter of acceptance of Mr. Tilden; let me read another brief extract.

Speaking of the South and the negroes, he says:

But, in aid of a result so beneficent, the moral influence of every good citizen, as well as every governmental authority, ought to be exerted, not alone to maintain their just equality before the law, but likewise to establish a cordial fraternity and good-will among citizens, whatever their race or color, who are now united in the one destiny of a common self-government.

Place this declaration side by side with the concluding paragraph of the report of the Senator from Massachusetts [Mr. BOUTWELL] on Mississippi, which reads thus:

3. The constitutional guarantees of a republican form of government to every State will require the United States, if these disorders increase or even continue and all milder measures shall prove ineffectual, to remand the State to a territorial condition and through a system of public education and kindred means of improvement change the ideas of the inhabitants and reconstruct the government upon a republican basis.

Follow this with the argument of the cool, clear-headed Senator from Vermont made on this question, in which he looks to reconstructing reconstruction, and then I ask Senators on whose side will those

who love peace and order, who believe in the stability of government and in honest payment of the public debt, be found! Senators who occupy the vantage ground of leadership, as do these Senators, do not deliberately conclude their State papers or make their studied addresses without a purpose to execute the conclusions at which they arrive. Sir, is it to be questioned whether the order and law loving people of the North, nay more, sir, the capital of the North, will not scan these declarations with the closest scrutiny? I mistake much their temper if this programme be not the tocsin of danger, the fire-bell in the night, to arouse that capital and those people to the just apprehension of what the entertainment is to which they are invited.

But, sir, this is not all. One of your most pronounced partisan papers but yesterday denounced in unmeasured terms this programme in emphatic and decided language. The New York Times of yesterday, the mouth-piece of the capital of the city of New York on the republican side, emphatically denounces it.

It says:

A more outrageous proposition cannot be easily imagined. That in this centennial year, before the echoes of our national self-glorification have died away, grave Senators should propose to vest somewhere a power which on its face would be equivalent to a confession that the Republic is a failure, is a circumstance that would tax the credulity of any dispassionate observer. Here is the proposition, however, and in a form that leaves no room to doubt the earnestness of its authors. It is a proposition so far in excess of the needs of the occasion, so obnoxious to all who would preserve the administration of the Government in the spirit which has imparted all its vitality and earned for it all its glory, so directly in conflict with the feeling that dominates among the people and, therefore, in a party sense so inexpedient, that we would fain believe its acceptance by the Senate impossible. The reconstructed States are parts of the Union in the same sense that applies to New York or Massachusetts; and it is monstrous to suppose that the Government or any department of it may be clothed with an authority whereby it may "remand a State to a territorial condition," if in the opinion of the partisan majority for the time being the local administration be not "upon a republican basis."

Now, sir, if it shall be, as I said when I began, that in this matter South Carolina shall prove herself able to defend the majesty of the law, we shall all rejoice. If in this duty cast upon her, for it is a duty if she be a sovereign State, to protect life and property, to punish crime, to vindicate the broken law—if in the performance of her duty in this she shall be successful, I and all who act with me will be proud of its accomplishment. But she is upon trial. She cannot as a government controlled by people whom you claim can govern themselves, demand of the Federal Government interference and aid. These people are upon trial. Can they govern themselves? Can they punish crime? If they cannot, let those who can, come to their aid in public affairs through peaceful and home agencies.

Now, Mr. President, with my hand upon my mouth, and my mouth in the dust, with humiliation of face I am compelled to refer to what was said upon the floor of the Senate the other day in regard to the great State which I in part represent. It was in reply to a declaration of the Senator from Ohio [Mr. THURMAN] that my colleague said that all the murders committed in Pennsylvania by the Molly Maguires were committed by democrats. My colleague is mistaken, Mr. President. These men are of both political parties; many of them are unnaturalized citizens, desperadoes who come to our Commonwealth from other countries, who consort with the miners, band them together, and form organizations which are violent, arbitrary, and a terror to the people. They have honey-combed several of our counties with crime, and I am humiliated that I am compelled here on the floor of the Senate to admit it as the foulest blot upon the escutcheon of that proud old State. Yet the fact is here, and it is my duty as one of the representatives of her people to say what is the truth.

[At this point the honorable Senator yielded that the Senate might take a recess till half past seven o'clock p. m.]

Mr. WALLACE. Mr. President, when the Senate adjourned I was endeavoring to express a sense of the humiliation that as a Senator from the State of Pennsylvania I felt in being required to express here on the floor of the Senate any reason, any cause why she should be unable in any portion of her broad domain to vindicate law and punish crime. But it is here; the question is in the Senate. It has been brought here by the Senator from Ohio and my colleague; and it is my duty to say that however much there may have been of breaches of law and of order, of violence, crime, and bloodshed in that Commonwealth, it is not all attributable to one political party, that both political parties have members among the organization that has committed these violations of law, and that many of its members are unnaturalized desperadoes from other lands. But the communities in which they exist have become, through a species of terrorism they have exercised there, to a large extent demoralized; crime has honey-combed two or three counties, and officials, whether republican or democratic, have become in a manner under the control of this organization. That violence occurs, that murder has occurred, cannot be denied. That the power of the counties has been attempted to be exercised in vain also cannot be denied. I have no recollection that executive power has ever been called there; but, if so, it too has been powerless or weak to stem the tide of lawlessness. But, sir, recently an attempt has been made through the efforts, not I am sorry to say, of executive power or the power that ought to control it—the police, the grand juries, the sheriffs of the counties—but through a great railroad organization, headed by a democratic president, which placed its police and its power among these desperate men, traced them to their lairs, and is now dragging them to the light and to justice. The courts before which they are being tried are presided over by democrats; the juries before whom they are being tried are

selected under a non-partisan jury law; and I believe that six men have been convicted of murder in the first degree. These crimes are now being drawn to the light; the prosecutions are being pressed; these men are being driven to the wall; terrorism is ceasing and law and order is about to prevail in that State in which law and order originated, for from Penn and his followers and their theories came the system of law and obedience to constituted authority that now governs this country. From that Commonwealth more than from any other in the country proceeded recognition of law, of orderly methods, and of peace; and it is my pride to say that the people of that great Commonwealth will immediately, if not through regular channels at least by some power, coerce order, vindicate law, punish crime, and permit no further outrages upon its peace.

I also read in reply to what has been said on this subject what was said to the jury in the trial of one of these men in the county of Schuylkill by the gentleman to whom I have alluded, the counsel for the Commonwealth. I read from the argument of Hon. F. B. Gowen in the court of oyer and terminer of Schuylkill County in the trial of Thomas Munley for the murder of Thomas Sanger, a mining boss:

Then we knew we were freemen. Then we cared no longer for the Molly Maguires. Then we could go to Patsy Collins, the commissioner of this county, and say to him, "Build well the walls of the new addition of the prison; dig the foundations deep and make them strong; put in good masonry and iron bars, for, as the Lord liveth, the time will come when side by side with William Love, the murderer of Squire Gwirth, you will enter the walls that you are now building for others." Then we could say to Jack Kehoe, the high constable of a great borough in this county, "We have no fear of you." Then we could say to Ned Monaghan, chief of police, and murderer and assassin, "Behind you the scaffold is prepared for your reception." Then we could say to Pat Conry, commissioner of this county, "The time has ceased when a governor of this State dare to pardon a Molly Maguire; you have had your last pardon." Then we could say to John Slattery, who was almost elected judge of this court, "We know that of you, that it were better you had not been born than that it should be known." Then all of us looked up. Then, at last, we were free, and I came to this county and walked through it as safely as in the most crowded thoroughfares of Philadelphia. \*

Can you imagine the condition of the people of this country with murderers upon the bench and in the jury-box and in control of all the principal offices of the county? I lived in the apprehension of all this for two years and a half alone, and God knows that when the time comes that all I know may be told to the world it will reveal a history such as will make every American citizen hang his head with shame. I have seen a society of murderers and assassins having their members in the highest places of this county. I have seen them elected to fill the positions of constables and police officers. I have seen a trusted member of that band of murderers a commissioner of the county. I have seen this organization wield a political power in the State which has controlled the elections of a great Commonwealth. I have received the information of meetings between some of the highest officers of the State and the chief of the murderers, at which large sums of money were paid to secure the votes of this infernal association, to turn the tide of a State election. God knows if ever in the world there was a revelation as deep and damning as that now laid open to the people of this Commonwealth for the first time.

Now, Mr. President, can it be, is it to be said that the order-loving people of the Commonwealth of Pennsylvania, that great German population, than whom none respect order and obey law more, that all of the people of that great Commonwealth are to be stigmatized with the crime of a single locality; yet this is the argument that comes to us in regard to the South.

Sir, I have done with this humiliating subject in regard to my own State. I regret that it has come here. I could do no less than I have done. I have given to the Senate what is the truth, the record.

Now I take up, and I am sorry that the Senator from Indiana [Mr. MORTON] is not here, a speech of that Senator delivered in the Senate on the 18th of July, in which he produces a statement from the Treasury Department, which statement is lengthy and elaborate. That Senator said in introducing it:

I have the statement from the Treasury Department; I am going to read it. Some four or five months ago, on the 9th of February, I believe, the Senate passed a resolution calling on the Secretary of the Treasury to make a statement from the books of the Treasury of all the defalcations and failures to make settlement, from whatever cause, that had occurred in our country since the 1st of January, 1834. That embraced the last administration of General Jackson. That document was sent here and with it an analysis printed officially. It comes over the signature of the Secretary of the Treasury; it is true.

I propose to examine this valuable document, to test its value by recorded facts, and to see whether its statements are true, or, if they be taken as true, whether they help the cause that it was produced to serve. It is true that the Secretary of the Treasury on the 19th of June sent to the Senate a mass of documents, a mass of names, an immense, voluminous document at least five inches in thickness and eighteen inches square. The columns of that document were not added. It appeared upon the face of it that credits were to be entered; it appeared that charges were to be made to the men who were alleged to be defaulters thereon. It was incomplete and unfinished in every particular, and it showed this upon its face. It lies now in the office of the Secretary of the Senate incomplete, unfinished, buried in the tomb of the Committee on Printing. It was not honored by the poor credit of being printed. This was objected to by the Senator from Ohio, and it was sent to the committee as valueless. That document, which was not worthy of being printed, served to produce to the Senate and to the country a mass of figures, a tabular statement and compendium which has been sent to the country and is now being circulated broadcast as a veritable document. Sir, that statement is unreliable and untrue to show the real defalcations due to the Government, and the Senator from Indiana in the concluding part of his remarks admits it. He says:

The statement is not correct in this, Mr. President, that there are defalcations put down that do not exist, that were afterward settled; but so far as the proportion is concerned between the different administrations, so far as my purpose is

concerned in the comparison I propose to make, it is the same as if every defalcation here stated took place. The objection is that the statement is not too small, but too large. I stated wherein it does not present the facts, that some of these defalcations in all administrations were afterward settled or turned out to be nominal; but that pertained just as much to one as to another, and, so far as the object I have in view is concerned, it is a fair statement, because it shows the proportion in all administrations, and now I propose to give it just as it is furnished from the books of the Treasury Department.

But this is not all. The Senator from Indiana says this statement comes here over the signature of the Secretary of the Treasury. This is a mistake. A statement somewhat like that published did accompany it, but it was neither signed nor certified; and the speech of the Senator demonstrates that. It was not signed nor certified in the paper. If the statement of the Senator from Ohio in reference to what was told him by a Treasury official be admitted to be true, if it were verity and intended to impart the truth, why is it not certified to? If true, it would be honored and not discredited as well by the Senator as by the Treasury officials whom he quotes. The published table nowhere shows his certificate, but says it was prepared under direction of the Secretary of the Treasury. This statement, so elaborate and complete, so unfinished and mysterious, so untruthful and unreliable, is printed as Senate Document No. 118, and has upon its face the indorsement that it comes from the Treasury; but it has no signature. The documents themselves upon which it is based are not printed because they are unreliable, but the statement printed gives the figures they contain. Why was it not printed? Why is it not certified? Is it authentic? Does it give the truth? The Senator from Indiana admits that it does not. Other Senators admit that it does not, and they quote the officials of the Treasury as discrediting it. When the motion to print was up the Senator from Ohio said of this document as follows:

Mr. SHERMAN. In regard to the printing of the document I should like to have that question referred to the Committee on Printing. I will say that my attention was called to the document itself by an officer of the Government in the Treasury Department. It covers several volumes, most of them matters of no possible moment, which can be of no interest to any mortal man, woman, or child. I think it would do great injustice to thousands of worthy men to print this document. The Secretary of the Treasury in the letter read says he has commenced from the time the last report was made in 1830. There may have been some general statements made in the mean time, but nothing like the detail here. These papers were shown to me. As a matter of course, the Secretary of the Treasury felt bound to go back and do this work. Here [exhibiting] are some of the tables sent here—great, long tables. There are general results from these tables that are shown also in the tabular statements that accompany the letter of the Secretary of the Treasury. I have no objection to printing this document except on account of the great cost that will be involved and the unfairness and injustice that will be done to innocent people now in their graves.

Mr. President, these tables show that most of the persons named as defaulting officers were men in the military, naval, and civil service of the United States, who are now dead. The names of their sureties are given here, many of whom are dead; the amounts range from \$1 up to \$100,000. Scandals without number all over this broad country of ours will be published to the world without any good whatever if we print this document. It gives the accounts of every officer of the Government from 1830 to this time. I notice many cases of this class. During the Indian wars, and during our recent civil war, a soldier may have been killed in battle who was charged with a lot of muskets, and against his account they all stand in the balance charged to him, while it was stated that he was killed in battle, &c. Consuls have died abroad and it has been impossible to settle their accounts, and yet balances are charged at the Treasury Department against the consul. Honorable men, men of the highest rank in the public service, men of the greatest distinction in this country, have little balances charged against them, and they would now be published in the list of defaulters. There may have been nothing due from them, but if there were some little discrepancy in their accounts they are still unbalanced. Such a list would injure greatly the reputation of honorable officers in the civil, military, and naval service, if published, although they are little matters, sometimes amounting to but a few dollars.

The officer to whom I have referred called my attention to the fact that while the Department was obeying a simple, plain duty, no one pretended that this money was due by these people; and yet it is charged on the books of the Treasury Department as a claim against them, but it never would be and never could be settled.

On the objection of the Senator from Ohio this voluminous, this unreliable document was sent to the Committee on Printing. It came back to the Senate on the 27th of June with a report against printing the document, but for printing the tabular statement that contains its results. The aggregate of the document was reported in favor of, but the document itself was reported against. On that day the Senator from Rhode Island [Mr. ANTHONY] said:

It contains a list of all persons, including those not now in the public service, against whom there appears to be a balance on the books of the Treasury. In very many instances the balance is nominal, not real, sometimes so designated; in very many cases it arises out of misunderstanding between the disbursing officer and the accounting officers of the Treasury, which, when they come to be explained and adjusted, may be decided in favor of one party or the other. In very many instances it arises from balances due from officers of the Navy who have gone down with their ships with their papers upon them; officers of the Army who have fallen in battle or died in hospital and whose vouchers have been lost; while it is apparent from the supplies which they had purchased and from the men whom they had paid that the money intrusted to them had been expended for the purposes for which it was appropriated. According to the law these all appear upon the books of the Treasury as indebted for the unsettled balances; for, while the Treasury charges an officer with everything paid to him, it does not credit him with what he has paid out until it is ascertained and adjusted according to regulations of the Department. Many of these are charges for overpayments; that is, where an officer has erroneously paid to some creditor of the Government more than he was legally authorized to receive; and of course the disbursing officer must suffer the consequence of his error. That is a blunder, but it is not a crime. He has not embezzled the money; he has not defrauded the Government; he has made a mistake and paid a man a thousand dollars, for example, when it appears from all the information yet in the possession of the Treasury that he only ought to have paid him \$900; and therefore he stands as a defaulter for \$10 on the books of the Treasury. This may in many cases remain yet open for adjustment. I am sure that nobody wants to publish the names of such men, living and dead, as embezzlers and defaulters in any criminal sense.

The great defalcations, the criminal defalcations, are all known; they are all made public; they cannot be concealed without criminal complicity of the accounting officers. They are put in suit against the defaulters and against their bondsmen; and other cases are put in suit, the results of which do not always show that the officer is a defaulter. There may be cases of honest differences of opinion between the officer and the Department as to the law, which are to be settled by the courts. A great many cases grew up before the present improved system of keeping the accounts, when disbursing officers who were also receiving officers received the revenues of the Government, disbursed the expenses of their Departments, and turned over the balance to the Treasury. That system prevailed until it was reformed in our day, and under that system the result of every difference of opinion between a disbursing officer and the Department would stand as a defalcation against him. Some of these cases are so trifling that I have collated a few of them. Although I should not read the name of any person who would suffer by it, I suppose the illustrious name of Washington Irving will not suffer if I say that he stands here as a defaulter to the amount of *three cents!* Here is another officer in the list whom I was instrumental, among others, in commanding to the public service, in which he greatly distinguished himself. I shall hold myself responsible for his defalcation, principal and interest in gold. It amounts to *one cent*. I do not suppose anybody will think that Robert Walsh was an embezzler or defaulter to the Government, and yet he is put down for a small amount. Here I find an old colonel whom I knew well, who died in 1854, who is marked as a defaulter for \$3.60.

Mr. President, I do not wish to impair the credit of the great banking house of this city, but I am bound to say that Corcoran & Riggs stand down here as defendants under this call.

Baring Brothers are down, and, worse than that, the English government itself is put down as a defaulter. As we have just settled nearly all our old difficulties with England and got into a new one, I do not wish to see the credit of that government impaired, and for its relief I must say that a marginal note reads: "The Secretary of State says he has no doubt this was settled long ago." It occurred in 1813, but it stands on the books as over \$1,200 of default by the British government.

Mr. President, I might go over a great many illustrations of the same kind, but I have made quite sufficient to show that, while there are of course in the great operations of the Treasury many defaulters and many embezzlers, nothing could be more unjust than to mix them up with these persons who are marked in default in the Treasury, but who are not defaulters in any sense whatever, and probably do not owe the Government anything. Certainly it is not likely that Corcoran & Riggs, Baring Brothers, and the British government owe the Treasury anything.

That is what Senators said in regard to this document, and yet the table is printed. They discredit the source, they deny its truth, they repudiate its statements; yet they order its results to be printed and preserved, and it is used as a campaign document. They make campaign speeches upon it. They quote it as true, and they calculate results from it. What becomes of political fairness if such proceedings as these are to be countenanced by the Senate? What becomes of the verity, the truthfulness of the record of the Senate if statements of this kind are to be printed and filed with our records to remain there as official documents from the Treasury Department? The basis of this statement was bad, the structure unsound, and the results it produces are utterly and absolutely unreliable. The statement is incorrect in every particular; the losses are not truthfully stated, and necessarily the conclusions are not correct; and yet the Senator from Indiana prints the statement and relies upon it. A leader of the House—I dare not refer to what is said in the House; but in the RECORD of Sunday I find a speech that also relies upon this and quotes it *in extenso*, to a figure, administration by administration, the ratio of losses fixed by this most veracious document. It is quoted by the republican leader of the House, not by him alone, but another prominent republican gentleman of the House in his speech also quotes and relies on it.

It is for us to test this statement by known facts, ascertain whether it is true, discover for ourselves whether it can be relied upon, learn whether this is the kind of budget to be given to an intelligent people on the eve of a great political contest by the Senate of the United States from which the people are to make up a verdict which is to control their destinies for four years. Let us examine it by the tests of the record; let us examine it by printed documents; let us test its truth by that which cannot be gainsaid, and if we find that not only have Senators here discredited it, but that on its face it bears falsehood, then the cause that it attempts to serve must be baseless and bad indeed.

At the outset it may be said that it is of course difficult for those who are in opposition to obtain the necessary access to records to get the data on which to contradict a statement of this character.

Mr. EDMUND. What does the Senator mean by that?

Mr. WALLACE. I mean by that that we are compelled to grope our way through printed records. We go for data to the Treasury Department, and find it occupied with something else; to other Departments, and printed orders intervene; and when we go to the Treasury we cannot get a voluminous mass of documents in time to serve our purposes, and yet Senators get it. I do not pretend to say that there is any willful disposition to refuse information, yet I say that printed orders are in the road, that time cannot be given to the officials to furnish the documents in time for use on such occasions as this.

Mr. EDMUND. If the Senator will allow me, because that is rather a serious implication, I wish to say for one, and I feel pretty sure that I am stating the truth, that no discrimination whatever is made in the Treasury, or any other Department, between Senators, with regard to their political faith, or their race, or color, or whatever, and the Senator can get all the information from the Treasury that my honorable friend from Massachusetts, an Ex-Secretary, can, at any time.

Mr. WALLACE. I have no doubt that I can get it; it will not be denied, but it will not come in time to serve the purpose.

Mr. EDMUND. It will come in the same time that it will for anybody else.

Mr. WALLACE. The Senator may have that opinion, but I am entitled to mine. We are obliged to grope through printed data; we are obliged to meet the accusations that we find on this printed statement in the best way we can. If we prove its falsehood in vital points we think we shall have disposed of it. If we prove that it is untrue and false in certain vital points, the maxim *falsus in uno, falsus in omnibus* applies, and we can rely on the people to fail to believe its reliability as a whole.

The Senator from Indiana states that during the last term of President Jackson, from January 1, 1833, to December 31, 1837, or as it should be, from March 4, 1833, to March 4, 1837, the ratio of loss by defalcations was \$10.55 per \$1,000, and he relies on this statement to demonstrate this and the figures given by it he says is the actual amount of defalcation. This statement shows, and he relies upon it, that there were losses by receiving officers of \$1,383,825, and there were losses by disbursing officers of \$1,163,000, a total loss of \$2,547,000. Here is a specific, distinct, and accurate statement apparently. Let us see how fallacious it is; how wild a statement these loose data furnish. It is fortunate that we have the data for these four years or we could not meet these charges; but it happens that on the records is found a report of Hon. Levi Woodbury, Secretary of the Treasury, made in 1839, to the House of Representatives, in which the real losses by defalcations from 1789 up to that date are stated. That report is found in House Document No. 10 of the Twenty-sixth Congress, first session. It shows the losses by receiving officers to be \$214,648, not \$1,383,000. It shows the losses by disbursing officers to be \$230,336, not \$1,163,000; total losses on both sides \$444,984, not \$2,547,601; thus making the trifling difference of \$2,102,000. On the figures of the Senator from Indiana this difference makes the ratio \$1.87 per thousand of losses in place of \$10.55. Can we rely upon data of this character, when we find upon the records of the Government a statement over the signature of the Secretary of the Treasury palpably, plainly, distinctly saying that instead of the losses being \$2,547,000 for those four years they were \$444,984? From one we learn all. I have extracted these figures, and have a table which I annex:

*Extracts from statement of aggregate amount of defalcations and ratio of losses from 1789 to March 4, 1837, furnished December 30, 1839, to Congress and found in House Document No. 10, first session Twenty-sixth Congress, including public debt.*

DISBURSEMENTS.

Period, March 4, 1833, to March 4, 1837. Expenses, including public debt:	
1833	\$22,049,297 95
1834	18,420,467 12
1835	17,005,418 55
1836	29,635,244 46
Total for four years.	87,130,428 03
Total defalcations.	230,336 32
Ratio of loss per \$1,000.	2 60
Whole number of defaulters.	84
Total loss by disbursing officers from 1789 to 1837.	4,956,573 56

RECEIPTS.

Period from March 4, 1833, to March 4, 1837:	
Total receipts.	\$136,531,971 64
Total defalcations.	214,648 03
Ratio of loss per \$1,000.	1 50
Whole number of defaulters.	18
Total loss by receiving officers, 1789 to 1834.	\$2,038,549 81
Total receipts and disbursements during Jackson's last term.	\$223,662,399 72
Total defalcations during Jackson's last term.	444,984 35
Ratio of loss per \$1,000.	1 90
Ratio of loss during same term as stated in Treasurer's report.	10 55
Error as shown by original official report.	8 65
Whole amount of losses from 1789 to March 4, 1837, (48 years).	6,995,123 37
Annual loss.	145,731
Whole amount of loss from July 1, 1861, to June 30, 1875, (14 years).	14,253,303 47
Annual loss.	1,018,033 00

Mr. Secretary Woodbury in his report on the finances made to Congress December 3, 1839, discusses this subject so broadly and specifically and so thoroughly refutes this nameless statement as to its figures, that I quote him:

The particular losses in each presidential term being also desired by the resolution they have been ascertained; and as they furnish a striking solution of some of the general causes of those losses, the periods in which the largest and some of the smallest ones happened among each class of public agents might be usefully designated here. Among the banks the largest losses were from 1813 to 1817 then consisting entirely of depreciation on notes taken, and next from 1821 to 1824, consisting then chiefly of deposits; while from 1829 to 1833 and from 1833 to 1837 they were smaller than in any period since 1813. Among disbursing officers, looking to the amount disbursed, the largest losses were from 1821 to 1825, next from 1817 to 1821, and next from 1809 to 1813; and they were smaller from 1829 to 1833 and from 1833 to 1837 than in any other term whatever, except from 1789 to 1793.

Mr. MORRILL. The Senator from Pennsylvania is calling attention to some errors at the Treasury Department. I desire to ask him if he has noticed some of the errors in the statements of Mr. Tilden, the nominee of the democratic party. He states the amount of the outflow of gold from this country for a series of years, but omits to deduct what has flowed in, making a difference from the true statement of \$200,000,000?

Mr. WALLACE. The Senator has taken the floor and interjected a speech without asking my leave.

The PRESIDENT *pro tempore*. The Chair asked the Senator from Pennsylvania if he yielded to the Senator from Vermont. Does he yield?

Mr. MORRILL. I do not desire to interrupt the Senator.

Mr. WALLACE. I will only say that, following the example of the other Senator from Vermont, [Mr. EDMUNDs,] I am making a political speech, and I trust I shall not be again interrupted.

Mr. EDMUNDs. But the other Senator from Vermont yielded to interruptions continually.

Mr. WALLACE. The Senator from Vermont is a much older settler here than the Senator from Pennsylvania. When he gets to be as old in this Hall as the Senator from Vermont he will yield as often as the Senator.

Mr. MORRILL. I only desired to call attention to two errors, the one in regard to the outflow of gold and the other in regard to taxes amounting to from four hundred to five hundred millions.

Mr. WALLACE. I decline to yield. I continue to read from the report of Mr. Secretary Woodbury.

The loss on each \$100 from 1829 to 1833 was only nineteen cents, and from 1833 to 1837 only twenty-six cents, while in some previous terms it was as high as \$2 16. In this class the most numerous losses compared with all in office were from 1817 to 1821, next from 1821 to 1825, and next from 1813 to 1817. The smallest proportion in this respect, except during the first two terms under the Constitution, was from 1829 to 1833, and except those and the third term the next smallest was from 1833 to 1837.

Among collecting officers, if looking to the amounts collected, the highest losses were from 1797 to 1801, next from 1809 to 1813, next from 1817 to 1821, and next from 1805 to 1809. The most numerous defaults, compared with the whole number of that class in office, were from 1809 to 1813, next from 1805 to 1809, next from 1821 to 1825, next from 1817 to 1821, and next from 1825 to 1828. The ratio of them from 1829 to 1833 and 1833 to 1837 was not one-fourth as large as in some of the periods just enumerated. Indeed it was less than in any previous terms from the foundation of the Government except four, and the number of such defaulters was less than in any presidential term since 1804.

Mr. President, I might stop here and treat this veracious statement from the Treasury Department without signature as a discredited witness, but because the printed records give us no specific data with which to meet its falsity as to subsequent dates, I take it up as a whole and contrast it with such records as I can find on the subject and ask that reason and sense shall guide us to the truth.

It seems that the aggregate loss by the statement published between 1834 and 1861 is \$15,269,000. This is too large; the Senator admits it himself. It contains discrepancies with the figures that I have already read. If those four years are a test, it is \$7,000,000 too large. The whole sum of the losses for forty-eight years is less than \$7,000,000, as shown by this statement of Secretary Woodbury. The actual losses by death and hopeless insolvency are shown by Mr. Solicitor Streeter on the 25th of October, 1856, to be \$7,822,418. The defalcation shown by the books of the Treasury may have been larger, but those actually chargeable to profit and loss are stated by Mr. Streeter, as Solicitor of the Treasury, up to that date. This included debts in judgment for many years. It excluded all of which any hope remained for collection. This statement plainly contradicts the Treasury figures. He reports the ascertained insolvents up to October 25, 1856, and the statement of the Senator brought from the Treasury comes up to 1860.

*Report of ascertained insolvents up to October 25, 1856, as per report of F. B. Streeter, Solicitor of the Treasury.*

Debts originating in Navy Department.	\$1,405,631 55
Debts originating in War Department.	2,942,153 71
Debts originating in customs.	570,333 16
Debts originating in foreign intercourse.	24,360 84
Debts originating in Indians.	89,490 40
Debts originating in lands.	290,627 13
Debts originating in miscellaneous accounts.	890,688 90
	6,213,345 69
Balances due from banks, unavailable.	1,609,072 32

Total losses.

7,822,418 01

Treating these figures as the actual losses down to July, 1856, we will follow the suits of the Government to 1859 through the reports of the Treasury in order to learn the aggregate losses to that date and ascertain if we can if the data given us are true. By them we learn that suits for \$4,100,000 were brought, that \$2,030,000 thereof were collected, and \$2,057,000 uncollected. If we add this latter sum to the lost debts, we find the whole loss to be \$9,880,000 and not \$15,260,000. These figures expressly contradict this statement, so that there is no possible escape.

This brings us to the conclusion irresistibly that the figures from 1834 to 1859 are not the real sums of the losses. But, for the sake of the argument, let us assume that this statement of losses from the Treasury is correct, its figures are true, its conclusions are justly drawn. Then let us glance at the results that follow. If this veracious paper be literally true, we find that the greatest total loss shown by the statement through receiving officers from 1861 to 1875 was \$4,348,000; from disbursing officers, \$9,905,000. In fourteen years the total loss was \$14,253,000; annual loss, \$1,018,000. Loss through receiving officers from January, 1834, to June 30, 1861, \$2,907,000; through disbursing officers from January 1, 1834, to June 30, 1861, \$12,361,000. Total loss in twenty-seven and a half years, \$15,260,000; an annual loss of \$555,255.

Taking the figures of the Treasury statement itself, it shows a loss of a million annually, while during the twenty-seven and a half years preceding there there was a loss of something over half a million annually. A loss of a million annually—a trifle, a mere bagatelle; officials take but fourteen and a quarter millions in four

teen years, hence our economy is plain. The people are suffering and our expenses are increasing, hence our economy is plain. This is the logic of the argument and of the document I am commenting on.

Where have the losses occurred that this total gives as the aggregate thereof from 1861 to 1875? By report made to the House in 1874 we find that one hundred and fifty-seven paymasters in the Army are in arrears \$768,706. From the report of the Naval Committee of the House we learn that one hundred and twelve paymasters in the Navy are in arrears \$1,154,000. From the unprinted document we find that one hundred and forty-eight collectors of internal revenue are in arrears about \$3,600,000; and that out of four hundred and ninety-five defaulters in the Indian service these papers show two hundred and seventy-seven in the past fifteen years, and but two hundred and eighteen in the thirty years preceding. From the letter of Mr. Pratt, Commissioner of the Internal Revenue, we learn that of cash deficiencies of collectors of internal revenue between March 1, 1869, and February 28, 1876, there are \$592,751.

The statement that I have referred to is contradicted by the facts; leading Senators challenge the data and refuse to permit that data to be printed. Common sense and the rule of practice in ordinary affairs certify it not to be true, and the conclusions are irresistible that the figures given as the losses from 1834 to 1859 are not the sum of the losses sustained by the Government during those years, but are overstated. The unprinted document being untruthful, the data based upon it is necessarily false and the results deduced therefrom are without support in fact; but this table and these figures have gone to the country. Three leading members of the republican party have accepted and indorsed the statement, and it and their speeches are being sent broadcast over the land under the franks of members of Congress. How untruthful it is let us see further.

It states the receipts of the Government, after leaving out the war, since July 1, 1865, at \$8,039,184,922, and the disbursements at \$7,909,434,948; making a total of receipts and disbursements since the 1st of July, 1865, of \$16,048,520,870. The mind of the ordinary man is not more bewildered at the attempt to grasp the magnitude of the proportions of \$16,148,520,870 than it is amazed at the cool audacity which will parade these figures as the aggregate receipts and disbursements of the Government during a period of ten years of peace, and attempt to build thereon a superstructure of argument for an intelligent people. Excluding from the calculation everything but the actual expenditures of the Government, and ascertaining by the data given us by the Senator from Indiana the sum-total of the losses for ten years, from July 1, 1865, as well on account of receipts as of disbursements, we find that those actual expenses have been \$2,077,573,973; that the aggregate sum of the losses has been \$7,145,786; the average annual expenditures, \$207,757,397; the average annual loss, \$714,578; and the loss per \$1,000 of expenditure \$3.43 in the ten years.

