

property obtained in New Zealand prior to the establishment there of British authority, to the Committee on Foreign Affairs.

By Mr. MACDOUGALL: The petition of 200 citizens of Weedsport, Cayuga County, New York, for the re-establishment of the fast-mail service on the New York Central and Hudson River Railroad, to the Committee on the Post-Office and Post-Roads.

By Mr. THORNBURGH: The petition of Thomas N. McCoffey, of Knoxville, Tennessee, for a pension, to the Committee on Invalid Pensions.

By Mr. WHITTHORNE: Memorial of John Harlow, of Tennessee, to have his name restored to the Army roll of the Tenth Tennessee Infantry Regiment, to the Committee on Military Affairs.

### IN SENATE.

TUESDAY, August 8, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.  
On motion of Mr. MCCREERY, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

#### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers in reference to a clause in the river and harbor bill as passed by the Senate which affects the works at the Southwest Pass of the Mississippi River.

Mr. WEST. I move that the communication lie on the table and be printed. The matter has been acted upon.

Mr. DAVIS. Had it not better be referred to the Committee on Appropriations? They have the matter now in charge, I understand.

Mr. WEST. The bill has been reported and is before the Senate. I have no objection to the reference; but I cannot conceive that there should be any action upon it in committee, as the bill has been reported here. The Senate is competent to act upon it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Louisiana, that the communication lie on the table and be printed.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. SPENCER. I move that the Senate proceed to the consideration of House joint resolution No. 100.

The PRESIDENT *pro tempore*. Morning business has precedence.

Mr. THURMAN, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 791) for the relief of Ethan Ray Clarke and Samuel Ward Clarke, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MERRIMON, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1020) to punish embezzlement in the District of Columbia, reported it with an amendment.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 998) for the pardon of deserters from the United States Army, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2524) for the relief of certain soldiers of the Eighth Cavalry, Missouri State Militia, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. INGALLS it was

Ordered, That Mrs. Mary B. Hook have leave to withdraw her petition and papers from the files of the Senate.

#### TERRITORY OF PEMBINA.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of the bill for the establishment of the Territory of Pembina, subject to morning business.

Mr. SPENCER. I hope the Senator will not insist upon that, because, as he knows, that bill will cause a good deal of debate.

Mr. MCCREERY. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Kentucky rise to present morning business?

Mr. MCCREERY. I rose to ask for the present consideration of House bill No. 567, which is in the order of business. I have tried several days to get the floor to call it up. I am sure it will occupy but a small portion of time.

Mr. HITCHCOCK. There are some reasons why I think I ought to have the indulgence of the Senate for the consideration of this bill for the establishment of Pembina Territory. It has been reported three successive sessions favorably by the Committee on Territories. It was reported unanimously at this session, four months ago, and has stood near the head of the Calendar for nearly that period of time. When reached on the Calendar the other day its consideration was objected to on the ground that it was too important a bill to be considered on that

call. If it is so important, and I believe it is an important bill, it is too important for me to allow it to sleep without an effort for its consideration. I do not believe it will create any extended discussion. I believe in three minutes it can be shown to the satisfaction of the Senate that the bill should pass, and I should be very glad if the bill could be taken up and considered. The bill was introduced by the Senator from Minnesota, [Mr. WINDOM,] and a similar bill was before the Senate and discussed at considerable length during the last Congress. If it is in order, I move that the Senate proceed to the consideration of the bill.

Mr. MCCREERY. I ask the Senator from Nebraska to give me five minutes to take up my bill after the bill organizing Pembina is taken up.

Mr. HITCHCOCK. I will yield five minutes for that purpose.

Mr. SPENCER. I also ask the Senator from Nebraska when he gets his bill up to yield to me for the consideration of the House joint resolution No. 100.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Nebraska to take up the bill (S. No. 606) to establish the Territory of Pembina and to provide a temporary government therefor.

Mr. BOUTWELL. Let the bill be read.

The Chief Clerk read the bill.

Mr. BOUTWELL. I should like to ask the Senator from Nebraska whether this bill is likely to give rise to debate. I gave notice the other day that I desired the Senate to consider this morning the bill to perfect the revision of the laws. That is a bill of great public concern, and I shall not feel that I have performed my duty if I do not press the consideration of it upon the attention of the Senate.

Mr. HITCHCOCK. I do not think this bill will lead to any extended discussion. If it shall, I will say to the honorable Senator that I gave notice several days ago that I should call the bill up at the earliest practicable moment, and I said that I believed it was as important a bill as was likely to be considered at the present session.

Mr. BOUTWELL. We shall differ about that.

Mr. HITCHCOCK. I believe it affects the rights of citizens of the United States who have a right to be heard, and it has been now on the Calendar for about four months or a much longer time.

Mr. BOUTWELL. I will not object.

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

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 606) to establish the Territory of Pembina, and to provide a temporary government therefor.

Mr. MCCREERY. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. BOUTWELL. It seems to me we had better go on with the bill.

Mr. EDMUND. That is the doctrine; one thing at a time.

Mr. BOUTWELL. I object to any yielding.

Mr. HITCHCOCK. Very well.

The PRESIDENT *pro tempore*. The bill has been read.

Mr. EDMUND. Let it be read in committee, so that we may see what we have.

The Secretary proceeded to read the bill.

Mr. HITCHCOCK. The bill has just been read.

Mr. EDMUND. I did not hear it.

The Secretary resumed and concluded the reading of the bill.

Mr. EDMUND. Is there any written report with this bill?

Mr. HITCHCOCK. There is a report which was made at the last Congress.

Mr. EDMUND. I should like to hear it read. I suppose it states the general ground upon which this action proceeds.

Mr. HITCHCOCK. Yes, it states the general ground.

The Secretary read the following report, submitted by Mr. Borenman, from the Committee on Territories, March 23, 1874:

The Committee on Territories, to whom was referred the bill (S. No. 44) to establish the Territory of Pembina and to provide a temporary government therefor, have had the same under consideration, and respectfully submit the following report:

The same bill was before this committee at the second session of the Forty-second Congress, and on February 8, 1872, a favorable report was made thereon, as follows:

"It is proposed by this bill to establish and provide a temporary government for a new Territory out of that part of the Territory of Dakota lying north of the forty-sixth degree of north latitude.

"The present Territory of Dakota contains 150,932 square miles, being in extent about four hundred miles from north to south, and something less than that in width from east to west. It appears from the report of the late census that in 1870 it contained a population of 14,181, exclusive of Indians; but it is now believed, from the best evidence your committee have been able to obtain, that at this time its population numbers more than 25,000.

"The more populous and growing settlements are in the extreme northern and extreme southern portions of the Territory, respectively, the intervening region, except immediately on the eastern border, being in great part uninhabited and without roads or other avenues of communication. There being no direct route of travel between these distant settlements, those residing in the region of Pembina, or indeed in any part of the more northern sections of the Territory, in going to Yankton, the capital, as many of them must necessarily do in the transaction of business with the officers and courts of the Territory, are compelled to travel a distance of from one thousand to fifteen hundred miles, and this by the nearest practicable route; and the same is the case with the judges and other officers in going from the capital to attend to their respective duties in the northern portions of the Territory.

The Territory for which it is proposed by this bill to provide a government is a parallelogram, extending from Minnesota, on the east, for something less than four hundred miles, to Montana, on the west, and from the British possessions, on the north, two hundred miles to the boundary of the remaining Territory of Dakota, on the south, and has an area of about 70,000 square miles. It contains a population now of not less than 10,000, having received considerable accessions by immigration since the taking of the late census; and it may be added, when separated from Dakota, will leave the latter with a population as large as the whole Territory had in 1870. The contemplated Territory will have a larger population than many of the Territories heretofore established had when they were organized, as may be seen from the following:

Mississippi, organized in 1789, population .....	8,350
Indiana, organized in 1800, population .....	5,641
Michigan, organized in 1805, population less than .....	4,000
Wisconsin, organized in 1836, population .....	7,000
Minnesota, organized in 1849, population .....	6,077
Washington, organized in 1853, population .....	1,201
Dakota, organized in 1861, population .....	4,337
Nevada, organized in 1861, population .....	6,857
Arizona, organized in 1863, population .....	5,000

The climate and seasons of the new Territory are about the same as in the adjoining State of Minnesota. The land lies beautifully, being comparatively level, and nearly every part of it being susceptible of cultivation. The soil is good, and produces all the grains, vegetables, and fruits common to the Northwestern States. The Northern Pacific Railroad, located as it is through the entire length of the Territory from east to west, and being now in process of construction, will soon supply the means of direct and speedy communication with all parts of the country. And the present indications are that this Territory will continue to rapidly improve and increase in population as it has for two or three years past, thereby extending and adding to the substantial prosperity and wealth of the nation; and it is believed that these desirable results will be greatly facilitated and rendered more certain by the establishment of the temporary government contemplated by this bill."

Since making the above report the Northern Pacific Railroad has been completed to Bismarck, on the Missouri River, a distance of two hundred miles from the western boundary of Minnesota.

Bismarck is a considerable town, and many other small towns and villages have sprung up along the railroad and elsewhere in the Territory; large numbers have been added to the population; immigration still continues, and no doubt is entertained that with the opening of the present spring the influx of population will exceed that of any preceding season.

The following extract from a speech delivered in the House of Representatives on the 14th instant, by Hon. M. K. Armstrong, present Delegate from Dakota, your

committee believe is a fair and reliable statement of the present condition of that portion of Dakota for which the bill under consideration proposes a separate organization.

"Two hundred miles of the Northern Pacific Railroad have been pushed westward across that Territory from the fertile valley of the Red River to the navigable waters of the Upper Missouri. Two newspapers are published in the proposed Territory, and stirring and enterprising towns have been built up at Fargo, Jamestown, and Bismarck on the said railroad, while immigration and settlement are rapidly filling up the accessible river valleys. Steamboats navigate the Red River nearly two hundred miles into the proposed Territory, returning with thousands of tons of freight for the Hudson Bay settlements; while along said stream in Dakota new towns and mills are being established. Nearly four hundred miles of telegraph line are in operation, and at Pembina, Grand Forks, Fargo, and Richville quite a trade is already carried on in the way of shipping and reshipping freights. United States courts are held at Fargo, Bismarck, and Pembina, and a United States land office has recently been established at the former place, while the settlers are urgently petitioning for a land office at Bismarck to accommodate the increasing settlements in the Missouri Valley. Many large steamboats ply for several hundred miles through the proposed Territory on the waters of the Missouri, and pass far above the mouth of the Yellowstone into Montana, carrying Government freight for the forts and agencies, and mercantile goods for the mining districts. Already several thousand people have gone into this northern territory and are preparing farms, homes, and villages, in anticipation of the favorable action of Congress upon this bill."

It is proper, also, to add that the Legislature of Dakota have twice—in 1871, and again in 1873—memorialized Congress in behalf of the establishment of this new Territory, in which they state with great force the facts which induce them to do so, and urge it as a matter of justice to those inhabiting the proposed Territory, as well as of interest and advantage to the country generally.

To meet the objection that the establishment of another Territory will entail additional charge on the Treasury, the committee submit the following communication from the Secretary of the Treasury:

TREASURY DEPARTMENT,  
Washington, D. C., January 17, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant requesting to be informed of "the charge upon the Treasury for each of the respective existing Territories, and the items that make up the same."