I have the figures and the ratio of loss for the ten years ending June 30, 1875, tabulated, which I will not detain the Senate to read.

For these ten years the Senator from Indiana says the ratio was in Johnson's administration forty-eight cents; in Grant's first administration forty cents, and in the last three years of Grant's administration twenty-six cents on the \$1,000; while we find it to be an average of \$3.43 on the \$1,000.

Let the people judge between us.

*Losses and ratio of loss per \$1,000 for ten years ending June 30, 1875, upon the basis of the actual expenditures of the Government, excluding the public debt and interest:*

Period, July 1, 1865 to June 30, 1869:	
1866	\$387,683,199
1867	215,695,113
1868	236,916,239
1869	190,526,355
Total	1,030,820,906
July 1, 1869, to June 30, 1873:	
1870	\$180,418,062
1871	166,600,623
1872	153,201,856
1873	180,488,638
Total	680,709,179
July 1, 1873, to June 30, 1875:	
1874	\$195,514,058
1875	171,529,828
Total	367,043,886
Totals	2,077,573,973
Total loss receiving and disbursing	7,145,786
Loss per \$1,000	3.43

Now, Mr. President, I am done with this statement. Let what I have said on the subject and the references that I have given go to the country side by side with the statements and the speeches that have been made based upon it, and let an intelligent people judge between them as to their truth.

But if it all be true, how does it affect the question that is before us now? How do these figures help to give relief from business de-

pression or in the reduction of taxation? How do they aid to give cheap government, honest government? These are the issues of the present hour, and no tirades on the past, or its corruption, or its figures of expenditures, or on sporadic grievances in isolated localities will divert the minds of the people from these, the real, the grave, the vital issues of the pending campaign. They who administered the Government in those days were tried before the great tribunal of the people, and in obedience to the law of our being, both natural and political, the safety-valve of the Republic, the only protection in a government of law when it is maladministered, the remedy of change, they were driven from the seats of power.

The issues of the present and of the recent past as they affect the people now and in the future are here. They confront you now and here. They are the issues that impend before the people and they are to be answered. It is not for you to arraign the past, but it is for you to answer for the present. Why do the people cry for bread? Why do they demand employment? Why are they found in thousands throughout all this broad land seeking employment, hunting bread for their children and their wives? Why are our manufactures destroyed, our business men bankrupted? Whence comes this universal distrust of those who rule? Why is it that the people in every part of this broad land distrust those who rule? Is your administration of the Government an honest one, is it a just one, is it a cheap one? Is your financial policy a wise one? These and kindred questions press now upon the people, and the people will have them answered. Those who suffer and who see those whom they love suffer, think deeply, think seriously, think earnestly. The people suffer and they think.

Why have the expenses of the Government increased since 1872? I speak now from official figures. The whole sum expended in the fiscal year ending June 30, 1872, was \$270,559,695. The whole sum expended for the fiscal year ending June 30, 1875, was \$274,623,392. The increase was \$4,063,697. The decrease on account of interest on the public debt, included in both items, was \$14,264,295, and the gross increase was \$18,327,992. Deduct increase in pension and Indian appropriations from 1872 to 1875, \$3,245,745, making an actual increase of expenses from 1872 to 1875, for civil service, War and Navy Departments alone, of \$15,082,247.

Mr. BOUTWELL. Will the Senator allow me to correct him?

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania decline to yield?

Mr. WALLACE. I cannot yield. I have already stated that I decline to be interrupted. The Senator can make his speech after I get through.

Mr. BOUTWELL. I have no speech to make, but I should like to have the Senator correct.

Mr. WALLACE. In those years the civil service increased from \$60,984,757 to \$69,100,884, making an increase of the civil service from 1872 to 1875 of \$8,116,127.

The civil service cost the people in the fiscal year ending June 30—

1867	\$51,110,027
1869	56,474,061
1872	60,984,757
1875	69,100,884

Showing a gradual increase since the war, until by the last report it reaches \$17,990,859 more than in 1867.

*Expenditures of the Government for ten years ending June 30, 1865.*

Year.	Total expended.	For interest on debts.	Civil serv.ice.	Pensions and Indians.	War.	Navy.
1866	\$520,750,940	\$133,067,741	\$41,056,961	\$18,552,416	\$284,449,701	\$43,394,118
1867	346,729,124	131,034,011	51,110,027	25,579,083	95,224,415	43,781,501
1868	377,340,284	140,424,045	60,011,018	27,883,069	123,246,648	45,775,502
1869	321,490,597	132,964,242	56,471,061	35,519,544	78,501,990	20,000,157
1870	309,653,560	129,235,498	69,234,017	31,748,140	57,655,675	21,780,229
1871	292,177,188	125,576,563	69,498,710	34,443,894	35,799,991	19,431,027
1872	270,559,695	117,357,839	69,934,757	35,595,130	35,372,137	21,249,809
1873	290,345,245	109,856,607	73,323,109	37,311,130	46,323,158	23,526,256
1874	302,633,873	107,119,815	69,641,593	35,730,876	42,313,927	30,932,587
1875	274,623,392	103,093,544	69,100,884	38,840,875	41,120,645	21,497,626
Total	3,306,303,898					

Mr. President, here is the plain proof that your expenses are increasing and your Government becoming more costly. You profess your desire to retrench. You cannot retrench if you would. Those who create abuses in governmental administration or suffer the necessities of their political being to press them forward and thus increase expenses can never reform them. It is as true an axiom in political theory as anything that exists therein, that those who create increased expenses or wrongs in administration can never reform them. The momentum of party organization, the hordes of needy retainers and the demands of officials who manipulate the primaries control and direct official action. You are in the groove of party and party necessity and you cannot get out if you would. The only remedy is the lever of change applied by the people.

Is your financial policy a wise one, or is it a fruitful cause of our present ills? Can a policy which has created and nourished a sys-

tem by which \$48,000 in gold in February, 1865, has in eleven years produced \$112,000 in dividends and now aggregates \$108,000 in surplus and other outstanding profits in addition, and under which the owners thereof can now go into the market with their \$100,000 of bonds bought for \$48,000 in gold in 1865 and sell them for \$126,000, be anything else but a cause of distress and disaster?

Yet this is the record of a part of your system, and it is not an isolated case. I take eighteen cases of a similar character distributed through the State in which I live, not old organizations with their accretions, but new organizations dating from June, 1863, to March, 1865, and here again I speak by official figures. I have the data from the Comptroller of the Treasury in regard to what I say under date not earlier than the 1st of July. These organizations date from June, 1863, to March, 1865, when the greenback dollar was ranging from forty-two to seventy-six, averaging about sixty-five cents in gold. With a capital of \$2,800,000 these eighteen institutions have deposited bonds to the amount of \$2,819,000. Their dividends to July 1, 1876, are \$3,851,455. Their surplus and other profits are \$1,866,751, and the total dividends and surplus in twelve years on \$2,800,000 is \$5,718,204.

If the bonds that they deposited are sixes of 1881, they can go into the market to-day with the \$2,819,000 of bonds costing in gold in 1863 and 1864 \$1,832,350, and they can sell them for \$3,551,940 in legal-tenders. Thus the investment of \$1,832,350 in gold yields \$7,437,794, or more than 400 per cent. in twelve years. In these figures are found the traces of the ruin of manufactures, of merchants, of business men of every class. The system that permits such results is bad and only bad continually; the legislation that fosters, that produces, or that permits such a condition of things needs correction and amendment. That legislation lies at your door; it is not ours.

This is but one of the evils of this financial policy. It should be corrected by recognizing the existence of other powers and other interests than aggregated wealth. The time has come in this country when something else than aggregated wealth is to be recognized as the power of the country. There are men of brains and muscle, living, breathing men of this country in other vocations who have rights as well as those who represent aggregated wealth. The time has come for the pendulum to swing in the other direction, and those in power will mark well the query as to whether the hour has not struck now.

Is the country to tread remorselessly under the lead of the Senator from Ohio [Mr. SHERMAN] the path to specie payment without preparation? Since July 1, 1865, we have expended for administration and paid debt amounting to \$3,861,502,508. This is equal to the debt of Great Britain. No more exhaustive labor was ever imposed upon any people. Is it strange that we are distressed, exhausted, and poor? Is it the part of wisdom to continue this destructive process or shall we make haste slowly in our march to specie payments? Is there to be no time to breathe? Is it strange that the people grow restive? Are there to be no moments of rest for those who have saved as well the faith as the unity of the Republic? Is this generation to be forced into bankruptcy in order that the next may be freed from debt? No wise government will do so for such an idea. It is the path of prudence to postpone resumption until the people are rested from the exhaustive processes of the past ten years, from the financial distress of the past three years, and until by natural and steady growth of confidence and business resumption will come with ease and with safety. This is no question of inflation. It is simply a question of the removal of a standing menace from the business men of the country, the removal of an appalling shadow which they believe, whether rightly or wrongly, is the cause of their present trouble. It is no question of hard money or soft money. The people I represent on this floor believe in paying their debts in honest money, in coin. And, sir, my vote will never be found here recorded either for the inflation of the currency to the extent of one dollar or for anything else than the honest payment of the public debt in coin. But, sir, they ask with the earnestness of an honest people, where are the evidences of your ability to pay your notes? Where are the signs of preparation for resumption? Is it the news that comes to us from the East but recently in which the A. W. Sprague & Co. mills are shut down and eight or nine thousand employes turned loose upon the world? See the picture in my own State. The thriving mechanic or laborer who but three years since bought his lot and built his house, paid upon them the half and gave his mortgage for the balance, finds that under this policy his house and his lot both go to pay the mortgage; the hard earnings of all his years are swept away to increase the value of the Government's obligations, which flows from the shrinking of the value of real estate and the swelling of the value of those obligations under your system of legislation, and his wife and children are to be turned homeless upon the world.

The enterprising man of business too, the man who is between capital and labor with his hand upon both, the scheming, active, energetic man, the middle class in this country, upon whom all of its future depends, the live, energetic, business man with an intelligent brain, a cunning hand, and an industrious body, this man having but a small capital, hires money from the capitalists to conduct his business, and he, too, under the operations of this system sees himself unable to meet that which he has agreed to pay, and he, too, must go to the wall. Property decreases in value on every side. Money and moneyed securities appreciate as the threat continues; men grow sus-

picious; values are unsettled in every direction; sheriffs' sales increase; bankrupt merchants are found in every calling; the shadow of self-murder falls upon the path of many. Your legislation in the interest of aggregated wealth and against the business man has given us this condition of things. Since the use of a mixed currency there has never been an hour when all the paper obligations of the country could be redeemed in coin. Credit and confidence were as essential as the modicum of gold that was at its root. Can credit and confidence ever come while values fall and business men quake and capitalists refuse to lend? To steady values and stay panics we must not only provide specie, but we must bring the public mind to the conclusion that they do not need it. Can such a condition of things ever come while the shadow of enforced resumption without preparation appalls them with its unknown terrors? Sir, Pennsylvania, pointing to her record—and I speak for the vast majority of her people; I am as conscious of it as I am that I am here—Pennsylvania, pointing to her past record, her sacrifices, and her suffering, to her prostrated industries, to her manufactories closed, to her mines abandoned, to her factories untenanted, to her iron unsold, to her coal in heaps, to her lumber in piles, to her tens of thousands of unemployed men, artisans, laborers, and miners scattered all over that broad State; Pennsylvania, that great Commonwealth, here and now recognizing her obligation to pay her debt to the utmost farthing in coin—Pennsylvania and her people ask for time, for preparation, for an easier road to resumption.

Why do the people distrust those who rule? Is your administration of the Government an honest one in their view? It is for you to answer? Are the people justified in their belief that we have had an administration of the Government that has discarded statesmanship and sought inexperience, that has ignored integrity in official trust and patronized the corrupted and the vile, that has permitted wealth to be gathered from meager salaries, that has tolerated the jobber and the speculator on the threshold of the White House, that has reversed the philosophy of the Trojan who feared the Greeks and those bearing gifts, that has held complicity with gold-gambling and nurtured and petted a whisky ring, stolidly winked at corrupt practices in the custom-houses, disgraced the country in the San Domingo and the Secor business, lost an Attorney-General who resigned pending charges of misuse of the public money, a Secretary of the Interior by unrefuted charges of corruption in his Department, a Secretary of the Treasury forced from his place by public indignation, a Postmaster-General whose method and record were unsatisfactory to a discriminating people, a Secretary of War whose trial for bribery has just been concluded, and a minister to Great Britain whose methods a unanimous committee declared to be improper and unjustifiable? Are the people justified in this belief? Are they right or are they wrong when they ask with impressive earnestness, Has not the rule of official accountability been held for naught, and have not positions of honor and of trust been made the bauble and the gift of personal preference, and capacity and honesty been among the last qualifications required? Have we not had bribery in the War Office? Are there not charges of swindling of pensioners, and of plundering in mail-lettings and in surveys of the public lands, of bribery at elections, of black-mailing of merchants, of conspiracies to cheat justice and avert burglars, of disgrace in diplomacy and personal misgovernment? Are these charges not true? If the people be deceived in regard to these charges, if they be not true, give them the proofs and they will acquit you; give them the proofs, and they will not hold you responsible; but these issues are those to which the people at the present hour seem to apply their attention. They are the vital points, the pith and marrow of the struggle. If they are true, have they been indorsed? The seventeenth resolution at Cincinnati reads thus:

The national administration merits commendation for its honorable work in the management of our domestic and foreign affairs, and President Grant deserves the continued and hearty gratitude of the American people for his patriotism and his immense services in war and peace.

I make no assertion that these charges are proved; I say they are in existence. They are for you to answer, and you have indorsed the Administration under which the people believe them to have been in existence. If these be not true, it is for you to show their untruth. It is very plain that the issues sought to be made to-day in this Chamber are not those to which I have endeavored to call attention. The issue that you seek to manufacture relates to the South. Your issue is to be based upon the misdeeds of the southern people. It is not the questions of cheap government, of honest government, of a sound financial policy; but it is solely on the outrages you claim have been perpetrated by the southern people that you seek to have the issue fought. We have had this in the speeches of the Senator from South Carolina, the Senator from Vermont, and the Senator from Indiana. We ask you, is your administration of the Government a cheap one? Let the increased expenses found in your annual Treasury reports answer that question. Is your financial policy a sound one? Let the condition of the business people of the country answer that question. Is your administration of the Government an honest one? Let the records of the past seven years and the belief in the minds of the people themselves answer that question.

Mr. SHERMAN. Mr. President, before I proceed with what I intended to say to-night, I wish to refer very briefly to one or two points made by the Senator from Pennsylvania, [Mr. WALLACE.] I express my profound regret that the Senator has deemed it his duty to make

the closing paragraphs of his speech. His quiet, kind, and I may say gentle way with us led me to form the impression that he would not do injustice to any one, and especially would not arraign the President of the United States and men high in authority on nameless charges and innuendoes. And now he says he makes no charge. He makes innuendoes, he repeats the common garbage of the street, the same kind of garbage that was published to defame the memory of Washington, Jefferson, Madison, and would have driven any man but Jackson to his grave, that haunted the life of every man who has had the misfortune to be President of the United States. He makes no charge. He repeats these baseless innuendoes and then says, "come forward with your proofs and disprove them." Is that the way in which a man and an administration and a cause are to be tried here? I believe my honorable friend from Pennsylvania will regret the closing paragraphs of his speech. The rest of the speech is *political*. He says so himself, and it was political if to be political is to be harsh and unjust; but he will find that it is not politic, because in politics a man must never exaggerate; he must lay down the line and plummet and pursue the mark of unbending truth.

Now, Mr. President, there were two statements made by the Senator from Pennsylvania that shocked me at once. He says that the republican party and my friend from Indiana, who is not here, put upon your record a statement that was not signed, that had no mark of official authority, that was published to the world, and is false. If I understood him correctly, that was the charge. Now upon the files of the Secretary, when he spoke and when the Senator from Indiana [Mr. MORTON] offered a printed statement showing the percentage of losses by defalcations during all the Administrations since 1834, there is and was an official document which accompanied the statements called for, and among which was the table read by the Senator from Indiana, and this document is signed "B. H. Bristow, Secretary of the Treasury." I will read the closing paragraph. After calling attention to the long list furnished, he says:

In reply I have to transmit herewith the statement of balances called for, also a recapitulation showing the amount of such losses, also the amount of the receipts and disbursements of the Government for the same period, and the ratio of losses per \$1,000 to the aggregate received and disbursed, arranged as nearly as practicable in periods of four years each; also a statement showing, as far as known to this Department, the stocks held by the United States in trust or to secure moneys paid, as called for by the terms of the resolution.

There is his sign-manual, known I suppose to every Senator on this floor. This paper now belongs to the files of the Senate, and I produce it here. That recapitulation, as it is called, is a true statement taken from the records of the Treasury Department, and it is fortified by names to the last cent; and because we did not desire to print these names, which no doubt would do injury to many living and to the dead, therefore the statement which accompanied that list is to be denounced as having no official signature, no official sanction, and being false. I show you the official signature of Benjamin H. Bristow, a gentleman who at least has never been dishonored by falsehood, and this is the official document, the correctness of which is disputed in a *political* speech.

Then, in order to show that there had been large defalcations in the internal-revenue service, the Senator produced the old, stale story that I have myself three times during this session met by the official denial; and that is that a certain statement often made on the stump that official defalcations in the collection of internal revenue amounted to over \$20,000,000, when the paper itself upon its face over the signature of R. W. Tayler, Comptroller, shows that it is not a statement of defalcations, but it is a statement of uncollected balances due from the people of the United States to collectors of internal revenue whose accounts are in process of settlement; and here is the document. It has been several times referred to. We also have the official statements since that time that the actual loss or defalcation on collections by collectors of internal revenue was something less than \$2,000,000; the precise amount I have not now before me. All I can say as to these most striking statements made by the Senator is that if the rest of his figures are as wild as these the people of Pennsylvania will find it out before the election, and, instead of its being political, it will be a very bad document for my honorable friend. I will allude after a while to the statement in which he gives us credit for paying \$3,891,000,000 interest and principal of the public debt. I pass that, however, for the present because that was the wildest statement of all.

Mr. WALLACE. The Senator will observe that I said the payments on account of the expenses of the Government and the debt since 1865.

Mr. SHERMAN. I did not so understand the Senator, but I give him the benefit of his correction. Before I get through I will give the exact amount collected during the time referred to.

Mr. BOUTWELL. Will the Senator from Ohio refer to the last-named document by its number, so that it may go in his speech?

Mr. SHERMAN. Executive Document No. 140, third session Forty-first Congress. It has been referred to before.

Now, Mr. President, this resolution has given rise to an extensive political debate, and in the course of that debate more than one Senator has referred to the democratic platform and to the commentary upon that platform by Governor Tilden, the candidate for President on the democratic ticket. Now, sir, I propose to subject this democratic platform and the commentary of Governor Tilden to some crit-

icism; and in order that I may not do injustice, in order that I may not exaggerate and go beyond the bounds of reason, beyond the bounds of strict fact, I will have in the course of my remarks every paragraph of this platform and all that is material in the letter of Governor Tilden which bears on our currency and our public debt read to the Senate, and then I will test the promises and pretenses in this platform and in this letter by the actual facts and conduct of the democratic party.

Sir, neither an individual nor a party is to be tested by what it promises. The greatest scoundrel that ever lived could outpromise the most honest man that ever lived. It is the conduct and acts of a party, as well as the conduct and acts of an individual, that give it character, and it is the acts and tendencies of the party that will lead the people of the United States to decide whether or not this party can be restored now safely to power, and not the mere empty promises of a platform. My friend from Pennsylvania used one phrase that I thought was very well. He said the republican party was in the grooves, in the ruts; it was impelled by party necessity. I want to show what have been the grooves and the ruts and the party necessities of the democratic party by sober facts and figures; and, in order that I may not seek to go back and blacken the democratic party by what occurred during the war, I intend to confine myself mainly to that which relates to our currency and to our debt, and to show you here upon the record what has been the course of the democratic party upon the very topics embraced in the financial promises of this platform.

Mr. President, what is this platform? The first paragraph which relates to the subject now before us is a very brief one. It is in pursuance of the purpose which dictated this party platform of sounding often and long the word "reform." After acquiescing in all the great things we have done in the memorable disputes between the republican and democratic parties, they demand reform, and they go on to say:

Reform is necessary to establish a sound currency, restore the public credit, and maintain the national honor.

"To establish a sound currency." Who established the present currency composed of United States notes and national-bank notes? The republican party, against the vote of nearly every democrat in both Houses of Congress. The United States notes were established by the act of February 25, 1862, and but two democratic Senators voted for it and they were wreathed with immortal honor from that moment. The national-bank act was passed here by a pretty close vote, not a single democrat voting for it. All our national-currency laws were republican measures, passed against the vote of nearly every democrat, and it is conceded now, not only by the people of this country of both political parties, but by the people of all nations who study the laws of currency, that we have established the best paper currency that has ever been devised by mortal man, lacking only one quality to make it perfect, and that is the capacity of being converted on the demand of the holder into gold and silver coin. Our national currency, the mode by which it is guarded, printed, surrounded, its absolute security against loss, all of these have excited the admiration of all, and earned the highest compliment from Governor Tilden for its strength and safety. How are you going to reform this system? What measure of reform do you propose about our United States notes and national currency? Do you propose in the name of reform to restore to the old State banks, with their many colored forms and various and changing value? Lay not you hands on this system except in the way of advancing the notes to par in gold and silver, which I will come to presently.

But they talk about "restoring the public credit." Restoring the public credit! When was the public credit higher than it is this day? How was it when the democratic party went out of power, when our bonds were sold at 11 per cent. discount?

Mr. BOUTWELL. Fifteen.

Mr. SHERMAN. Yes, sir, 15 per cent. discount; and they actually paid 10 per cent. interest to get money enough to carry on the ordinary operations of the Government.

Mr. CONKLING. Twelve per cent.

Mr. SHERMAN. Twelve per cent. was it? I always want to keep within the line, and I will not exaggerate knowingly. But, sir, they talk about restoring the public credit. All our bonds to-day are worth more than par in gold in the money markets of the world. We are now offered money, gold, upon our bonds at 4½ per cent.; and the House of Representatives refuse to give the Secretary of the Treasury the power to sell a 4½ per cent. bond of a particular description in order to accomplish the great reduction of 1½ per cent. interest on nine hundred and eighty-five millions of bonds now bearing 6 per cent. interest. We early in this session, without a party division, by the unanimous vote of the Senate, my democratic associates joining with us, passed a bill to make some change in the funding law so that we might negotiate 4½ per cent. bonds at par in gold. We could have done it in April last, but the House refused to do it, or have neglected thus far to do it. Restore our credit! Our credit is second only to that of Great Britain among all the nations of the world, and Great Britain is a nation of unexampled wealth, drawing to her stores and supplies from every country in the world. But, sir, to-day the bonds of the United States are worth more than those of Germany or France, or any other country only save Great Britain.

And now, forsooth, we are to bring the democratic party back to restore our public credit!

What is the next thing they are going to do in the way of reform? To maintain the national honor! When before was the national honor more highly advanced than it is at this moment? Who has upheld the national honor in the field of battle and in foreign courts, at home and abroad, in war and in peace? In 1869 when a dangerous controversy as to the construction of our bonds sprang up, who was it that upheld the national honor? The republican party against the vote of every member of the democratic party in the Senate, as I will show you in another connection. We, forsooth, are to restore the democratic party in order to preserve the national honor!

What is the next paragraph in this platform?

We denounce the failure for all these eleven years to make good the promise of the legal-tender notes, which are a changing standard of value in the hands of the people, and the non-payment of which is a disregard of the plighted faith of the nation.

We are charged with the failure of advancing our notes toward par in gold, or advancing them at all. Now let us see what is the history of these notes. During the war, when the republican party was conducting the administration and was struggling against adversaries which almost endangered and overthrew our Government, our credit did fall down and our notes fell with it, until it was true at one time, in the darkest hours, that \$48,000 of gold would, to use the case put by my friend from Pennsylvania, [Mr. WALLACE,] have bought \$110,000 of paper money. Was that our fault? Are we responsible for that? No, sir; and at the close of the war our notes were still so far depreciated that they sold in 1865 for from 48 cents to 68 cents in gold. What, then, did the republican party do to advance these notes to gold? By an almost unanimous vote of both Houses we passed a resolution declaring that the Secretary of the Treasury, Mr. McCulloch, should proceed to fund the floating debt and contract the greenbacks, and thus march toward specie payments. That process was arrested by a strong popular feeling that grew up after it had been in operation about eighteen months—so strong that in this Senate every democrat voted to stop that contraction. In the House I believe every democrat voted for it, and every republican in the Senate also voted to stop that contraction except four, two from New England and two from the State of New York. I was one of those who voted to arrest, for the time, the contraction of the currency. If we caused a check of our progress toward specie payments, I share with others and all the democrats in both Houses must share in that responsibility. But still we did pursue the steady policy of funding all the floating indebtedness and carried it out, so that in 1869 our notes had been advanced to 76 cents in gold. What was done then? Then the question came up how to strengthen the public credit, how we should advance our notes still further toward the coin standard; and the republican party, after a long debate, in March, 1869, introduced and passed the bill called the "bill to strengthen the public credit." Who did that? Where were my democratic friends then? Where was this party that now denounces us with political crime because for eleven years we have not advanced to a specie standard? There and then was the opportunity which removed the last doubt upon the United States notes and the bonds. The questions that then clouded our credit were, first, whether or not the bonds might not be paid in greenbacks; and second, whether we intended to pay the greenbacks in coin, or intended to let them drift along, supported alone on the uneasy wave of public credit. We settled those questions by the "act to strengthen the public credit," by declaring that both bonds and notes should be payable in coin. This act plainly tended to advance our public credit and the value of the legal-tender notes. Where were our democratic friends then? I have here the vote. The vote in the Senate was 42 in the affirmative and 13 in the negative, as follows:

YEAS—Messrs. Abbott, Anthony, Boreman, Brownlow, Cameron, Cattell, Chandler, Conkling, Corbett, Cragin, Drake, Edmunds, Fenton, Ferry, Fessenden, Gilbert, Grimes, Harris, Howard, Kellogg, McDonald, Morrill, Nye, Patterson, Pool, Pratt, Ramsey, Robertson, Sawyer, Schurz, Scott, Sherman, Stewart, Sumner, Thayer, Tipton, Trumbull, Warner, Willey, Williams, Wilson, and Yates—42.

NAYS—Messrs. Bayard, Carpenter, Casserly, Cole, Davis, Morton, Osborn, Rice, Ross, Spencer, Stockton, Thurman, and Vickers—13.

There is not a single democrat among the yeas, and I recognize among the nays many of the honored leaders of that party that now arraigns us for delaying for eleven long years the march toward specie payments. That act which everybody sees now was the crucial point which advanced us rapidly toward the specie standard was opposed by the whole mass of the democratic party. By the operation of that act in a single year our notes rose from seventy-six cents to eighty-eight cents in coin, so that in March, 1870, our United States notes were worth eighty-eight cents in coin. There was but one step necessary then to be taken in order to bring those notes up to par in coin, and that was some suitable measure to gradually redeem a portion of them and to maintain them at par.

Now I wish to recall to the mind of Senators what occurred in 1870. The Committee on Finance matured a bill which was brought into the Senate and debated for many days; it was called the funding bill of 1870. I have here a copy of that bill as it passed the Senate. It passed the Senate with every republican in the Senate in favor of it and every democrat in the Senate opposed to it. Before I read the provisions of that bill and show you what effect it would have had

in advancing our notes to the par of gold, I call your attention to the vote. I do not wish to arraign gentlemen by name, but only give the vote as it stood. The yeas were 33, and the nays 10; as follows:

YEAS—Messrs. Anthony, Chandler, Cole, Conkling, Edmunds, Fenton, Ferry, Fowler, Gilbert, Harlan, Harris, Howard, Howell, Kellogg, Morrill of Vermont, Morton, Osborn, Pomeroy, Pratt, Ramsey, Revels, Rice, Sawyer, Schurz, Scott, Sherman, Stewart, Sumner, Thayer, Tipton, Warner, Williams, and Wilson—33.

NAYS—Messrs. Bayard, Boreman, Buckingham, Casserly, Corbett, McCreery, McDonald, Sprague, Stockton, and Thurman—10.

Not a single democrat voted in the affirmative. Thus that bill passed this Senate March 11, 1870. It has in it the provisions now recommended by Governor Tilden himself; and yet these gentlemen, now as then the leaders of the democratic party, voted in 1870 against the very proposition that he and they now in their platform denounce us for opposing and hindering. While we voted for what he proposes now, they voted against it. Here is the bill as it passed the Senate. The first two sections were very much like the present refunding act. By the third section authority was granted to the Secretary of the Treasury to issue 4 per cent. gold bonds, "payable in coin at forty years from date;" and it contains this provision:

And such bonds may be disposed of, either in the United States or elsewhere at not less than their par value, for coin, or, at the discretion of the Secretary, for United States notes; or may be exchanged at not less than par for any of the obligations of the United States outstanding at the date of the issue of such bonds.

Here is precisely what Governor Tilden himself now recommends, and that bill went to the House, and there a united democratic vote, with the aid of a portion of the republican vote, who had then already caught the idea that more paper money would be a good thing, defeated the funding bill of the Senate, and sent us back portions of it now the law called the refunding act. And yet we are denounced by the democratic party, sanctioned by Governor Tilden, for preventing the advance of these notes to gold; for not doing what with their utmost and united strength and votes they tried to prevent us from doing.

Now let me read from another section of this funding act that was stricken out by the House. The eighth section of the bill provided—

That the amount of circulating notes which any bank may receive from the Comptroller of the Currency under the provisions of section 21 of said act may equal, but not exceed, 80 per cent. of the par value of the bonds deposited, but shall not exceed in the aggregate the amount to which such bank may be entitled under said section.

That is, in order further to advance the notes to par, we required instead of 90 per cent. to be issued only 80 per cent., and thus provided for a retirement of bank-notes as well. We further provided in the last section—

That as circulating notes are issued under this section an equal amount of United States notes shall be canceled and destroyed.

Mr. BOGY. That bill did not pass the House where your party had a large majority. The democrats had hardly enough members to call for the yeas and nays.

Mr. SHERMAN. I intended to answer that. You say why did it not pass the House when the republican party had the majority? I answer that the democrats did all they could to defeat it and had aid from the republican party; but I ask you, does it lie in your mouths to arraign us because we could not do what we attempted and what you helped to prevent us from doing?

Mr. BOGY. At a proper time I can explain that the bill was injudicious, in my estimation; but the democrats had no power to prevent its passage even if it had been a good bill. Yet that bill itself I think can be shown to be injudicious.

Mr. SHERMAN. Governor Tilden now recommends the very things contained in that bill, and, because we could not carry both Houses in favor of the proposition and you aided to defeat it, we are to be arraigned by you! Well, sir, if that is what you call logic in politics, God save me from such logic. I know that the minority is not responsible for what is done, but it is responsible for what it helps to prevent and what it aids in doing. A minority should not lie back like a stubborn mule in the traces and prevent the wagon from going on. It may not lead the team, but it must do its duty. And, sir, I never heard yet in a legislative body or in any community or in any party, in a family or in a household, that, because one member has not the direction and command and control, he will therefore do nothing. A soldier, a captain, a colonel may not give an order; the general must command as the majority must in a legislative body; but must therefore the soldier and the captain and the colonel lie back and do nothing? And, worse, shall he oppose and resist and then shall he arraign the general because he could not do what these soldiers prevented? That is the position of the democratic party. And now Governor Tilden and the Saint Louis convention scold at us that for eleven years we have not advanced these notes to par in gold when they have resisted our efforts and every honest effort made in that direction.

Now I will go a little further. During all these controverted eleven years no democrat, high or low, in either House of Congress ever proposed a bill or measure that looked to resumption.

Mr. BAYARD. I do not know that the Senator exactly has a right to say that.

Mr. SHERMAN. Have I not?

Mr. BAYARD. I think not.

Mr. SHERMAN. Give me a case.

Mr. BAYARD. I can. If you will go to your committee-room you will find there a measure of the most stringent resumption that you ever had in your hands, sir, and have not brought it into this Senate for the last three months, and which has the votes of the three democratic members of that committee.

Mr. SHERMAN. What is that bill?

Mr. BAYARD. It is about the resumption of specie payments. You are aware that since I came into this body and had a seat upon the committee of which you are chairman there never has been an act, there never has been even a measure that had a face toward speedy resumption that I have not stood firmly by from the beginning to the end. We had no control to bring measures in the Senate, and the Senator ought not to stand here and say that the democratic party have not stood, as he knows they have stood in this Senate upon his committee, in favor of the sternest measure of specie resumption.