In reply I inclose herewith a statement showing the expenditures under heads of appropriations on account of each Territory during the fiscal years 1872 and 1873. The items of expenditure for fuel, furniture, repairs, lights, &c., are so numerous that it is not practicable to give them in detail.

I am, very respectfully, WM. A. RICHARDSON, Secretary.  
Hon. A. I. BOREMAN,  
Chairman Committee on Territories, United States Senate.

*Expenses of territorial government.*

Territories.	Fiscal year 1872.			Fiscal year 1873.		
	Salaries.	Ordinary expenses.	Total.	Salaries	Ordinary expenses.	Total.
ARIZONA.						
Salaries: governor, judges, &c.	\$13,655 96				\$14,906 59	
Legislative expenses .....		\$4,325 12				\$1,000 00
Contingent expenses .....	624 99	2,000 00				20,758 00
Salary of interpreter and translator .....			\$20,605 37			
COLORADO.						
Salaries: governor, judges, &c.	13,300 00				13,212 30	
Legislative expenses .....		20,000 00				
Contingent expenses .....		1,000 00				838 78
			34,300 00			
DAKOTA.						
Salaries: governor, &c.	13,600 96				13,453 30	
Legislative expenses .....		85 91				24,382 07
Contingent expenses .....		1,000 00				1,000 00
			14,686 87			
IDAHO.						
Salaries: governor, &c.	13,876 39				13,500 00	
Legislative expenses .....		7,679 76				20,144 71
Contingent expenses .....		662 50				1,657 08
			22,218 65			
MONTANA.						
Salaries: governor, &c.	13,820 65				13,500 00	
Legislative expenses .....		28,386 10				2,967 59
Contingent expenses .....		1,000 00				1,000 00
			43,206 75			
NEW MEXICO.						
Salaries: governor, &c.	16,730 10				13,500 00	
Legislative expenses .....		19,768 74				2,849 23
Contingent expenses .....		1,000 00				1,000 00
			37,498 84			
UTAH.						
Salaries: governor, &c.	14,106 25				13,198 90	
Legislative expenses .....		22,197 18				
Contingent expenses .....		393 75				
			36,697 18			
WASHINGTON.						
Salaries: governor, &c.	12,739 01				15,388 29	
Legislative expenses .....		28,824 99				
Contingent expenses .....		1,000 00				1,400 50
			42,564 00			
WYOMING.						
Salaries: governor, &c.	13,162 60				13,651 65	
Legislative expenses .....		16,998 70				2,700 00
Contingent expenses .....		913 75				942 08
			31,075 05			

Aggregate expenditure for the nine Territories for two years, \$490,803.73. One-ninth of the above is the average expenditure for one Territory for two years, and is \$54,533.75. One-half of the last-named sum shows the average annual expenditure of one Territory, and is \$27,266.87.

This communication and statement show the separate and aggregate expenditure out of the Treasury for all the Territories for two consecutive years, thus including the expenses of a session of the Legislature in each, and enabling us to fix the average annual charge on the Treasury for a territorial government. This av-

erage, as may be seen above, is \$27,266.87, and is a small outlay for the benefits realized from such a government.

It must be conceded that the development and growth of this Territory will tend to add to the wealth and prosperity of the nation, and it can be no less apparent that the thousands of hardy and enterprising people within its boundaries, who, by the sacrifices, energy, and industry indispensable to success in border life, are thus contributing to the resources of the country, have a right, even though it necessitates a small annual draught on such resources, to demand a recognition of their situation,

wants, and interests by the establishment of a local government that will be accessible for the transaction of their necessary business at only a reasonable expenditure of their time and means.

The committee, therefore, report back said bill with some verbal amendments, and recommend that the same do pass.

Mr. EDMUND. Of course, at some day or other this will be a proper bill in substance; but it does not appear to me from the statement of the report and with the number of people there now that it is wise to set up a distinct territorial organization, which costs the people a good deal of money and costs the United States a good deal. Of course the organization has to be just as expensive, just as many offices and places, substantially, as if the people were much more numerous than they are. I do not think that in this late stage of the session we ought to hurry a bill of this kind through, and I move therefore to postpone its further consideration until the first Monday in December, which will leave it its place for consideration next winter, when we shall have more recent information about it.

Mr. HITCHCOCK. I trust that motion will not prevail. The bill has been pending upon the Calendar now for four months in the Senate. If anybody is in fault, perhaps I am. I deferred calling it up because it was near the head of the Calendar, and I thought that when the Senate proceeded to the consideration of bills upon the Calendar it would be reached in its proper order and passed without any struggle or objection. I was mistaken in that view, and having failed, in the light of those facts, I perhaps failed to do my duty in not urging it earlier upon the consideration of the Senate. But as a matter of right to the citizens of the United States who have settled in Northern Dakota, I believe this bill should be considered at the present session. It has been repeatedly petitioned for by the inhabitants of the Territory, and twice at least memorialized for by a unanimous memorial of the Legislature of the Territory of Dakota. There are special and particular reasons why, as a matter of right to the inhabitants of the Territory and as a matter of economy to the General Government, this Territory should be organized.

The present Territory of Dakota extends from Nebraska on the south to the British possessions on the north, a distance of four hundred miles, and from Minnesota on the east to Montana on the west, almost the same distance. It contains an area of 150,000 square miles; more than three times greater than the State of New York; nearly three times as large as all New England. The present settlements in the Territory of Dakota are comprised in two separate and distinct communities, entirely separate and distinct from their geographical position. The inhabited portion of Southern Dakota, the old-settled portion of Dakota, is along the Missouri River. Its commercial relations are with Nebraska, Sioux City, and through Iowa to Chicago. Northern Dakota, that portion which this bill proposes to create into a new Territory, is settled for two hundred miles along the Northern Pacific Railway and along the Red River of the North. Its commercial relations are with Duluth, Saint Paul, and Milwaukee.

The business relations of the two portions of the Territory are entirely separate and distinct. The members of the Legislature from the northern part of the Territory of Dakota are often compelled in the winter to travel as far east as Chicago in order to reach the capital. They have been paid for sixteen hundred miles mileage for that travel. So it is to reach the supreme court; so it is in enforcing the United States laws; the expenses of the extra mileage for this wide extent of travel will very nearly make up for the additional expense of the creation of the new Territory. I believe that a wise policy and a just regard for the rights of the citizens of the United States who have gone there to make it their home demand that this bill should be passed and passed at this session.

I trust the Senator from Vermont will not press his motion, but that we may be allowed to vote on the bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to postpone the bill until the first Monday in December next.

The question being put, there were on division—ayes 10, noes 16; no quorum voting.

Mr. HITCHCOCK. I hope the Senator will withdraw the motion and let the vote be taken on the passage of the bill.

Mr. EDMUND. I made the motion because I thought it was right, and if I withdraw it I should do what I thought was wrong. I do not think the bill ought to be hurried through without more time to consider it.

Mr. PADDOCK. Let us have the yeas and nays.

The PRESIDENT *pro tempore*. There is a quorum present. The yeas and nays are demanded.

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 23; as follows:

YEAS—Messrs. Anthony, Bayard, Boutwell, Cockrell, Conkling, Davis, Dawes, Eaton, Edmunds, Frelinghuysen, Hamilton, Howe, Kernal, Key, McDonald, Maxey, Merrimon, Morrill, Sargent, Saulsbury, Stevenson, Thurman, and Withers—23.

NAYS—Messrs. Cameron of Wisconsin, Christianity, Cooper, Cragin, Ferry, Hamlin, Harvey, Hitchcock, Ingalls, Kelly, Logan, McCreery, McMillan, Mitchell, Oglesby, Paddock, Patterson, Ransom, Spencer, Wallace, West, Windom, and Wright—23.

ABSENT.—Messrs. Alcorn, Allison, Barnum, Bogy, Booth, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Conover, Dennis, Dorsey, Goldthwaite, Gordon, Johnston, Jones of Florida, Jones of Nevada, Morton, Norwood, Randolph, Robertson, Sharon, Sherman, Wadleigh, and Whyte—25.

So the motion was not agreed to.

The bill was reported to the Senate.

Mr. WINDOM. I think this bill ought to pass. There are already two hundred miles of railroad in that Territory; the northern portion of it is settling up very rapidly; and I think it is a fact that is not generally understood that one of the best farming regions in the United States lies in this proposed new Territory. There are several farms already being opened in it of from one thousand to three thousand acres. Two thousand or three thousand acres have been already broken upon several farms. There is one farm opened or partially opened by a company of over thirty thousand acres, and from three thousand to four thousand acres are now under the plow.

The people of that portion of the territory (and it is settling so rapidly that the population is becoming heavier there than in any other part of it) are compelled in order to reach the capital of the present Territory to travel some eight to twelve hundred miles, to come over the railroad through Minnesota and by way of Chicago or Dubuque westward through Iowa, until they reach the capital of their Territory. It seems to me that there is a very good reason for the passage of this bill, and without taking the time of the Senate I hope it may be passed.

Mr. McMILLAN. What is the capital?

Mr. WINDOM. Yankton, the present capital, I will say at the suggestion of my colleague, is situated in the southern part of the Territory, but there is no way of reaching it by the modern means of communication except what I have stated, some eight to twelve hundred miles.

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

Mr. EDMUND. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. McDONALD, (when his name was called.) I am paired with my colleague [Mr. MORTON] until he returns on all political questions, and not regarding this as a political question, I vote yea.

The roll-call having been concluded, the result was announced—yeas 31, nays 19; as follows:

YEAS—Messrs. Allison, Bogy, Burnside, Cameron of Wisconsin, Christianity, Cockrell, Cragin, Ferry, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Jones of Nevada, Kelly, McCreery, McDonald, McMillan, Maxey, Mitchell, Morrill, Oglesby, Paddock, Patterson, Ransom, Sherman, Spencer, West, Windom, Withers, and Wright—31.

NAYS—Messrs. Anthony, Bayard, Boutwell, Conkling, Cooper, Davis, Dawes, Eaton, Edmunds, Frelinghuysen, Kernal, Key, Merrimon, Sargent, Saulsbury, Stevenson, Thurman, Wallace, and Whyte—19.

ABSENT—Messrs. Alcorn, Barnum, Booth, Bruce, Cameron of Pennsylvania, Clayton, Conover, Dennis, Dorsey, Goldthwaite, Gordon, Ingalls, Johnston, Jones of Florida, Logan, Morton, Norwood, Randolph, Robertson, Sharon, and Wadleigh—21.

So the bill was passed.

J. E. PANKEY.

Mr. MCCREERY. I move that the Senate proceed to the consideration of—

Mr. BOGY. I wish to make a motion in connection with the subject just before the Senate before the bill is disposed of.

Mr. MCCREERY. I want the bill taken up, and then the Senator can make his motion. I move to proceed to the consideration of the bill (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the payment to J. E. Pankey of \$1,029.12 for unused and uncanceled (tobacco) revenue-stamps which have been returned to the Commissioner of Internal Revenue and are now on file in his office.

Mr. EDMUND. Let us hear the report read.

The PRESIDENT *pro tempore*. There is no report.

Mr. MCCREERY. There is a report from the House committee with a letter of the Commissioner of Internal Revenue.

Mr. EDMUND. What committee reported the bill?

The PRESIDENT *pro tempore*. The Committee on Finance.

The Chief Clerk read the following report, submitted by Mr. JOHN YOUNG BROWN from the Committee of Claims in the House of Representatives on the 20th of May, 1876:

The Committee of Claims, to whom was referred the bill (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky, report:

The bill directs the payment to J. E. Pankey the sum of \$1,029.12 for unused and uncanceled (tobacco) revenue-stamps which have been returned to the Commissioner of Internal Revenue, and are now on file in his office.

The letter of the Commissioner accompanying the bill, of date April 4, 1876, addressed to the chairman of this committee, shows that the claimant returned the above amount of stamps to the Commissioner, and your committee are of opinion that the bill for his relief should pass, with an amendment striking out the words "with interest thereon from the 1st day of April, 1872," which occur in the sixth and seventh lines of the same.

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

ORDER OF BUSINESS.

Mr. EDMUND. I ask to finish the reading of the report which was suspended yesterday of the Senator from Massachusetts [Mr. BOUTWELL] from the special committee. It was laid over on account of the minority report not being quite ready, and it is now hung up between heaven and earth. I ask that it be read before the Senate so as to get it into the files in the regular way.

Mr. BOGY. I thought I had the floor.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that the report made by the Senator from Massachusetts be laid before the Senate.

Mr. EDMUND. And the minority report.

Mr. BOGY. I thought I had the floor. I desire to make a motion in connection with the Pembina bill. The Senator from Kentucky would not allow me at that time to go on.

Mr. EDMUND. Mr. President—

Mr. BOGY. I desire to propose a change of the name of the Territory, and if I give the reasons I think the Senate will adopt the change unanimously.

Mr. EDMUND. I think this can be disposed of in a moment.

Mr. BOGY. I yielded to the Senator from Kentucky a while ago. I move to reconsider the bill passed a few moments ago for the creation of the Territory of Pembina.

Mr. EDMUND. The Senator can enter the motion, but another matter is now before the Senate.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

#### AFFAIRS IN MISSISSIPPI.

Mr. EDMUND. I understand now that these reports are laid before the Senate.

The PRESIDENT *pro tempore*. They are.

Mr. EDMUND. Now I do not ask to have them read clear through if anybody does not want to have them read, but let them be printed in the RECORD, so that we can read them without reading them here, if that is agreeable to everybody.

The PRESIDENT *pro tempore*. Is there objection to both reports being printed in the RECORD?

Mr. BAYARD. Including the minority views?

Mr. EDMUND. Certainly.

The PRESIDENT *pro tempore*. The Chair hears no objection. It is so ordered.

The report of the committee is as follows:

The special committee appointed under a resolution of the Senate adopted on the 31st of March last, and instructed to inquire how far the rights of the people of Mississippi, guaranteed by the Constitution of the United States, and secured especially by the fifteenth amendment, were violated by force, fraud, or intimidation at the election held in that State on the 2d of November, 1875, respectfully submit to the Senate the testimony taken, with the conclusions of the committee thereon.

The testimony will fully support the allegation that force, fraud, and intimidation were used generally and successfully in the political canvass of 1875.

But before proceeding to a detailed statement of the facts, and conclusions sustained and warranted by the proof, the committee think it proper to refer to the suggestions and excuses offered in justification of the outrages committed.

It has been alleged that Governor Ames was an unfit person to hold the office to which he was elected in the year 1873; but, on the contrary, the committee find from the evidence as well as from general report in Mississippi that Governor Ames was not only not amenable to any just charge affecting his personal integrity, his character as a public officer, or his ability for the duties of chief magistrate of that State, but that his fitness in all these particulars was sustained by the testimony of those who were not in accord with him politically. The committee refer especially to the testimony of Hon. J. A. P. Campbell, appointed by the existing government one of the judges of the supreme court of the State of Mississippi.

The evidence submitted tends strongly to show, what cannot be denied, that there were many persons in office in the State of Mississippi, especially in elective offices, in the several counties, who were either incapable or dishonest; and there were a few of the same character connected with the State government. The conduct of these persons, however, was not approved by the governor nor by the masses of the republican party.

Complaints and charges against a class of persons called "carpet-baggers" are frequent in the depositions of witnesses opposed to the republican party in the State. It is to be admitted that a small number of the immigrants from other States misused the confidence of the black people, secured office, and betrayed the trusts confided to them. But the number of such persons, compared to the whole number of immigrants, was very small; and it is but just to say that the great majority are intelligent, upright, and brave men from the North, who are entirely incorruptible, and who, in peril of their lives, are now struggling against serious odds to maintain their political opinions and to secure a just administration of the government.

It is alleged that during the last six or eight years the expenses of the State have been unnecessarily increased and that heavy taxes have been imposed for which no adequate return has been received by the people. Comparisons are made between the rate of taxation previous to the war and since the year 1870, and the conclusion is drawn that large sums of money are extorted from the people and wasted, or through negligence and extravagance misapplied.

It is undoubtedly true that taxes are higher in the State of Mississippi than they were previous to 1860; but the rate of increase is far less than in some of the northern States, where no serious complaints are made against the administration of public affairs.

It is to be observed also that previous to the war taxes were not levied for the support of schools in Mississippi; indeed, there was no system of public instruction; and that since the war school-houses have been erected in all parts of the State for the education of the children of both races, and large sums of money have been expended annually for the maintenance of schools, including schools for training teachers.

It is also true that previous to the war the taxes were imposed upon slaves and upon business, while since the war the taxes have been laid chiefly upon personal property and upon land.

In 1873 the State expenses were \$953,000; in 1874, \$908,000; and in 1875 the expenses were only \$618,000. The State debt, not including trust-funds, is only \$500,000.

A tax of \$1.60 upon each person will pay the public debt and meet the current expenses for a year. (Testimony, page 8.)

Attorney-General Harris makes the following statement in regard to taxation for the period of twenty-six years. He says:

"Take, for example, twenty years of democratic rule in Mississippi, and see what amount of money their own records show were expended, and they held uninterrupted sway, as we can best ascertain from the reports of the auditor and treasurer, made to biennial sessions of their Legislature. Take the twenty years from 1850 to 1870 and compare it with six years of republican rule, from 1870 to 1875, inclusive, the following is shown:

Expenditures:			
1850	\$295,933 48	1860	\$663,536 55
1851	236,407 41	1861	1,824,161 75
1852	802,579 76	1862	6,819,894 54
1853	220,288 45	1863	2,210,794 23
1854	584,296 84	1864	5,446,732 06
1855	311,578 19	1865	1,410,250 13
1856	784,896 79	1866	1,860,809 89
1857	1,067,086 57	1867	625,817 29
1858	614,659 00	1868	525,678 80
1859	707,015 00	1869	463,219 71
	5,623,741 49		20,208,894 95
			5,623,741 49

Total expenditures for twenty years..... 25,832,646 44

Now, take the republican administration for six years. Expenditures for—			
1870	\$1,061,249 90	1873	\$953,030 00
1871	1,319,626 19	1874	908,330 00
1872	1,098,031 69	1875	618,259 00
	3,478,906 78		2,479,619 00
			3,478,906 78

"Total expenditures for six years, \$5,957,525.78.

"The twenty years of democratic administration show an annual average of \$1,291,632.32. The six years of republican administration show an annual average of \$992,920.96.

"This may be claimed to be unfair, as it embraces four years of the war; but, for the sake of fairness, let us strike out the four years of the war, or the amount expended during those four years, 1861, 1862, 1863, and 1864, and add in lieu thereof the amount expended in 1860, \$663,536.55, and we have an expenditure of \$12,184,019.06, or an annual average of \$699,200.95, as against \$992,920.96. From this it would appear that the republican administration has been more expensive than the democratic administration; but there are several reasons for this: Before the war the taxes were paid in gold and silver, and everything much cheaper than since the war; and in January, 1870, when the republicans came into power, State warrants were worth about sixty or sixty-five cents on the dollar; the capitol and mansion were dilapidated; the penitentiary and lunatic asylum were too small, and had to be extended and repaired, and all the improvements cost nearly two prices, because payments were made in warrants at their reduced value. And the judiciary system was rendered more expensive to the State by dispensing with the probate court, the expenses of which had been formerly paid by the counties; this jurisdiction was given to the chancery court, and the number of citizens had more than doubled, and all departments of State government rendered necessarily more expensive. And, again, the school system has been carried on at an expense very large, a thing that had never existed before the war. The expenditures for school purposes in the six years have been about \$320,000 per annum. Let us add a few items which have been necessary since the war, and for which no expenditures were ever made by the democracy, by way of annual averages, and it will be seen at a glance why it is that the expenditures have been larger than formerly:

For school purposes, (as above)	\$320,000
Probate-court business by the chancery court, (probates' salaries by the counties,) (Code, 1857, p. 423)	36,700
Average annual improvements on public buildings, about	100,000
County record, &c., furnished, (destroyed during the war, and exhausted, &c.)	12,500
Making an average per annum of	469,200

"Taking this from the average, \$992,920.96, leaves \$523,720.96. These were necessary expenses, never incurred by a democratic administration. The only common-school system in the State before the war seemed to be a well-organized system to squander the school fund of the State as rapidly as the same was donated to the State by the Government, as the history of the fund will show. Take these items from the annual expenditures of the six years of republican administration, and the average is reduced per year to \$523,720.96; thus showing the average annual expense of the republican administration to be, on the old basis of State expenses, actually \$75,480 less than the average expenses under the democratic rule of twenty years, with less than one-half of the citizens to be governed, and at a time when expenditures everywhere were largely in advance of former years. Many other items of extraordinary expenses have been incurred since January, 1870, not included in these statements.

"This, I think, shows a fair statement of the expenditures for the last twenty-six years, twenty years of democratic rule and six years of republican rule.

"The taxes have been increased and decreased for the various State purposes, for the six years alluded to, as follows: 1870, 5 mills on the dollar; in 1871 it was 4 mills; in 1872, 8 mills; in 1873 it was 12½ mills; in 1874 it was 14 mills; in 1875 it was 9½. In the last three years there was a school tax as follows: 1873 and 1874 a school tax of 4 mills, and for 1875, 2 mills. This is included in the above estimate, and the counties were restricted in their levies for county purposes as follows: By act of 1872 the counties were prohibited from levying a tax which, with the State and school tax added, shall not exceed 25 mills on the dollar, and in 1875 they were restricted to 20 mills on the dollar.

"It seems that the real complaint of the people of the State, as to the burden of taxation, grows out of the fact that the taxable property of the State is, in the main, unproductive; and to evade the tax the tax-payers, in giving their property to the assessor, place it far below its actual value, and continue year after year to reduce the taxable value of the property."

The statements made by Hon. G. E. Harris, attorney-general, Captain H. T. Fisher, and Mr. E. Barksdale are referred to as presenting both sides of the case, and furnishing the best means at the command of the committee for a just judgment.

The testimony taken tends to show that those who participated in the means by which the election of 1875 was carried by the democratic party rely, for justification, upon the facts of maladministration, as set forth in the testimony submitted with this report.

In the opinion of the committee, those errors and wrongs, if admitted to the extent claimed, furnish no justification whatever for the outrages and crimes established by the testimony.