Mr. SHERMAN. Mr. President, I do say that the Senator from Delaware has been from the beginning an earnest, able, and conscientious advocate of every measure toward resumption, but his party has not been.

Mr. BAYARD rose.

Mr. SHERMAN. I hope my friend will not interpose. I now say again, and I will allow any gentleman to interrupt me so as to tell me the measure, show me a single measure tending to produce resumption or in that direction introduced by a democrat or by the democratic party and voted for by the democrats during these eleven years to promote and provide for specie resumption. Individual members have been faithful to their duty. My friend perhaps went a little beyond the rule in referring to what occurred in committee. The bill that he alluded to I suppose is the bill of the Senator from Vermont, [Mr. MORRILL,] is it not?

Mr. BAYARD. I referred to a fact within the Senator's own knowledge, as I think. My party was but a mere handful; when I came here we had but eight members of this body, and I was the sole democrat upon this Committee on Finance. The Senator knew what my action had been; he knew that I had represented my party; and yet in my presence he arraigns us for the failure to restore specie payments. I thought he had no right to do so, and I brought the fact back to his own knowledge, which justified me in saying what I did.

Mr. SHERMAN. I do not yet exactly understand the fact the Senator alludes to. If it is the fact that we have before us a bill that tends toward specie payment, introduced by the Senator from Vermont, [Mr. MORRILL,] undoubtedly that is true; but what occurred upon that bill, I do not think I am at liberty to state or even to refer to. Leave out that fact, and the Senator will find, and I again call his attention to the point, that the bills introduced for specie resumption were by republicans. Whatever might have been his action and his individual efforts, the party with which he is associated have steadily opposed these measures. I throw out of view as entirely immaterial all the long debates we had in the session of 1873-'74 when there was a development of a great variety of opinion in both political parties. I lay that out of view and hold no man responsible for it. But the republican party did at the next session of 1874-'75 resolve that they would take some distinct and definite step toward specie resumption, and we introduced a bill for that purpose; and that bill, called the resumption bill, was voted against by every democrat in this body and in the House also.

Mr. BAYARD. The Senator is in error if so small a fraction as I was in that party may be considered. I did not vote against his bill.

Mr. SHERMAN. Did you vote for it?

Mr. BAYARD. I did not, and I gave my reasons to the Senate. I thought it was a bill no honest man could vote for.

Mr. SHERMAN. I had forgotten that he did not vote. I think the Senator will bear me witness that I would not do him injustice for a moment. Now since he mentions it I recollect it. But every democrat who did vote, voted against it; and, if he chose to withhold the power of the State which he represents here so ably from the consideration of that question, we must still look to the balance of the leaders of the democratic party to see where their flag is.

Now I want to come to the next proposition. The fifth proposition contained in this platform is this:

We denounce the improvidence which in eleven years of peace has taken from the people in Federal taxes thirteen times the whole amount of the legal-tender notes and squandered four times this sum in useless expense, without accumulating any reserve for their redemption.

Here we have got the democrats on a fair simple question of arithmetic. Now let us test that question. Can I be mistaken that a great party now seeking to be restored to power in this country could make a statement like this if it is not true?

I find by the tables before me that the greenbacks outstanding are \$369,619,228, and I find that thirteen times that is \$4,705,050,964. I have here a statement of the aggregate receipts from all sources—not from taxes alone, but from all sources—from customs, from internal revenue, from direct taxes, from premium on loans and sales of gold coin and miscellaneous items, from the first of July, 1865, until the first of July, 1876, being a period of eleven years, was \$4,192,633,801. This sum includes premium on loans and sales of gold, which ought not to be considered because it is not part of the revenue, for it is largely used and balanced by premium on bonds

purchased, thus reducing the aggregate revenue to near four thousand millions; but I take the entire aggregate of all the receipts of every kind that came into the Treasury of the United States. If then we take the difference of these two sums we find that these democratic platform-makers have made a mistake in a simple question of arithmetic of \$512,417,163. That is not much. My friend from Pennsylvania can beat them on figures. But still when a great party undertake to state facts and multiply and divide, they ought to give true results.

Now let us go a little further. They say we have squandered four times the amount of the greenbacks; four times the amount of the greenbacks is \$1,478,476,912, or say, in round numbers, \$1,500,000,000 that we have wasted and squandered. If the republican party has squandered \$1,500,000,000 it deserves impeachment almost as bad as the democratic party, but not quite, for different reasons that I will not stop now to enumerate. But let us see what became of this \$4,192,000,000; and here again I turn to the official documents, and these are drawn from the same official statements. I find that we have paid on the principal of the public debt between the dates named \$500,252,802; interest on the public debt \$1,335,344,845; we have paid on pensions \$296,239,865; in all \$2,131,000,000 for these three items; and that is more than one-half of the whole amount I have got to account for. And what were these items? Is the republican party responsible for these items? Are we responsible for the public debt? Are we responsible for the interest paid on that debt? Are we responsible for the pensions paid to the poor disabled soldiers without arms or legs, blind and wandering over our country, or their widows and their orphans?

Mr. EDMUNDS. If I may interrupt my friend, for one I am obliged to say that I think we are, for if we had not been they would not have got them.

Mr. SHERMAN. I have not taken that view of it; but I think the common public mind of this country holds the rebels of the South responsible. Although they suffered like us, yet it was their attempt to break up this Government of ours which we were bound in honor and manhood to defend to the last gasp at whatever cost of life or treasure. I think the commonest sentiment even of our own friends at the South, late our enemies, is that they are responsible for this. They thought they were fighting in a good cause. We knew we were fighting in a good cause; and if at the expense of the loss of hundreds of thousands of our bravest men, at the loss according to the estimate of Mr. Wells of some \$7,000,000,000 of treasure, at a loss of all the interest that may accumulate and all the pensions that may be paid, yet we consider the result as of priceless value beyond measure either of men or money. Thank God that by these sacrifices we have a country extending from ocean to ocean, from Maine to Louisiana, with no hostile lines crossing our plains, our rivers, our mountains—one country, one and indivisible; and I trust so will be until time shall end. For this inheritance which we have won for those who come after us we count this treasure as not lost but won.

Now, sir, I have accounted for more than half already of this large sum that we are charged with. What else? We have paid in bounty and other war claims and other expenditure of the war, which are conceded by everybody to be the direct result of the war, the amount of \$453,424,048.91.

Mr. DAVIS. Between what dates?

Mr. SHERMAN. I gave the dates, July 1, 1865, and June 30, 1876.

Mr. DAVIS. Is that the same date published here?

Mr. SHERMAN. Precisely the same; and I here call the attention of my friend from Connecticut, [Mr. EATON,] who I believe is not present, who complained a little about a statement sent here by Mr. Conant. I have no doubt that that statement is true upon the logical basis upon which it rests; but I prefer not to go so far, and not to charge as war losses many of the items mentioned by Mr. Conant; but I take as the basis of my statement the statement prepared mainly I think by General GARFIELD, at any rate introduced in his speech of February 24, 1875, showing the nature and character of the claims paid in two years that make up this sum of \$453,424,000 paid on war expenses during the eleven years referred to, and I will read some of them.

The great body of them is the bounty claims; unpaid money due soldiers at the close of the war, and paid after June 30, 1865; prize-money due captors; collecting and drilling volunteers; pay of two and three year volunteers; defending suits for seizures of abandoned and captured property; various relief acts; payment to captors of rebel ram Albemarle; bounty for destruction of enemy's vessels; claims of loyal citizens for supplies furnished during the rebellion, and so on. Here is a formidable list that I will not repeat, because it is contained in the CONGRESSIONAL RECORD, which shows you the elements upon which this computation is made.

I have also the statement of Mr. Wells, of the State of Connecticut, who became specially expert in examining questions of revenue, and he states in one of his official reports—I think it was in 1869-'70—the cost of the war, and he says that the payments made out of the current Treasury even at that time were more than one-half the expense of the National Government. I have taken none but what are deemed to be proper items to make up this sum of \$452,424,048, and I have the details here by years, giving the amount each year, which I will embody in my remarks, showing the amounts of such undisputed war claims as were paid out of the current receipts of the Treasury:

## War expenditures from July 1, 1865, to July 1, 1876.

Year.	Pensions.	Interest on public debt.	Miscellaneous expenditures on account of war estimates.
1866	\$15,605,352 35	\$133,067,741 69	\$165,370,809 83
1867	20,936,551 71	143,781,591 91	51,595,174 85
1868	23,782,386 78	140,424,045 71	64,084,439 85
1869	28,476,621 78	130,684,242 80	36,162,628 49
1870	28,340,202 17	129,235,498 00	29,764,704 08
1871	34,443,894 88	125,576,563 93	15,522,679 46
1872	28,533,409,76	117,357,839 72	22,007,124 94
1873	29,359,426 86	104,750,688 44	23,152,300 51
1874	29,033,414 66	107,119,815 21	18,012,500 63
1875	29,456,216 22	103,093,544 57	15,332,273 96
1876	28,257,395 69	100,243,271 23	12,419,012 31
Total.	296,229,865 86	1,335,344,845 21	453,424,048 91

War expenditures ..... \$2,084,998,759 98  
Principal of public debt paid during eleven years above ..... 500,252,802 59

Total ..... 2,585,251,562 57

What is the aggregate of these items?—\$2,585,251,562.57. Besides those that I have deducted, I have left as still to be paid out of the ordinary run of the Treasury many claims that ought manifestly to be charged to war claims. Almost every branch of expenditure was largely swollen as the unavoidable result of the war: the vastly increased expense of collecting this large revenue, the enormous increase of our judiciary fund growing out of disturbances the direct result of the war, and various other items about which there may be some dispute. I have only taken those that are undisputed; and what is left? When we deduct these \$2,585,251,562 from the \$4,192,000,000 of gross receipts there is a balance of \$1,607,000,000 to pay all the expenses of the Government for eleven years, Army and Navy, Congress and the civil list, judiciary and foreign intercourse, all the multiplied operations of the Government, including the purchase of Alaska, including the innumerable items that have tended to swell the expenditures since the close of the war; and yet they tell us we have squandered \$1,478,000,000 out of the \$1,607,000,000. That is a simple sum in arithmetic. That is the basis of gross error upon which this Saint Louis platform rests; and I say that, while a great deal is excused in political warfare, the man who framed that plank in your platform ought to be called to an account by you for a vast fabric of demonstrated falsehood.

But, sir, that is the plank that will be rung upon on all the stumps of this country. We are charged with squandering nearly all the money that is left after paying the undoubted war claims out of \$1,607,000,000 out of which the expenses of the Government were paid, and I have no doubt very large sums, perhaps three hundred millions or more of this sum of sixteen hundred and seven millions, were expenditures directly traceable to the war. But let us pass from that.

There was one rather strange spectacle presented by that Saint Louis convention, considering its composition, considering the men who controlled it and ruled its counsels. They arraign the republican party because we have honestly paid our debt, principal and interest, and paid enormous claims in the South, amounting to over \$100,000,000, and several hundred millions in bounties and back-pay to our soldiers; and when we have done that, to find the men who composed the Saint Louis convention, largely composed of the leaders of the rebellion, criticising us for squandering the public money it seems to me is rather a strange and novel spectacle; but we are accustomed to such novelties now.

But let us take the next plank in this platform:

We denounce the financial imbecility and immorality of that party which during eleven years of peace has made no advance toward resumption and no preparation for resumption, but instead has obstructed resumption by wasting our resources and exhausting all our surplus income, and while annually professing to intend a speedy return to specie payments has annually enacted fresh hindrances thereto. As such a hindrance, we denounce the resumption clause of the act of 1875, and we here demand its repeal.

Mr. President, I think the philosophy of political management in making a platform has exhausted itself in that plank. It is founded upon the false pretense that the democratic party ever favored resumption. I think I have sufficiently shown that. Then it goes on and denounces us for hindering resumption, for annually enacting fresh hindrances, or as devising such a hindrance as the fixing of a day for resumption. This is the logic of this plank: "We, who were always in favor of resumption, charge you with always hindering resumption and passing annual acts to prevent it." Governor Tilden, in his commentary, says we did it repeatedly to hinder resumption, "and we completed the hinderance by passing the resumption act fixing a day for resumption." That resumption act I now say in the face of the American people has resulted much more favorably than I had hoped. I introduced it with fear and doubt, believing that it was not powerful enough to accomplish the good that it has done. Let us look at it. Under the operations of the resumption act we have retired \$29,200,000 of bank-notes by the voluntary action of the banks, merely in their effort, each for itself, to strengthen itself in view of resump-

tion. We have also retired \$12,330,772 of United States notes which are paid and canceled, not hereafter to be redeemed in coin. We have also provided for the actual redemption and cancellation of the whole amount of the fractional currency which is now being superseded by silver coin of the old standard and weight. Thus much has already been accomplished. It is only a year and a half since the act was passed, and we have already retired over \$41,000,000 of currency; we have provided for the retirement of \$45,000,000 of fractional currency; and we are now this moment at resumption in silver coin, the ancient coins of the United States.

I will now read the Jeremiad of Governor Tilden over this resumption act:

The act of Congress of the 14th of January, 1875, enacted that on and after the 1st of January, 1879, the Secretary of the Treasury shall redeem in coin the legal-tender notes of the United States on presentation at the office of the Assistant Treasurer in the city of New York. It authorizes the Secretary to prepare and provide for such resumption of specie payments by the use of any surplus revenue not otherwise appropriated, and by issuing, in his discretion, certain classes of bonds. *More than one and a half of the four years have passed. Congress and the President have continued ever since to unite in acts which have legislated out of existence every possible surplus applicable to this purpose.*

Here is a severe arraignment of somebody for not passing acts in aid of resumption since the 14th day of January, 1875. That is the complaint made by Governor Tilden against Congress and the President. The republican party confess that they made the law providing for resumption of fractional currency, providing for the gradual retirement of greenbacks and bank-notes, but we have not provided the means of resumption! It is sufficient to say that, if Governor Tilden had read that resumption act through, he would have found there the most ample means furnished by the act itself to the Secretary of the Treasury to bring about and maintain resumption at the time named. He has the whole power of the Treasury of the United States and all the credit of the Government, the power to issue any of three classes of bonds. But, waiving that, suppose there were defects in that resumption act, and its only defect that I know of was that it did not contain specific measures and directions to the Secretary as to the mode and manner of resumption and as to the means to resume; that defect I pointed out when the bill was introduced, and I also stated that if the resumption act was defective in this respect Congress would be in session every year and it was to be presumed that Congress would provide any additional legislation necessary to accomplish the end in view. That was known to everybody, and now Governor Tilden denounces Congress and the President in these unmeasured terms:

*More than one and a half of the four years have passed. Congress and the President have continued ever since to unite in acts which have legislated out of existence every possible surplus applicable to this purpose.*

What has the President done? It is the President that is arraigned. That act was passed on the 15th of January, 1875. Congress adjourned on the 4th of March, 1875. On the 4th of March, the republican party lost its power over Congress, much to the regret I believe of the people of the United States. From that time on there is other responsibility than ours for the acts of Congress. If it was necessary to pass ancillary legislation in aid of resumption, Congress must pass it. What has the President done? The President in his annual message to Congress expressly called attention to the fact that the proper means were not pointed out by this act and called upon Congress to give him the means. Here is the annual message of President Grant last December, now nine months ago. The President in his annual message recommends—

*That the Secretary of the Treasury be authorized to redeem, say, not to exceed \$2,000,000 monthly of legal-tender notes, by issuing in their stead a long bond, bearing interest at the rate of 3.65 per cent per annum, of denominations ranging from \$50 to \$1,000 each. This would in time reduce the legal-tender notes to a volume that could be kept afloat without demanding redemption in large sums suddenly.*

Third. That additional power be given to the Secretary of the Treasury to accumulate gold for final redemption, either by increasing revenue, curtailing expenses, or both—it is preferable to do both; and I recommend that reduction of expenditures be made wherever it can be done without impairing Government obligations or crippling the due execution thereof.

General Grant recommended this Congress to do precisely what Governor Tilden says they have not done. They assail General Grant every day of their lives with the vilest calumny—a man who carried our banner through its danger in battle, whose life is distinguished by heroism, and whose name will be remembered with honor and veneration long after all of us have disappeared from the memory of time. He is arraigned as Washington was arraigned, like a common criminal; but this thing that he asked this Congress to do, this House to do, is what Governor Tilden says now ought to be done. Governor Tilden yet has the heart to arraign General Grant, and General Grant recommended as President precisely what Tilden says he would recommend. I will show you that Tilden in his letter has only quoted the identical recommendations of Grant almost word for word; that is, a funding bill and an accumulation of gold. And yet Governor Tilden, governor of New York and President that would be, arraigns the President for doing exactly what he advises should be done. The Secretary of the Treasury also fortifies the recommendation of the President by asking that—

*Authority be given for funding legal-tender notes into bonds bearing a low rate of interest.*

There is what the President and his chief executive officer have done; and yet Governor Tilden arraigns them for doing it and says

Congress and the President have continued ever since to unite in acts to prevent resumption. If Congress has done it, who is responsible? Is the Senate responsible? We sent to the House a bill that would have lowered your rate of interest on the large mass of the public debt  $1\frac{1}{2}$  per cent. per annum. What attention did they pay to it? None whatever. What bill have they introduced to carry out the recommendation of General Grant or Governor Tilden? Where is the act introduced in the House of Representatives to accumulate gold or to provide for funding? None; and now I will tell you why it was not done in the Senate. It was because we knew it would tend to prevent the introduction of such a bill in the House. I say that such a bill funding United States notes into a 4 per cent. coin bond was not reported, such a one as we reported in the Senate in 1870, because we believed the passage of it in the Senate might tend to defeat it in the House. We could fairly infer this, because our passage of a funding bill to redeem 6 per cent. bonds with  $4\frac{1}{2}$  bonds by a unanimous vote was ignored by the House. I can tell my friend from Delaware that I could convince him that we were justified in that belief.

Mr. BAYARD. Every man must act on his own responsibility.

Mr. SHERMAN. Governor Tilden arraigns Congress for not introducing a bill to provide for funding. He arraigns his own party. One would suppose, in reading this letter of his, that he was arraigning the republicans. Sir, the power has passed from us to the other House. We had power in Congress for only six weeks after the resumption act passed, and the democratic House has had the power for nine months to pass such an act, and yet Governor Tilden arraigns the President for doing what he advises, and in so doing he arraigns his own party, the democratic House, for not introducing such a proposition as he promises, as he favors, or says he favors. Thus we have the actual fact of a democratic House, representing the democratic masses, showing what they intend to do when they have the full power of this Government, and the mere empty, bald, scolding words of the presidential candidate, chosen by that party, as to what he will try to do if Congress will allow him to do it. Why, Mr. President, it does seem to me that it presents the candidate for the Presidency on the democratic ticket in a very awkward position, arraigning his own democratic associates.

I wish now, Mr. President, to call your attention specially to the last paragraph of this plank in the democratic platform, which I charge here and which I will now prove was an afterthought inserted in this plank against the wishes of Governor Tilden; against his desire—as a political trick intended to carry an election; that he was opposed to it, and yet he devotes nearly one-half of his written letter in trying to convince somebody that fixing a day for resumption was a hinderance to resumption. I have read in the Star this evening a little paragraph which paraphrases the letter of Governor Tilden very well. It is the logic of a bummer applying to his promises the logic of Governor Tilden as to the promises of the United States in the resumption act:

"I have it," remarked an impudent bummer on the Avenue Saturday, pausing in his perusal of Tilden's letter. "I know how to make 'thoughtful men' believe I'm going to pay my debts. I'll take back my specific promises to 'pay 'em. That'll fix it. Why the d—l didn't I think o' that! These promises o' mine destroy all confidence among thoughtful men, whose judgment will at last sway public opinion. An attempt to act on such promises would be a fresh calamity, prolific of confusion, distrust, and distress. Yes, sir; that's been my great financial failure—a makin' promises."

Mr. Tilden believes that the best way to keep a promise is to withdraw it. These notes are outstanding now with a law upon our statute-book that you will redeem them at a certain time. The best way is to withdraw that promise! That is his logic; and this, in order to secure confidence, not for the note but for the maker of the note, the man who withdraws the promise!

I proceed to show you, Mr. President, by a reference to the proceedings of the convention in Saint Louis, that when the friends of Governor Tilden went there they went determined to carry the plank that was read to you without the last clause which demands the repeal of the day fixed for resumption; but in the committee on resolutions this particular paragraph was added by the vote of those who were called inflationists. That clause was added against the remonstrance of those who supported and favored the nomination of Governor Tilden. Afterward when this resolution as I have read it to you was reported to the convention General Ewing, of Ohio, dissatisfied with the disingenuousness of this plank in the platform, seeing how totally ridiculous it left the Ohio democrats who the year before demanded more paper money and opposed all plans for resumption, insisted upon striking out this plank that has been read to you and inserting another provision, and I will now read from the New York *World* what occurred:

General Thomas Ewing, of Ohio, at the request of several members of the committee, presented a minority report as to one phrase of the platform, as follows: "That the following clause in the resolutions be stricken out: 'As such hinderance we denounce the resumption clause of the act of 1875, and we here demand its repeal.'"

Mr. EWING. I desire to briefly state the objections to the clause which we propose to have stricken out: It denounces one clause only of the specie-resumption law, the clause fixing the time for the resumption of specie payments, leaving the rest of the act to stand unobjection to, and, by implication, approving it. But why does it object to the clause? Because it is destroying the business of the country in connection with the balance of the law? Not at all; but merely because it is a hinderance to specie payments, the fair inference being—at any rate, if not a fair one, an inference that will surely be drawn—that the objections of the national democratic party to the specie-resumption law are confined only to the date for resump-

tion, and the objection to that date is a hinderance to resumption, and the construction will be given, and with some degree of plausibility at least, that the democratic party want resumption earlier than the day fixed. [Applause.]

Such was the statement made by General Ewing at the time. Hear the answer of Mr. Dorsheimer:

Mr. DORSHEIMER. I do not propose to speak upon this matter at length. I propose here to make a straight issue between soft and hard money. [Tremendous cheering.] By that we stand or fall. [Cheers.] If you want soft money, give your votes to the resolution offered by the most distinguished soft-money advocate in the United States. [Cheers and hisses.] But if you want to leave to the hard-money men some chance to carry their State, then stand by the report of the committee, [cheers,] which was a compromise so great that a protest has been signed by every one of the eastern democratic States, and to which I have put my signature. [Cheers.] Here is a middle ground which does leave some hope; but if you declare, in the language of the gentleman from Ohio, [General Ewing,] for a repeal forthwith, then abandon all your hopes. [Cheers.]

No one can read this debate that occurred in the Saint Louis convention without perceiving at once that this last clause was a trick, a device, with a double meaning, intended to be used in different sections with that double meaning. In Ohio and in the Western States it would be held that the repeal of the resumption clause was a repeal of the resumption act, and it is already being so done, while in New York it would be held that the repeal of the resumption clause was simply to wipe out of the way a hinderance to resumption, so that resumption could come sooner; and this double-dealing is plainly shown by the phraseology of the plank itself and by the debate that occurred there. Mr. Dorsheimer said: "We have given you all we can or dare do, and we have adopted this phraseology as a compromise and there we will stand." General Ewing might put his own construction on it and Mr. Dorsheimer might put his, and this is the thimble-rigging manipulation in the presence of the people of the United States on a question that so deeply affects them; we know that will be the result. Governor Tilden's letter, the whole tenor of it, shows a careful balancing of words. He conned and parsed over for more than a month words that when you read them one way mean so, and when you read them another way mean otherwise. It was carefully studied. Trained as he is in the school of Mr. Van Buren, or in the school of that greater statesman, Talleyrand, who believed that words were invented to conceal thoughts, the language is carefully weighed and framed so that it will read well in Indiana and well in New York, bearing a different interpretation wherever it is read, according to the humor and whim of the man who reads it. But Governor Hendricks states distinctly in a letter which was published why he wants the resumption clause repealed by the House of Representatives. He wrote to a Representative in Washington that "a repeal of the resumption clause in almost any form will elect the State ticket and carry the Indianapolis district." It was the election in Indiana and in the Indianapolis district which caused the House after eight months of weary studying and doubt to finally tremblingly send to us a provision to repeal a single clause of the act, and now when you read the act without that clause it is very hard to tell what effect that action of the House if adopted would have upon the meaning of the act.

Mr. EDMUND. If the Senator will yield I move that the Senate adjourn.

Mr. DAVIS. I should like to ask a question before we adjourn. Did I understand the Senator from Ohio to say that between June 30, 1865, and June 30, 1876, the reduction of the debt was \$500,000,000?

Mr. SHERMAN. Over \$500,000,000. I have given the exact figures. And then, on motion of Mr. EDMUND, (at ten o'clock and fifteen minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, August 9, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

### PARTITION OF REAL ESTATE IN THE DISTRICT.

Mr. LAWRENCE. I ask unanimous consent to take from the Speaker's table the bill (H. R. No. 3168) relating to partition of real estate in the District of Columbia, with an amendment by the Senate, for the purpose of moving that the House non-concur in the Senate amendment and ask a committee of conference.

There was no objection, and the bill was taken from the Speaker's table.

Mr. LAWRENCE. I move that the House non-concur in the Senate amendment and ask a committee of conference.

The motion was agreed to.

### PACIFIC MAIL STEAMSHIP COMPANY.

Mr. WADDELL. I desire to renew the motion I made yesterday. I ask unanimous consent to take from the Speaker's table and put on its passage the bill (S. No. 1021) allowing the Pacific Mail Steamship Company to carry the mails in their new iron steamships. I propose to offer an amendment to correct the date by striking out "7th February, 1865," and inserting "17th February, 1865."

There was no objection, and the bill was taken from the Speaker's table, and read a first and second time.

The SPEAKER *pro tempore*. The Clerk will report the bill.

The bill was read. It authorizes the Postmaster-General to accept from the Pacific Mail Steamship Company, for service in transporting the mails of the United States between San Francisco and China, the steamships City of Sidney, City of New York, and City of San Francisco, the same being new iron American-built ships of more than three thousand tons register; said iron steamships to be substituted for any wooden side-wheel steamers now lawfully doing service under the act of Congress of February 7, 1865; provided that nothing contained in the bill shall be construed as creating, reviving, or recognizing any claim now pending, or as a basis of any claim which may hereafter be preferred, against the United States by said steamship company growing out of any existing law or contract whatever, except such as may lawfully exist under the law of February 7, 1865.

Mr. RANDALL. I ask the gentleman from North Carolina whether this bill in any way extends the subsidy heretofore granted.

Mr. WADDELL. Not at all. The committees of both Houses were particularly careful in framing the language of the bill. As the name Pacific Mail Steamship Company was not of a very odorous one, we were on our guard and tried to protect the Government from any responsibility whatever.

Mr. RANDALL. The subsidy, if I understand it rightly, expires in two years.

Mr. WADDELL. The contract expires next January.

Mr. LUTTRELL. Next December.

Mr. WADDELL. The sum and substance of the matter is this: Under the contract of February 17, 1865, for carrying the mails the steamships were described in the contract and were to be of a particular character. Since that time this company has built new iron steamships, and when it went to the Department to obtain the privilege of carrying the mails in them the Department decided that under the law the mails could not be carried in any other character of steamships than those described in the contract. On behalf of the committee, in order to correct an error of date, I move to amend the bill by striking out "7" and inserting "17," after the word "February," wherever it occurs in the bill, so that it will read "February 17, 1865." And in order to obviate an objection which was suggested to me yesterday by some gentlemen on this floor I will move, with the consent of the Committee on the Post-Office and Post-Roads, to strike out the last clause of the proviso, which is as follows: "Except such as may lawfully exist under the law of February 7, 1865, above referred to."

Mr. RANDALL. I ask that the Clerk again read the proviso.

The Clerk read as follows:

*Provided*, That nothing herein contained shall be construed as creating, reviving, or recognizing any claim now pending, or as the basis of any claim which may hereafter be preferred, against the United States by said steamship company, growing out of any law or contract whatever.

Mr. RANDALL. That might by inference imply that we recognized the fact that there is a claim, which we ought not to do.

Mr. WADDELL. Those who had charge of the bill thought they had excluded any claim. If the gentleman from Pennsylvania [Mr. RANDALL] can suggest any other language that will better protect the Government the committee will agree to it.

Mr. RANDALL. The gentleman can readily see that, not having the contract before me, it is impossible for me to suggest the proper language to protect the United States. I am perfectly willing, so far as I am concerned, to say that the transportation of these mails shall be transferred from the side-wheel steamers to the iron steamers of this company.

Mr. WADDELL. That is all this bill is intended to accomplish.

Mr. RANDALL. I do not think the Clerk read all of that proviso.

Mr. WADDELL. I have moved to strike out the last portion of the proviso, to obviate an objection which has been suggested.

Mr. RANDALL. Let that portion be read.

The Clerk read as follows:

Except such as may lawfully exist under the law of February 7, [17.] 1865, above referred to.

Mr. GARFIELD. I think it would be safer for the Government not to strike out these words. It seems to me they ought to be in rather than out.

Mr. RANDALL. Not the last clause.

Mr. GARFIELD. Yes; that clause adds nothing, and I think it ought to stand.

Mr. RANDALL. That very exception might recognize the existence of a claim.

Mr. GARFIELD. I hope the House will not strike out those words. If you strike them out, you will by exception recognize the claim.

Mr. RANDALL. I am very timid about legislation in reference to these steamship companies, and particularly this one.

Mr. WADDELL. That is what made us try to guard this bill in the way we have done.

Mr. TOWNSEND, of Pennsylvania. I would suggest that the following be inserted in place of the part proposed to be stricken out:

*Provided*, however, That nothing in this act shall be construed to deprive said company of its compensation for ocean-mail service under the contract made by authority of an act of February 17, 1865.

That will make everything clear.

Mr. WADDELL. I do not know that I have any objection to that.

Mr. GARFIELD. Let it be added to what is in the bill, without striking out that last clause.

Mr. RANDALL. No, strike that out.

Mr. TOWNSEND, of Pennsylvania. It only gives the company the amount it gets to-day by the act of 1865. By striking out the last clause, without inserting anything, the company may be deprived of the subsidy which it has been receiving all the time. Therefore I suggest this amendment. Is it satisfactory?

Mr. LUTTRELL. There seems to be some misunderstanding in relation to this.

Mr. RANDALL. I do not think it is necessary to put that in. There is no danger that the company will not get all that the law ever intended to give them or by implication can give them.

Mr. TOWNSEND, of Pennsylvania. I want to say to my colleague [Mr. RANDALL] that, if this exception is stricken out and my amendment not allowed to go in, the steamship company cannot get the subsidy it now gets every month. Striking out that clause strikes out all contracts whatever.

Mr. RANDALL. O, no.

Mr. WADDELL. I think the gentleman is mistaken about that.

Mr. RANDALL. There has been an appropriation heretofore made, if I understand rightly, to comply with all the contracts we are bound by.

Mr. GARFIELD. If the gentleman is right, striking out this portion of the proviso will nullify all the appropriations heretofore made.

Mr. LUTTRELL. If this portion of the proviso is stricken out and the gentleman from Pennsylvania [Mr. TOWNSEND] is not permitted to offer the amendment he has just read, the Pacific Mail Steamship Company will not be allowed to receive the compensation now given them every month for carrying the mails.

Mr. RANDALL. I shall object to any amendment being made, except such as the Committee on Post-Offices and Post-Roads recommend, unless it can be printed so that we can examine and fully understand it.

Mr. LUTTRELL. Then I ask that the bill go through, as the committee of the House and the Senate have passed it without amendment. We have examined it carefully and guarded it well. We were very cautious in this matter. I am willing, however, that the gentleman from Pennsylvania [Mr. TOWNSEND] should place any amendment on it that he desires; all we ask is that the company shall be allowed to substitute iron steamers instead of the old wooden steamers which are now almost useless.

Mr. RANDALL. I think the committee are right in moving to strike out the last clause of the proviso, and I trust that the gentleman will now call the previous question on the bill.

Mr. WADDELL. I call for the previous question.

Mr. LUTTRELL. I do not wish to imperil the passage of the bill by placing any amendment upon it. The iron steamers are now lying at San Francisco, and we desire to have them substituted for the wooden steamers.

The SPEAKER *pro tempore*. The Chair wishes to understand the situation. Did the gentleman from North Carolina demand the previous question to the exclusion of the amendment of the gentleman from Pennsylvania, [Mr. TOWNSEND?]

Mr. WADDELL. I demanded the previous question to the exclusion of the amendment of the gentleman from Pennsylvania.

Mr. RANDALL. Which member from Pennsylvania?

The SPEAKER *pro tempore*. The Chair understands that there is an amendment coming from the committee. He desires to know if the gentleman from North Carolina admits the amendment of the gentleman from Pennsylvania, [Mr. TOWNSEND.]

Mr. WADDELL. I do not.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments offered by Mr. WADDELL were agreed to.

The question recurred upon the third reading of the bill as amended.

Mr. LAPHAM. I ask leave to offer a substitute to the proviso.

The SPEAKER *pro tempore*. That cannot be done under the operation of the previous question.

Mr. LAPHAM. I ask that it be read.

The SPEAKER *pro tempore*. It is not in order except by unanimous consent.

Mr. LAPHAM. If the gentleman from North Carolina will hear it I think he will assent to it.

The SPEAKER *pro tempore*. Is there objection to the reading of the amendment proposed by the gentleman from New York, [Mr. LAPHAM?]

Mr. WADDELL. Yes, sir; I object.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. LUTTRELL 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.

Mr. GARFIELD. I call for the regular order.

#### EMPLOYMENT OF INDIAN SCOUTS.

Mr. BANNING. I ask unanimous consent to take from the Speaker's table the bill of the Senate concerning the employment of Indian

scouts, which ought to be passed at this time. [Loud cries of "Regular order."]

## POST-OFFICE DEPARTMENT.

Mr. CLARK, of Missouri. I rise to a privileged question. I desire to present to the House the report of the majority of the Committee on the Post-Office and Post-Roads in relation to their investigation of the affairs of that Department. I will state that the committee is authorized, as I understand, to report at any time, and that the minority report is ready.

The SPEAKER *pro tempore*. Was the committee authorized to report at any time?

Mr. CLARK, of Missouri. Yes, sir.

The SPEAKER *pro tempore*. Then the Chair will receive the report.

Mr. CONGER. Is this a matter of higher privilege than the matter before the House under the call for the regular order? We are acting now on a question of privilege.

The SPEAKER *pro tempore*. The Chair thinks that this matter is of higher privilege.

Mr. CLARK, of Missouri. I will state that this matter will only occupy a moment. I move that the report be printed and laid upon the table, and yield to the gentleman from Illinois [Mr. CANNON] to present the views of the minority of the committee.

Mr. CANNON, of Illinois. I present the views of the minority with the same request that has been made by the chairman of the committee.

The report of the majority of the committee and the views of the minority were ordered to be printed and laid upon the table.

Mr. CANNON, of Illinois. I desire to have it understood that these reports are not to be brought back by a motion to reconsider.

The SPEAKER *pro tempore*. No motion to reconsider has been entered.

Mr. CANNON, of Illinois. No, but I ask that the order be made by unanimous consent that the matter shall not be brought back by a motion to reconsider.

Mr. RANDALL. Is there any matter for the action of the House connected with the report?

Mr. CANNON, of Illinois. There is none at all.

There was no objection, and the order was made.

## ANNIE GIBSON YATES.

Mr. BAGBY. I report from the Committee on Invalid Pensions, which was authorized to report upon this subject at any time, the bill (H. R. No. 3964) granting a pension to Annie Gibson Yates.

The bill was read, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Annie Gibson Yates, widow of George W. Yates, late a captain in the United States Army, who was killed at the battle of the Little Big Horn on the 25th day of June, 1876, and pay her a pension at the rate of \$30 per month from and after the passage of this act.

The report was read. It states that George W. Yates was a captain in the service of the United States in the Seventh Regiment of Cavalry and was killed in the battle with the Indians June 25, 1876, leaving his widow, Annie Gibson Yates, and three infant children surviving him; that he was killed in the service of the United States and in the line of duty. The committee therefore recommend the passage of the bill.

Mr. CONGER. My recollection is that this bill was recommitted with instructions to the committee to report the names of widows of other soldiers who were killed in the same engagement.

Mr. BAGBY. This bill for the relief of Mrs. Yates has no connection with the bill to which the gentleman alludes.

Mr. CONGER. I am informed that the instructions in regard to other persons interested in a measure of this kind related to another bill. I therefore make no objection to this.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BAGBY 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.

## PASSAGE OF PACIFIC MAIL SUBSIDY.

Mr. LYNDE. I rise to make a privileged report under the instructions of the Committee on the Judiciary, which I ask may be printed and recommitted, and also printed in the RECORD.

Mr. MILLS. Let it be understood that the report shall not be brought back on a motion to reconsider.

A MEMBER. What is the subject of the report?

The SPEAKER *pro tempore*. The Clerk will read the introductory paragraph of the report, which will show its subject.

The Clerk read as follows:

The Committee on the Judiciary, to whom were referred the papers and testimony taken by the Committee of Ways and Means of the Forty-third Congress, with instructions to inquire what action should be taken by the House in reference to the persons now members of the House charged with complicity in the alleged corrupt use of money to procure the passage of an act providing for an additional subsidy in the China mail-service during the Forty-second Congress, and with giving false testimony in relation thereto before the Committee of Ways and Means of the Forty-third Congress, have considered the same and report—

Mr. LORD. I am instructed by certain members of the Judiciary Committee to present a minority report upon the same matter, which I desire to have printed and recommitted, and also printed in the RECORD along with the majority report.

Mr. HALE. Not to be brought back on a motion to reconsider?

Mr. WILSON, of Iowa. What is the object of having these reports printed in the RECORD? If printed as a document we shall get it from the document room.

Mr. LORD. We ask to have the reports printed in the RECORD because the Judiciary Committee think it ought to be done for the purpose of getting the matter before Congress.

The SPEAKER *pro tempore*. Does the gentleman from Iowa object to the printing of the reports in the RECORD?

Mr. WILSON, of Iowa. I understand that under the order of the House they will be printed in document form and can be obtained by us from the document room.

Mr. HOAR. My friend from Iowa will remember that any member by calling for the reading of these reports can have them printed in the RECORD; and the making of this order without the reading saves time.

Mr. WILSON, of Iowa. My object was to ascertain the reason for asking the printing in the RECORD.

Mr. BANKS. I will tell the gentleman. If the report be printed in the RECORD, it will appear at once and can be read by us to-morrow. If printed merely in document form, it may be two weeks before we get it, and not one man in fifty will see it in that form.

Mr. FRYE. And it is a subject which when it comes before the House will undoubtedly provoke very extensive discussion.

The SPEAKER *pro tempore*. If no objection be made these reports will be ordered to be printed and recommitted, not to be brought back on a motion to reconsider, and also to be printed in the RECORD.

There was no objection.

The reports are as follows:

The Committee on the Judiciary, to whom were referred the papers and testimony taken by the Committee of Ways and Means of the Forty-third Congress, with instructions to inquire what action should be taken by the House in reference to the persons now members of this House charged with complicity in the alleged corrupt use of money to procure the passage of an act providing for an additional subsidy in the China mail-service during the Forty-second Congress and with giving false testimony in relation thereto before the Committee of Ways and Means of the Forty-third Congress, have considered the same, and report:

That the Committee of Ways and Means of the Forty-third Congress, after a thorough investigation of the charge that a large sum of money was used to secure the passage through Congress of an increased annual appropriation to the Pacific Mail Steamship Company, in the nature of a subsidy, report, among other things: "The results of the evidence are that about \$900,000 was disbursed upon the allegation that it was used in aid of the passage of the act now under investigation; that about \$565,000 appears to have been paid to the exclusive use of persons having no official connection with such legislation; and that the disposition of the remaining \$335,000 remains in doubt upon the evidence presented, but without any testimony showing that it was a reward paid to any person at that time a member of either House of Congress; and that the uncertainty attending the disposition of this latter sum is owing to the refusal of WILLIAM S. KING to testify the truth, and to the failure or refusal of JOHN G. SCHUMAKER to present all the facts which the committee believe it was in his power to give."

The committee report the following resolutions:

*Resolved*. That a copy of the testimony taken before the Committee of Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail-service be delivered to the Clerk of the House of Representatives, to be by him laid before the House at the first session of the Forty-fourth Congress, to the end that they may make further inquiry and take due action upon the questions affecting WILLIAM S. KING and JOHN G. SCHUMAKER, and further proceed therein as they shall deem just.

*Resolved*. That the Clerk of this House transmit to the United States district attorney a copy of the evidence taken before the Committee of Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail-service, with direction to lay so much of the same as relates to the truth of the testimony given by WILLIAM S. KING and JOHN G. SCHUMAKER, before the grand jury of said District, for such action as the law seems to require.

The above resolutions were adopted by the House, and a copy of the evidence taken before the Committee of Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail-service has been transmitted to the United States district attorney for the District of Columbia by the Clerk of the House in accordance with said resolution.

The whole subject is properly before the court; the offenses charged are crimes by statute, and the Constitution provides—

"No person shall be held to answer for an infamous crime unless on a presentment or indictment of a grand jury."

Your committee are of opinion that the House of Representatives has no authority to take jurisdiction of violations of law or offenses committed against a previous Congress. This is purely a legislative body, and entirely unsuited for the trial of crimes. The fifth section of the first article of the Constitution authorizes "each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." This power is evidently given to enable each House to exercise its constitutional function of legislation unobstructed. It cannot vest in Congress a jurisdiction to try a member for an offense committed before his election; for such offense a member, like any other citizen, is amenable to the courts alone. Within four years after the adoption of the first ten amendments to the Constitution, Humphrey Marshall, a Senator of the United States from Kentucky, was charged by the Legislature of his State with the crime of perjury, and the memorial was transmitted by the governor to the Senate for its action. The committee to whom it was referred reported against the joint resolution of the Senate, and say:

"That in a case of this kind no person can be held to answer for an infamous crime unless on a presentment or indictment of a grand jury, and that in all such prosecutions the accused ought to be tried by an impartial jury of the State or district wherein the crime shall have been committed. Until he is legally convicted, the principles of the Constitution and of the common law concur in presuming that he is innocent. And they are also of opinion that as the Constitution does not give jurisdiction to the Senate, the consent of the party cannot give it, and that therefore the said memorial ought to be dismissed."

This report was adopted by a vote of 16 to 7. This is the construction given to said section in the first case presented to either House after its adoption by the statesmen who framed the Constitution, and we think it an authority which should control the case before the committee. We know of no public interest which will be promoted by further investigation. Your committee therefore recommend that the House leave these charges where they now are, in court, to be finally adjudicated and disposed of without any interposition or further action of the House.

VIEWS OF THE MINORITY.

The undersigned members of the Judiciary Committee, to whom was referred the resolution of the 24th of January last, set forth in the report of the majority, respectively report:

That the only question now presented to the House is the question of jurisdiction, which question arises under the last clause of section 5 of article 1 of the Constitution:

"Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

It will be seen that there are no words of limitation on the power to expel, which seems to have been left to the good sense and discretion of each House; in other words, does not the Constitution refer rather to the fitness of the member to hold the office, resting on considerations of public justice and policy, than to the time of his election? Yet the undersigned do not deny but that there are limitations on the power of this House, arising from the circumstances of particular cases, and the relations of this House to the constituency of an accused member; therefore, as will be seen, the undersigned need not go further in this case than to assert jurisdiction, because the offenses complained of were not known to the constituents of the members in question until after their election.

Without asserting the guilt of the accused it is sufficient to say that the gravamen of the charges made against them is that one of them (Mr. SCHUMAKER) received the sum of \$275,000 and the other, (Mr. KING,) while an officer of the House, \$75,000 for the purpose of purchasing the votes of members of the Congress for a subsidy to the Pacific Mail Steamship Company, and it is conceded that the alleged reception of such money by them was not known to their constituents until after their election.

It is also alleged that one of the members (Mr. KING) testified falsely concerning the moneys received by him before his election to the present House and that the other (Mr. SCHUMAKER) so testified after his election to the present House before a committee of the Forty-third Congress.

The fact that the questions involved as to the guilt of the accused members have been referred to the courts of the District of Columbia does not and cannot affect the question of jurisdiction, nor in any manner release the House from its duty in the premises, as has been held in the cases of Kilbourn and Belknap.

The case of Humphrey Marshall referred to in the report of the majority is not a case in point. He was accused of the crime of perjury committed before a State court in Kentucky; a majority of the Senate concluded that he was entitled to a trial before a jury; if the members in the cases before this Congress were accused of the crime of perjury committed in a State court, in dealing with the question entirely different considerations might be presented. The committee of the Senate in the case of Marshall say, "That in a case of this kind no person can be held to answer for an infamous crime unless on a presentment or indictment of a grand jury."

This decision, however, only relates to trials in court in the administration of criminal justice, and not to protective justice by proceedings on impeachment or expulsion from either House of Congress. Without now discussing or deciding the question to what depths of infamy a member must have sunk, if condoned by his constituents, before the House should exercise the power to expel him, or without deciding that there is any depth of infamy which if so condoned would authorize such expulsion, it is sufficient to say that in the cases before the House the offenses as alleged related directly to the attempted corruption of members of the Congress of the United States, which crime or crimes, wherever originated, were consummated, as alleged, in the District of Columbia or within the halls of the Capitol.

In the State of New York, in the case of George G. Barnard, one of the justices of its supreme court, he was held liable to impeachment for offenses committed by him before he was elected to the term of office which he then held. The senate of that State has asserted the same principle.

The Senate of the United States has recently held jurisdiction in a case in which the alleged limitation, if any, forbidding it, is found in the words of the Constitution.

The undersigned therefore recommend the adoption of the following resolution: Resolved, That the House of Representative has jurisdiction in the cases of WILLIAM S. KING and JOHN G. SCHUMAKER, and that it be referred to the Committee on Civil Service Reform to ascertain and report the facts.

SCOTT LORD.  
WM. LAWRENCE.  
GEO. F. HOAR.  
B. G. CAULFIELD.

I am of the opinion that the House ought not to assume jurisdiction of a case where a member is charged with having sworn falsely at a time prior to his election, especially if such member has been indicted therefor before the proper judicial tribunal, and pending his trial. But where the charge is that a member of the House has received money to be used by him to corrupt legislation in Congress, for which offense no indictment has been found, I think the House may properly take jurisdiction, though the offenses charged were committed prior to his election. I am desirous that an inquiry be made to ascertain whether this latter offense has been committed by either or both of the accused members, and for that purpose, and to that extent, I concur in the report of the minority of the committee.

GEO. W. MCURARY.

VENEZUELAN CLAIMS.

Mr. SPRINGER. The Committee on Foreign Affairs, to whom was referred the message of the President of the United States, with accompanying correspondence relative to the Venezuelan mixed commission, and also sundry memorials on that subject, have had the same under consideration, and have directed me to submit a report.

Mr. GARFIELD. Is this a unanimous report?

Mr. SPRINGER. It is.

Mr. HALE. How is this a privileged report?

Mr. SPRINGER. I will state that this is the unanimous report of the committee so far as the recommendations are concerned, although certain members of the committee have appended their own explanations to the report.

The SPEAKER *pro tempore*. Has the committee the right to report on this subject at any time?

Mr. SPRINGER. Yes, sir, under the resolution of the House.

Mr. HALE. How has it that right?

Mr. SPRINGER. More than forty-eight hours ago the report was

read to the minority of the committee, and their explanations accompany it.

Mr. HALE. Why, Mr. Speaker, it is not forty-eight hours since the resolution to which the gentleman refers was passed.

Mr. SPRINGER. It is exactly forty-eight hours now.

Mr. HALE. Why, the resolution was adopted at five o'clock on last Monday evening.

Mr. RANDALL. I suggest if no member of the Committee on Foreign Affairs objects, certainly it must be right.

Mr. SPRINGER. This is the unanimous report of the Committee on Foreign Affairs.

Mr. HALE. It does not by any means follow. The resolution agreed to the other night was adopted after full deliberation, and I do not propose it shall be broken here in any case whatever.

Mr. SPRINGER. I will state, Mr. Speaker, that the question was asked at the time whether reports which were unanimous could not come in at any time, and the gentleman from Maine expressly stated there would be no objection to them.

Mr. HALE. I said that in any case where both sides of the committee wanted to report.

Mr. SPRINGER. And that is the case here.

Mr. HALE. I said in such cases consent would be granted.

Mr. SPRINGER. This is a unanimous report.

Mr. HALE. I do not know anything of that kind. There is no member of the minority of this committee that comes in and asks to have this report considered.

Mr. SPRINGER. The minority of the committee can speak for itself. The gentleman from Ohio [Mr. MONROE] who sits near the gentleman is a member of the Committee on Foreign Affairs.

Mr. HALE. If the gentleman from Ohio, as a member of the minority of that committee, states that he wants this matter to come up now, I have nothing further to say. Otherwise it is not clearly here under that rule we adopted on Monday. The gentleman from New York will bear me out in that.

Mr. BEEBE. I will say this: I did not understand the arrangement, so far as I am concerned, as does the gentleman from Maine. However, I learn that such was his understanding and so have held back my report.

The SPEAKER *pro tempore*. If there is no objection then by any member of the Committee on Foreign Affairs, the Chair understands the report may be made. If there is objection the Chair must enforce the rule.

Mr. HALE. I leave the objection entirely to the minority of the committee.

Mr. MILLS. It is privileged, as the minority has consented to the making of the report.

The SPEAKER *pro tempore*. Unquestionably.

Mr. BANKS. What is this report in reference to? Is it the Venezuelan investigation?

Mr. SPRINGER. Yes, sir.

Mr. BANKS. As a member of that committee I object to its being published now.

Mr. SPRINGER. On what ground?

Mr. HALE. This shows the wisdom of my calling attention to the matter.

Mr. BANKS. The resolution accompanying the report is suspensory of judgment on the part of the Government. The report goes over the whole matter, and expresses conclusions from which the minority of the committee dissent, myself positively, in regard to it.

Mr. SPRINGER. The gentleman's dissent is part of the report.

Mr. BANKS. We have not considered the question, nor is the testimony in. It does not belong to the resolution.

Mr. SPRINGER. The gentleman's dissent is on record as part of the report.

Mr. BANKS. No, my assent is to the resolution reported; but my dissent is to the conclusion of the report.

Mr. SPRINGER. Do I understand the gentleman from Massachusetts to object to the consideration of the report now?

The SPEAKER *pro tempore*. The Chair must sustain the point of order made under the rule adopted on Monday, and the report cannot be received at this time, objection being made by the gentleman from Massachusetts, a member of that committee.

MISSISSIPPI INVESTIGATION.

Mr. VANCE, of Ohio. I rise to a privileged report from the Committee on Printing. I am instructed by that committee to report back a concurrent resolution from the Senate that four thousand copies of the report of the Special Committee to Investigate the Late Election in Mississippi, with the views of the minority, be printed for the use of the Senate, with the following amendment.

The Clerk read as follows:

After the word "Senate," in the last line, add the following: "And House of Representatives; 1,500 copies for the use of the Senate, and 2,500 copies for the use of the House of Representatives;" so it will read:

Resolved by the Senate, (the House of Representatives concurring,) That 4,000 copies of the report of the Special Committee to Investigate the late Election in Mississippi, with the views of the minority, be printed for the use of the Senate and House of Representatives; 1,500 copies for the use of the Senate, and 2,500 copies for the use of the House.

Mr. HALE. Let me ask the gentleman reporting this what is the customary course in such cases? I see here the Senate has passed a

resolution, as I understand, providing for the printing of 4,000 copies of this valuable report, with the expectation that the House committee would report an additional number for the use of the House. As I listened to the reading, it seemed to me the committee had taken the number the Senate fixed for that body, and distributed it to both the bodies. Is it not customary to give the Senate the number of copies of any particular report that its Committee on Printing recommends and is acceded to by the Senate, and then for the House, independent of that, to order an additional number? I do not see why we should cut down the number called for by the Senate, which is four thousand copies, to fifteen hundred copies. The report is on an important subject-matter. It has already given rise to debate in the Senate, which will undoubtedly be prolonged; and whenever the matter comes up here it will be treated as a matter of very grave and almost vital interest. The number of copies called for by the Senate does not seem to me to be too large for that body; and if we have twice as many here, I do not think that would be too large for this House.

Mr. VANCE, of Ohio. I presume the gentleman from Maine is correct in his statement of the course which has been pursued in the past. Some of the members of the Senate were anxious that action should be taken upon this matter. The resolution was sent here for concurrence on the part of the House, because the printing of four thousand copies would cost a greater sum than \$500. And as we had heretofore during this session in other matters made a division of copies, we made a division in this case. This is not discriminating against one body or in favor of the other.

Mr. HALE. Let me suggest to the gentleman from Ohio that he allow me to move an amendment. As I have said, this is a very important matter. If we make the number for the Senate, say three thousand copies, and for the House six thousand copies, that will be only nine thousand copies of the report for both bodies. And I am very sure that that number will speedily be exhausted, because the public interest—and it is not confined to one party—in the question is very great. I would like to move the amendment I have indicated.

Mr. VANCE, of Ohio. As the gentleman from Maine is perhaps aware, the reports of the majority and minority of the committee are being published broadcast throughout the land; and if it had not been the wish of the Senate to have this number of copies printed I should not have given my assent.

Mr. HALE. What does the gentleman mean? Does he mean that they are being published in the newspapers?

Mr. VANCE, of Ohio. Yes; when published in the prominent newspapers they are within reach of and read by the people of the country.

Mr. HALE. Still I think the publication in the newspapers is not sufficient.

Mr. RANDALL. This is a campaign document, I suppose, and the Senate desired to have it published.

Mr. HALE. If it be a campaign document it is a campaign document on both sides. One of the ablest of the democratic Senators has made a minority report.

Mr. RANDALL. Let each side print what they think proper.

Mr. HALE. I think that would scarcely be a good rule. We publish as congressional documents important reports that have a political bearing and publish them generally very freely, although the newspapers and party associations publish them aside from that. It does not follow because a report from a committee on a grave subject-matter which has been discussed as this has been on both sides and reported on both sides has political bearings that it should on that account be given the go-by here.

Mr. RANDALL. We do not give it the go-by any more than you give the go-by to the reports of other investigations which you print only up to the amount fixed by law, \$500. We do not desire to incur an unlimited expense in printing such documents.

Mr. HALE. It is a very small saving that can be effected here. This is a subject-matter which I do not think the gentleman can afford any penny-wise wisdom upon.

Mr. RANDALL. I am also reminded that this investigation of affairs in the State of Mississippi was conducted just as other investigations have been conducted in this House, and to which the gentleman from Maine has objected; that is, in a secret manner.

Mr. HALE. I fail to see in the discussions in the Senate any complaint on that score.

Mr. REAGAN. Then the gentleman from Maine has not examined the minority report. The investigation was conducted in secret, against the votes of both of the democratic members of the committee.

Mr. HALE. I was speaking of the discussions in the Senate. I do not think that information upon this important matter should be suppressed or should be kept from the people. I think both of the reports should be freely published.

Mr. RANDALL. This is but an entering-wedge for the printing by Congress of political documents. The investigation was gotten up in my judgment for political purposes only. You made the same charge against us that we have been conducting these investigations for political purposes. And yet, perhaps for that reason, we asked for the printing of no additional copies of the reports.

Mr. HALE. Have we on our side ever objected to the printing of additional copies?

Mr. RANDALL. The printing of additional copies involves a large expense which I am unwilling to incur.

Mr. HALE. I ask the gentleman from Ohio to allow me to offer the amendment I have indicated, that I may take the sense of the House upon it.

Mr. VANCE, of Ohio. I think, Mr. Speaker, that the number provided for is amply sufficient, with the publication of these documents through the newspapers of the country.

Mr. HALE. Does the gentleman decline to allow me to offer my amendment simply to try the sense of the House on increasing the number of copies of these reports? The gentleman can shut me out if he chooses.

Mr. VANCE, of Ohio. I should not shut the gentleman out if my mind were not clear upon the point. I must decline to admit his amendment.

Mr. HALE. All I want is a vote upon it. I put it in that way simply to aid in the diffusion of intelligence upon this subject-matter. Now the gentleman can shut me out if he chooses. All I ask is a vote.

Mr. VANCE, of Ohio. If this resolution would shut out a dissemination of these reports from the people of the country I should not hesitate a moment to permit the amendment to go in, but the gentleman knows the principal part of both the reports has been or will be published in every prominent paper in the country.

Mr. HALE. That is just my point; we want an authentic official report and not one culled and picked by newspaper editors to go out to the people. We want the official report to be sent to each citizen. I do not want that the New York newspapers or the Boston newspapers shall tell what is in the report.

Mr. VANCE, of Ohio. As I understand it, the newspapers do not cull or pick from the reports; they simply publish them in full. One of the reports was published in a Washington paper.

Mr. HALE. Not in full.

Mr. VANCE, of Ohio. The principal points were published.

Mr. HALE. But the report was not published in full. I ask the gentleman if he will allow me to submit my amendment to a vote?

Mr. VANCE, of Ohio. For the reasons I have already stated, I must decline to allow a vote on that amendment.

Mr. GARFIELD. I hope my colleague [Mr. VANCE] will allow me a moment. I want to say that the report involves the integrity of a whole State and the validity of its Legislature and its elections under that Legislature, and there can hardly be a graver question than that which raises the question whether a State Legislature was legally organized or not. This is a complete report of both parties, and they ask that it be printed. It seems to me only fair that an official document shall not be garbled, but that the full statement of the case shall go to the country. I am sure that gentlemen on the other side will not put themselves in the attitude of suppressing the report.

Mr. RANDALL. I would suppress any report that proposes to reduce a State of this Union to a territorial condition simply because the people of that State happen to vote for a certain political party.

Mr. GARFIELD. If that were true, and I were in the gentleman's place, I would ask that the report be printed and sent into every hamlet in the country.

Mr. VANCE, of Ohio. I call the previous question.

The question was put on seconding the previous question; and on a division there were—ayes 81, noes 63.

So the previous question was seconded.

The question recurred upon ordering the main question.

Mr. HALE. I call for the yeas and nays on ordering the main question, so as to give us an opportunity of putting in my amendment if the main question be voted down.

The yeas and nays were ordered.

Mr. VANCE, of Ohio. The gentleman will understand that the Senate asked for only four thousand copies, and the only difference between our report is that we ask the distribution of a part of these copies to the House.

Mr. HALE. But my amendment cuts the Senate out of one thousand copies and gives us six thousand.

The question was taken; and there were—yeas 104, nays 63, not voting 118; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, Jr., Banning, Beebe, Blackburn, Bland, Boone, Bradford, Bright, Cabell, William P. Caldwell, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, Jr., of Missouri, Clymer, Cox, Cutler, Davis, Dibrell, Durand, Durham, Eden, Faulkner, Felton, Finley, Forney, Franklin, Gause, Gunter, Andrew H. Hamilton, Hancock, Hardenbergh, John T. Harris, Harrison, Hartzell, Haymond, Hereford, Abram S. Hewitt, Hopkins, House, Hunton, Hurd, Thomas L. Jones, Kehr, Knott, Franklin Landers, Levy, Lewis, Luttrell, Lynde, Mackey, Maish, McFarland, McManon, Metcalfe, Mills, Morgan, Mutchler, New, Odell, Payne, Piper, Powell, Randall, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Savage, Scales, Sheakley, Singleton, Siemons, Spencer, Springer, Stenger, Stevenson, Stone, Terry, Thomas, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Erastus Wells, Whithorne, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Benjamin Wilson, and Yeates—104.

NAYS—Messrs. George A. Bagley, John H. Baker, Ballou, Blair, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Caswell, Conger, Crounse, Danford, Davy, Eames, Evans, Fort, Foster, Frye, Garfield, Hale, Benjamin W. Harris, Hoar, Huribut, Hyman, Joyce, Kimball, Lapham, Lawrence, Lynch, MacDougal, McCrary, McDill, Miller, Nash, Norton, O'Neill, Packer, Page, William A. Phillips, Pierce, Plaisted, Poppleton, Potter, Pratt, Rainey, Rusk, Sampson, Sinnickson, Smalls, A. Herr Smith, Strait, Tarbox, Thornburgh, Washington Townsend, Tufts, Van Vorhes, Wait, G. Wiley Wells, Whiting, Willard, William B. Williams, James Wilson, and Woodburn—63.

NOT VOTING—Messrs. Abbott, Adams, William H. Baker, Banks, Bass, Bell, Bliss, Blount, Bradley, John Young Brown, Buckner, Samuel D. Burchard, John H. Caldwell, Campbell, Candler, Cason, Chapin, Chittenden, Cochrane, Collins, Cook, Cowan, Crapo, Culberson, Darrall, De Bolt, Denison, Dobbins, Douglas, Dunnell, Egbert, Ellis, Ely, Freeman, Fuller, Gibson, Glover, Goode, Goodin, Robert Hamilton, Haralson, Henry R. Harris, Hartridge, Hatcher, Hathorn, Hays, Hende, Henderson, Henkle, Goldsmith W. Hewitt, Hill, Hoge, Holman, Hooker, Hoskins, Hubbell, Hunter, Jenks, Frank Jones, Kasson, Kelley, King, Lamar, George M. Landers, Lane, Leavenworth, Le Moyne, Lord, Magoun, Meade, Milliken, Money, Monroe, Morrison, Neal, O'Brien, Oliver, Phelps, John F. Phillips, Platt, Purman, James B. Reilly, Robinson, Miles Ross, Sobieski Ross, Sayler, Schleicher, Schumaker, Seelye, William E. Smith, Southard, Sparks, Stowell, Swann, Teese, Martin I. Townsend, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Wheeler, White, Whitehouse, Wigginton, Wike, Andrew Williams, Charles G. Williams, Willis, Wilshire, Alan Wood, Jr., Fernando Wood, Woodworth, and Young—118.

During the roll-call,

Mr. HOUSE said: My colleague, Mr. YOUNG, is detained from the House on account of sickness.

Mr. SCALES. I desire to state that my colleague on the Committee on Indian Affairs from Arkansas, Mr. WILSHIRE, is absent from the House upon committee work.

Mr. FREEMAN. I am paired with Mr. CALDWELL, of Tennessee.

Mr. BAKER, of New York. I am paired with the gentleman from Kentucky, Mr. MILLIKEN. If he were present I would vote "no."

Mr. WILLIS. I am paired with my colleague, Mr. LEAVENWORTH.

Mr. VANCE, of Ohio. I desire to state that my colleague, Mr. WALLING, is absent by leave of the House.

The result of the vote was then announced as above recorded.

The question was upon the amendment reported from the Committee on Printing, to add after the word "Senate," in the last line of the resolution, the following:

And House of Representatives; 1,500 copies for the use of the Senate and 2,500 copies for the use of the House of Representatives.

The amendment was agreed to.

The question then was upon concurring in the resolution as amended.

Mr. REAGAN. Before the House votes on that question, I desire to say one word.

The SPEAKER *pro tempore*. Debate is not now in order.

The question was taken; and on a division there were—ayes 75, noes 7.

Mr. POPPLETON. No quorum has voted.

The SPEAKER *pro tempore*. No quorum having voted, the Chair under the rule will order tellers; and appoints Mr. VANCE, of Ohio, and Mr. PAGE to act as tellers.

The tellers took their places; but before the House proceeded to vote,

Mr. POPPLETON said: I will withdraw the point of order that no quorum voted.

The SPEAKER *pro tempore*. Is there any demand for a further count?

There being no call for a further count, the resolution, as amended, was declared to be concurred in.

Mr. VANCE, of Ohio, moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PRINTING THE AGRICULTURAL REPORTS.

Mr. WILSON, of Iowa. I ask unanimous consent that Senate bill No. 1036 be taken from the Speaker's table and referred to the Committee on Printing.

There being no objection, the bill (S. No. 1036) to provide for the printing and distribution of the reports of the Commissioner of Agriculture for the years 1874 and 1875 was taken from the Speaker's table, read a first and second time, and referred to the Committee on Printing.

#### ORDER OF BUSINESS.

Mr. PAGE. I call for the regular order.

Mr. CROUNSE. I rise to make a privileged report.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman to make a privileged report.

#### UNITED STATES SURVEYS AND SCIENTIFIC EXPEDITIONS.

Mr. CROUNSE. I am directed by the Committee on Public Lands, to whom was referred the joint resolution of the House No. 161, authorizing the Secretary of State to publish a history of the several surveys and scientific expeditions by the United States during the present century, to report the same back, with a recommendation that it do pass. This joint resolution was referred to the committee a few days since with leave to report it at any time.

The joint resolution directs the Secretary of State to cause to be prepared and published a brief history of the several surveys and scientific expeditions ordered and prosecuted by the United States during the century just closed, including in said history the various foreign and oceanic expeditions, the surveys of the coast and of the lakes, and the several topographical, scientific, and military surveys of the interior, the same to be reported to Congress as soon as practicable, said history not to exceed eight hundred pages octavo; and to enable the Secretary to carry into effect the resolution the sum of \$7,500, or so much thereof as may be necessary, is appropriated.

Mr. RANDALL. I would like to ask the gentleman whether, in his opinion, that amount of money will complete the work?

Mr. CROUNSE. I am so advised upon consultation with the proper authorities.