It is also alleged in justification of the acts of intimidation, and of the crimes committed during the canvass and at the election, that Governor Ames had organized, or attempted to organize, a force, termed the negro militia. At the time of the riot at Clinton, on the 4th of September, 1875, which resulted in the death of at least thirty persons, there was no military organization in the State. The sum of \$60,000 had been appropriated by the Legislature at its preceding session, for the organization and support of a military force; and the event at Clinton, in connection with the fact of disturbances in other portions of the State, led Governor Ames to attempt its organization. At the same time he issued the following proclamation:

## PROCLAMATION.

STATE OF MISSISSIPPI, EXECUTIVE OFFICE,  
Jackson, September 7, 1875.

Whereas persons have formed themselves into military organizations in various parts of the State without sanction of law, and such organizations are moved to the support of each other from point to point in counties and from one county to another without the approval or consent of the peace officers of such counties, and without the knowledge or authority of the state government; and

Whereas such organizations have overthrown civil government in Yazoo County, set it at defiance in Hinds County, and created distrust and fear in Warren and other counties, causing the loss of many lives and compelling many persons to flee from their homes; and

Whereas such action has already caused great injury to the interests of the people, and, if persisted in, will result in incalculable evil:

Now, therefore, I, Adelbert Ames, governor of the State of Mississippi, do hereby make proclamation and command all persons belonging to such organizations to disband forthwith; and I hereby require all citizens to render obedience to and assist the peace officers of the various counties in the preservation of peace and order and the enforcement of the laws of the State.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of Mississippi to be affixed, this the 7th day of September, A. D. 1875.

ADELBERT AMES.

[L. S.]

By the governor:

JAMES HILL, Secretary of State.

Some of the officers selected by him were native-born white citizens who had served in the late war on the side of the confederates, and he solicited and accepted recruits from the white as well as from the black population. (See testimony of General Hurst, page 87.)

This effort on the part of the governor, it is now claimed, was the occasion seized by the democrats for organizing and arming themselves, ostensibly to resist the black militia; but, in fact, such organization had been effected previously, as is shown by the testimony concerning the Clinton riot, and in the end it became the means by which the colored inhabitants and the white republicans of the State were overawed, intimidated, and deprived of their rights as citizens. (See testimony of Hon. H. Swann, pages 307, 308; W. A. Montgomery, page 546; and others.)

These organizations were the instruments also by which numerous murders were committed upon persons who were then active, or who had been active, in the republican party.

By the terms of the peace conference entered into by General J. Z. George, the chairman of the democratic State committee, and Governor Ames, on the 13th of October, 1875, the attempt to organize the militia was abandoned, General George on his part agreeing to secure a peaceful election and the full and free enjoyment of the elective franchise by every citizen. The stipulation on the part of the governor was faithfully kept, but the promise made by General George was systematically disregarded by the democrats in the larger portion of the State.

The outrages perpetrated by the white people in the canvass and on the day of election find no justification whatever in the acts or the policy of Governor Ames concerning the State militia.

The effort on his part to organize the militia for the preservation of the public peace seems to the committee to have been not only lawful but proper, and the course of the democrats in organizing and arming themselves to resist the governor in his efforts to preserve the public peace was unlawful, and the proceedings should have been suppressed by the State authorities if possible, and, in case of failure on their part, by the Government of the United States.

The constitution of the State provides that the militia shall consist of the able-bodied male citizens between the age of eighteen years and the age of forty-five years, and the Legislature provided for its organization by an act passed at its first session in the year 1870. It was the duty of the governor to use the militia for the suppression of such riots as those of Vicksburgh and Clinton, and this without regard to the question whether the white or the black race was most responsible therefor.

In the opinion of the committee the riot at Clinton was in harmony with the policy previously adopted by democrats in that vicinity, and designed to intimidate and paralyze the republican party. The testimony shows that the riot was inaugurated by a body of eight or ten young men from Raymond, who acted, apparently, under the advice of the Raymond Gazette, a democratic newspaper, edited by G. W. Harper, an aged and highly respected man, according to the testimony of Frank Johnston, W. A. Montgomery, (page 559,) and others.

The riot occurred September 4, and the Raymond Gazette, as early as June or July, gave this advice:

"There are those who think that the leaders of the radical party have carried this system of fraud and falsehood just far enough in Hinds County, and that the time has come when it should be stopped—peaceably if possible, forcibly if necessary. And to this end it is proposed that whenever a radical pow-wow is to be held, the nearest anti-radical club appoint a committee of ten discreet, intelligent, and reputable citizens, fully identified with the interests of the neighborhood and well known as men of veracity, to attend as representatives of the tax-payers of the neighborhood and county, and true friends of the negroes assembled, and that whenever the radical speakers proceed to mislead the negroes, and open with falsehoods, and deceptions, and misrepresentations, the committee stop them right then and there, and compel them to tell the truth or quit the stand."

Nor do these outrages find any excuse in the statement made repeatedly by witnesses, that the negroes were organizing or threatened or contemplated organizing themselves into military bands for the destruction of the white race. The evidence shows conclusively that there were not only no such organizations, but that the negroes were not armed generally; that those who had arms were furnished with inferior and second-hand weapons, and that their leaders, both religious and political, had disownment a resort to force. Many rumors were current among the white that the negroes were arming and massing in large bodies, but in all cases these rumors had no basis.

In a sentence, it may be asserted that all the statements made that there was any justifiable cause for the recent proceedings in Mississippi are without foundation.

On the other hand, it is to be said, speaking generally, that a controlling part and, as we think, a majority, of the white democratic voters of the State were engaged in a systematic effort to carry the election, and this with a purpose to resort to all means within their power, including on the part of some of them the murder of prominent persons in the republican party, both black and white.

There was a minority, how large the committee are unable to say, who were opposed to the outrages which by this report are proved to have taken place. This minority, however, is for the time overawed and as powerless to resist the course of events as are the members of the republican party. Under more favorable circumstances they may be able to co-operate with the friends of order and redeem the State from the control of the revolutionary element.

(1.) 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.

As far as the testimony taken by the committee throws any light upon the subject it tends, however, to establish the fact that the democratic organizations, both in the counties and in the State, encouraged the young men in their course, accepted the political advantages of their conduct, and are in a large degree responsible for the criminal results.

(2.) There was a general disposition on the part of white employers to compel the laborers to vote the democratic ticket. This disposition was made manifest by newspaper articles, by the resolutions of conventions, and by the declarations of land-owners, planters, and farmers to the workmen whom they employed, and by the incorporation in contracts of a provision that they should be void in case the negroes voted the republican ticket.

(3.) Democratic clubs were organized in all parts of the State, and the able-bodied members were also organized generally into military companies and furnished with the best arms that could be procured in the country. The fact of their existence was no secret, although persons not in sympathy with the movement were excluded from membership. Indeed their object was more fully attained by public declarations of their organization in connection with the intention, everywhere expressed, that it was their purpose to carry the election at all hazards.

In many places these organizations possessed one or more pieces of artillery. These pieces of artillery were carried over the counties and discharged upon the roads in the neighborhood of republican meetings and at meetings held by the democrats. For many weeks before the election members of this military organization traversed the various counties, menacing the voters and discharging their guns by night as well as by day. This statement is sustained by the testimony of Captain W. A. Montgomery, Captain E. O. Sykes, J. D. Vertner, leading democrats in their respective counties, as well as by the testimony of a large number of trustworthy republicans.

(4.) It appears from the testimony that, for some time previous to the election, it was impossible, in a large number of the counties, to hold republican meetings. In the republican counties of Warren, Hinds, Lowndes, Monroe, Copiah, and Holmes meetings of the republicans were disturbed or broken up, and all attempts to engage in public discussion were abandoned by the republicans many weeks before the election.

(5.) The riots at Vicksburgh on the 5th of July and at Clinton on the 4th of September were the results of a special purpose on the part of the democrats to break up the meetings of the republicans, to destroy the leaders, and to inaugurate an era of terror, not only in those counties, but throughout the State, which would deter republicans, and particularly the negroes, from organizing or attending meetings, and especially deter them from the free exercise of the right to vote on the day of the election. The results sought for were in a large degree attained.

(6.) Following the riot at Clinton, the country for the next two days was scoured by detachments from these democratic military organizations over a circuit of many miles, and a large number of unoffending persons were killed. The number has never been ascertained correctly, but it may be estimated fairly as between thirty and fifty.

Among the innocent victims of those days of horror and crime was Mr. William P. Haffa, a white man, a teacher by profession, a justice of the peace by the choice of his fellow-citizens, and a candidate for re-election upon the republican ticket. He was a resident of Philadelphia with his family until the year 1870, when he emigrated to Mississippi for the purpose of planting. The story of his assassination as related by his wife is here given in full:

## ASSASSINATION OF MR. HAFFA.

WASHINGTON, D. C., July 7, 1876.

Mrs. ALZINA F. HAFFA sworn and examined.

## PERSONAL STATEMENT.

By the CHAIRMAN:

Question. Have you lived in Mississippi; and, if so, how long?

Answer. Yes, sir; it will be seven years next February since I went there.

Q. Where did you live before that?

A. In Philadelphia, my native place.

Q. What was your husband's name?

A. William P. Haffa.

Q. Did you go to Mississippi with him?

A. Yes, sir.

Q. He is not living now?

A. No, sir.

Q. Will you state to the committee the time when he died and the circumstances of his death?

A. Do you desire me to state anything previous to that?

Q. You can state just what took place in Mississippi that you think important.

A. We were there about two months and a half or three months—

Q. When did you go there?

A. In February.

Q. What year?

A. Eighteen hundred and seventy; seven years next February. Mr. Haffa went there for the purpose of raising cotton and corn.

Q. Where did you live?

A. In Hinds County, third district.

## VISITED TO DEFINE HIS POLITICS.

Q. Near what town?

A. I cannot tell you how many miles from Vicksburgh, I don't remember; but we lived within a few miles of Auburn, Mississippi; I think it was two or three miles. After we had been living there about three months we were waited upon by the owners of the land, and they asked Mr. Haffa whether he was a friend to the white people or to the nigger, using a profane word. They called him outside and I followed him and stood at the door and heard what they said.

Q. Do you know who these people were?

A. Frank and William Bush, the owners of the land. William Bush was not an owner, but Frank was. William Bush was the agent for his wife and did all the business connected with the estate, which belonged to his wife. Her name was Mollie Bush.

Mr. Haffa said he was a friend to any one, be he black or white, that was deserving of his friendship. They then said to him, "We understand that you are a friend of the nigger," using profane language; and they made some other remarks, I don't remember what; but they went away, and a short time after that they came back and inquired for him. He was not in; he was out in the field. They went out there where he was, and my little boy, who was out there, said that they used some insulting language toward Mr. Haffa, and that they threatened him. He came in very much excited from the field and said to me, "Mamma, I am afraid there will be difficulty here."

## ELECTED JUSTICE OF THE PEACE.

Then the colored people nominated him for squire—magistrate—and he received his appointment from Governor Alcorn, who was then governor of Mississippi. That raised the indignation of the white people. They declared no northern man should come down there and rule them. So they sent up a number of petitions to have him removed. Governor Alcorn said there was nothing against him that he could find out, and unless there was something else against him than his birth he could not do anything, as long as it was the desire of the majority of the people, who are colored people.