Mr. GARFIELD. When I first drew up this joint resolution, I put in the sum of \$10,000. The Librarian of Congress, who is an expert in all such matters, told me that he thought that \$7,500 would be sufficient, and on that hint and suggestion I cut the amount down to \$7,500. I think this will be one of the most interesting centennial records of the progress of this country that can be made.

Mr. CROUNSE. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

#### EMPLOYÉS IN PRINTING BUREAU.

Mr. TOWNSEND, of Pennsylvania, by unanimous consent, submitted a concurrent resolution concerning certain employés in the Bureau of Engraving and Printing; which was referred to the Committee on Appropriations.

#### LEAVE OF ABSENCE.

Mr. COX. I desire to make a request on behalf of my friend from West Virginia, Mr. WILSON, who has been ill nearly all the session and who desires to go home. There is on the Speaker's table an application by him for leave of absence for ten days. I ask unanimous consent that leave of absence be granted him for that length of time.

No objection was made, and leave was granted accordingly.

#### ORDER OF BUSINESS.

Mr. PAGE. I now insist upon the regular order.

The SPEAKER *pro tempore*. The regular order being called for, the House will now resume the consideration of the unfinished business at the time of adjournment yesterday, upon which the gentleman from Massachusetts [Mr. HOAR] is entitled to the floor.

Mr. BLAND. I desire to make a parliamentary inquiry. Do I understand that the unfinished business of yesterday takes precedence of the morning hour to-day?

The SPEAKER *pro tempore*. If the gentleman will refer to the rule concerning the morning hour, he will find that the morning hour begins after the reading of the Journal and the completion of the unfinished business at the time of the adjournment the day previous.

Mr. BLAND. May I inquire what is the unfinished business?

The SPEAKER *pro tempore*. The unfinished business is the consideration of the motion of the gentleman from Maine [Mr. HALE] to reconsider the vote by which the message of the President in regard to the sundry civil appropriation bill was referred to the Committee on Appropriations.

Mr. BLAND. I move to lay the motion to reconsider on the table.

The SPEAKER *pro tempore*. The gentleman has not the floor for that purpose. The gentleman from Massachusetts [Mr. HOAR] obtained the floor yesterday and yielded to a motion to adjourn. He is now entitled to the floor, and while he holds it the motion to lay on the table cannot be made. When the floor is yielded that motion can be made by any gentleman.

Mr. BLAND. I hope that will not be done, and that we will have something more important to take up our time than to prove that the South is against the North or the North against the South.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. HOAR] is entitled to the floor and will proceed.

#### POLITICAL CONDITION OF THE SOUTH.

Mr. HOAR. Mr. Speaker, I was desirous the other day, when the gentleman from Mississippi [Mr. LAMAR] concluded his interesting remarks, to make some observations which were suggested by his speech. I have in vain sought an opportunity until the present time. I listened to the speech of the gentleman with mingled feelings of pleasure and regret. I always hear him with gratification whenever he chooses to address the House on important public questions. His speech the other day was a masterpiece of intellectual power and skill. I cannot conceive that the opinions he advanced could have been defended with more power of argument or commended with more adroit and persuasive appeal to those of his countrymen who differ from him. I certainly am not one of those, if any there are, who would impute to the gentleman from Mississippi any want of sincerity in the opinions he has advanced in this debate, or in the positions he has heretofore taken which have attracted the attention of the country. I shared with the people of my own State in the pleasure created by his manly and eloquent tribute to the memory of our beloved Senator. I do not arrogate to myself the right to go behind the public utterances of gentlemen in debate here and impute to them motives which they themselves disclaim. If I did, I freely say that I deem it incredible that a man should know how to touch the noblest chords of manly sympathy in the hearts of his countrymen unless such sympathies were congenial to his own breast. I was therefore especially sorry that in sounding for his party the key-note of the coming presidential

campaign the gentleman seems to have wholly abandoned the sentiments toward the majority of his countrymen and the Government of his country which actuated him on the occasion to which I have referred.

His last speech, however philosophic its guise or however apparently calm or impartial, was in full accord with the uniform tone of the democratic press, northern and southern. It was in full accord with the uniform current of speech which has prevailed among his associates in this Hall whenever questions relating to the condition of the South have arisen, beginning with the suppressed utterances of the gentleman from Georgia [Mr. HILL] in the early part of the session, who threatened us with a new war in which he and his friends were to defend the Constitution against republican invasion, continuing with the speech of the gentleman's own colleague from Mississippi, who told us we had broken every oath we ever took, down to the time when the gentleman from New York made his grim and ghastly jests over the Hamburgh massacre, and when the eloquent gentleman from Virginia, "out of the abundance of the heart the mouth speaking" denounced "the tyrannical Government" of his country. Was it in mockery or in self-delusion that after the arraignment of a majority of his countrymen made by the eloquent gentleman from Mississippi, he ended by commanding to us the sentiment of the poet—

Thy gentleness hath made thee great.

The gentleman's speech was a bitter invective against the Government, of whose magnanimity in restoring him to his political rights after an attempt to destroy it he confessed himself the other day a conspicuous instance. The murders and outrages committed upon weak, unoffending, defenseless American citizens are to him but the attempt of a down-trodden people to turn itself in its agony under the heel of an oppressor. The attempt of the Government of the United States to exercise its constitutional authority to preserve to the majority in any southern State the right of free and fair elections are to him but the exertion of a hostile and alien power to keep down in the dust what he terms "his people," by which term I suppose he means the white democrats of the South. The amendments of the Constitution by which four millions of the laboring classes of the South, whose fathers had dwelt for generations upon its soil, to whose unpaid toil its greatness, its wealth, its prosperity are largely owing, to whose Christian forbearance the safety of the homes of the wives, of the children, of the South was due while the whites were away during four years of war waged for their oppression—a body of people speaking the same language, of the same religion, bound to them by ties so close that he says "every black man and black woman and black child in the South was bound by the most tender affection to some white man or white woman or white child"—the amendments, I say, by which these persons were enfranchised he speaks of as "crushed in" upon the institutions of the South. He compares this enfranchisement to the sudden pouring in upon the people of New England and New York of 4,000,000 of Chinese coolies. The policy by which 4,000,000 negroes received their place as equals among 15,000,000 suggests to him Gibbon's famous sentence that the most hateful despotism in the world is the rule of a people by its own slaves. Truly—

Thy gentleness hath made thee great.

I trust the people of the North will read the speech of the gentleman from Mississippi. They will judge of the expediency of committing the destinies of the colored people to a party of whose sentiment those to which I am replying are by the common judgment of its members the mildest type.

Mr. SINGLETON. Will the gentleman allow me a moment?

Mr. HOAR. Certainly.

Mr. SINGLETON. While the gentleman is upon this subject and declaiming so eloquently in behalf of the colored people of Mississippi, depicting their condition—

Mr. HOAR. The gentleman, I suppose, does not interrupt me for an argument.

Mr. SINGLETON. I hope the gentleman will allow me a moment, I have always been courteous to my associates on this floor.

Mr. HOAR. Certainly.

Mr. SINGLETON. I want to have read a telegram which I received this morning from some colored citizens of the State of Mississippi.

Mr. HOAR. I object. I do not think, Mr. Speaker, that any courtesy of debate requires a gentleman to yield to another to make an argument or to put in what he regards as facts on the other side. If I have misrepresented the gentleman personally, or misrepresented any fact in regard to his State, I am perfectly willing to yield for a correction.

Mr. SINGLETON. Will the gentleman allow me to state the purport of this telegram?

Mr. HOAR. If it pertains to what I was stating.

Mr. SINGLETON. I wish to set the facts in a proper light before the country. This telegram I have received this morning.

Mr. HOAR. I will not have any doubts about the question of courtesy; I yield for the reading of the telegram.

Several MEMBERS. Send it up to the desk to be read.

Mr. HOAR. No; read it yourself.

Mr. CONGER. They will not extend your time, and why do you let it be read?

Mr. HOAR. O, they will not refuse that, I am sure.

Mr. SINGLETON. I wish to state before the dispatch is read this one fact: The parties who have sent that telegram, one of them was a republican clerk of the county court of Yazoo County last year, but is now acting with the democratic party. The other one was a slave belonging to my wife's father's estate, to whom, in conjunction with five others, I sold a plantation for \$13,500, every dollar of which has been paid, and he is now living on the place with others. The dispatch will explain itself. I want, while you are making such a clamor over the troubles of the colored people in Mississippi, that you hear what they say for themselves.

The Clerk read as follows:

YAZOO CITY, MISSISSIPPI, August 8, 1876.

Hon. O. R. SINGLETON:

Big barbecue on hand for 15th August. Your presence is indispensable and we urge you to come. Answer.

W. H. FOOTE,  
LEWIS HOY,  
Committee.

Mr. SINGLETON. I want to say in addition that these gentlemen are both colored and supporters of the democratic party. They were once republican. Now you see where they stand. It is an invitation to a barbecue, gotten up in part or in whole by colored people.

Mr. HOAR. I wish the gentleman would come up sometime in the course of the summer to a clam-bake on Cape Cod, and I will extend him an invitation now for that purpose. [Laughter.]

Mr. LYNCH. I wish to state that I know Mr. Foote personally, having served in the Legislature with him for several years. I know him to be a good republican when he is at liberty to be that. He lives in the county of Yazoo, (in Yazoo City,) a county that was carried last year for my honorable colleague by a system of organized terrorism and violence. Otherwise, that gentleman, instead of inviting my colleague to speak, would invite whoever may be nominated against him to speak.

Mr. SINGLETON. One word in response. [Laughter.]

Mr. HOAR. Will the gentlemen on the other side extend my time? [Cries of "Yes."]

Mr. SINGLETON. I do not think there will be any objection to the extension of the gentleman's time. I regret the gentleman from Maine was not equally as courteous as the gentleman from Massachusetts when I asked him to yield to me yesterday.

Mr. HALE. I knew my time was running out and declined to yield to other gentlemen besides the gentleman from Mississippi.

Mr. SINGLETON. But we will not discuss that. In the county of Yazoo the registered vote was about 3,500, perhaps 3,600, and I received of that number about 3,347 votes. You may intimidate men and keep them from the polls, but you cannot drive them to the polls and force them to vote the ticket you wish.

Mr. HOAR. I do not know about that.

Mr. SINGLETON. There was no intimidation at said election on election-day. I have in my possession now a circular printed and published by Mr. Foote, and a number of others, declining to be candidates at all, because they did not wish or intend to run on the republican ticket, having abandoned the party, as they said. I have said circular in my possession, and will produce it before the House if necessary.

Mr. HOAR. I make no question of the individual character or kindness of heart of the gentleman from Mississippi. On the contrary, I am happy to state publicly that some soldiers in my district heard with pleasure that he had taken a seat in the Congress of the United States because of his chivalrous kindness to them when they were prisoners and under his charge. But in the State of Mississippi at the last election, the democratic chairman of the State committee telegraphed to one of his associates to take care that the chairman of the republican State committee was not murdered, saying that they had nearly got through their election and all was going well and they did not want to give any handle to anybody; and his correspondent replies by telegraphing—I have forgotten the name of the man now—but the democratic correspondent telegraphed back that the republican was all safe and that he owed the safety of his life to that dispatch.

Mr. SINGLETON. That happened in my own county. I chance to know the gentleman, General Warner. He came to the county of Madison, at one of the little out-of-the-way voting-precincts, on the day of election, and I do not suppose there was any man there who was not in as much danger of being injured as General Warner. His presence was not considered of so much importance as to put his life in jeopardy.

Mr. HOAR. The person to whom the chairman of the democratic central committee telegraphed did not so consider it. He said he owed the safety of his life to the safe-conduct sent by telegraph. "Your dispatch saved Warner," was his reply.

I intended to deal with the subject a little later on. The argument of the gentleman from Mississippi [Mr. LAMAR] was in substance this: He said there existed throughout the civil service of the country great corruption, and on the part of the majority of the American people great dissatisfaction; that there stood between the remedy for that maladministration and the people an organization called party, the republican party. He quoted certain authorities to show that such an organization having in its control some hundred thousand of office-holders could permanently deprive forty millions of the American people of the right of self-government and prevent them

from executing any reform. He said that the objection to overthrow that party and remove them from power consisted in the fear that it was not safe to trust the liberties of the newly enfranchised colored men at the South, and the gains crystallized into the amendments of the Constitution, to the democratic party of the former slave States. He half conceded and half denied that there had been any outrages or murders on the part of the democratic party of the Southern States. But if there had been, he said, everything that had happened was justified by the misgovernment under which those States labored and by the unwarrantable Federal interference with their right of local self-government. That is the substance of his argument, and it is that argument to which I propose to reply.

The gentleman, however, not very consistently with his claim that this strong, vigorous, wealthy, defiant American people could not defend itself against a hundred thousand postmasters and custom-house officers, went on to scout the idea that the armed democratic organizations of the Southern States, drilled and compacted, numbering millions, wielding the State power of those States, could ever be a menace or danger to the liberties of the same American people. On the other hand, his argument was that the hundred thousand unarmed people, the insignificant postmasters and custom-house officers and revenue officers of this country, constituted a danger to our liberties which, when they reached the number of a hundred thousand, it was impossible for the American people to overcome; while at the same time the armed, desperate, unscrupulous millions taking possession of and wielding lawlessly the powers of from eleven to fifteen States, and allied with their political associates at the North, constitute no danger which any wise statesman could for a moment regard.

Now, Mr. Speaker, I propose to address myself to these propositions in their order; in the first place, to the claim that there is a prevalent corruption or maladministration of political affairs in this country which should alarm or excite the fears of the American people for the purity of their Government or the perpetuation of their liberties. I do not think any man will accuse me of refraining anywhere from fully asserting, emphasizing, and condemning any act of misgovernment or corruption because that act proceeded from a republican quarter. I agree that the republican party has in some important cases misplaced its confidence and that there has been in some high quarters error of judgment in selecting and failure of vigor in detecting and removing unworthy officers; but having investigated this question with some care, I declare my belief that the sixteen years in which the republican party have held the power in this Government have been purer and freer from corruption or maladministration of any sort than the sixteen years which followed the inauguration of General Washington. I believe that is true not only proportionately, but absolutely. We have forty millions of population, and they had but five or six. We have nearly a hundred thousand office-holders and raise a revenue of three hundred millions a year, and they had but a few thousand office-holders and raised a revenue of but a few millions. But I believe there is absolutely less of corruption and less of maladministration and less of vice and evil in public life than there was in the sixteen years which covered the administration of Washington, the administration of John Adams, and the first term of Jefferson. I agree with the gentleman from Mississippi himself when he says:

We must believe that the moral character of our people is sound, that they enter upon the second century of their nationality with increased moral earnestness, with higher standards of public virtue and official rectitude.

I believe, with that accomplished orator and scholar Dr. Storrs, that—

There never has been a time, not here alone but in any country, when the fierce light of incessant inquiry blazing on men in public life would not have revealed forces of evil like those we have seen, or when the condemnation which followed the discovery would have been sharper.

The republican party, as I have said, has controlled the Government for sixteen years, a term equal to that which covers the whole administration of Washington, the whole administration of John Adams, and the first term of Jefferson. It has been one of those periods in which all experience teaches us to expect an unusual manifestation of public corruption, of public disorder, and of evils and errors of administration. A great war; the time which follows a great war, great public debts, currency and values inflated; the exertion of new and extraordinary powers for the safety of the state; the sudden call of millions of slaves to a share in the Government—any one of these things would be expected to create great disturbance, and give rise to great temptations and great corruptions. Our term of office has seen them all combined. And yet I do not scruple to affirm that not only has there been less dishonesty and less maladministration in the sixteen years of republican rule proportionally to the numbers and wealth of the people than in the first sixteen years after the inauguration of Washington, but there has been less absolutely of those things.

Why, Mr. Speaker, one of the most famous generals of the revolutionary war, whose life extended down to the period to which I have alluded, while he was Quartermaster-General, was in partnership with a firm for the purpose of selling quartermaster's stores to the Government and making a profit, corresponding with his partner secretly and in cipher. The Attorney-General and Secretary of State, Washington's friend, while he was Secretary of State was detected in receiving money from France as a bribe to thwart the for-

ign policy of the administration of which he was a member. Another Cabinet officer of Washington, Hamilton, being charged with a corrupt official relation with a citizen, defended himself by acknowledging to his countrymen, over his own signature, a profligate relation to the wife of the person named. Still another Cabinet officer of Washington wrote a letter, which is in existence in my own State, in which he admitted to his correspondent, and begged his correspondent to help him to conceal from the public view, an act of personal dishonor compared to which the crime charged upon Belknap is as the act of an archangel. Why, sir, at the beginning of the last four years of the period of which I speak who were the candidates whom the great American people brought forward for their first office? Who received an equal number of democratic votes with Jefferson in the electoral college? Who was supported by the federalists in the House against Jefferson through thirty-seven ballottings? Aaron Burr, the man who, by an act half duel and half murder, deprived his countrymen of the precious and costly life of Hamilton; Aaron Burr, who a few years after, the great office of Vice-President scarcely laid down, organized a treasonable and corrupt intrigue against the Government of his country and against neighboring territory, the punishment of which he escaped by an acquittal by a jury on technical grounds, Chief Justice Marshall presiding in court.

Now, Mr. Speaker, these things were not known. Washington concealed the act of his Secretary of State from his countrymen and accepted his resignation. The difference between the two generations is the Drummond light which the press turns upon all these transactions and under which the moral sense of the country indignantly demands their exposure and punishment. I wonder if the gentleman from Mississippi or any of his associates on the other side of the House have heard of the Yazoo claim. In the year 1795 the State of Georgia owned the lands now constituting the greater portion of the State of Mississippi on the eastern bank of the Mississippi, then called the Mississippi country. An association was got up to buy those lands at an inadequate and fraudulent price from the Legislature of the State of Georgia. They had been offered some \$800,000 or a million dollars; but they passed an act selling them to this association for \$500,000. There was a great public excitement on the subject, and the next year the Legislature of Georgia ordered an investigation. They found that of the majority of the house of representatives of the State of Georgia every man had received a bribe in money or lands, and that the same was true of a large number in the senate, who had passed the bill by a majority of one. The next year they passed a statute, which I have before me, in which they recited the facts I have stated and proceeded to enact that the public records of the State of Georgia concerning this transaction should be taken into the court and burned in the presence of the Legislature. They provided also that wherever a deed was recorded under that statute in any county of the State the record should be taken to the county court and there burned; "to the end," as the law goes on to say, "that no trace of so unconstitutional, vile, and fraudulent transaction should appear except the infamy attached to it by the repealing statute."

Now the State of Georgia subsequently ceded this tract of land back to the United States, and claimants under the fraudulent sales came to Congress under the administration of Mr. Jefferson and a lobby was formed, of which the Postmaster-General of the United States under Mr. Jefferson was at the head, and they attempted to get a confirmation of the fraudulent grant through Congress. It is said—whether it be true or not I do not know—that seventy members of the two branches of Congress had been corruptly induced to promise their consent to the passage of that bill. That fact, however, does not rest on any proof. You will remember also, Mr. Speaker, that in the time of John Adams he sent to the Senate a nomination for a high military office of an unworthy son-in-law of his own who had been detected in some breach of trust; the nomination of a man so unworthy that his own Secretary of War lobbied at the doors of the Senate Chamber to prevent his confirmation.

Now we hear from that class of persons called "independents" expressions of discontent. We hear it from the universities and from the scholars of the country. I rejoice that they are alert in regard to the evils of political administration; but, sir, the condemnation which came in former times from the same class could hardly be uttered upon this floor by any gentleman who desires to preserve his character for candor or moderation. I have in my possession (I wish I had it here) a copy of a poem delivered in 1803 by Mr. Brackett before the Phi Beta Kappa Society at Dartmouth and published by a committee of which Ezekiel Webster, afterward one of the most celebrated men in the State of New Hampshire, was chairman. Mr. Brackett in that poem, amid the applause of the scholars gathered at the festival of that famous and learned university, draws a picture of the degradation of his country in the fifteenth year of its constitutional existence in vigorous strains worthy of Pope. He supposes the mighty shade of Washington to rise on the banks of the Potomac—

His warm cheek glowed, and flashed his angry eyes;  
Then from his brow the laurel-wreath unbound,  
And threw the withering honors on the ground.

This is his portraiture of Jefferson, then President:

Cimmerian goblins brooded o'er the hour  
When here a wild projector rose to power;

Delusive schemes distend whose plodding brain,  
Whose philosophic robe debaucheries stain.  
He, weak in rule, unskilled in moral lore,  
In practice infidel, in spirit poor;  
Despised in person, and debased in mind,  
At once the curse and pity of mankind,  
Pleased with his simple garb and sable whore,  
Reviles the God his countrymen adore.  
Refined in insult! There we saw him shed  
Theatric sorrow o'er the mighty dead!  
Oh, then, then Heaven's indignant thunders slept;  
The shade was wounded, and the virtues wept!

Here is the picture of Albert Gallatin, that accomplished scholar and statesman, like Agassiz, one of the two great and costly gifts our sister-republic of Switzerland has given to America, as he seemed to contemporary eyes. Gallatin was then at the head of the Treasury.

Columbians! see, disgraced and drooping, stand  
Your eagle, half unfledged by party's hand!  
Columbians! see a foreign child of vice,  
Vile leech of state, whose virtue's avarice,  
Sedition nursed and taught in faction's school,  
With front of triple brass, your treasure rule!  
Columbians! see the foes of virtue rise,  
By slander mounted, and upheld by lies!  
Columbians! see your veterans basely spurned,  
Your heroes slighted, and your chiefs unmourned!  
See! nor while merit from your board is driven,  
Expect the favor of offended heaven.

The society of the Phi Beta Kappa return to the author their cordial thanks for his ingenuous and sentimental poem and request a copy for publication.

This was the sentiment of Dartmouth in the fifteenth year of the Republic. It was not much different at Harvard.

I desire to read to the House some extracts from the writings of Fisher Ames, who retired from Congress during the administration of General Washington, and who represented the city of Boston, to show what he thought of the condition of the country at that time. He was chosen president of Harvard about the time these letters were written. I shall read only a few passages taken almost at random from his letters:

Our country is too big for union, too sordid for patriotism, too democratic for liberty. What is to become of it, He who made it best knows. Its vice will govern it by practicing upon its folly. This is ordained for democracies.

Then he goes on to say—

Property at public disposal is sure to corrupt. Here, to make the result equally inevitable and inveterate, power is also to be for some ages within the arbitrium of a house of representatives. Before that period Botany Bay will be a bettering-house for our public men. Our morals, forever summing and fly-blown like fresh meat hung up in the election market, will taint the air like pestilence. Liberty, if she is not a goddess that delights in carnage, will choke in such an atmosphere, fouler than the vapor of death in a mine.

Again he says:

Suppose an attack on property, I calculate on the "sensibilities" of our nation. There is our sensorium. Like a negro's shins, there our patriotism would feel the kicks and twinge with agonies that we should not be able so much as to conceive of, if we only have our faces spit in. In this case we could wipe off the ignominy, and think no more of the matter. He that robs me of my good name takes trash. What is it but a little foul breath tainted from every sot's lungs? But he who takes my purse robs me of that which enriches him, instead of me, and therefore I will have vengeance.

Now, Mr. Speaker, I do not wish to be misunderstood; I do not wish to be misrepresented in this matter. Let no man assert that I refer to the evils of those days as either excuse or palliation for the evil of ours. That generation was a frugal and honest generation in the main, and they would have visited with the swiftest condemnation and punishment, as this generation will visit with the swiftest condemnation and punishment, every breach of public trust, whether through dishonesty or usurpation. But they did not send to England for Benedict Arnold. They did not restore the tories to power. They did not go down on their knees to George III and ask him to take them back into favor. They believed that if the Constitution could not be administered honestly by a majority of the friends of the Constitution, it could not be administered honestly by a majority of its enemies; that if liberty was not safe and pure in the hands of those who loved her, then liberty was a failure upon the earth, and they did not think of intrusting her to the hands of those who hated her. So in this generation had they lived to-day they would have done simply what a distinguished president of the convention in my own State, whom the gentleman quotes, recommended; they would have taken the Government from the hands of the lovers of liberty who are dishonest and put it into the hands of men who entertain the same sentiments but who are honest. It would never have occurred to them that because among one hundred thousand men there are found some few who will not keep the eighth commandment, "Thou shalt not steal," which is a mandate for all the public service, they should put in power men who have no regard for the sixth, "Thou shalt not kill."

The gentleman has very frankly stated what I admit is the one most vital issue in the coming campaign. It is an issue which transcends all questions of finance, of economy, of vigor of administration, by as much as questions of freedom and human rights transcend all questions of mere property. It is an issue which the former slaveholding and rebel classes at the South deem so vital, that upon it they have impacted themselves together, as firmly united as they ever were in the interests of slavery, as thoroughly drilled and disciplined as were their best troops in the war. It is the question whether the policy

which has been hitherto pursued toward the colored people of the South by the republican party shall be continued, whether the power of the nation shall be pledged to them for the protection of their rights, or whether they shall be left wholly to the mercy of the white democrats at the South when they have gained, as they hope to gain by such methods as they have pursued and are pursuing, the entire control of their State powers. This issue the democrats of the South deem so vital that they seem willing to risk all differences among themselves on other questions and to adopt any platform and support any candidate by whose aid they can hope to carry one or two northern States with votes enough to give them a President.

The American people had to choose between three policies in dealing with the four millions who had been emancipated by the war:

First. To restore without condition the rebel States to their old powers, leaving the negro to be dealt with by the former masters without interference from national authority.

Second. To keep the old States out of the Union, governing them as Territories until new generations, with new opinions and habits, had grown up to be intrusted with self-government.

Third. The policy in part adopted to confer by amendments to the Constitution of the United States citizenship and the right of suffrage on the enfranchised race, and impose upon Congress the power and duty of passing all needful laws for their protection.

The second of these alternatives, the keeping the States that had rebelled in subjection as Territories, is a plan which to-day finds few defenders. Nearly a majority of the people at the North regarded it as unconstitutional. Whether constitutional or not, it was utterly repugnant to the principles, the habits, and the character of the whole people. Eleven vassal States kept in subjection by governors civil or military, and a complete system of government appointed from without. Whatever effect this would have had on the governed, there can be no doubt that it would have been in the end utterly destructive to the governing States. There is no lesson taught more clearly by history than that the habit of wielding arbitrary power by one man over another or by one people over another tends to the injury of the men who wield it.

The only alternative left, therefore, was between the policy advocated by the gentleman and that actually pursued by the people of the United States.

Mr. Speaker, I propose to contrast the policy adopted by the American people of dealing with the emancipated race with that which the democratic party would have adopted as evidenced by its conduct whenever it possessed either the legal or the physical power. I do not fear the comparison either of principles or of results.

Before bringing these two policies to the test of actual experience, let us consider what we ought to have expected beforehand from the known constitution of human nature. It is an old parliamentary adage, that "You should not put out the child to a nurse who would strangle it." The writers of the civil law warn us against committing a ward to a hostile guardian, *tangam agnum lupo ad devorandum*.

I would not of course apply this maxim literally to any large class of my fellow-citizens. But to commit the rights of these men in freedom to men who thought their just and rightful condition was that of slaves, that the rights of these two million women should be left to those who thought it right to whip women, that the education of these children should depend on men who thought it right to sell little children, would hardly seem to be an act of political wisdom.

But let us bring to the test of actual experience the theories of the gentleman from Mississippi. We are able fortunately to know something of their fruits in legislation and something of their fruits in action. For a few years after the war the democrats of the South by the policy of Andrew Johnson were permitted to have uncontrolled possession of the legislative powers of several of the Southern States. One of them was the State of Mississippi. I hold in my hand a small but most remarkable volume, the public laws of Mississippi for the year 1865.

The gentleman sought to find some palliation for these odious laws by citing the opinions of Governor MORTON uttered in that year, that it was desirable to postpone for ten, fifteen, or twenty years the grant of the full elective franchise to the colored race. He would have it believed that Governor Andrew of Massachusetts held a like opinion. He is wholly mistaken as to Governor Andrew. Governor Andrew opposed the reconstruction of the South on the basis of the colored vote alone, and proposed to admit master and slave to the enjoyment of the franchise on the same terms, imposing on both alike an educational condition. He maintained that we must deal generously and with confidence with the men who had carried their States into rebellion, whom he termed "the natural leaders of that society." But the conduct of the Legislatures of Mississippi and the other States overthrew all the theories of Governor MORTON, and struck a cruel blow in return for the confidence of Governor Andrew.

The opening sentence of the constitution of Mississippi declares—That all freemen when they form a social compact are equal in rights.

I think it will be perceived that in the opinion of that Legislature the negro was not present when the social compact was made. They then proceed to provide, in article 8 of the constitution, that—

SECTION 1. The institution of slavery having been destroyed in the State of Mississippi, neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted, shall hereafter exist in this State; and the Legislature at its next session, and thereafter as the

public welfare may require, shall provide by law for the protection and security of the person and property of the freedmen of the State, and guard them and the State against any evils that may arise from their sudden emancipation.

Under that authority "to guard them—the freedmen—and the State against any evils that may arise from their sudden emancipation," be good enough, Mr. Speaker and gentlemen, to listen to what they did. In the first place, on pages 82-86 of this volume is "An act to confer civil rights on freedmen, and for other purposes." In the first place, they enacted that no negro should own any real estate; he might own personal property; but no person should lease any real estate to a negro. He could not own in fee, nor have any interest as tenant, in any real estate. And then they go on and provide—

That every freedman, free negro, and mulatto shall, on the second Monday of January, 1866, and annually thereafter, have a lawful home or employment, and shall have written evidence thereof.

The same act then goes on to provide "that every civil officer shall, and every person may"—just listen to this, you who represent constituencies of northern laborers—

That every civil person shall, and every person may, arrest and carry back to his or her legal employer any freedman, free negro, or mulatto who shall have quit the service of his or her employer before the expiration of his or her service without good cause, and said officer and person shall be entitled to receive for arresting and carrying back every deserting employé aforesaid the sum of \$5, and ten cents per mile from the place of arrest to the place of delivery; and the same shall be paid by the employer and held as a set-off against the wages of said deserting employé.

Then, upon affidavit made by the employer before any justice of the peace that his servant has left him without good cause, the negro is to be seized, brought before the justice of the peace, and trial is to be had; and from the judgment of the justice either party may appeal to the county court, and the justice may commit the negro to the custody of the employer in the mean time until that appeal is settled.

Section 9 of the same act provides—

That if any person shall persuade or attempt to persuade, entice or cause any freedmen, free negro, or mulatto to desert from the legal employment of any person before the expiration of his or her term of employment, or shall knowingly employ any such deserting freedmen, free negro, or mulatto, or shall knowingly give or sell to any such freedmen, free negro, or mulatto any food, raiment, or other thing, he or she shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$25 and not more than \$200 and costs; and if said fine and costs shall not be immediately paid, the court shall sentence such convict to not exceeding two months' imprisonment in the county jail, and he or she shall moreover be liable to the party injured in damages.

And here is a further act to amend the vagrant laws of the State. The act, in its second section, provides—

That all freedmen, free negroes, and mulattoes in this State over the age of eighteen years, found on the second Monday in January, 1866, or thereafter, with no lawful employment or business—

If he is out of work; that is all that is required—

or found unlawfully assembling themselves together either in the day or night time—

And by a later statute it is expressly enacted that all the old laws relating to slavery shall be applicable to freedmen; so that the holding of a political meeting or any other meeting is an unlawful act under this law—

and all white persons so assembling with freedmen, or usually associating with freedmen, free negroes, or mulattoes on terms of equality, \* \* \* shall be deemed vagrants, and, on conviction thereof, shall be fined in the sum of not exceeding, in the case of a freedman, free negro, or mulatto, \$50, and a white man, \$200, and imprisoned at the discretion of the court, the free negro not exceeding ten days, and the white man not exceeding six months.

So that, under the authority to pass laws to guard the freedmen against any evils that may arise from their sudden emancipation, the white men of Mississippi enact that any white man who associates with a free black citizen on terms of equality is to be deemed a vagrant, and punished by fine and imprisonment; and I am not so sure that, so far as the authors of that law were concerned, it was not a wise law, so far as the morals, honesty, and fitness for citizenship of the negro were concerned, to exclude them from his society.

Then there is another act providing—

That no freedman, free negro, or mulatto, not in the military service of the United States Government, and not licensed so to do by the board of police of his or her county, shall keep or carry fire-arms.

And the penalty is \$10 and costs; and any white person who shall sell, lend, or give to any freedman, free negro, or mulatto any fire-arms is to be subject to fine and imprisonment.