So then he fulfilled his office for two years, and the first election came on and he was renominated for the same position, and he was elected by the people at that time. Then he had occasion to have some business with these people, the Bushes.

## MR. HAFFA LASRED.

Q. Was it private or public business?

A. I have forgotten now; I cannot say. They came to the house one Sat-

urday afternoon; I don't know what time it was, but anyhow they got the colored people all to leave the premises except one, an old colored woman; she could not get away. They came to the house and asked me if Mr. Haffa was in. I said, "Yes." They said they wanted to see him. I went to the door as usual—I always went to the door when there was white people come around, for I was very much afraid of them myself.

So they got him out by a tree a short distance off, and they had hitched their horses to that tree. I watched them, and they took a cowhide and commenced to lash him very freely with it. I ran out and grasped him around the waist. They said, "We will show you what southern blood is." Mr. Haffa never said a word. I said, "Mr. Bush, you have a wife in heaven and a child also, here; remember what your fate will be. I am here among strangers." He says, "Well, you have got no business to be down here among such an illiterate class of people."

#### MRS. HAFFA INJURED.

And, finally, I kept on, and I presume it lasted over an hour, perhaps two hours; and they kept on until they got up to the house, and then Frank Bush took hold of me and threw me violently against a sill in front of the door, and the effects of it I have never got over yet. I was laid up in consequence of it for about a month. I was taken to Jackson, Mississippi. Senator Caldwell, of Mississippi, a colored man, paid my expenses there, which cost him \$50. I was there for a month to be recuperated; I was not able to be home at all; they had no hopes of me.

In the mean time Mr. Haffa had gone to Jackson to make his bond for his position as magistrate for the second term. He was there for a few days and then went back and attended to his business, leaving me there.

#### HER HUSBAND INSULTED—HER BOY FIRED AT.

Then I went home, and there was nothing of any moment occurred for several months. Then Robbinett, a brother-in-law of these Bushes, met Mr. Haffa coming from the depot with my little boy, who was on a mule, and Mr. Haffa was on a horse. Robbinett came up to Mr. Haffa and took hold of his whiskers, and told him he wanted him to come down off his horse and he would have it out with him there. Mr. Haffa somehow got away from him and put spurs to his horse, and the horse ran, and then Robbinett fired at my little boy.

#### ATTEMPT AT ASSASSINATION.

Owing to the excitement he could not get out any warrant to have the man arrested, and there was never anything done with him. So, repeatedly after that, the Bushes made attempts at Mr. Haffa, and Mr. Haffa had always somebody with him wherever he went. He had to be guarded by the colored people. Even in going to the stable, which was no farther than from here across the street, he was afraid of his life. One evening after he came home from the depot—he went there generally of a Saturday to get his mail—a son of a member of the board of supervisors—I think he was a supervisor; he was an officer anyhow; his name was Father. I always answered the door if anybody called at night, and, in fact, in the day-time as well as night, for I thought I might do better than Mr. Haffa—he came to the door and says: "Is Mr. Haffa in?" Says I, "Yes, sir." He says, "I wish to see him on business." I said, "Won't you alight and walk in?" He said, "No." I went in and told Mr. Haffa, and I went out with a candle, and he says to me, "Mamma, you go in; it is too cold for you here, you will take cold." The young man says to him, "Send your wife in; I want to talk about business and it is not prudent for ladies to be present." There was a colored woman, a school-teacher, there, standing by me. Mr. Haffa then spoke in a more emphatic manner than usual, for me to go in, and I went to turn around with the candle to go in when this colored woman just shook her head that way, [indicating], and I said, "I will not go in;" and I turned, and at that moment saw a pistol aimed at Mr. Haffa. He had it cocked, but Mr. Haffa snatched it from his hand, and made him get down off his horse, and put him in the cotton-house and locked him up until next morning. In the morning he knocked at the door and prayed to be let out, and asked Mr. Haffa's pardon, and said he did not intend anything.

Mr. Haffa thought, probably, on account of the feeling, that it would be better to be lenient than to use harsh means, though he had him in his power, so he let him out; and said he, "Squire, won't you give me my pistol?" It was a small Derringer pistol. Mr. Haffa said, "I don't know that I will." He said, "Will you give it back to me, please? I will promise you I won't do any such thing as that again, and I am very sorry for it, but I was put up to do it." Mr. Haffa said, "Who put you up to do it?" and he would not say who it was; and he gave him back his pistol, and he went home.

Two or three days after that his mother called on me—Mr. Haffa was absent at the time—and made an apology to me for the conduct of her son. Mr. Haffa says, "We will think nothing about it; we will let it slide, as long as he made reparation for it. In that way probably I can overcome them by kindness."

#### MRS. HAFFA TEACHES SCHOOL AND ADVISED COLORED VOTERS.

Then he came on North here and remained a year, and left me there as teacher. I have been teacher there ever since the public schools have been in vogue. The school-house was only twenty or thirty yards from my house, and we held all our club meetings there, and in the absence of Mr. Haffa I attended to the business of the colored people; was their secretary part of the time, and I did various other things for them.

During the election of McKee the colored people waited on me and asked me if I would persuade them to vote for McKee. They left it all to me whether he was the right kind of a man for them to have to represent them in Congress. I had heard Mr. Haffa speak very happily of Mr. McKee as well as several of his intimate friends at Jackson, one of whom, I think, was Captain Fisher; so I said to them, "Vote for McKee; vote the republican ticket straight through; don't allow anything to influence you against voting that ticket." They had implicit confidence in me from the fact of my being there so long; and they always consulted me in every respect during Mr. Haffa's absence.

I taught day-school and night-school up to the day of Mr. Haffa's murder. He came back, I don't remember exactly what time, but I think it was in May—April or May, somewhere.

#### MR. HAFFA TEACHES SCHOOL.

Q. How long ago was it?

A. I think it was three years ago last May, if my memory serves me right. The colored people waited on him and asked him if he would take their school to teach, about seven miles from there. He said he did not know whether he would or not. They asked him if he would take an office at the next election. Said they, "We are determined to have you somewhere, because we are afraid we are going to lose you. We are very much afraid of that, and you have got to remain here with us."

He always consulted me in every question; said he, "Mamma, what would you advise me to do?" Said I, "Do just as you think best. If you think it will be remunerative, perhaps you had better take the school." He said he would give them an answer. So they came again, and he finally determined to take the school, and he taught the school up to the time he was assassinated.

#### WARNED OF IMPENDING DANGER.

The school closed on Friday, and the public school was opened the following Monday and on Monday, the 6th of September—I have forgotten whether it was between two and three or three and four o'clock in the morning—but my affidavit that I made out in Jackson has the precise time, but I have forgotten now. There was a number of colored people waited on Mr. Haffa on the Sunday before. He attended their Sunday-school, and always preached there Sunday for the colored people;

and he came back and they said to him, "Squire, don't you feel afraid of your life? Don't you feel timid?" He said, "No, I am not timid." They said that the white people said they were going to destroy very many, and that they were not going to escape a limb, and that he was mentioned as one of them. Said he, "O, no; there is so much braggadocio about them, I don't suppose they will harm me now, after we have been living here so many years, and they have attempted it so often."

#### A FEDERAL OFFICER APOLOGIZES FOR HIS NEGLECT OF DUTY.

I neglected to say that when we were first struck, how he would take it to court and a gentleman that has a United States position, he came to him and apologized for not doing his duty to him. I think he is now United States marshal. When we first went there he was sheriff, and the Bushes were wealthy, and he said, "Mr. Haffa, it is no use for you to be butting yourself against the bricks while you have no money and the Bushes are wealthy, and you might as well drop the case right away, for you can't gain anything."

But Mr. Haffa laid his damages at \$10,000. I heard Mr. Haffa say that himself; and he got defeated out of it. Through Mr. Lake not sending the papers to the proper place at the circuit court our damages were all lost and we never got anything.

When the election came around again Lake came to Mr. Haffa and apologized to him. He said, "I am very sorry for what has happened; it was my fault that those papers did not reach their destination." Says Mr. Haffa, "Is it so?" Says he, "Yes."

Q. Do you remember Mr. Lake's first name?

A. No, sir. They told me that he had a position there when I was in Jackson.

#### THE ASSASSINATION OF MR. HAFFA DESCRIBED.

We were aroused by the barking of our dog furiously on the morning of the 6th of September. I hollered, "Who is there?" and no answer. I repeated it, and there was no answer. And then Mr. Haffa got up and said, "Who is there?" They said, "We will let you know who is there;" or, "You will know who is there," or something to that effect; and I said, "My God; they have the yard full of men." I presume there were from fifty to seventy-five men barricading the whole of the house. And they had not only armed themselves with one or two weapons, but they had some of them half a dozen, because I could see them. They had them buckled around them, besides the musket that they carried.

They tried to unfasten the door to get in, but we had a small crevice where we could insert our foot between the door and the sill, and I inserted my foot between the door and the sill and kept the door closed, and they could not get in. My daughter assisted me also. Finding they could not get in they finally took one of the fence-rails and broke the door down and part of the furniture; and we were hollering all the time, "Murder! murder!" and no one came to our assistance. They could hear me hollering "murder" for about two miles, as the neighbors told me afterward. Finally, Mosely, the agent of the Singer sewing-machine, came up to me and choked me, and held a revolver close to my head. Before he choked me I said, "I am not afraid; if you will take me and spare my husband that is all I ask." And Mosely said to me, when I called his name several times, "Sh—! sh—!" I had a nursing baby then, and it was lying on the bed, screaming. After I was choked so I could not holler any longer, my daughter came, and she left me and went over to her father; and they broke a shutter off the window and fired at Mr. Haffa; and my little boy told me yesterday—I have him at boarding-school, at least at a house out in Germantown—he said that he would take oath any time that it was Jimmy Whitehead who fired one of the shots at Mr. Haffa; and Sid Whitehead, the owner of the land that we rented our land from, he had threatened Mr. Haffa's life several times, which the children know of.

They fired twice, and I went to him, and he asked me to take him to the bed; so my daughter and I assisted him to the bed; and—he had no light; it was utter darkness there—and says he to me, "Mamma, I want water." As soon as I could get a light I gave him water and laid him down, and ran out for assistance, and sent my little boy over to some colored people, and they came rushing over.

Finally Sid Whitehead came along and refused to let me have a physician; he said it was no use, that he would die anyhow. Mr. Haffa spoke as strongly as I am speaking, and he asked for water, and that was all he asked for. He said, "Mamma, I am going to die," and he asked God to have mercy on his soul, and he laid his head on my shoulder and expired.

#### THE WIDOW FORCED TO DENY THAT SHE KNEW ONE OF THE ASSASSINS.

So after the colored people had laid him away I said to Mr. Sid Whitehouse, "Mosely is the one that choked me; and he held a revolver at my head;" and Sid Whitehouse said, "You know Mr. Mosely was not here." I said, "Yes, sir; he was;" and he spoke out—that is Jimmy Whitehead—to say that I had to recall those words for the sake of my life. They made me recall it, and say it was not him.

#### PROFANE LANGUAGE—ABUSE OF NORTHERN PEOPLE—A COFFIN REFUSED.

They came there together and set up the first night—Whitehead and two or three other gentlemen—and they did nothing but use profane language all the time, and abuse the northern people. They said that they would show them that they were fully armed now and ready for war at any time, and that they could not rule over them and do as they pleased with them.

They would not allow me to have a coffin for him at all. Colonel Griffin, formerly United States Senator here—so he told me—he came and said, "Mrs. Haffa, I regret this very much." Says he, "I cannot get a coffin for you, for they won't allow any travel through."

Do you want to know anything about the other men that were assassinated the same day?

#### ASSASSINATION OF A FATHER AND SON.

Q. If you know any others you may specify them. You have not yet given the date of the night when this took place?

A. This was the 6th of September, 1875. Well, after Mr. Haffa was gone, the colored people, who were very friendly toward us, all the colored people, they were there, and they said, "Well, I would like to see any one come to my house and kill me in a brutal manner as they did the squire. We have lost our best friend." The names of the people who said this were Stevens; and his wife said, "I must go home." He says to her, "Yes, you better go home, for I will be the next one." Mr. Whitehead said, "Dolph"—his name was Adolph—"you better be careful how you talk, or the men will be after you." So about 11 o'clock these men came back to see if Mr. Haffa was gone, and they were looking like hungry wolves; the most fiendish-looking men I ever saw. They said, "Any colored people secreted about your premises here?" Says I, "No, sir." There was nobody in the house then but my children and Mr. Haffa. I said, "There is nobody here, but you are privileged to come in and examine the premises, and look up the chimney." Two of them alighted, and came in and looked around, and they said that was all they wanted to know.

They went over to these colored people's houses, and took the Stevenses, father and son, out, and stood them on a stump and shot them, and killed them instantly.

Q. Did you know these people who came to your house the last time?

A. No, sir; I could not know them.

Q. Were they disguised in any way?

A. No, sir; not the last time, they were not; the first time they were disguised. They did not give them any warning, any more than they did Mr. Haffa, when they came in the house and took them out.

They said they had a large day's work on hand, and that they had to commence

early; and during that day they perpetrated a number of murders. They were after Senator Caldwell, but I don't know whether they got him at that time or not; I never found out.

## THE WIDOW ORDERED TO LEAVE.

Mr. Whitehead then gave me ten days' notice to leave; and so the colored people harbored me. I could not get away from there, as no one came in and out of the depot, for they were afraid to go there.

Mr. Haffa was buried in a rude box, and just the colored people and my son went along. He was just wrapped up in a sheet; they would not allow it in any other way.

Mr. Whitehead said that I must leave, that we were looked upon as spies here. The colored people harbored me until I got a conveyance to take me to the depot. Finally, there was a man, an intimate friend of Mr. Haffa's, came out with three pistols belted around him, and said he would take us in.

## THE COLORED PEOPLE DISARMED.

They disarmed all the colored people through the country there, took their arms from them, and would not allow them to have any; and before I left for the depot they made the colored people break up their clubs, and every one of them joined the democratic clubs; they compelled them to do so or their life, one or the other. They were given ribbons, and I could see them marching along to the democratic clubs at Auburn and Utica; they went to and fro.

## CAPTAIN MONTGOMERY GIVEN HELP.

We went to the depot, and there they sent for Captain Montgomery. I had no money, and I was obliged to leave everything; I had not even a change of clothing; and Captain Montgomery raised me a purse of between thirty and forty dollars, and I went to Jackson. I had to make some purchases there for the children; and after I got there I was taken into Mr. Wolf's house, the superintendent of education, and his family received me very kindly. He was an intimate friend of Mr. Haffa's, and he said he would do all he could for me; but he could not have me there at his house at all, because his life would be in jeopardy; but said that he would call on the governor, and that he would send his officials around to take my affidavit, and he would secure me at the hotel and pay my board while I was there. This is the document that he drew up, [exhibiting paper.]

And he went around among the republican members of the government, and he was chagrined at the republicans not doing more than they did. Governor Ames donated \$5 and gave me a ticket half way to Cincinnati; and after I arrived at Cincinnati with my three children I had to beg my way on to Philadelphia. I was only a few hours at Mr. Wolf's house, and then was taken to the hotel there.

Q. How many children have you?

A. I have two; I have lost my baby.

Q. What is your age?

A. Thirty-eight.

The story of the murder of Square Hodge, a colored man, Sunday morning, September 5, is thus told by his wife:

## ASSASSINATION OF SQUARE HODGE.

JACKSON, MISSISSIPPI, June 19, 1876.

ANN HODGE (colored) sworn and examined.

By the CHAIRMAN:

## PERSONAL STATEMENT.

Question. How old are you?

Answer. Eighteen years old.

Q. Have you been married?

A. Yes, sir.

Q. What is your husband's name?

A. Square Hodge.

Q. Where do you live now?

A. Eight miles below Raymond.

Q. Do you know anything about the Clinton riot last September?

A. I was not there. I know my husband came home; he was there.

Q. What day of the week was that?

A. On Saturday. The riot was on Saturday.

Q. Did your husband come home to your place?

A. Yes, sir; he came home Saturday night, in the night.

Q. Was he hurt?

A. He was shot in the arm.

Q. Could he use his arm?

A. No, sir; he could not use it all. He had it in a sling.

Q. Did he tell you how he got hurt?

A. Only that he got shot. That is all he told me.

Q. Did he stay at home that night?

A. Yes, sir.

## WHITE PEOPLE CAME FOR HIM.

Q. On Sunday morning what happened?

A. The white people came there after him in the morning.

Q. Who were they?

A. Henry Quick, Willy Locke, Bryan McDonald, John McDonald, George Allen, John McNeir, and Allen Grafton came.

Q. Any more?

A. No, sir; I did not know any more. Two or three, I didn't know them.

Q. Did they have horses or come on foot?

A. All riding.

Q. On horses?

A. Yes, sir.

Q. Did they have any guns?

A. Yes, sir; guns and pistols.

Q. They came to your house?

A. Yes, sir.

Q. Who was in the house besides yourself?

A. Me and my brother there and another brother.

Q. Who is he?

A. John Jones.

Q. Who else?

A. My other brother, Lewis, and brother William, and my mother and little children.

Q. How many children?

A. Five of them.

Q. Have you any children yourself?

A. Yes, sir; I have two.

Q. Did these men come in the house?

A. Allen Grafton and John McNeir came in. The rest staid around the house.

## THEY FIND HODGE.

Q. What was done?

A. They made my brother come out from under the bed—my brother John—and asked where Square was, and said, "Is he in the room?" and I did not tell, and said I did not know, at first. Then he asked if they had been at the Clinton riot, and I said that I did not know. Then he said, "If you don't tell, I will shoot your God damned brains out." They made him come out from under the bed, and started to shoot under the house—mother put the children under the house; she was scared and put the children under the house, and they gone around. There is

two doors in the house. They had pistols pointed under the house, and I told them that nobody was under but the children. Then they came into the house, but could not find Square, and they went out right where he was, and snatched off the weatherboards, only one in the room, and the other went outside the door and snatched the weather-board and turned back the bed, and made him come out, and called him a damned son of a bitch, and said he must come with them. Mr. Quick says, "I told you this; if you had listened to me you would not have come to this," and they told him to put his shoes on, and I got them and said I will put them on; and I had to put them on and could not tie them very well; and some one said, "Let the God damned shoes be; he don't need any shoes." I put my brother's coat on him, and they carried him before them.

Q. On the horse?

A. No, sir; he walked before them away toward Raymond.

Q. Now what happened?

A. Nothing else.

## "THEY KILLED HIM."

Q. What became of your husband?

A. They killed him. I never did find him for a week, until the next Saturday.

Q. Where did you find him?

A. Near about a mile and a half to the last bridge to Raymond, in the swamp.

Q. Who found him?

A. A colored man who was running off, keeping out of the way of the rebels, too, and he come across the body, and went and got a spade, and dug a hole and put a blaze on the trees all the way out, and then we got the news; and Mr. Quick he took and made a box for us, and he loaned us a wagon, and we went after him that Saturday.

## THE BODY FOUND.

Q. You found his body?

A. The buzzards had eat the entrails; but from the body down here [indicating] it was as natural as ever. His shoes were tied just as I had tied them. The skull bone was on the outside of the grave, and this arm was out slightly and the other was off. Some we didn't find. We picked up the rings of the backbone. We got the pocket-book, and there was the hat hanging up, and this ring was put on the tree and the black one was on the ground; this one.

By Mr. BAYARD:

Q. Did you ever take an oath before?

A. No, sir.

Q. Do you know the meaning of taking an oath?

A. No, sir.

Q. Do you know what the consequences are of swearing falsely?

A. No, sir.

## ASSASSINATION OF SENATOR CALDWELL.

An equally horrid crime was the murder of Senator Caldwell and his brother, at Clinton, Christmas night. A history of the events of that evening is given by Mrs. Caldwell, which we here quote in her own words.

Mrs. MARGARET ANN CALDWELL (colored) sworn and examined.

By the CHAIRMAN:

Question. What is your name?

Answer. Margaret Ann Caldwell.

Q. Where do you live?

A. In Clinton, Hinds County.

Q. Was Mr. Caldwell, formerly senator, your husband?

A. Yes, sir.

Q. What was his first name?

A. Charles.

Q. When did he die?

A. Thursday night, in the Christmas. Him and his brother was killed.

Q. You may state to the committee what you know of his death.

A. I know when he left the house on the Thursday evening, in the Christmas, between dark and sundown. In the beginning of the day he was out on his fox-chase all day. The first commencement was an insult passed on his nephew, and he came out home.

## STORY OF HIS ASSASSINATION.

Q. Who was that?

A. David Washington; he is in Washington City now. He is there in business; watchman in the Treasury Department now; has been ever since October, I think. So they picked a fuss; Waddy Rice in George Washington's blacksmith shop in Clinton. They commenced talking this way: I think David asked, "How many did he kill on the day of the Moses Hill riot; who did he shoot?" David said that he did not know as he shot anybody; said he didn't know that he shot anybody. They told him, he said, "he came there to kill the white people, and if he did, to do his work in the day, and not to be seeking their lives at night." David came immediately back to my house. His uncle was at the fox-chase. I said, "Don't go out any more. Probably they are trying to get up a fuss here."

His uncle sent him down for something. He staid in the house until he came. That was about four o'clock in the evening, and some one had told about the fuss picked with his nephew, and he walked down town to see about it, I suppose. He was down town a half hour, and came back and eat his dinner, and just between dark and sundown he goes back down town again. He went down town knocking about down there. I do not know what he was doing down there, until just nearly dusk, and a man, Madison Bell, a colored man, came and says, "Mrs. Caldwell, you had better go down and see about Mr. Caldwell, I think the white folks will kill him; they are getting their guns and pistols, and you had better go and get your husband away from town."

I did not go myself; I did not want to go myself, but went to Professor Bell and said he would go and get him. Mr. Bell went, and he never came back at all until he came back under arrest.

I was at my room until just nearly dark.

The moon was quite young, and the chapel bell rang.

We live right by it. I knew the minute the bell tolled what it all meant.

And the young men that lived right across the street, when the bell tolled they rushed right out; they went through the door and some slid down the window and over they sprang; some went over the fence. They all ran to the chapel and got their guns. There was one hundred and fifty guns there to my own knowing; had been there since the riot, at the Baptist chapel. They all got their guns.