Now, by the uniform confession of the white democrats of the South, their homes during the war were guarded by these same freedmen, then slaves, and they were guilty of no disturbance, no act of violence, no outrage. They therefore could not have supposed that they were in any danger by permitting these freedmen to have arms. But it was that the negro should not be recognized as enjoying that first constitutional prerogative of the free citizens of this Republic, the right to bear arms, that this law was enacted. Then there is this further provision in the same law:

That all the penal and criminal laws now in force in this State defining offenses and prescribing the mode of punishment for crimes and misdemeanors committed by slaves, free negroes, and mulattoes, be, and the same are hereby, re-enacted and declared to be in full force and effect against freedmen, free negroes, and mulattoes, except so far as the mode and manner of trial and punishment have been changed or altered by law.

And the act further provides—

That if any freedman, free negro, or mulatto, convicted of any of the misdemeanors provided against in this act—

Including the crime of being out of work—

shall fail or refuse, for the space of five days after conviction, to pay the fine and costs imposed, such person shall be hired out by the sheriff or other officer, at public outcry, to any white person who will pay the said fine and costs and take such convict for the shortest time.

And there is no limit as to the time.

[Here the hammer fell.]

The SPEAKER *pro tempore*, (Mr. HEREFORD in the chair.) The time of the gentleman has expired.

Mr. GARFIELD. I hope the time of the gentleman will be extended.

Mr. BLAND. I move that the time of the gentleman be extended. How much additional time does he want?

Mr. HOAR. I cannot tell exactly. I will get through as soon as I possibly can.

There was no objection, and an extension of time was accordingly granted.

Mr. HOAR. Now remember that all these laws were passed in Mississippi before there was conferred on these freedmen any political powers. They were not the result of bad government. They embodied the ideas which the southern democrats then entertained of what was just and right in carrying out in good faith the amendment of the Constitution prohibiting slavery. This was the action of these men toward a class of their fellow-citizens whom their own constitution declared to be free.

I should like to take the sense of the workingmen of any northern State this summer as to what they think of the fitness for rule in the Republic of a party that proposes to *sell free citizens for the crime of being out of work*.

These laws in substance were copied in the State of Louisiana. I have the Louisiana laws here, but will not read them. They were substantially copied in Texas, and I think in Georgia and several other southern States.

In the same year Mississippi rejected the thirteenth amendment; so that they desired to preserve slavery in Kentucky, Maryland, Delaware, and Missouri.

Truly—

Thy gentleness hath made thee great.

I now wish to call attention to one other matter. I will ask the Clerk to read an extract from a report made by Hon. Luke P. Poland, who my friends on the other side will concede to be one of the most candid, impartial, and just men we have ever had in public life. The report relates to a time before any carpet-bag governments were established in the South. I ask the Clerk to read the paragraphs I have marked.

This is the account of a transaction in the State of Louisiana in 1864.

The Clerk read as follows:

In 1864 a convention was held which framed the constitution of the State. It adjourned subject to the call of its president. In 1866 it was summoned to meet again in New Orleans, to consider some proposed amendments to the constitution, which had gone into effect. It was claimed that by the adoption of the constitution its functions were exhausted, and that its future assembling could have no official character. If this were true it would seem to have been harmless.

Its members were unarmed and unprepared for resistance. This body was set upon in the hall where it assembled by a mob consisting of citizens and policemen of New Orleans. In the language of the report of the congressional committee of the House of 1866, who fully investigated the whole transaction, "There has been no occasion in our national history when a riot has occurred so destitute of justifiable cause, resulting in massacre so inhuman and fiend-like. The massacre was begun and finished at midday. An intention to disperse and slaughter the members of the convention and those persons, white and black, who were present and friendly to its purposes, was mercilessly carried into full effect." The police were active on the side of the rioters. Two hundred and sixty persons were killed. The report proceeds:

"The committee examined seventy-four persons as to the facts of violence and bloodshed upon that day. It is in evidence that men who were in the hall, terrified by the merciless attacks of the armed police, sought safety by jumping from the windows, a distance of twenty feet, to the ground, and as they jumped were shot by police or citizens. Some, disfigured by wounds, fought their way down stairs to the street, to be shot or beaten to death on the pavement. Colored persons at distant points in the city, peacefully pursuing their lawful business, were attacked by the police, shot and cruelly beaten. Men of character and position, some of whom were members and some spectators of the convention, escaped from the hall covered with wounds and blood, and were preserved almost by miracle from death. Scores of colored citizens bear frightful scars, more numerous than many soldiers of a dozen well-fought fields can show, proofs of fearful danger and strange escape. Men were shot while waving handkerchiefs in token of surrender and submission. White men and black, with arms uplifted praying for life, were answered by shot and blow from knife and club; the bodies of some were 'pounded to a jelly'; a colored man was dragged from under a street-crossing and killed at a blow; men concealed in out-houses and among piles of lumber were eagerly sought for and slaughtered or maimed without remorse; the dead bodies upon the street were violated by shot, kick, and stab; the face of a man 'just breathing his last' was gashed by a knife or razor in the hands of a woman; an old gray-haired man peacefully walking the street at a distance from the institute was shot through the head; negroes were taken out of their houses and shot; a policeman riding in a buggy deliberately fired his revolver from the carriage into a crowd of colored men; a colored man two miles away from the convention hall was taken from his shop by the police, at about four o'clock on the afternoon of the riot, and shot and wounded in side, hip, and back. One man was wounded by fourteen blows, shots, and stabs; the body of another received seven pistol-balls. After the slaughter had measurably ceased carts, wagons, and drays, driven through the streets, gathered the dead, the dying, and the wounded in 'promiscuous loads,' a policeman, in some cases, riding in the wagon, seated upon the living men beneath him. The wounded men, taken at first to the station-house or lock-up, were all afterward carried to the hospital. While at the station-houses, until friends found them with medical aid, they were left to suffer; when at the hospital they were attended to with care and skill. But this was done at no cost to the city or to the State.

"Without asking permission, so far as the committee learned, those wounded men

were carried to the hospital under the care of the Freedmen's Bureau and shelter, surgical treatment, and food were furnished at the cost of the United States.

"In the year 1868 occurred in Louisiana six bloody and terrible massacres. Mr. Poland reports that more than two thousand persons were killed in that State within a few weeks of the presidential election. In the parish of Saint Landry the republicans had a registered majority of 1,071 votes. In the spring of 1868 they carried the parish by 678 votes. In the fall they gave Grant no vote, not one, while the democrats cast 4,787 for Seymour. Here occurred one of the bloodiest riots on record. The Ku-Klux killed and wounded over two hundred republicans, hunting and chasing them for two days and nights through fields and swamps. Thirteen captives were taken from the jail and shot. A pile of twenty-five dead bodies were found half buried in the woods. Having conquered the republicans, killed and driven off the white leaders, the Ku-Klux captured the negroes, marked them with badges of red flannel, enrolled them in clubs, led them to the polls, made them vote the democratic ticket, and then gave them certificates of the fact."

Mr. Speaker, this was before all bad government of carpet-baggers or negroes. It was without other cause than the desire to carry an election and to give an illustration of the meaning of the gentleman's maxim—

Thy gentleness hath made thee great.

I will not detain the House by a recital of the terrible murder at Colfax in 1873, a deed which our report pronounces—

Without palliation or justification; deliberate, barbarous, cold-blooded murder, to stand like the massacre of Glencoe or of St. Bartholomew, a foul blot on the page of history.

Thy gentleness hath made thee great.

In 1874 took place an election for State officers and members of the Legislature. I ask to have the history of the transactions of that year read by the clerk, as given by myself in the report just cited.

The Clerk read as follows:

We now come to the events of 1874. The campaign was inaugurated by the formation of a party designed to divide the people of Louisiana on the line of race. Its convention at Baton Rouge begins its address, "We, the white men of Louisiana." This party assumed various names in various localities, almost always indicating a purpose to make the race issue distinct.

Agreements were entered into in various parishes, signed by hundreds of planters, to employ no laborer who did not vote their ticket. Hand-bills like the following were circulated in French and English:

"Louisianais: Pour sauver votre patrie, il faut renvoyer les nègres. (Par la faim, animal le plus féroce est dompté.)"

"Louisianians: To save your country, do not employ the negro. Wild beasts can only be tamed by hunger."

After the white-league rising of September 14, 1874, an account of which is given hereafter, risings took place in many parishes. The Kellogg officers were driven from power and compelled to fly for their lives. After the re-establishment of the Kellogg government in some cases the officers were not permitted to resume their functions.

The speeches at public meetings and leading articles in the press urged the people to deeds of violence. We submit a collection of extracts taken from many leading and influential journals published in various parts of the State. We have not space to make extracts from them in this report. They are enough of themselves to establish its conclusions as to the purposes and conduct of the leaders of the white man's party in the campaign of 1874.

It is impossible to state, in the space which this report can properly cover, the details of the deeds of lawless violence which were proved before the committee. In many parishes the legal officers were driven out by force. Republicans were murdered or compelled to fly for their lives. Whatever the pretext, the real offense was their political opinions.

Buford Blunt, State senator, an eminent and influential colored preacher in the Baptist Church, whose efforts to establish schools in the parish are highly spoken of in the report of the State superintendent of education, was compelled to promise to give up all politics, and afterward to fly for his life.

Allen Greene, a State senator, a native of Georgia, who had lived in the State for many years, had established in the parish of Lincoln a tannery and shoe factory. Hides and bark were produced in abundance in the neighborhood. Mr. Greene had furnished machinery which required the employment of skilled labor, and had introduced about eighty workmen from New England, to whom he paid an average of \$30 per month, making a pay-roll of \$2,500 per month to be expended in the town. In May, 1874, Mr. Greene was required to resign his office, with threats against his life. His workmen were so disturbed by the condition of things that they refused to remain, and a new body, who had been engaged in Massachusetts, hearing of the rising of September 14, refused to keep their engagements. Thus the people of the parish of Lincoln prefer to send their hides half way across the continent, have them tanned and manufactured into boots and shoes in Massachusetts, by workmen to whom the flour, sugar, rice, and cotton are in like manner conveyed, and then brought back to Louisiana in the form of boots and shoes, and to pay tribute to the manufacturer in Massachusetts, to the carrier and commission-merchant, rather than to allow manufactures to be carried on in their own State by men who may be allowed the free expression of their political opinions.

#### THE STORY OF JUDGE MYERS.

H. C. Myers resides in the parish of Natchitoches, about five hundred miles above the city of New Orleans, on Red River; has lived there eighteen years. His wife and their six children were born there. For several years he was register of the United States land office for the northwestern district of Louisiana; was elected parish judge in 1870 and 1872, which position he held until February, 1874, when he was appointed judge of the seventeenth judicial district of that State, comprising the parishes of Natchitoches, Sabine, De Soto, and Red River. He appears to be a man of good education, of culture, of refined speech and manners; and your committee fail to see that any charge of mal or misfeasance in office was at all sustained. Early in the spring of 1874 there were nursed and assiduously cultivated in that parish fierce and clamorous political antagonisms. The White League was organized, the removal of all republican office-holders determined upon, and, as has been well said of another locality, "the air was full of assassination." In May notices were posted in conspicuous places, as follows:

"K. K. K."

"Boullet, Myers, and all other radicals in this parish. Your fate is sealed. Nothing but your blood will appear us. The people of Natchitoches, Sabine, Winn, De Soto, Rapides, Red River, Bienville, Claiborne, Jackson, and Caddo are ready at a moment's notice, and will exterminate all radicals."

About this time Judge Myers was warned that his life would be forfeited if he remained another day at his home. His wife, two of his children, and his aged father were sick; one of the children and the father hopelessly; so says the judge. "Quite sick; my little child dying; my aged father, at the other end of the town, also dying. I kissed my little baby, placed it in the care of its weary mother and the Almighty. I left my home, not daring even to visit my father."

The judge and Judge Boullet fled in the night-time by circuitous paths, without even a change of clothing, lest it might lead to suspicion, and finally arrived at New Orleans. From that day to now he has never ventured to his home, and dares not do so. In less than a week after he left the babe died, and the father, too, and says the wife in her testimony, "I was left alone with my sick and dying children. None of my neighbors came to my assistance. My child died. I sent to the tomb-builder to make its little tomb, and he being a democrat refused to do it." From the testimony of the judge and his wife, and incidentally of others, your committee are compelled to believe this a true story.

We were anxious to obtain the facts in the terrible tragedy of Coushatta, and were able to do so from several witnesses, but principally from Mr. Twitchell, a brother of one of the victims, and from Mr. Abney, a merchant of that town, whose reluctant admissions, under a rigid cross-examination, satisfied us was the chief conspirator. This is the fearful story proven to our satisfaction:

The Twitchell brothers, from New Hampshire, both young and active men of business, one a man some time married, the other but a short time before his death, with five or six other men from the North, with their families, settled in this little town, bringing with them earnestness of purpose, integrity, economy, and habits of industry. The reasonably-expected results followed: The hamlet grew into a prosperous and flourishing New England village, with its saw and grist mills, its factory, its stores and store-houses, its pleasant white-painted houses with their lawns and gardens, its churches and school-houses. Business flourished. About twelve hundred colored men were gathered into the village. Their labor was in demand; their wages good and promptly paid. Their children eagerly availed themselves of the school privileges abundantly afforded. The colored voters finding that these men never betrayed their confidence, but in all things were aiding them, elected them to the several parish offices; and they, thus elected, from a sense of duty, honestly and faithfully administered the same. Everything in the village was prosperous, peaceable, and happy. But there was there a small party of white conservatives, headed by Mr. Abney, who determined to rule, who acknowledged no right to the black man but that of service, who had no feeling toward their white neighbors recognizing in the black a citizen other than intense jealousy and hatred.

The usual result followed. August 25, 1874, these officers were waited upon and ordered to resign; they declined; then they were informed that death alone was the alternative. Knowing that the inexorable decree had gone forth, that nothing, neither service to the town, to the State, to their neighbors, nor the faithful performance of duty, nor virtue, nor integrity, nor prayers of themselves, of wives, or little children could save, they besought their cruel neighbors to send them in safety out of the State, promising never to return. An escort was raised by this man Abney of twenty mounted men. The prisoners, taking all of their ready money, about \$2,000, placed themselves in the hands of the guards. Abney issued military orders to what he called political clubs, but we believe white-leaguers, along the route to furnish aid, supplies, &c. The march was commenced, and, within thirty miles of their homes, these prisoners were all murdered, terribly mutilated, buried, and no father, widow, brother, or son was permitted even to visit their graves until the bodies were decomposed. None of the white man's party have ever sought the murderers; no pursuit has ever been made, no inquiries ever set on foot by them. A man riding one of the horses of one of the dead men has been seen in the parish, but no one arrested his course or asked him about the bloody deed. No republican, white or black, has dared to commence proceedings. Abney was arrested and admitted to bail in a small sum, and with impunity insults the majesty of outraged law by boldly appearing as a witness before this committee. More, he was introduced by the conservatives to the witness-stand with a flourish of trumpets as a leading merchant of that section of the State. A brief extract from his cross-examination will indicate his connection with the crime:

"Mr. FRYE. Was there not one other officer at that time requested to resign?"  
 "Mr. ABNEY. Yes."  
 "Mr. FRYE. What was his name?"  
 "Mr. ABNEY. Scott."  
 "Mr. FRYE. Was he killed?"  
 "Mr. ABNEY. No."  
 "Mr. FRYE. Did he go with your guard?"  
 "Mr. ABNEY. No."  
 "Mr. FRYE. Why not?"  
 "Mr. ABNEY. I wouldn't let him; I compelled him to remain behind."  
 "Mr. FRYE. Was he a master-mason?"  
 "Mr. ABNEY. Yes."  
 "Mr. FRYE. Were you a master-mason?"  
 "Mr. ABNEY. Yes."  
 "Mr. FRYE. Were any others of the persons masons?"  
 "Mr. ABNEY. I did not know that they were."

Now, against those murdered men no crime was charged, no dishonesty alleged, no malfeasance in office proved. Abney alone said they had cheated in certain contracts, but your committee gave no credit whatever to his testimony.

Thus by the murderous hands of neighbors, of men who pride themselves upon their position in society, of those who had never received from the victims other than kindness, were these men deliberately slain. And there is practically no law in Louisiana to bring them to punishment.

#### WHITE LEAGUE.

The White League is an organization which exists in New Orleans, and contains at least from twenty-five hundred to three thousand members, armed, drilled, and officered as a military organization. Organizations bearing the same name extend throughout many parts of the State. It was pretended that this organization in the city was simply as a volunteer police force, the regular police being inefficient; that it has no connection with associations of the same name in other parts of the State, and that these latter are large political clubs without military organization or arms. A brief examination and a brief cross-examination effectively dispelled this pretension. Several of its members and officers were examined before the committee. So far as was shown, this organization in no single instance performed police functions. Its organization, equipment, drill, and discipline were wholly military. Its name was not appropriate to volunteer police, but was appropriate to an association designed to put the whites of the State into power by force. It had cannon. On the 14th of September, 1874, it rose upon and attacked the police of the city, the pretext of the attack being the seizure of arms which it had imported from the North, and, having defeated them with considerable slaughter, it took possession of the State-house, overthrew the State government, and installed a new governor in office, and kept him in power until the United States interfered. This rising was planned beforehand. Its commanding officer, Ogden, published an elaborate and pompous report of his military movements, in which he expresses his thanks to his aids and other officers for their important and valuable services before and during the day of the action. In other parts of the State organizations under the same name existed, and we have no doubt that their purposes and methods were also identical. In one parish their meetings were called by notices, headed, "Attention, White League," and signed by an officer in his military capacity. Abney, the leader of the band at Coushatta, when he sent off the republican prisoners under a guard, gave a military order for supplies and guard to the highest officer of a club in another town, on obedience to which, if his story were true, the safety of the lives of the prisoners depended. Yet he professed to have no other power than that of president of an ordinary democratic club addressing the president of a subordinate or branch club of the same organization.

The White League of New Orleans itself was and is a constant menace to the re-

publicans of the whole State. Its commander can, in a few hours, place bodies of men, armed and drilled, in any of the near parishes, or those on the coast, or into Mississippi, Alabama, or Texas. It doubtless contains many persons of property and influence. It also contains many persons of very different character. It would be desirous and able to overthrow the State government at any time, if not prevented by the power of the United States. They still retain more than one thousand stand of arms, taken from the State on September 14 and never returned.

We cannot doubt that the effect of all these things was to prevent a full, free, and fair election and to intimidate the colored voters and the white republicans. The very formation of a white man's party was a menace of terrible import to those who remembered Colfax and Bossier and the convention. The press was filled with threats of violence. The agreement to discharge laborers, the suggestion that wild beasts are tamed by hunger, was evidence of the same spirit. The overthrow of the State government by the White League on the 14th of September; the turning out large numbers of parish officials in the country, compelling them to flee for their lives; the fearful lesson of Coushatta; the formation, arming, and drilling of the White League, the natural successors of the Knights of the White Camelia; these things in a community where there is no legal punishment for political murder must, in the nature of things, have filled with terror a people timid and gentle like the colored population of Louisiana, even if we had not taken abundant evidence as to special acts of violence and crime and their effects on particular neighborhoods.

Mr. Moncure, the conservative candidate for State treasurer, claims a majority in the whole State of about five thousand. A far greater number of republicans than enough to overcome this majority must have been prevented from registration or driven by terror from the polls.

In view of these facts, we do not hesitate to find that the election of 1874 was neither full, free, nor fair; that in large portions of the State the usual means of instructing and persuading the people, of organizing and conducting a campaign, could not be carried on by republicans without danger to their lives; and that many more voters than were needed to give the republican party a complete victory were prevented from voting at all or coerced into voting the white man's ticket.

Mr. HOAR. Truly

Thy gentleness hath made thee great.

I am not to be frightened or ridiculed when I discuss these things by the taunt from any quarter that it is "shaking the bloody shirt." When the garment, however humble or mean, is drenched with the heart's blood of an American citizen I have but one question to put to my country, *Anne haec vestis filii tui?*—Know you if this be your son's garment?

I agree with the gentleman that the union of nearly all the blacks in one political party, and of nearly all the whites in another, is a fact deeply to be deplored. Party spirit bears evil fruit in abundance when animosities of race and class do not mingle with it. But I can not doubt that whether the white republican leaders have sought to foster this discussion on the color line or not, it would long since have disappeared if the leaders of the white people of Louisiana had not hammered and welded together the masses of the colored population by a system of conduct calculated to excite in the highest degree their fears for their freedom, or their political and social rights.

The people who would persuade us, and to some degree persuade themselves, that they are willing to give the negro all his rights under the Constitution seem to lose all their understanding of what justice and equality really mean when the negro is concerned. They think, and very justly, that it is a great evil to mass all the colored votes on one side. It never occurs to them that it is an equal evil to mass all the white votes on the other. On the contrary, their animosity is specially directed against those whites who act with negroes. They have little reprobation for those leaders who advise the whites to band together in an agreement not to employ negro laborers who vote the radical ticket, or for the planters who followed the advice. The life of no man would be safe, as one of their witnesses very frankly admitted, who, when it was time to gather the cotton-crop, should advise negroes to refuse to work for planters who are not republicans. The white who kills a negro goes unpunished. A fearful vengeance overtakes the negro who snaps a cap at a white man. In parish after parish the whites turn out public officers whom they dislike by force, and no punishment follows. The assembling of a body of negroes at the command of the sheriff to maintain his lawful authority is followed by the Colfax massacre.

Southern gentlemen speak with contempt of persons whom they term "carpet-baggers." The Constitution gives to every American citizen the right to choose his home anywhere on American soil and to take such part in public affairs as his fellow-citizens shall assign to him. Shall not the American citizen born on our soil have the rights to which we gladly welcome natives of other lands? It is not to the carpet-bag, but that it is held in American hands, that the southern democrat objects.

The gentleman will perhaps claim that the opinions of his class at the South have changed since these laws were passed, and since some of these outrages were committed. If they have not changed, surely no man will be bold enough to say that the rights of the colored people would be safe for an instant if they were placed within the power of that class. But admit that they have changed and that they are now reconciled in opinion to the abolition of slavery and to the equality of all persons before the law and in the rights of citizenship. Ah, Mr. Speaker, that is a fatal admission. What tribute could be grander, what concession more complete, to the success of the republican policy of reconstruction than to confess that it has resulted in a change of sentiment like that.

Will the gentleman from Mississippi claim that he does not now think that it is a misfortune that the rebellion did not succeed, that it was a misfortune that the thirteenth, fourteenth, and fifteenth amendments were adopted, and that this belief is not shared by his political associates? If this be his belief and theirs, they would be

strange guardians of the rights of the race which these amendments emancipated. But if this be not his belief and theirs, I point to their conversion as the most triumphant evidence of the wisdom and the success of that policy which, while it has raised four millions from slavery to citizenship, has in ten years eradicated from the understandings and the hearts of the white people of fifteen States the prejudices of centuries.

Errors in administration, mistakes in finance, extravagances in expenditures, confidence unworthily bestowed—these have been the lot of all parties in the past, and will doubtless be repeated in the future. Even dishonesty and corruption have existed in all parties. They must, in the nature of the case, be practiced but by a few, and will be cured in a free government, whatever party may be in power, by the people whose resources and industries they burden without distinction of party. But to have changed the opinions and conquered the prejudices of a people angered by defeat, imbibited by years of bloody war, so that they have become reconciled to the policy and convinced of the justice of raising their former slaves, men of another color and another race, to civil and political equality with themselves, this is a triumph of administration glorious and splendid, to which history can furnish no parallel; compared with which the laurels that a Cæsar reaps are weeds.

Mr. Speaker, I do not deny that in all these years the democrats of the South have made some progress. But it has been a progress in which nothing has been due to themselves. Whatever they have learned, either of freedom, of justice, or of republican government, they have learned from their opponents.

They have been the unwilling pupils of the republican party. Like Dante's souls, whose necks Satan had twisted, they have marched on impelled by a strength other than their own, perpetually looking back.

So much, Mr. Speaker, for democratic legislation in the matter of reconstruction. It shows a concerted, crafty scheme to reduce the negro to a system of peonage which degraded him below the condition of slavery, but imposed no corresponding obligation upon the master. This legislation, cruel and hateful as it is, is mercy itself compared with the conduct of southern democrats to the negro when freed from the restraints of the Federal power. I have given a few specimens, not because I desire to revive or preserve their odious or painful memory, but because they bear with terrible weight upon the issue now presented to the American people.

The republican party, in my judgment, in prescribing the conditions upon which the States of the South should be re-admitted were guilty of one serious omission. Recognizing and affirming in their State constitutions, as the people of every northern State have done, that a system of universal education is absolutely essential to the success of a system of universal suffrage, they committed the folly, the fatuity, of imposing by national authority upon the South, with their four millions of freedmen just freed from slavery and a still larger number of ignorant whites, a system of universal suffrage, making no provision for education. But by the Bureau of Education and by religious and charitable organizations and private aid we have done much in that direction.

All the teachings of the Old and New Testament are summed up by the Author of our religion in two simple and sublime commandments, on which hang all the law and the prophets. The great philosopher of our day, in one homely and noble verse, has expressed the whole of republican government in a space as brief:

The noble craftsman we promote,  
Disown the knave and fool;  
Each honest man shall have his vote,  
Each child shall have his school.  
For what avail  
The plow and sail,  
Or land, or life,  
If freedom fail?

The gentleman makes eloquent, but vague charges against the existing administration for its conduct in relation to the Southern States. What one act of the Government gives him just cause of complaint? Does he now dare to insist on his objection to either of the three great amendments to the Constitution? He has ventured no such objection in this debate. Does he deny that Congress has power to enforce them? If he admits the power the duty in proper cases follows. Does he place himself on record as complaining of the policy or purpose of the legislation of 1871, by which the homes of his colored fellow-citizens throughout the South were protected from outrages such as moved the indignation of Reverdy Johnson? He will scarcely make that issue to-day. Does he deny that it is the duty of the United States to guarantee to all the States a republican government, and on constitutional demand to protect the lawful governments of the States against lawless insurrection? If he does he must repudiate the original Constitution as well as the amendments. The only reproach he utters against the Government is that the State governments for which it interfered were badly administered. But the United States is bound to support all lawful State governments against insurrection without considering their administration. The vital difference between the gentleman and the republican party is that he seems to think that the remedy for what he dislikes in government is resistance by force. His logic would lead to the result that you are to vote against a State administration only when you like it, and revolt against it and attack its adherents with knife and pistol when you do not like it.

The gentlemen quoted from a report of which I was the author a statement that the President had based his interference in Louisiana on the unlawful order of a judge. I think the assignment of that reason a grave error on the part of the President. I now admit, as I declared in the report, that the order of that judge was entitled to no respect whatsoever, and that the assignment of that reason tended naturally and inevitably to influence existing discontents and to make the democrats of Louisiana believe that no better reason existed. But the report also declared that in our judgment Kellogg was lawfully elected; that the difficulty in ascertaining the truth was caused by the frauds of his opponents and their destruction or carrying off the returns. It was in our judgment the constitutional duty of the President to recognize and support Governor Kellogg. The whole of his error, which the gentleman from Mississippi dwells on as a justification or palliation for the acts of lawless violence, was the assignment of an unsound reason for the performance of his clear sworn duty.

The two systems of dealing with the colored race are these:

The republican party sets them free and secures their freedom by the Constitution itself.

The democratic party would have left slavery to exist in Kentucky, Maryland, Missouri, and Delaware.

The republican policy secures them equality before the law.

The democrats sent white men to the penitentiary who associated with them on terms of equality.

The republican policy pledged to them the whole power of the National Government to protect their homes from the Ku-Klux Klan.

The democrat left it to the judgment of the Ku-Klux Klan to determine when its outrages should cease.

The republican policy made them freemen, citizens, voters; while the democratic would have left them peons.

Mr. Speaker, there is another evidence of the wisdom of the American people in conferring the rights of freemen upon the colored people to which I think neither the House nor the country will be insensible. During the past seven years there have sat in this Hall an average of seven colored Representatives. Most of them had been slaves, deprived by the laws under which they were born of the right to learn to read, to attend public meetings, or to avail themselves of any of the common methods of obtaining information concerning public affairs. All of them came from humble places in life. Yet what equal number of members of this House can be chosen on any principle of selection that will stand higher, either for fidelity, wisdom, or propriety in the discharge of their high duties. Who can cite an instance of an improper utterance in speech or of an undignified or unbecoming act of a colored Representative? What colored man has been compelled to suppress from the official reports any angry or intemperate utterances which have come from his heart in the heat of debate? Have the memories of ages of cruel oppression endured by their race—have the terrible cruelties of recent days wrung from their lips a single expression of hatred, or led them to urge on their political friends, who held the Government by such large majorities, a single measure of revenge?

They have had to meet the most unexpected emergencies and encounter the most formidable antagonists. The gentleman from New York, perhaps the most trained and experienced debater in this House, has not forgotten how in the Congress before the last the gentleman from South Carolina with equal courtesy and dexterity left him unseated and on his back in the sight of the House and the whole country. When the able gentleman from Georgia, the late vice-president of the southern confederacy, made his most powerful and carefully prepared speech to the last House on southern affairs, he was replied to on the instant by another colored Representative. It is no disparagement to the gentleman from Georgia to say, that in dignity, in ability, in constitutional argument, the speech of Mr. Elliott was in no wise inferior to that to which it was a reply. I mean no disrespect to anybody when I declare that the policy which gave to the loyal slave his right to be represented or to be a Representative here is as fully vindicated by its results as that which gave the rebel master the same rights.

Mr. Speaker, I have said much that I have been constrained to utter in this debate with great reluctance and pain. The gentleman from Mississippi undertook to cite in his speech from a report of which I had the honor to be the author, extracting only such admissions as he could find in its pages against the conduct of my political associates, while he was wholly silent in regard to the terrible arraignment made not by the report, but by the historic facts which it cites against the party to which he belongs. In my judgment, Mr. Speaker, the gentleman from Mississippi made a fatal and grievous error. If he and a few of his associates, North and South, would give the same manly utterance of condemnation against men who seek to accomplish political results by murder and assassination that has come from republican lips against republican misgovernment, the whole evils which distract that fair portion of our country would be over in a month. I had the honor in that report to say, and I repeat it now:

The public sentiment of the rest of the country, more potent than any legislation, might stop the whole trouble in a month. If instead of seeking to gain partisan advantage from evils which are ruining this fair State, the two parties of the North would each resolutely set its face against the evil done by its own side, little would remain for Congress or President. The difficulty of the southern problem would have disappeared long ago if the democratic party of the North had given it to be clearly understood that they would have no political association with men

who would commit, tolerate, extenuate, or overlook murder; and the republican party of the North had been unanimous in making it understood with equal emphasis that they would have no affiliation with men who would plunder the public for personal gain.

Mr. Speaker, I hate for any purpose to revive these odious and painful memories. Whatever oppressions have been suffered have been suffered by my countrymen. Whatever crimes have been committed have been committed by my countrymen. But we cannot discharge our own official duty, the American people cannot wisely exercise its high functions of self-government without a knowledge of the facts of our own history, however grievous and humiliating. I believe the wisdom of the people will find a peaceful and constitutional remedy for these evils whether of administration or lawless outrage. I do not agree with the gentleman from Mississippi that that remedy is to deliver the innocent into the power of the guilty, or that Congress should lay down its high functions to prevent crime at the demand of the criminals.

Do the democrats of the South who are concealing, apologizing for, abetting these crimes reflect that they are educating their young men to become a generation of assassins? Mr. BOUTWELL says in his report:

The committee find that the young men of the State, especially those who reached manhood during the war or who have arrived at that condition since the war, constitute the nucleus and the main force of the dangerous element.

Do the democracy of the North reflect that they are seeking to obtain power, not by a fair election, but by the aid of the votes of States in which their party is an armed conspiracy organized to overthrow freedom of election, and that their success is to substitute for the Constitution of the United States the principles and the practices of Mexico?

The duty of the people is plain. Punish crime; punish corruption; unmask hypocrisy. But trust liberty only in the hands of her friends, and let the Constitution of your country be administered and defended by those who love it.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate further insisted upon its amendments disagreed to by the House to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, asked a further conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. WINDOM, Mr. ALLISON, and Mr. BAYARD.

The message also announced that the Senate had passed a bill of the following title, with amendments, in which the concurrence of the House was requested:

A bill (H. R. No. 2041) to amend section 2291 of the Revised Statutes of the United States.

The message further announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. No. 3392) for the relief of John R. Harrington; and

A bill (H. R. No. 3856) for the relief of William H. French jr., United States Army, late an Indian agent at Crow Creek, Dakota.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 795) to enable Moses Marshall to make application to the Commissioner of Patents for the extension of letters-patent for improvement in knitting-machines; and

A bill (S. No. 796) for the relief of the heirs of Sheldon S. Hartshorn.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. No. 779) to provide for the sale of the reservation of the confederated Otoe and Missouri Indians in the States of Kansas and Nebraska.