I went down town, and then all got ahead everywhere I went; and some of them wanted to know who I was, but I hid my face as well as I could. I just said "woman," and did not tell who I was.

As I got to town I went to go into Mr. Chilton's store and every store was closed just that quick, for it was early, about six o'clock. All the other stores were closed. Chilton's was lit up by a big chandelier, and as I went over the lumber-yard I saw a dead man. I stumbled over him, and I looked at him, but I did not know who it was, and I went into Chilton's, and as I put my foot up on the store steps, standing as close may be a few feet, (everything was engaged in it that day,) there was Judge Cabinis, who was a particular friend of my husband; a particular friend to him. He was standing in the center with a gun with a blue strap, in the center of the jam; and as I went to go in they cussed me and threatened to hurt me, and "make it damned hot for me," and the judge among the balance; but he said he didn't know me afterward. And they all stood; nobody would let me go in; they all stood there with their guns.

I know there was two dead men there, but I did not think it was my husband at the time.

I stood right there, and as I stood they said to me, "If you don't go away they would make it very damned hot for me;" and I did not say anything, and walked off, and walked right over the dead man. He was right in my path where I found the body. He was lying broadside on the street. I did not know who he was. I then stooped and tried to see who he was, and they were cursing at me to get out of the town—to get out.

Then I went up, and there was Mrs. Bates across the street, my next-door neighbor. I seed her little girl come up by us and she said, "Aunt Ann, did you see my uncle here?" I said, "I did not. I saw a dead body on the street; I did not see who he was." She said, "What in the world is going on down town?" Says I, "I don't know, only killing people there." She says, "Aaron Bates's hand is shot all to pieces, and Dr. Bangs is killed." He was not killed, but was shot in the leg; nobody killed but my husband and brother.

I went on over to the house, and went up-stairs and back to my room and laid down a widow.

After I had been home I reckon three-quarters of an hour, nearly an hour, Parson Nelson came up—Preacher Nelson—and he called me. I was away up-stairs. He called several times, and I heard him call each time. He called three or four times, and says, "Answer; don't be afraid; nobody will hurt you." He says, "Don't be afraid; answer me;" and after I had made up my mind, I answered him what he wanted; and he said, "I have come to tell you the news, and it is sad news to you. Nobody told me to come, but I come up to tell you." I didn't say anything. "Your husband is dead," he said: "he is killed, and your brother, too, Sam."

I never said anything for a good while. He told me nobody would hurt me then; and when I did speak, says I, "Mr. Nelson why did they kill him?" He says, "I don't know anything about it." He said just those words: "I don't know anything about it." He says, after that, "Have you any men folks about the place?" I says, "No." He says, "You shan't be hurt; don't be afraid of us; you shan't be hurt."

I never said anything whatever. He went off.

Sam's wife was there at the same time with three little children. Of course it raised great excitement.

After a length of time, Professor Hillman, of the institute, the young ladies' school or college, he brought the bodies to the house; brought up my husband, him and Frank Martin. Professor Hillman and Mr. Nelson had charge of the dead bodies, and they brought them to the house; and when they brought them, they carried them in the bed-room, both of them, and put them there; they seed to having them laid out, and fixed up and all that.

Mr. Nelson said in my presence, I listened at him, he said, "A braver life never had died than Charley Caldwell. He never saw a man died with a manlier spirit in his life."

He told me he had brought him out of the cellar.

You see when they had shot Sam, his brother, it was him who was lying there on the street. They shot him right through his head, off of his horse, when he was coming in from the country, and he fell on the street. He was the man I stumbled over twice. I did not know who he was. When they shot him, they said that they shot him for fear he would go out of town and bring in other people and raise a fuss. He found out, I suppose, that they had his brother in the cellar, so he just lay there dead; he that was never known to shoot a gun or pistol in his life—never knew how.

Mr. Nelson said that Buck Cabell carried him into the cellar; persuaded him to go out and drink; insisted upon his taking a drink with him, and him and Buck Cabell never knew anything against each other in his life; never had no hard words. My husband told him no, he didn't want any Christmas. He said "You must take a drink with me," and entreated him, and said, "You must take a drink." He then took him by the arm and told him to drink for a Christmas treat; that he must drink; and carried him into Chilton's cellar, and they jingled the glasses; and at the tap of the glasses, and while each one held the glass, while they were taking the glasses, somebody shot right through the back from the outside of the gate window, and he fell to the ground.

As they struck their glasses, that was the signal to shoot. They had him in the cellar and shot him right there, and he fell on the ground.

When he was first shot he called for Judge Cabinis and called for Mr. Chilton; I don't know who else. They were all around, and nobody went to his relief; all them men standing around with their guns. Nobody went to the cellar, and he called for Preacher Nelson, called for him, and Preacher Nelson said that when he went to the cellar-door he was afraid to go in and called to him two or three times, "Don't shoot me," and Charles said "Come in," he wouldn't hurt him, and "take him out of the cellar;" that he wanted to die in the open air, and did not want to die like a dog closed up.

When they taken him out he was in a manner dead, just from that one shot; and they brings him out then, and he only asked one question, so Parson Nelson told me, to take him home and let him see his wife before he died: that he could not live long.

It was only a few steps to my house, and they would not do it, and some said this. Nelson carried him to the middle of the street, and the men all hallooed, "We will save him while we've got him; dead men tell no tales." Preacher Nelson told me so. That is what they all cried, "We'll save him while we got him; dead men tell no tales."

Whether he stood right there in the street while they riddled him with thirty or forty of their loads, of course, I do not know, but they shot him all that many times when he was in a manner dead. All those balls went in him.

I understood that a young gentleman told that they shot him as he lay on the ground until they turned him over. He said so. I did not hear him.

Mr. Nelson said when he asked them to let him see me they told him no, and he then said, taking both sides of his coat and bringing them up this way so, he said, "Remember when you kill me you kill a gentleman and a brave man. Never say you killed a coward. I want you to remember it when I am gone."

Nelson told me that, and he said he never begged them, and that he never told them, but to see how a brave man could die.

They can find no cause; but some said they killed him because he carried the militia to Edwards', and they meant to kill him for that. The time the guns were sent there he was captain under Governor Ames, and they said they killed him for that; for obeying Governor Ames.

After the bodies were brought to my house, Professor Hillman and Martin all staid until one o'clock, and then at one o'clock the train came from Vicksburgh with the "Modocs." They all marched up to my house and went into where the two dead bodies laid, and they cursed them, those dead bodies there, and they danced, and threw open the melodeon, and sung all their songs, and challenged the dead body to get up and meet them, and they carried on there like a parcel of wild Indians over those dead bodies, these Vicksburgh Modocs. Just one or two colored folks were sitting up in the room, and they carried on all that in my presence, danced and sung and done anything they could. Some said they even struck them; but I heard them curse and challenge them to get up and fight. The Vicksburgh Modocs done that that night. Then they said they could not stay any longer.

Then the day after that Judge Cabinis asked me was there anything he could do, and I told him, I said, "Judge, you have already done too much for me." I told him he had murdered my husband and I didn't want any of his friendship. Those were the words I told him the next day, and he swore he did not know me that time; but I saw Judge Cabinis with this crowd that killed my husband. I saw him right in the midst, and then he made his excuse. He said he did everything he could for Charles, and that he was crazy. Well, they could not tell anything he had done.

They said Aaron Page was shot during the fuss.

In the league that was held here in that town, that day my husband was buried, they all said that he did not shoot him. They said that Aaron Page was shot accidentally; that my husband did not kill him. All started up from picking a fuss with his nephew.

As for any other cause I never knew; but only they intended to kill him because for carrying the militia to Edwards'; for obeying Governor Ames; and that was all they had against him.

#### THE MODOCES AFTER THE CLINTON RIOT.

At the same time, when they had the Moss Hill riot, the day of the dinner in September, when they came over that day, they telegraphed for the Vicksburgh "Modocs" to come out, and they came out at dark, and when they did come, about fifty came out to my house that night; and they were breaking the locks open on doors and trunks; whenever they would find it closed they would break the locks. And they taken from the house what guns they could find, and plundered and robbed the house. The captain of the Vicksburgh "Modocs," his name is Tinney.

Q. What day was that?

A. The day of the Moses Hill riot, in September.

#### THREATS AGAINST MR. CALDWELL AFTER THE CLINTON RIOT.

Q. When; the Clinton riot?

A. The 4th day of September. They came out, and Tinney staid there, and at daybreak they commenced to go, and he, among others, told me to tell my husband that the Clinton people sent for him to kill him, and he named them who were to kill—all the leaders especially, and he says, "Tell him when I saw him"—he was gone that night; he fled to Jackson that evening with all the rest—"we are going to kill him if it is two years, or one year, or six; no difference; we are going to kill him anyhow. We have orders to kill him, and we are going to do it, because he belongs to this republican party, and sticks up for these negroes." Says he, "We are going to have the South back in our own charge, and no man that sticks by the republican party, and any man that sticks by the republican party, and is a leader, he has got to die." He told me that; and that the southern people are going to have the South back to ourselves, and no damned northern people and no republican party; and if your husband don't join us he has got to die. Tell him I said so." I told him what he said. I did not know Tinney at the time; and when I saw my husband enter I told him, and he knew him from what I said, and he saw him afterward and told him what I said. He just said that he said it for devilmaking. They carried on there until the next morning, one crowd after another. I had two wounded men. I brought them off the Moses Hill battle-field, and these men treated me very cruelly, and threatened to kill them, but they did not happen to kill them.

#### CLINTON RIOT.

Next morning, before sun-up, they went to a house where there was an old black man, a feeble old man, named Bob Beasley, and they shot him all to pieces. And they went to Mr. Willis's and took out a man, named Gamaliel Brown, and shot him all to pieces. It was early in the morning; and they goes out to Sam Jackson's, president of the club, and they shot him all to pieces. He hadn't even time to put on his clothes. And they went out to Alfred Hastings; Alfred saw them coming. And this was before sun-up.

Q. This morning after the Clinton riot?

A. On the morning of the 5th; and they shot Alfred Hastings all to pieces, another man named Ben Jackson, and then they goes out and shoots one or two farther up on the Madison road; I don't know exactly; the name of one was Lewis Russell. He was shot, and Moses Hill. They were around that morning killing people before breakfast. I saw a young man from Vicksburgh that I knew, and asked him what it all meant.

Q. Who was he?

A. Dr. Hardesty's son; and I asked him what did it mean, their killing black people that day? He says, "You all had a big dinner yesterday and paraded around with your drums and flags. That was impudence to the white people. You have no right to do it. You have got to leave these damned negroes; leave them and come on to our side. You have got to join the democratic party. We are going to kill all the negroes. The negro mess shall not live." And they don't live; for every man they found they killed that morning and did not allow any one to escape them, so he said. So he told me all they intended to do about the colored people for having their dinner and parading there, and having their banners; and intended to kill the white republicans the same; didn't intend to leave any one alive they could catch; and they did try to get hold of them, and went down on Monday morning to kill the school-teacher down there, Haffa, but he escaped. Jo Stevens and his son, Alfred Stevens, I believe, was his name—they just murdered them right on through. These people staid there at the store and plundered it, and talked that they intended to kill them until they got satisfaction for three white people that was killed in that battle here. I can show who was the first white man that started the riot; and I can show you I have got his coat and pants, and I can show you how they shot him. They blamed all on my husband; and I asked what they killed Sam for; asked Dr. Alexander. They said they killed him because they were afraid he would tell about killing his brother. They killed my husband for obeying Governor Ames's orders, and they cannot find anything he did. He didn't do anything to be killed for. Then they have got his pistols there and they won't give them to me. I have asked I don't know how many times.