#### POLITICAL CONDITION OF THE SOUTH.

Mr. HOOKER. In the absence of my colleague, Mr. LAMAR—

Mr. HOAR. The gentleman from Mississippi will permit me to say before he proceeds that I took the pains to say to Mr. LAMAR some days ago that it was my purpose to reply to him, and yesterday to indicate to him that probably I would have the opportunity to do it to-day. I was very sorry he could not be here.

Mr. HOOKER. In the absence of my colleague, [Mr. LAMAR,] in reply to whose speech the remarks of the gentleman from Massachusetts in great part have been addressed, I feel it my duty, though coming into the House to-day with no expectation whatever of participating in this discussion, in his absence to say something. And more especially, Mr. Speaker, do I feel this incumbent upon me because while the remarks of the gentleman from Massachusetts may be considered as referring to the entire South, they have been confined in a very large degree to the action and conduct and legislative proceedings of my own State.

I came into the Hall while the gentleman from Massachusetts was speaking, and while I suppose from what occurred on yesterday that his object was to reply to the speech of my colleague, the sentiments which were then falling from him would not have indicated to an ordinary listener what the particular topic was which engaged the attention of the House and to which the gentleman from Massachusetts had arisen to speak. For he was then digging up the events of the past extending back to the administration of Washington, and

the great and powerful men who were gathered around that administration.

He was seeking out with sedulous zeal the black spots wherever he thought they existed in the characters of the prominent men of the nation and the country to which he says he is proud to belong. He was holding them up to the gaze of the House and through your records to the gaze of the country as evidences of the fact that corruption had always existed in the Government, even back to the days of Washington and his administration; I suppose in order to induce his listeners to draw the inference that the corruption which had been exposed by the investigations of this House, the frauds upon the people, the speculations upon the Treasury, which had existed in his own party for the last fifteen years, might find some justification and some excuse in the history which he was thus narrating. I leave the gentleman from Massachusetts and the party to which he belongs the honor of this ghoul-like digging into the graves of the great men who have lived and died before us; and I hope that he and they will enjoy the gratification of feeling that this presentation of what he is pleased to term the corruption and the dishonor of his own country has fitly come from the party that in this age and in this centennial period has culminated in those qualities which he is seeking to defend. I envy him not the lesson which he draws from this. I envy him not the evident purpose for which he has drawn it, to vindicate the social standing and the moral position of the party to which he belongs.

The greater portion of the speech of the gentleman from Massachusetts, as I have before remarked, refers to the action of the Southern States generally with reference to the condition of the freed people immediately after the war. It is asserted that there is a feeling of hostility in the breast of the southern people toward this race, which would not only lead the present generation to slaughter them for political purposes, but which would induce the present men and women of the South, the present generation of southern people, to train up their own children as assassins. The arraignment to which the gentleman from Massachusetts subjected the distinguished characters he alluded to in his opening remarks was very well followed up by the arraignment of an entire section of his own country on a charge that they, by the policy and laws which they were adopting, were not only disposed themselves, inhumanly and brutally for party purposes, to murder the colored race, but were raising up their own children in these assassin-like ideas.

It is extremely difficult, Mr. Speaker, amid party excitement and party antagonism and party acrimony to impress the mind with the actual truth. It is extremely difficult to discuss the question which has been discussed by the gentleman from Massachusetts [Mr. HOAR] with coolness, calmness, and deliberation, but yet with just enough of the real sentiment which seems to stir his heart in this matter, to impress us with the conviction that he labors under the idea that a whole section of this country, comprising twelve or thirteen States, can justly be denounced as assassins for political purposes. I say it is to induce the human mind to accept and acknowledge the actual truth. I believe, however, that it is the desire of the American people, or of the great body of the American people, without regard to party, to understand the question as it actually exists and arrive at the truth.

Now, sir, what is the truth? At the close of the war a large body of citizens who had been held in slavery, in reference to whom I had occasion to remark in an address which I made to the House some time since who were born slaves without any fault of their own as we were born masters without any fault of our own—this large body of men, with about eight hundred thousand voting population, were at once made electors and invested with the elective franchise. The question as to what was to be the policy to be adopted in reference to them, how they were to be instructed in the new duties placed upon them, was a very grave question. It was not only discussed in the State convention, in the convention of my own State as well as others, but it was discussed in the Senate of the United States, and the most important republican Senator to-day, [Mr. MORTON, of Indiana,] under a resolution adopted then, proceeded to my own State in 1867 to make an investigation. When the question arose as to what was the course to be pursued in regard to the recently enfranchised people and as to how soon they could be safely invested with the ballot, he took a position more extreme than any southern man; he took a position in consonance with the law of the gentleman's own State of Massachusetts in 1814, and repeated in the revision of her laws in 1836, that the colored persons who had been recently enfranchised by the results of the war ought to undergo a period of probation of from seven to ten years to qualify them to exercise the elective franchise intelligently, and when this was charged in the Senate Chamber by the distinguished Senator from Kentucky, [Mr. STEVENSON,] it was admitted by the gentleman from Indiana that he took that position too. I say, therefore, that it was not strange that a very grave question was presented to the convention which met in Mississippi in 1865. It adopted a constitution recognizing the freedom of the colored man. When the Legislature met, the first Legislature called after the adoption of that constitution, that Legislature was composed largely of what were known as Union men, the men who had constituted the old whig party of the State. I believe that that Legislature was composed without exception of men of that class, and that Legislature, to whose action the gentleman from Massachusetts has

referred, elected to represent the State of Mississippi two gentlemen distinguished for their devotion to the Union, men who had subjected themselves to some odium during the war and had incurred some sacrifices; I allude to the late Chief Justice Sharkey and to the present republican Senator, [JAMES L. ALCORN.] These were men who were elected by that Legislature to represent the sovereignty of the State in the Senate of the United States, showing what was the character and complexion of the men who composed that Legislature. Now the statute of the State of Mississippi has been referred to which provides that a colored man should be required to have his residence by the 1st of January.

Sir, these people were all homeless and houseless; they were unprovided for; they had no means. They were made citizens; and I undertake to assert that no man from a northern State, from the State of Massachusetts, which was the first to manumit her slaves, down to New Jersey, which was the last to manumit her slaves, that no State enacted penal laws, and controlling laws, and limiting laws with regard to the rights of the new-made citizens as to rights of life and property less penal than did the State of Mississippi.

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

Mr. HOOKER. Certainly.

Mr. HOAR. Does the gentleman mean to say that there were no persons in Mississippi who desired to impose extreme penal laws upon the colored people?

Mr. HOOKER. I mean to say this, that so far as the Legislature was concerned the members of that Legislature were known as Union men, and I suppose a Union man in Mississippi is as good as a Union man in Massachusetts.

Now I believe, according to the revision of the laws of Massachusetts made in 1814, that State imposed more penal laws upon her colored citizens than Mississippi did, and I will refer to one section of her laws. I refer now to the statute of Massachusetts on page 306 of the revision of her code of 1814, and I will say that those were laws which were passed by the State of Massachusetts with regard to her colored people. Negroes were not allowed to be enrolled in her militia, but they were required to attend the militia meetings and to do such service as might be assigned to them.

Mr. HOAR. Allow me to say that that act was passed in consequence of an act of Congress which inserted the word "white" in the militia law.

Mr. HOOKER. Because the act of Congress contained the word "white"?

Mr. HOAR. The act of Congress contained the word "white," and therefore the State could not constitutionally include negroes in the militia, though it would have done so very gladly. The negro sat in the Legislature of Massachusetts.

Mr. WILLIS. The act of Congress had nothing to do with the State militia.

Mr. HOAR. Yes, it had.

Mr. WILLIS. No; it was the national militia.

Mr. HOAR. There was no national militia.

Mr. HOOKER. The gentleman says that arose from the fact that in regulating the question of militia in Massachusetts they were controlled by an act of Congress. I supposed the gentleman would say that the act of Congress required that they should enroll the white militia, and therefore they had not the power to enroll the negroes in the militia. If they could not do that, then why did they require the negro to attend and perform menial services? If you did not intend to give them an equal position in the militia, why require their attendance for such purposes as that?

Further, by the same legislation negroes and mulattoes were prohibited from entertaining any negro or mulatto servant, were punishable under a penalty of five shillings for each offense; and if they were unable to pay the fine, they were to work at hard labor in the house of correction for two days for each shilling of the five.

Now what is the temper of that law and its spirit? Was it enacted in reference to the perfect freedom and perfect equality of the colored man? And further, the statute recited in its preamble that great change and inconvenience have occurred in divers towns by releasing and setting free negro and mulatto slaves, and it enacts that no such person shall be freed until bond and security shall be first given to indemnify the town against such negro or mulatto becoming a charge on the town. That was a law enacted in Indiana at a very late day.

Mr. HOAR. Does the gentleman say that that was a law of Massachusetts?

Mr. HOOKER. Yes; it is in your revised code of 1814.

Mr. YEATES. I am sorry the gentleman does not know his own State laws.

Mr. HOAR. I may perhaps be ignorant, but I never heard of a revised code of 1814 of the laws of Massachusetts.

Mr. HOOKER. Upon the same page, section 748, it is enacted that if any negro or mulatto shall strike any person of the English or other Christian nation, he shall be punished by a severe whipping, at the discretion of the justice.

Mr. HOAR. The gentleman from Mississippi will pardon me, but he is certainly under some grave mistake; there never was a revised code of Massachusetts in 1814.

Mr. HOOKER. It is so recited here.

Mr. HOAR. Then you have a wrong citation. The law which you

have read, about setting negroes free upon condition of giving a bond, is absolutely repugnant to our constitution. The constitution of Massachusetts of 1780 provides that all men shall be free and equal. That clause was put in by John Lowell for the purpose of abolishing slavery in Massachusetts; and the next year, in a case in my own town of Worcester, the supreme court held that every slave was *ipso facto* emancipated by the constitution. And if the gentleman has any citation from any quarter of any law of Massachusetts of 1814 that a negro should be set free only on condition of giving bond, then all I can say is that if there ever was any such statute passed it was absolutely repugnant to our constitution, and never went into effect, and never could have gone into effect. I think the gentleman must have the wrong State.

Mr. HOOKER. I think not; and there is more of the same kind.

Mr. HOAR. My friend from the Essex district [Mr. THOMPSON] suggests that the gentleman must have some publication made in 1814 of old ante-revolutionary laws.

Mr. HOOKER. I do not know how far back the revision extends, but it shows what your law was at one time.

Mr. HOAR. If the gentleman means to say that there was in Massachusetts, before the constitution of that State abolished slavery, in old colonial times, some statute which required that slaves should not be set free without giving bond to save the town from charge, then he is very probably right; and there was a similar provision in regard to any white persons moving into a town; they could be warned out of the town by any freeholder, unless they could insure the town against liability of charge on their account.

Mr. HOOKER. I hope the gentleman will not interrupt me further.

Mr. HOAR. The gentleman will excuse me; I am very sorry to interrupt him. But he would not certainly wish to appear as stating that Massachusetts passed in 1814 any such law as he has read.

Mr. HOOKER. I do not say so. I said that your revised code of 1814 stated that that was the law of Massachusetts, and I so state again.

Mr. HOAR. That may have been some ancient law of a hundred years ago.

Mr. HOOKER. That may be. But in the early days, when you had slaves in Massachusetts, before it was your interest to manumit them and you did manumit them, you showed a temper and spirit of harshness toward this race greater than the South ever did, though they were comparatively insignificant and few in number in Massachusetts, whereas with us they constitute a very large portion of the population. Hence it may be that the gentleman from Massachusetts will find a proper answer to the comment he has made of the fact that there are now sitting, and have been sitting in this House since the war, a number of intelligent colored men representing their own race and speaking upon this floor in their vindication and for their interest.

If it be true, sir, that there stirred in the blood of the gentleman or his ancestors that love of the freed race, why is it, if you made them free in 1780, that you never gave to the 14,000 freedmen that you had in Massachusetts a representative in the Halls of the national Legislature or allowed them to speak for their people? [Applause.] Why is it that that is not the case in one single northern State? It is because they were only one to one hundred in Massachusetts, and because in New Jersey, and all along down that range of States, they occupied the same relation, there being in New Jersey one colored man to about forty-six and one-half white people. I happened to be in New Jersey at one time, and saw some of these colored men. They were very intelligent, as intelligent as some of the colored gentlemen who now sit on this floor. If the colored man was beloved by the people of New Jersey and elsewhere in the North, why was it that they did not select some of these men to represent the interests of their race in the Halls of the national Legislature or of the State Legislatures? The manumission of the race in the South occurred as the necessary and legitimate result of the war; and I now state, upon my honor as a Representative on this floor, that I have yet to hear of one man, woman, or child within the limits of the State of Mississippi express the wish that their condition could be changed again. On the contrary, we accepted that result with the frankness and openness and sincerity with which we accepted every other legitimate result of the war. We had periled all save our honor in the contest, and we lost all; and when the war closed, when the terms of arbitration were agreed to by the men who had crossed swords and bayonets on the battlefield, we were prepared to stand by those terms of arbitration. But your politicians, who had shouldered no musket and drawn no sword, when they came into these Halls and the halls of our State Legislatures wanted to keep alive, as they do now, the animosities and the ranklings and the bitter spirit of the war. Why? They imagined, and naturally enough, that a simple-hearted, innocent, guileless race, taking them in the main and in the bulk, and uninfluenced and untaught by the midnight teacher who came there in the shape of the "carpet-bagger" after the war—they knew that this simple class of people might naturally be appealed to to support those who had freed them, those who, in the language of the republican speakers, had "struck from their ankles and their wrists the chains of servitude." Therefore the republican party thought that they would be able to control the vote of the Southern States because they would be able to control the vote of the colored man; and I regret to say that for six long years, from 1869 to 1875, they did use this simple-hearted race, who

were, in the main, the tillers of our land; they did bind them together for political purposes. They thought they would hold them there forever; that they would be able to utilize them for party purposes by controlling their votes.

Sir, I tell you that now those people are beginning to understand that the intimate material relations existing between the white man of the South and the colored man of the South, the unity of interest, the identity of material prosperity or adversity, make their union socially, and to a large extent politically, a necessity.

They have, I say, been used by this party; and only last winter, when your "force bill" was under discussion, when, after you had given to the South by your legislation ten years of misrule, little less onerous than the four years of war, you introduced your "force bill" for the purpose of putting those States back under military power, the organ of the Administration in this city, the organ of the republican party here to-day, said while that bill was pending that it was necessary the measure should pass—for what? To secure peace to that distressed land? To pour oil upon the troubled waters? O, no; it was necessary that you should still "shake the bloody shirt" with the fond hope that you would be able to divide the southern white man and the southern black man. That was the purpose. That organ went further and remarked that it must be remembered that since these 800,000 colored men had been invested with the ballot, since the ratio of representation had been thus increased in this House and the power of the South thus enlarged in the electoral college, it only required fifty electoral votes besides those of the South to elect the President; and hence the South must be put under military rule, in order that those electoral votes might be made republican.

My attention is called by the gentleman from Texas [Mr. MILLS] to the following:

ROOMS OF THE STATE CENTRAL COMMITTEE,  
Indianapolis, September 3, 1874.

DEAR SIR: I desire to call your attention to the horrible scenes of violence and bloodshed transpiring through the South, and suggest that you give them as great prominence as possible in your paper from this time until after the election.

THOMAS J. BRADY, Chairman.

EDITOR OF UNION, Rensselaer, Indiana.

Mr. MCMAHON. I would like to ask the gentleman from Mississippi whether that Thomas J. Brady is not now the Second Assistant Postmaster-General, recently appointed?

Mr. HOOKER. I believe he is the same person.

I wish to recur for a moment to the laws passed in various northern States upon the relations of the races. In the revision of the statutes of Rhode Island of 1822, page 371, (Rhode Island being one of the States that manumitted their slaves,) intermarriage between whites and blacks was prohibited, and such marriages were declared void. This provision was continued in the revision of 1857, page 312, and also in the revision of 1872, page 325, seven years after the war had closed; and any person joining such persons in marriage was liable to a fine of \$200. Whites only were allowed to vote, as will be found by reference to the revision of 1822, page 89.

Granting license for keeping taverns, ale-houses, victualling-houses, cook-shops, oyster-shops, and for retailing liquors, were prohibited to "any colored or black persons; nor shall any white person duly licensed suffer any black or colored person in his employ, or his agent, to sell any liquor whatever, under the penalty of forfeiting such license." (Revision of 1822, page 296.)

There was the freedom which another northern State gave to the colored man! There was the freedom of action allowed to him there. That is the temper and spirit in which this law was passed.

Mr. HOAR. I will say to the gentleman from Mississippi for his information that there was a similar law in reference to intermarriage to that which he has referred to in Massachusetts down to 1832.

Mr. HOOKER. I knew there was, and only refrained from reading it seeing how much distressed it made the gentleman from Massachusetts. [Laughter.] I did not quote any more on his account; I went to another State, thinking that he would be less sensitive. [Laughter.]

Mr. HOAR. We deprived them of the right of intermarriage and the right to sell liquor. We admit it frankly. Does the gentleman think that is equivalent to selling them into slavery?

Mr. HOOKER. I come now to the State of Connecticut. Slavery was abolished in 1784 by declaring free all born of slave mothers after that time; but these children were bound to serve their owners until the age of twenty-five years. Those born before were continued in slavery. (See Jackson *vs.* Bullock, 2 Connecticut Reports, page 38.)

Here you observe what is the temper and what is the disposition of these States on this subject.

In Vermont, I suppose for the same reason, only whites were allowed to serve in the militia. (Revision of 1825, page 611.) This provision continued in the Revision of 1840, page 577, and Revision of 1850, page 630, and left out in Revision of 1870, page 645.

In Maine marriages between whites and negroes prohibited. (Revision of 1841, page 359; continued in Revision of 1857, page 390; and also in Revision of 1871, page 483.)

Citizens of United States only voters, excluding blacks, as they were not citizens. (Constitution of Maine of 1819, article 2.)

We come next to Pennsylvania. Slavery was abolished in this State in 1780. (Dunlap Revision, page 126.)

The act, after an eloquent recital of the wrongs of slaves and the evils of slavery, and a reference to the happy condition of the whites

in escaping the slavery to which they had been doomed by the British, and declaring the whites by long experience had been weaned from prejudices, and that their hearts were now filled with benevolence and kindness toward all men, and that in justice to the unhappy slaves they now proceeded to act, then merely set free those who shall be born within the State after the passage of the act, retaining all others in slavery, with a proviso, however, that all so born and set free should be servants and bound to their owners till they were twenty-eight years of age.

That was the temper in Pennsylvania years ago. They were not allowed, according to Purdon's Digest, page 1269; Brightly's Purdon's Digest, page 829, to serve on the jury. Whites only were allowed to vote until 1870. Negroes and mulattoes were excluded from militia duty until 1870.

In New Jersey, which I have already remarked was the last State to manumit, an act passed February, 1820, for the gradual abolition of slavery made free every child born of a slave since July 4, 1804, but provided that such child should remain the servant of the owner of his or her mother as if bound to service by the overseers of the poor until the male children were twenty-eight and the female twenty-one years of age. (Revision of 1847, page 360.)

On the 18th of April, 1846, (same revision, page 380,) an act was passed to abolish slavery finally, and every slave then in the State was made free; but every such freedman was made an apprentice to his then owner, who was only allowed to discharge him from service by procuring the certificate of the overseer of the poor and of two justices that such apprentice proposed to be freed was of sound mind and capable of making a support, or without such certificate if the owner would give bond with security that the negro would not become a charge on the county.

The children of these apprentices were to be supported by their masters till they were six years old; and then, in all cases, were to be bound as poor children by the overseers of the poor, the owner having the preference. Persons enticing away such apprentices were declared guilty of a misdemeanor, and fined \$100; and persons harboring such apprentices were made liable to pay \$1 for each day they so harbored them. Only whites were allowed to be enrolled in the militia, (ibid., 745,) and only whites were entitled to vote. (See constitution of 1847, article 2.) Its constitution, as far as I have been able to learn, has not been changed.

It is rather a mild provision in the laws of Mississippi on the subject of vagrancy when you put it side by side with the laws of New Jersey. It is so in Ohio, and in Indiana, and in various other States of the Union.

Mr. CASON. I desire to state that in Indiana the laws you refer to were passed when the democrats were in the majority. And since the war all efforts to repeal those laws have been resisted almost unanimously by the democratic party. The democratic party has almost unanimously voted against repeal, while the republican party has insisted upon their repeal. The laws were passed when the democratic party had control of Indiana.

Mr. HOOKER. Let us see what they provided by law in Indiana.

Mr. CASON. Yes, sir; you can prove anything. You can prove they enacted the most infamous laws; but it was done by the democratic party.

Mr. HOOKER. That is enough. In Indiana by statutes (see revision of 1831, page 375) free negroes were prohibited from settling in the State unless bond and security for \$100 in each case was given that he should not become a charge on the county as a pauper, and it was provided that if the negro was convicted of any penal offense (however trivial, as an affray or gaming) the whole bond was forfeited. A negro settling in the State, and failing to give the bond, was to be hired out by a public officer for six months unless he removed from the State, and any person hiring or harboring such a negro was liable to be fined \$1,000.

A negro or mulatto having one-fourth negro blood could not be a witness for or against a white person. (Ibid., page 404.)

By the first constitution, adopted in 1816, only whites were allowed to vote, (article 6, section 1,) and only whites could be in the militia. (Article 7, section 11.) Marriages between whites and blacks were prohibited, and if such persons should go out of the State to marry, the marriage was void in Indiana. Whites and blacks or mulattoes intermarrying were liable to imprisonment in the penitentiary from one to ten years, and all persons aiding in or advising such marriage were punishable in the same way; and any person concealing or harboring whites and negroes who had intermarried, with intent to prevent their detection and punishment, were punishable in the penitentiary from one to five years. (Ibid., pages 595 and 970.)

No want of religious belief in whites was a ground to exclude them as witnesses, but blacks and mulattoes were excluded in cases for or against whites. (Revision of 1843, page 719.) This provision was in force at least as late as 1862. (Gavin & Hord's Statutes, volume 2, page 166.)

The constitution of Indiana, made in 1851 and still remaining as then written, at least as late as 1870, prohibits negroes and mulattoes from voting; article 5, section 5, and article 13 of that constitution prohibits negroes and mulattoes from moving to and settling in the State; and that constitution makes void any contract made with negroes and mulattoes so coming into the State; and all persons em-

ploying them or encouraging them to settle in the State were liable to be fined from \$50 to \$500.

In the Revision of 1852, page 361, the same provision heretofore set out as to intermarriage between whites and blacks was continued.

By statute, negroes coming into the State to settle in violation of the constitution were liable to be fined from \$10 to \$500. (Revision of 1852, page 376.) And by that constitution negroes and mulattoes were excluded from the militia. (Article 12, section 1.) This provision is still in force. (Davis's Supplement of 1870, page 341.)

In 1860 negroes and mulattoes were not liable to school taxes nor entitled to the benefit of school funds in Indiana. (Gavin & Hord's Revision, volume 1, page 542.) This provision re-enacted on 6th of March, 1865. (Davis's Supplement, page 440.)

Very stringent laws were passed to carry out that provision of the constitution which prohibited negroes from settling in the State, and these were not repealed until 22d February, 1867, but the constitution itself remained unchanged in 1870, and is probably so at this time.

Now the gentleman says that this was done by democrats. If it be so, Mr. Speaker, it is only a forcible illustration of what I had occasion to say to the House not long since, that the relation between the races is one which is not political and ought never to be made so, but is social in its character, and has only been political since the war, simply by the effort to convert them to the uses and purposes as voters at the ballot-box for the one party as against the other. That has been the policy of the legislation that has been adopted.

Mr. HOAR. Will the gentleman inform the House—

Mr. HOOPER. I am asked to yield for a moment to the gentleman from Indiana, [Mr. LANDERS.]

Mr. LANDERS, of Indiana. In reply to my colleague from Indiana, I wish to say that the thirteenth article of the constitution of Indiana was submitted to the people of that State as a separate proposition. It was an article that prohibited negroes or mulattoes from coming into the State. I want to say that that article was adopted by 95,000 majority in the State; republicans and democrats all voting for it.

Mr. ROBINSON. There was no republican party in Indiana at that time.

Mr. YEATES. Did not Mr. MORTON vote for it?

Mr. HOAR. What I desire to ask the gentleman from Mississippi is this, if he will allow me to ask him a single question.

Mr. HOOKER. Do not make it a long one, please.

Mr. HOAR. What was the mode in which these people attempted to use the negroes? Was it not in the way of asking their votes and using arguments with them?

Mr. HOOKER. I will inform you on that subject as I proceed. I will remark in reply to what has fallen from the gentleman from Indiana that I think the distinguished Senator who now represents in part the State of Indiana in the other branch of Congress [Mr. MORTON] was a member of the Legislature which passed these laws.

Mr. LUTTRELL. And a democrat.

Mr. HOOKER. And he ought to be good authority on that subject. The gentleman from Massachusetts [Mr. HOAR] asks me a question. He asks how his party attempted to use the negroes. They attempted to use them by sending emissaries among them who acted like the man who, instead of coming boldly to your front door and asking to be permitted to make your acquaintance, steals in through your back gate during the night. And midnight hours when the white people were asleep these emissaries held meetings with the colored race and told them that an inevitable hostility existed between them and the whites of the southern country, just as they are told now; insisted that that hostility was irreconcilable, that it could not be reconciled, and that if they would retain their freedom they must go to the polls and vote in solid phalanx for the republican party.

Mr. CONGER. I would like to ask the gentleman if they could have met the colored people in any other way except by stealth?

Mr. HOOKER. I will give you the whole history if you will only keep quiet.

Mr. HOAR. Did they not state the outrages which were being committed as the reason for holding the meetings in the way they did?

Mr. HOOKER. I do not know. I did not hear many of them. Those meetings were held at midnight, when I was asleep.

Mr. HOAR. From all you knew about it was not that the fact?

Mr. HOOKER. Let me refer now to Arkansas, one of the States which have been recently reconstructed under democratic rule, and where you have not heard of a single disturbance there since it has been reconstructed, as in Virginia, Mississippi, and Alabama, where these people evince their desire for good government, and appreciate the necessity of a union with the old white people of the country, as not only the only safety, politically, but the only safety socially, the only safety from the wolf which is at the door of all the people, white and colored, in our country. In Alabama they recently rolled up a majority of thirty-odd thousand in favor of the democratic party; and I tell you they will do it in every State of the Union. [Applause.] I do not despair of seeing it everywhere, when they are left to determine freely for themselves without the bands and shackles of parties, which party they will vote with.

Now, in Arkansas, I am informed by my friend Judge WILSHIRE that three hundred and seven commissioned offices are held by colored men under the democratic administration. Did you ever have that many in Massachusetts, or the tenth part of that number? Did you ever have it in any State which has a mixed population? I tell you, Mr. Speaker, and I say to this House, and I say it from my own profound conviction of the truthfulness of what I say, that amidst all the shaking of the bloody shirts, amidst all the desire of politicians to divide us, there is no friend of the colored man more sincere and more honest than he who was master in the time when the relations prevailed of master and slave.

Mr. SMALLS. That is not so.

Mr. HOOKER. You think not?

Mr. SMALLS again rose.

Mr. HOOKER. Well, that is your opinion. Take your seat now, I do not want to be interrupted any further. I do not expect that any white politician or any colored politician is likely to admit any such thing.

Mr. SMALLS. The colored people never voted the democratic ticket except under intimidation.

Mr. HOOKER. They have voted it in my State, and they are forming democratic associations there now in the very county where the capital is situated, the county of Hinds, where Governor Ames presided in the executive office, where the marshals of the United States were with their forces; where the Army of the United States was stationed. In that county of Hinds William A. Montgomery testified before the committee sent to my State that they not only formed such associations by dozens, but by whole companies. And I myself saw at Edwards' Depot, in the lower portion of that county, in 1875, as many as two hundred and fifty to three hundred colored men riding in the ranks of the democratic party and bearing the banners of the democratic party.

Mr. SINGLETON. Will my colleague allow me to make one statement?

Mr. HOOKER. I yield to my colleague.

Mr. SINGLETON. In confirmation of what my colleague states, I desire to say that I attended a barbecue at Yazoo City after the election was over; and I state it on my veracity—doubt it who will—that I saw hundreds and thousands of colored men in line with their banners and music, celebrating the democratic victory. My colleague, Mr. LAMAR, was present and made a speech. I made a short speech myself. And that is in the county from which I received a dispatch this morning inviting me to a grand barbecue, gotten up in part or in whole by colored people.

Mr. SMALLS. If they were not hunted down by Ku-Klux and made to go into the democratic ranks they never would go into them.

Mr. HOOKER. That is not so; that is all done away with. Everybody knows that in that country there was no such thing.

I asserted the other day, and it cannot be denied, that in the whole State south of Pearl River there was not one single effort at intimidation anywhere. In many of the counties lying south of that river they had organized the colored people into clubs; that I know was the case in Rankin County, and it was also in the county where the capital is situated. There existed under the capital of the State, right under the walls of the capitol, where the governor was and the offices of the government; it is a very remarkable fact that under the law supervisors were appointed to conduct the election in every district, and not one of these supervisors reported any irregularities in the election of 1875.

Sir, we of Mississippi are spending thousands of dollars, as I said to a gentleman with whom I was speaking yesterday, every year in going to Alabama and to Georgia to bring colored men to cultivate our lands. We bring them there for the purpose of using them as cultivators of our soil, and we find no difficulty in inducing them to leave the over-flowed land, the sterile land in those States to come to the more fertile lands of the valley. Do you believe that men will expend their money to import them there, even if there were no sentiment of humanity or the common feeling of one man to another whatever may be the color of his skin, would as a question of interest take a shot-gun and go out and shoot men down? Sir, it is not true, as I said the other day; it is a slander on both races. The great bulk of both races live together harmoniously. Here and there there is a bad white man and here and there there is a bad colored man, and so far as disturbances have occurred in Mississippi I assert without fear of contradiction that the first disturbance which ever occurred between the white and colored race was under the administration of Governor Ames, who recently fled the State while articles of impeachment were pending against him before the Legislature. At the time of the first disturbance in the county of Warren, in which my own little farm chances to lie, a proclamation was issued by Crosby, the colored sheriff of the county, calling upon the negroes to band together and march upon Vicksburgh and insist upon his institution in office.

The republican State attorney, General Harris, in a letter recently published in the New York Herald, stated that in a conversation which occurred between himself and Governor Ames and other republicans when Ames advised Crosby to insist upon his rights, it was asked, "Are you not afraid this will lead to bloodshed?" That question was asked by Harris, the attorney-general of the State then and now, and Ames's reply was, "The blood of twenty-five or thirty colored men would be of service to the republican party now." Up to the 7th

of December, 1874, there never had been anything like a serious conflict of races in the State of Mississippi, but when that proclamation was issued by the colored sheriff of Warren County three armed bands of colored men marched on three separate roads toward the city of Vicksburgh. They were met on the confines of the city. The gentleman who headed the white people sent a messenger to treat with them, but they declined any offers and a conflict ensued in which several colored men were killed.

Sir, were the white people of Vicksburgh to lie supinely down and allow their lives and property to be destroyed and their wives and children to be slaughtered? Ah, sir, they would have been something more or less than men if they had not taken up arms in defense of their households and of their city. They did it, and I say that was the first outrage or difficulty between the two races that occurred in the State of Mississippi, and it was precipitated by the bad advice of the republican governor, General Ames, and by the inconsiderate action of Sheriff Crosby, of Warren County.

I say, sir, in no instance has there been a case of conflict between the two races by the deliberate desire of the white race. On the contrary, in every act and declaration of the democratic party from 1869 to the present time, we have always said to the colored population: "You have been made voters by the Constitution of the United States and are free to cast your votes for us or against us." That is the only appeal that has ever been made to the colored race upon that subject.

Mr. CONGER. Will the gentleman allow me a question?

Mr. HOOKER. Yes, if you make it short.

Mr. CONGER. Will the gentleman deny that there were seven regularly organized and armed companies of white men in Vicksburgh for a month before this outrage on the city, who paraded the streets during the election in August and kept up their organization, taking the very arms furnished to the negroes themselves?

Mr. HOOKER. Sit down and I will inform you.

Mr. CONGER. I shall not sit down; I do not like that dictatorial way of addressing me.

Mr. HOOKER. I am entitled to the floor, and have been interrupted enough. I decline to yield further. I answer the gentleman's inquiry by saying that there never was any disposition on the part of the white people of Vicksburgh to arm themselves or organize, until a colored company, furnished by the State with arms and commanded by a man by the name of Hall, paraded the streets, occupying both the roadway and the sidewalk, so that the ladies of Vicksburgh walked the streets with difficulty. When that was done there was an organization of a company commanded by Colonel Miller, a leading member of the bar of Vicksburgh, one of the kindest, justest, and most upright men that I know in the State of Mississippi. Whatever he did on the occasion which has been referred to was done in defense of the city.

Did the white people go to the peaceable plantations where they were to seek this controversy? It so happened that my own place was in that county, and when this disturbance occurred I went to it. Two colored men had passed through it, dressed in semi-uniform, and they proposed to the colored people on my place that they should unite in this march on Vicksburgh. Their answer was: Our rights have not been invaded; no injustice has been done us; we have not been attacked and outraged by white men; the owner of this place does not propose to do it, and we do not suppose he intends to let anybody else do it.

Mr. CONGER. Will the gentleman allow me one other question?

Mr. HOOKER. Not now. Now, in regard to this organization, there are numbers of the ablest men in the city of Vicksburgh who are willing to attest under oath that there never was an attempt at an organization there until this attempt was made to arm the colored people against the white people. I believe that is the feeling everywhere throughout the State. It would be as absurd for us to say that we wanted to slaughter this race, that we wanted to oppress them, as it would be for the manufacturers who have built up the brick walls of Lowell to turn upon their operatives and endeavor to oppress and slaughter them.

Now I venture to assert that if we had sent emissaries from the Southern States to the city of Lowell, and had asked her industrious and hard-working operatives to meet us in one of their balls, and had endeavored to inculcate the lesson that capital was grinding down labor and that they were not sufficiently compensated for their labor—if southern men had done that in the town of Lowell they would have been found the next morning ornamenting the handsome lamp-posts of that city, and nobody would have doubted that they deserved it.

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

Mr. HOOKER. My time is almost out, and I cannot yield further; but for that I would yield. It would be no more unnatural for northern capital to turn against the men who by their bone and sinew make their capital valuable to them than it would be for the southern men to turn against their laboring population. All over the State of Mississippi there is this intimate relation existing between the colored and the white people. They are all united together in attempting to make a common living by the culture of the soil mainly; for 80 per cent. of our population, composed in large part of these colored people, are engaged in farming operations.

It is cruel, it is inhuman, it is an outrage in any party for party purposes and objects to endeavor to stir up bad blood between the old white master of the South and the old slave of the South. If

you leave them alone, as they have been left in Virginia, in Arkansas, in Alabama, and in Georgia, the relations between the two races will adjust themselves upon a fair and just foundation, upon the principle of full and equal protection under the law, the full and equal right of suffrage, which is accorded to the colored men. And the colored man like the white man, as he becomes instructed and informed, will vote with the one party or the other as his judgment may determine.

That is all we have ever asked, that they shall be allowed to the limited extent that many of them are educated and are able to reason to speak and to act for themselves. Why is it that you northern men want to raise a wall of division between the two races that occupy the South? Do you want to press your own white Caucasian race to the earth, to grind them down into the soil? Do you want to oppress them, and to use the colored race as the engine of oppression? If not, then why is it that whenever, as now, light begins to dawn upon the horizon of the vexed civil and unfortunate political question—why is it that when left to their own judgment free to act for themselves and the dawn of the era of reconciliation has begun, you rise in your places in the Congress of the United States and declare that there is hostility on the part of the white race toward the black race?

What do you want to do? Do you want to help the colored man? He stands under the Constitution and the laws upon a perfectly level plane with the white man. Do you want to oppress the white man? I say that the party, be it what it may, that undertakes to subject one race, whether white or black, to the oppression of the other for party purposes is guilty of an inhumanity fouler and more worthy of being stigmatized than any act that can justly be charged upon any southern community.

I believe that if you will leave these two races to themselves, to govern their own portion of the country in their own way, there will be perfect peace and quiet. Members of each race are voters; members of each race are jurors; each race has the right to testify in cases where any person, white or black, is affected. I have sat in my own court-house and seen cases tried where there were ten black men on the jury and only two whites, and white men were the only parties in the controversy.

I went to the neighboring State of Louisiana, to which the gentleman from Massachusetts [Mr. HOAR] has alluded as copying the obnoxious laws of Mississippi; I went to that State to defend a young white man who had been charged with shooting a colored man. He was tried before twelve black jurors, not a white man on the jury. The district attorney who tried the case, when appealed to, had not the magnanimity to withdraw his challenge against the only two white men who appeared and were not debarred from sitting on the jury trying the case.

To show the present feeling in the North on the subject of electing colored men to office, I will read the following from the New York Herald of August 8, 1876:

One of the phrases oftenest used about the Southern States is that they "must become like the North." "We want to make Louisiana like the North," said a very prominent republican of that State the other day. "We want to make Mississippi like the Norf," said a colored sheriff of that State not long ago to a northern traveler, who replied to him gravely, "You are sheriff of this county, my friend; you cannot write a sentence correctly; you can barely read; you own less than five hundred dollars' worth of property in the world; yet you are sheriff of a great county, and you want to have your State like the North. Believe me when I tell you that there is not a State nor county in all the North where ten men could be found to nominate you for sheriff, or, in fact, for any office whatever. I do not speak it to offend you, but to inform you. If you lived anywhere in the North, even in Massachusetts or the western reserve of Ohio, no soul would ever for a moment think of nominating you even for constable, much less sheriff. You would be a patient and contented day laborer or farmer, and your wildest dreams would not lead you to think of office." Is not this true? And if so, when we echo the southern republican's or the southern negro's cry that the South shall be "like the North," ought we not to think what that means? Louisiana has a negro lieutenant-governor; Mississippi had one until he was impeached for bribery. Almost every southern State has colored State officers, colored sheriffs, colored tax-collectors, colored judges, colored school officers. In this are they not unlike, very unlike, "the North?" Frederick Douglass is a cultivated man, an eloquent speaker, a forcible writer, a man of property, a good citizen. What party in New York has ever thought of nominating him for lieutenant-governor?

These are the sentiments of a fair-minded and impartial journal, and I submit it is a complete and perfect vindication of the views which I have expressed to the House, and which I feel all men outside of the poor and simple politician, who, looking beyond the peace and prosperity of the common country, regards alone that which promises success to the republican party.

[Here the hammer fell.]

During the delivery of Mr. HOOKER's remarks, at the expiration of one hour,

Mr. RANDALL obtained the floor.

Mr. MILLS. I hope the gentleman from Mississippi [Mr. HOOKER] may be allowed to conclude his remarks.

Mr. RANDALL. I would be very glad to allow the gentleman from Mississippi to go on—

Mr. HOOKER. I do not desire it.

Mr. RANDALL. If the public business were not of so imperative a character.

Mr. HOOKER. I wish to make a single request, with the consent of the gentleman from Pennsylvania, [Mr. RANDALL.] There are some matters which I have not been able to read and which I would like permission to print.

Mr. MACDOUGALL. I object.

Mr. CONGER. I hope there will be no objection from gentlemen on this side of the House to allowing the gentleman from Mississippi to go on.

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. CONGER] is not in order.

Mr. CONGER. I am making a request.

The SPEAKER *pro tempore*. The regular order is demanded, and the gentleman cannot make a request.

Mr. MACDOUGALL. I withdraw my objection.

The SPEAKER *pro tempore*. Is there further objection to allowing the gentleman from Mississippi to print additional remarks? The Chair hears none.

Mr. RANDALL. I now desire to submit a conference report.

Mr. LYNCH. I would like to make a request.

The SPEAKER *pro tempore*. The Chair must insist that it is not in order except by unanimous consent. [Cries of "Objection!" and "Regular order!"]

#### LEGISLATIVE APPROPRIATION BILL.

Mr. RANDALL. I present the report which I send to the Clerk. The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, having met, after full and free conference, have been unable to agree.

SAMUEL J. RANDALL,  
W. R. MORRISON,

*Managers on the part of the House.*

WM. WINDOM,  
T. F. BAYARD,  
W. B. ALLISON.

*Managers on the part of the Senate.*

Mr. RANDALL. I ask that a communication from the Senate relating to this subject be read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,  
August 9, 1876.

*Resolved*. That the Senate further insist upon its amendments to the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, disagreed to by the House of Representatives; and ask a further conference with the House on the disagreeing votes of the two Houses thereon.

*Ordered*, That Mr. WINDOM, Mr. ALLISON, and Mr. BAYARD be the conferees on the part of the Senate.

Mr. RANDALL. Mr. Speaker, after many and protracted conferences and after contests, paragraph by paragraph, between the two Houses in the conference committee last appointed, we were enabled to reach a conclusion as to all matters except two. One related to the proposed reduction in the salary of members of Congress and the other to the restoration of the salary of the President of the United States to \$25,000 a year. The House conferees were unwilling to yield either of these points. The Senate conferees with unanimity declared that they would not yield on either subject their position, which was to continue the salary of members of Congress as now fixed by law and to continue the salary of the President of the United States for the next term as now fixed by law for the present incumbent, whose salary Congress has not the constitutional power to change.

The line of policy adopted by the House in the passage of this bill was to reduce the salaries of the various executive officers of the Government in moderate degree. Of course we could not make that reduction with propriety unless at the same time we reduced our own salary in equal proportion. This was the position of the three conferees representing the House.

It is due to the Senate to state the manner in which they presented the case. As to the salaries of members of Congress, they argued that since the salary was fixed at \$5,000 the franking privilege had been abolished, which in a measure reduces the salary by compelling members to pay their own postage and the expense of sending out the books which they may distribute among their constituents.

As to the salary of the President of the United States, it was fixed at the present amount by a provision inserted in an appropriation bill. The people of the United States condemned that law; and the Congress succeeding that which enacted it, repealed it so far as they could. They could not under the Constitution change the salary of the President during the term of the present incumbent. This House, however at the present session, has undertaken to repeal the increase as to the future, rescinding to that extent the provision of the former appropriation act which increased the presidential salary from \$25,000 to \$50,000. On this subject the position of the Senate conferees was substantially this: that both Houses of Congress had the right to repeal in a separate bill the increased salary of the President so far as it extends beyond the present term, and had exercised that right in passing through both branches of Congress a bill which had been sent to the President, and vetoed by him upon grounds stated in his message. I may mention by the way that the veto message is now in the Senate, where it has remained, unacted upon, for a long time. The Senate claims that to insert this measure in an appropriation bill would be a species of coercion upon the President of the United States. I maintain that, the salary having been increased in a bill of

this character, it is entirely competent and just for Congress in the same manner and through the same agencies to repeal that increase; for I believe that this part of the act was as fully condemned as the provision increasing the salary of members.

We found ourselves in the situation that neither side would yield. The Senate conferees offered, in so far as the salary of the President of the United States was concerned, we should appropriate the money up to the 4th of March next at \$50,000 a year, and leave it for the next session of this Congress to change the law if possible, and make the appropriation in time for the salary of the President of the United States next coming in from and after the 4th of March next.

I think I have now given a true history of the situation. The conferees on the part of the House were unwilling, few in number as they were, to assume such a grave responsibility as to yield, but were not unwilling, however, to offer to the House the points of difference and take their instruction, and we so finally agreed in our conference. In obedience thereto we now make such submission. If the action of the two Houses were concurrent then we could proceed.

Mr. LORD. Will the gentleman from Pennsylvania let me ask him a question?

Mr. RANDALL. Certainly.

Mr. LORD. Has the gentleman any expectation there will be any agreement if a further conference is appointed; or does he regard the action of the Senate conferees as final as to their decision?

Mr. RANDALL. I was going on to say that I am informed by the paper just read at the desk, and I am otherwise informed in a reliable manner, that the Senate in their determination in these respects is fixed, and, I might say, unalterably so. The responsibility of failure in these respects, therefore, to my mind, and I think to every dispassionate mind, is with the Senate and the Senate only. They say they are willing to take that responsibility.

Mr. HOUSE. The question of the gentleman from New York is whether a new conference committee might not agree. I understand the gentleman from Pennsylvania to say the Senate is settled in its conviction.

Mr. RANDALL. Having sent the same conference committee over here, it is the parliamentary manner of expressing intention between the Houses, from one House to the other. Having sustained their conferees in their attitude, it is as much as to say, just in the language as I have stated, what their object is.

Mr. LORD. Let me ask the gentleman another question. Does he not understand that the Senate by vote has instructed its conferees not to recede on this question?

Mr. RANDALL. That is not in that communication from the Senate, but I believe that is the fact. It was stated, I am informed, by my colleague on the floor of the Senate.

Mr. LORD. I have so understood and desired to know whether the conferees on the part of the House so understand it.

Mr. RANDALL. Certainly. While the conferees on the part of the House were unwilling to assume the responsibility of this position and yield to what the Senate conferees demanded, of course they were entirely willing to report the subject back to the House, and let the House assume that responsibility which belongs to it more properly than to them.

Mr. LORD. Let me ask another question. Has not the Senate appointed the same conferees?

Mr. RANDALL. It has.

Mr. LORD. Is that not in parliamentary proceeding notice from the Senate to this House they will not recede?

Mr. RANDALL. It is. I now yield to my colleague on the committee.

Mr. MORRISON. Mr. Speaker, this subject of reduction of salaries and expenditures has been under consideration for eight months. This bill passed the House four months ago and this conference was appointed one month ago, after ineffectual efforts in previous conferences to settle the question.

It seems to me, sir, we have pressed our views to the very extremity of right as well as of duty. I know of no way to compel the Senate to concur in our opinions on this subject, and I do not think in any more emphatic way we could have insisted on our purpose than we have done.

As the gentleman from Pennsylvania has stated, we have substantially agreed on all other items embraced in this bill than those relating to pay of members and of the President. In this agreement, Mr. Speaker, we have yielded many things which I believe we ought not to have been compelled to yield; but we have succeeded in obtaining some things which are desirable. The items upon which we agree result in the discharge of seven hundred and sixty-five men, employés now in the pay of the Government. This reduction of force, together with reduction of expenditures and salaries which we secure, results in an annual saving by this bill of one and a half million dollars.

A MEMBER. Employés, not men.

Mr. MORRISON. I think those to be discharged are all men. I believe there is no provision for the discharge of women, but there may be.

The result, Mr. Speaker, of the bill, so far as agreed upon, will be an annual saving of a million and a half of dollars below that insisted upon by the Senate. This, at least, is something.

Now, what is the condition of things if we persist in our former

course and refuse to yield on these two points? We continue from time to time for ten days or for a month the existing condition of things; that is, we continue appropriations at the rates provided for the preceding fiscal year for ten days at a time indefinitely.

In the mean time the expenditures go along on the present scale at present rates, and this saving that we obtain by a settlement, such as we can obtain, of a million and a half, will thereby be lost.

Mr. GARFIELD. A hundred thousand dollars a month.

Mr. MORRISON. I do not care to count whether it is a hundred thousand dollars a month or a hundred and twenty-five thousand dollars a month. It is worth saving. And I presume no one insists that if we cannot have our way about this thing we will refuse all appropriations, and thereby deprive the Government of the necessary means for continued operations. Nobody here entertains any such proposition as that. Unless we are willing to assume the responsibility of doing that, we must yield these points of difference or continue the present scale of expenditure from time to time, indefinitely.

That is the result, the inevitable result of refusing the demands of the Senate upon these two questions. I am not answered by saying it is not right that we should be required to appropriate more money than ought to be appropriated for pay of members and pay of the President. We must concede the equal right of the Senate with the House to determine how much money ought to be appropriated. This is matter of opinion. And it is a matter, as I have said, on which we cannot compel the Senate to yield entirely to us. I know of no way of coercing the Senate or the President unless we are prepared to say we will appropriate nothing if we do not have our own way about it.

Now, sir, in this condition of things it seems to me we ought to act rationally and yield what we cannot save. We have taken our position and insisted for long months upon this reduction of expenditure. We have no constitutional or rightful means of coercing the Senate or the President, who are not in accord with us and who have stoutly resisted us from the beginning as to the reduction both of our own and the presidential compensation as well as other reductions which they now yield. They refuse to yield further. In this continued refusal such of my political friends as desire to do so may make all the political capital there is in this question.

Mr. SINGLETON. Will the gentleman yield to me for a moment?

Mr. MORRISON. Yes, sir.

Mr. SINGLETON. Did the Senate incline to recede to any extent from the \$50,000, or do they insist upon that being the amount? Is there no chance for a compromise upon that?

Mr. MORRISON. The Senate conferees insisted on appropriating the salary of the present occupant of the presidential chair, which is virtually an abandonment of this question and a continuation of the present salary, though this salary may be reduced at any time between now and the 4th of March next, whatever we may do here to-day.

Mr. WILLIS. Is it not in the power of Congress under any circumstances to reduce the salary of the President before the 4th of next March? I ask, therefore, if anything would be gained by this bill if it passed? I want the House and the country to understand that nothing could be gained.

Mr. RANDALL. The gentleman is mistaken in supposing the next Congress can change the salary of the next President.

Mr. WILLIS. As I understand the Constitution, we can do so next session.

Mr. MORRISON. The gentleman from New York [Mr. WILLIS] can bring up this question at the next session of Congress. He will not be precluded from reducing the President's salary or his own at the next session, if the House and Senate will then agree.

Mr. WILLIS. I simply wish the country to understand that we can pass this bill next session as well as now. I have no further interest in it, so far as I am concerned.

Mr. MORRISON. The country will understand this matter as well as we do. I was proceeding to say that in refusing to yield these two points we cannot secure the large annual saving of expenditure involved in the other portions of the bill, including the discharge of these seven hundred and sixty-five employés. If we are desirous of accomplishing something and willing to accomplish something, although we cannot obtain all we desire, there is no other way to do it but to abandon these two propositions, because the Senate has heretofore determined repeatedly and has again to-day finally determined by a vote in open Senate not to yield to a reduction either in the salary of Members and Senators or of the President.

Mr. LORD rose.

Mr. KASSON. As one of the conference committee, I desire to say but a single word before the gentleman from New York takes the floor.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Iowa as a member of the conference committee.

Mr. KASSON. It was with difficulty, Mr. Speaker, that I could hear my colleague from Illinois on the committee, [Mr. MORRISON]; but I think he stated that large and important reductions had been accomplished by the consultations of the conference committee, and especially in the direction which I think this House, on both sides of it, greatly desired, namely, in respect to those salaries which had been increased since 1860, during the time of inflation, when employés of the Government could not live on the salaries previously given. The reductions in those salaries we have succeeded with the approval

of the Senate conferees in making permanent, which I regard as a very great gain in that direction.

The reductions are also made permanent, which is a great gain in that direction. On the two remaining points I should say that there were two alternatives presented; one was to take the presidential salary from the 4th of March entirely out of the bill, leaving Congress at its next session to dispose of that as it chose to do, and the other was to appropriate the money called for by the Constitution until the 4th of March. The conferees on the part of the Senate claimed that the House having acted on a separate bill in a constitutional manner, and sent it to the Senate, and that bill having been vetoed by the President, the only constitutional mode of dealing with the question was to act on the question of the veto, and not to add it to an appropriation bill where a majority vote alone would be required to act upon it.

On the question of congressional salaries there were two alternatives; one was to leave our salaries out of the appropriation bill, eliminating all questions of personal interest from the approval or disapproval of the bill, leaving the appropriation to go over to the next session. I need not say that it was the opinion of us all that it would be convenient to make that disposition of the question, and therefore we were brought to the question of the necessity of asking the advice of the House in some way whether under these circumstances, as the conferees upon this bill have been extremely laborious, as to the propriety of yielding on these two points or spend a week or two more in endeavoring to arrive at a conclusion which must be eventually the same.

Mr. LORD. Understanding from the fact that the Senate has appointed the same conferees that that is notice to this House in the most emphatic legislative form that the Senate will not recede on these two questions, and believing that the conferees on the part of the House have done all that could be reasonably expected that they could do in the premises, I offer the resolution which I ask the Clerk to read:

The Clerk read as follows:

Whereas the Senate has refused to yield to existing differences between the two Houses on the legislative, executive, and judicial appropriation bill, which differences relate to the salaries of members of Congress and of the President; and whereas we are apprised that any further conference on the subject will be useless and can make no change in the determination of the Senate: Therefore,

*Resolved*, That the conferees on the part of the House be, and they are hereby, instructed to recede from such points of disagreement.

Mr. LORD. Upon that resolution I move the previous question.

The previous question was seconded and the main question ordered.

The question was put on agreeing to the resolution; and on a division, there were—ayes 109, noes 56.

Mr. CUTLER and Mr. LUTTRELL called for the yeas and nays.

The question was put on ordering the yeas and nays, and 23 members voted in the affirmative.

The SPEAKER *pro tempore*. The Chair holds that a sufficient number have not voted to order the yeas and nays.

Mr. LUTTRELL. I call for tellers on the yeas and nays.

Tellers were not ordered—only 22 members voting therefor.

So the yeas and nays were not ordered.

The resolution was agreed to.

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

The latter motion was agreed to.

Mr. RANDALL. In reference to the report of the committee of conference I do not understand what became of it.

Mr. KASSON. I move that the House consent to the request of the Senate for a further conference upon the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. RANDALL, Mr. MORRISON, and Mr. KASSON.

#### ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair will state that the pending question is on the motion of the gentleman from Maine [Mr. HALE] to reconsider the vote by which the message of the President in relation to the sundry civil appropriation bill was referred, and upon that question the gentleman from Pennsylvania [Mr. TOWNSEND] is entitled to the floor.

#### HALLET KILBOURN—RECUSANT WITNESS.

Mr. RANDALL. I would like to submit a resolution which I think involves a question of privilege. I have been requested to offer it.

Mr. TOWNSEND, of Pennsylvania. I yield for that purpose.

Mr. RANDALL. I offer the following resolution.

The Clerk read as follows:

Whereas suit has been instituted for damages in the supreme court of the District of Columbia by Hallet Kilbourn against MICHAEL C. KERR, Speaker of this House, JOHN G. THOMPSON, Sergeant-at-Arms of this House, and JOHN M. GLOVER, JEPHTHA D. NEW, BURWELL B. LEWIS, and A. HERR SMITH, members of the same; and whereas said suit is predicated upon an alleged assault and false imprisonment of the said Kilbourn by the said defendants when the said Kilbourn was reported to this House by one of its committees as a recusant witness; and whereas it is the duty of this House to defend said suit: Therefore,

*Be it resolved*, That the said defendants be, and are hereby, instructed to confer

with the Judiciary Committee and take such steps as to the employment of counsel and defense of said suit as said committee shall advise; said committee to fix the amount of attorney fees.

Mr. RANDALL. I would like to add the words “at a reasonable rate.” That would be an admonition that there shall not be lawyers employed at \$25,000 apiece.

The resolution, as modified, was agreed to.

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

The latter motion was agreed to.

#### LEAVE TO PRINT.

Mr. TOWNSEND, of Pennsylvania. I yield for a moment to the gentleman from Indiana, [Mr. BAKER.]

Mr. BAKER, of Indiana. I ask leave to print in the CONGRESSIONAL RECORD some remarks in reference to general politics as a part of the proceedings of the House.

There was no objection, and leave was granted. [See Appendix.]

Mr. PIERCE. I ask leave to print some remarks in the RECORD as a part of the proceedings of the House on the question of a reciprocity treaty between the United States and Canada.

There was no objection, and leave was granted. [See Appendix.]

#### ORDER OF BUSINESS.

Mr. TOWNSEND, of Pennsylvania, resumed the floor.

Mr. BLAND. I rise to a parliamentary inquiry, and it is when I shall have the right to move to lay this motion to reconsider on the table. It is a sham and a political humbug gotten up here to interfere with the business of the House. The country is not interested in any controversy between the North and South, and it is all a humbug. I desire to move to lay the motion to reconsider on the table.

The SPEAKER *pro tempore*. The gentleman from Missouri must not attempt to hold the floor against the rules of the House or to make a speech when there is a gentleman on the floor who is entitled to it. He can make the motion he indicates whenever the floor is not occupied by some gentleman entitled to it.

Mr. BLAND. I want to know when I can be recognized. I have been trying to get the floor to-day without success.

The SPEAKER *pro tempore*. That is not the fault of the Chair.

#### MORTGAGES IN THE DISTRICT OF COLUMBIA.

The SPEAKER *pro tempore*. The Chair appoints as managers of the conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 3168) in reference to mortgages on real estate in the District of Columbia Mr. LAWRENCE, Mr. LORD, and Mr. HOAR.

#### ENROLLED BILLS SIGNED.

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

An act (H. R. No. 1823) to change the name of the pleasure-yacht Ella to that of Myra;

An act (H. R. No. 2252) to authorize the Secretary of the Treasury to change the name of the steamboat Hiram Wood;

An act (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky;

An act (H. R. No. 2692) to relinquish the title of the United States to certain property in the city and county of San Francisco, California; and

An act (H. R. No. 4060) to provide for the payment of certain indebtedness incurred in the construction of the New York court-house and post-office building.

Mr. BAKER, of New York, from the same committee, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

An act (S. No. 84) extending the time for the redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes.

#### LEAVE OF ABSENCE.

Leave of absence was granted by unanimous consent as follows: To Mr. BALLOU for one week from Friday next;

To Mr. JONES, of New Hampshire, an extension of ten days on account of sickness;

To Mr. WALSH indefinitely;

To Mr. MACKEY for three days on account of sickness in his family;

To Mr. HARRIS, of Massachusetts, indefinitely;

To Mr. CAMPBELL for ten days on account of serious illness;

To Mr. HOGE for ten days on account of sickness;

To Mr. SMALLS indefinitely from the 10th instant on account of important business;

To Mr. HENKLE for two days on account of important engagements;

To Mr. MACDOUGALL for two weeks from the 10th instant on account of important private business;

To Mr. WILLIAMS, of Indiana, indefinitely from Thursday next;

To Mr. FENN for four days from Monday next; and

To Mr. HARRISON indefinitely.

## WITHDRAWAL OF PAPERS.

Mr. LUTTRELL asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of Charles Krugg, of San Francisco, California.

## MANAGEMENT OF GOVERNMENT HOSPITAL.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the petition of Alexander Moffit, Theodore F. Wilson, James M. Thompson, and 22 others, citizens of the District of Columbia, praying for the appointment of a joint committee of three members, one from the Senate and two from the House of Representatives, to continue and finish the investigation of the charges made against the management of the Government hospital, the same having been partially considered and some proof taken, as stated and shown by this petition and evidence annexed; which was referred to the Committee on Expenditures in the Interior Department.

## ISSUE OF ARTIFICIAL LIMBS.

Mr. RUSK. I ask unanimous consent to have taken from the Speaker's table the bill (H. R. No. 1516) to regulate the issue of artificial limbs to disabled soldiers, seamen, and others. That bill has been returned from the Senate with sundry amendments, and I desire to move that the House non-concur in the amendments of the Senate and request a conference upon the disagreeing votes thereon.

No objection being made, the motion of Mr. RUSK was agreed to.

The SPEAKER *pro tempore*. The Chair will announce to-morrow the managers of the conference on the part of the House.

## ORDER OF BUSINESS.

Mr. TOWNSEND, of Pennsylvania. I cannot yield further except for a motion to adjourn, if that is the wish of the House.

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

Mr. VANCE, of Ohio. I ask unanimous consent that Senate bill No. 1035 be taken from the Speaker's table and referred to the Committee on Printing.

Many MEMBERS. ["Regular order?"]

The SPEAKER *pro tempore*. The regular order being called for, the question is upon the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the House now adjourn.

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

## PETITION.

The following petition was presented at the Clerk's desk under the rule, and referred as stated:

By Mr. VANCE, of North Carolina: Remonstrance of Robert Tramper, chairman of council, and others, of the eastern band of North Carolina Cherokee Indians, against the adoption of the amendment of Senator WINDOM to the Indian appropriation bill, and also against the appointment of an agent for said band as provided by House bill No. 3478, to the Committee on Indian Affairs.

## IN SENATE.

THURSDAY, August 10, 1876.

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

## NATIONAL SAVINGS BANK.

The PRESIDENT *pro tempore* laid before the Senate the annual statement of the National Savings Bank of the District of Columbia for the year ending December 31, 1875, as required by section 8 of the act incorporating the bank, approved May 24, 1870; which was ordered to lie on the table and be printed.

## MISSISSIPPI ELECTION INVESTIGATION.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the concurrent resolution of the Senate providing for printing copies of the report of the Special Committee to Investigate the late Election in Mississippi.

The amendment of the House of Representatives was to add after the word "Senate," at the close of the resolution, the words:

And House of Representatives; 1,500 copies for the use of the Senate, and 2,500 copies for the use of the House of Representatives.

So as to read:

*Resolved by the Senate, (the House of Representatives concurring,) That 4,000 copies of the report of the Special Committee to Investigate the late Election in Mississippi, with the views of the minority, be printed for the use of the Senate and House of Representatives; 1,500 copies for the use of the Senate, and 2,500 copies for the use of the House.*

Mr. BOUTWELL. Let the original resolution be read.

The Chief Clerk read as follows:

That 4,000 copies of the report of the Special Committee to Investigate the late Election in Mississippi, with the views of the minority, be printed for the use of the Senate.

Mr. EDMUND. The House amend it how?

The PRESIDENT *pro tempore*. As amended it gives the Senate fifteen hundred copies and the House twenty-five hundred.

Mr. MORRILL. That will amount to this: It will give the Senate fifteen hundred copies and then leave half or at least some of the others to go to the old waste-paper dealers.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

## HOUSE BILLS REFERRED.

The bill (H. R. No. 3964) granting a pension to Annie Gibson Yates was read twice by its title, and referred to the Committee on Pensions.

The joint resolution (H. R. No. 161) authorizing the Secretary of State to publish a history of the several surveys and scientific expeditions by the United States during the present century was read twice by its title, and referred to the Committee on the Library.

## PAVING OF PENNSYLVANIA AVENUE.

The bill (H. R. No. 4085) to repeal part of section 5 of an act entitled "An act authorizing the repaving of Pennsylvania avenue," approved July 19, 1876, was read twice by its title.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be referred to the Committee on the District of Columbia.

Mr. INGALLS. I suggest that the bill lie on the table.

Mr. EDMUND. And let it be printed.

Mr. SPENCER. I think it had better go to the Committee on the District of Columbia, for another bill exactly like it is before that committee.

Mr. INGALLS. The bill provides for the repeal of that portion of the act authorizing the repaving of Pennsylvania avenue which fixes the date at which the work shall be completed at some period early in December. A communication has been received from the commissioners for the repaving, in which they say it is impossible that the work can be done in the most advantageous manner if that provision is retained; that while the time may be sufficient the continuation of wet weather or some other contingency might arise which would render it very desirable that the period should be extended. They have expressed a wish that the limitation be repealed, and I suggest, if the Senator from Alabama has no special objection, that, inasmuch as a reference would delay the action upon this measure, and as the commissioners have already opened the bids and desire to make their award, the bill had better lie upon the table, in order that early action may be had upon it.

Mr. SPENCER. I will state to the Senator from Kansas that a great many property-owners on the Avenue have protested in a written protest against the extension of this time. The Committee on the District of Columbia had a bill worded exactly like this up at its last meeting, of which this bill is a copy. The committee were somewhat divided on it and have sent the bill to the commissioners of the District of Columbia for their opinion upon it. Until we have heard from them, we do not want to take any action. I think the bill had better go to the committee, and if the committee decide upon it favorably they can report it back very soon.

Mr. INGALLS. The commissioners for the repaving having asked for the passage of this bill, I ask for its present consideration by the Senate.

Mr. MERRIMON. What is the bill?

Mr. INGALLS. It is a bill for repealing a portion of the act authorizing the repaving of the Avenue, removing the limitation that was prescribed in that act requiring the work to be performed and completed by the 1st of December. The commissioners in their communication state that while the time may be sufficient, yet in case there should be protracted wet weather it might be impossible to have the work done within the time specified. If the Senate should think it advisable that the restriction should be removed, it certainly ought to be done at once, because the day of adjournment is rapidly approaching and it is not probable that the committee could take any action upon the matter before that time arrives.

Mr. KERNAN. I desire to inquire of either of the gentlemen whether a letter from these commissioners was not addressed to the committees of the two Houses suggesting that this limitation be repealed?

Mr. INGALLS. Yes, sir.

Mr. KERNAN. Has that letter been laid before the Senate?

Mr. INGALLS. I am not aware as to that.

Mr. SPENCER. It has not been.

Mr. KERNAN. Where was it sent?

Mr. SPENCER. It was sent to the committee; it is in the hands of the committee.

Mr. KERNAN. I have heard complaint outside that that request had been sent in but had not got before the Senate. I found in a newspaper that they had asked that this limitation should be repealed with a view to get good work done.

Mr. SARGENT. It would be better to let the bill go to the committee, and they can report it back to-morrow morning.

Mr. MORRILL. I hope this bill will be allowed to pass. I do not understand that there is any great apprehension that more time will be required; but if there should be a long season of wet weather during October it might be impossible to complete the work in the best manner by the time limited. I think there can be no objection to it, for I do not understand that the commissioners propose to avail themselves of it unless it is absolutely indispensable to good work.