The outrages were generally confined to the republican counties where it was necessary to overcome the republican majority by unlawful means; but in two or three counties, as Wilkins and Issaquena, there was comparative peace at the election and during the canvass.

Captain William A. Montgomery, a leading democrat and a commander of five military companies, with the designation in rank of major of battalion, testified that in some of the counties there was no military organization; that in those counties the democrats did not try to carry the election. This appears to have been true of the two counties named; but since the election, namely, in December and May, 1876, great outrages, attended with violence and murder, have been perpetrated, and evidently with the design of overawing the colored voters and preparing them to submit to a democratic victory in the coming election.

The attention of the Senate is directed to the testimony concerning the events in Issaquena County, which took place in the month of December last. A Colonel Ball, an officer in the confederate service during the war, who at the time of the outrage was officiating as a clergyman, took command of a body of armed and mounted men Sunday morning, December 5, and traversed the country below Rolling Fork during the day; and that night the men of his command took from their homes at least seven unoffending negroes and shot them in cold blood. Within the next two days five other leading negroes were summoned to Rolling Fork, and there compelled to sign a statement by which they became responsible for the good conduct of all the negroes in their vicinity, with the exception of fourteen, who, in fact, by that stipulation, were made outlaws, and, as a consequence, fled from their homes and their families and abandoned their property. (This statement may be found in the testimony of W. D. Brown.) Reference is made to the testimony of W. D. Brown and William S. Farrish, both democrats and participants in the outrages, although they did not admit that they had personal knowledge of the killing of either of the seven men who were massacred on the night of the 5th of December.

(7.) The committee find, especially from the testimony of Captain Montgomery, supported by numerous facts stated by other witnesses, that the military organization extended to most of the counties in the State where the republicans were in

a majority; that it embraced a proportion not much less than one-half of all the white voters, and that in the respective counties the men could be summoned by signals given by firing cannons or anvils; and that probably in less than a week the entire force of the State could be brought out under arms.

(8.) The committee find that in several of the counties the republican leaders were so overawed and intimidated, both white and black, that they were compelled to withdraw from the canvass those who had been nominated, and to substitute others who were named by the democratic leaders, and that finally they were compelled to vote for the ticket so nominated under threats that their lives would be taken if they did not do it. This was noticeably the case in Warren County, where the democratic nomination of one Flanigan for sheriff was ratified at the republican convention, held in Vicksburg, the members acting under threats that if it were not done they should not leave the building alive. Similar proceedings occurred in other counties.

(9.) The committee find that the candidates, in some instances, were compelled, by persecution or through fear of bodily harm, to withdraw their names from the ticket, and even to unite themselves ostensibly with the democratic party. J. W. Caradine, a colored candidate of Clay County, was compelled to withdraw his name from the republican ticket and to make speeches in behalf of the democratic candidates and policy. An extract from his testimony is herewith given, as follows:

They told me that I would have to go round and make some speeches for them; that I had risen up a great element or some kind of feeling in the colored men that they never could get out of them for the next ten years to come with the speeches I had made, and that I had to go around and make some speeches in behalf of them in some way, or else I might have some trouble. They told me if I would do that I could demand some respect among them, and have no further trouble with them.

Q. What did they say would be the consequence if you did not go with them and make speeches?

A. They did not say if I did not do it what would be done, as I remember; but they came to my house and fetched a buggy for me, and told me I had to go with them to make speeches for them. And they said, "You know what has been said and what has been done; you have got to go along if you don't want any further trouble." I then got in and went along with them, and they did not really appreciate my speeches at length; but I went along with them and made three speeches; and they had some fault to find with my speeches at last, but I have never had any trouble with them since.

(10.) The committee find that on the day of the election, at several voting-places, armed men assembled, sometimes not organized and in other cases organized; that they controlled the elections, intimidated republican voters, and, in fine, deprived them of the opportunity to vote the republican ticket.

The most notable instance of this form of outrage occurred at Aberdeen, the shire town of the county of Monroe. At half past nine o'clock on the day of the election a cannon in charge of four or five cannoneers, and supported by ten or twelve men, a portion of the military company of that town, was trained upon the voting-place and kept in that position during the day, while the street was traversed by a body of mounted, armed men under the command of Captain E. O. Sykes, of Aberdeen. Captain Sykes testified that he did not know the men under his command, but admitted finally that they were probably from Alabama, and that they had come there upon the suggestion or the request of a Mr. Johnson, who was a member, as was also Captain Sykes, of the democratic committee of the county of Monroe.

Captain Sykes had also given orders that the ford-ways across the Tombigbee River, over which negroes from the east side having a right to vote at Aberdeen must pass, should be guarded by squads from the military company under his command.

During the night preceding the election the draw in the bridge crossing the river was turned, so that there was no passing from the east to the west of the Tombigbee River during the early part of the day of election.

As a matter of fact, the republican voters who had assembled abandoned the polls between ten and eleven o'clock in the forenoon, and Captain J. W. Lee, the sheriff of the county and a leading republican, a man who had served during the war in the confederate army, abandoned the polls and took refuge in the jail, of which he was the custodian.

This statement in regard to Monroe County is set forth in detail by Captain Lee, and it is corroborated in all essential parts by Captain Sykes, a democrat, and the principal actor in the events of the day. Similar outrages were perpetrated in Claiborne, Kemper, Amite, Copiah, and Clay Counties.

(11.) The gravity of these revolutionary proceedings is expressed in the single fact that the chairman of the republican State committee, General Warner, owes the preservation of his life on the day of the election to the intervention of General George, chairman of the democratic State committee, as appears from a dispatch sent by General George to Messrs. Campbell and Calhoun, and a reply thereto, both of which are here given:

To CAMPBELL and CALHOUN, Canton, Mississippi:

If Warner goes to Madison, see by all means that he is not hurt. We are nearly through now, and are sure to win. Don't let us have any trouble of that sort on our hands. He will probably be at his store to night.

J. Z. GEORGE.

CANTON, 2, 1875.

To General GEORGE:

Your telegram of last night saved A. Warner at Calhoun.

GART. A. JOHNSON.

The circumstances of this affair are given in the testimony of Chase.

The testimony of General Warner, to which attention is invited, gives a detailed account of his experience, showing that the fears of General Warner's friends were well founded, and that the intervention of General George was essential to his personal safety.

(12.) The committee find in several cases, where intimidation and force did not result in securing a democratic victory, that fraud was resorted to in conducting the election and in counting the votes. In Amite County, the legally appointed inspectors of election, to whom in Mississippi the duty is assigned of receiving and counting the ballots, were compelled by intimidation to resign on the morning of election, in order to secure a fraudulent return. The inspector so forced to resign was a democrat, a man of established character for probity at his precinct—Rose Hill.

"When the voting began," said General Hurst, an eye-witness, "the democratic club drew up in line and demanded that Straum should not act as one of the inspectors of election. They said, 'We don't want you, not because you are dishonest, but because you will not do what we want you to.' He said, 'If that is the case, I will go,' and they got a man by the name of Wat Haynes and appointed him inspector."

General Hurst, who was brigadier-general of the State militia in that county, thus explains what resulted:

"When it was time to close the polls I asked one of the inspectors if he wanted a guard placed over the ballots, so that they would be unmolested while they were counting the votes. I thought that he was a very honest, high-minded man. He said, 'I am afraid to count these votes.' He had been notified by this party of Louisianians, and told what they were going to do with the box. Wat Haynes, when I told him I had concluded to place a guard around there that night, said: 'Don't you do it; I want to manipulate that box to-night. We want to carry this thing.'"

The party of Louisianians referred to were a company of outlaws, notorious in that district, whom the democrats had invited to come into that precinct, and who fired at a crowd of colored citizens when they were in line waiting to deposit their votes. About seventy of them were thus driven into the woods.

Nor was this the only precinct at which armed invaders from adjoining States took conspicuous part in the election. It is testified to both by republicans and democrats that they came over from Alabama and helped to swell the democratic vote in the counties adjoining that State.

In Amite County the republican sheriff, the superintendent of education, and other officers were driven into exile as soon as the polls were closed. Here the pretext that the officers were obnoxious to the people, or that the negroes and northern men monopolized the offices, is refuted by the facts that both Parker and Redmond, who were expelled, were offered the democratic nomination for sheriff; that the republican candidates for sheriff, circuit clerk, chancery clerk, treasurer, coroner, and three of the five supervisors were white men, leaving only the assessor and two supervisors to be colored, which, as Mr. Parker remarks, "as four-fifths of the republican voters were black, was the best that we could do." There were only three northern men on the republican ticket, and two of them had married southern women; all the others were natives of the State.

(13.) The evidence shows that the civil authorities have been unable to prevent the outrages set forth in this report, or to punish the offenders. This is true not only of the courts of the State, but also of the district court of the United States, as appears from the report of the grand jury made at the term held in June last, when the evidence of the offenses committed at the November election and during the canvass was laid before that body.

In support of this statement reference is made to the testimony of J. W. Tucker, and to the letter written by him to Colonel Frazer as well as to the report made by the grand jury to Hon. R. A. Hill, judge of the district court for the northern district of Mississippi. (See document evidence, pp. 150, 151; tes. of H. P. Hurst, p. 98.)

(14.) The committee find that outrages of the nature set forth in this report were perpetrated in the counties of Alcorn, Amite, Chickasaw, Claiborne, Clay, Copiah, De Soto, Grenada, Hinds, Holmes, Kemper, Lee, Lowndes, Madison, Marshall, Monroe, Noxubee, Rankin, Scott, Warren, Washington, and Yazoo, and that the democratic victory in the State was due to the outrages so perpetrated.

(15.) The committee find that, if in the counties named there had been a free election, republican candidates would have been chosen and the character of the Legislature so changed that there would have been sixty-six republicans to fifty democrats in the house and twenty-six republicans to eleven democrats in the senate; and that consequently the present Legislature of Mississippi is not a legal body, and that its acts are not entitled to recognition by the political department of the Government of the United States, although the President may, in his discretion, recognize it as a government *de facto* for the preservation of the public peace.

(16.) Your committee find that the resignation of Governor Ames was effected by a body of men calling themselves the Legislature of the State of Mississippi, by measures unauthorized by law, and that he is of right the governor of the State.

(17.) The evidence shows, further, that the State of Mississippi is at present under the control of political organizations composed largely of armed men whose common purpose is to deprive the negroes of the free exercise of the right of suffrage and to establish and maintain the supremacy of the white-line democracy, in violation alike of the constitution of their own State and of the Constitution of the United States.

The events which the committee were called to investigate by the order of the Senate constitute one of the darkest chapters in American history. Mississippi was a leading State in the war of the rebellion and an early and persistent advocate of those fatal political heresies in which the rebellion had its origin. To her, in as large a degree as to any other State, may be charged justly the direful evils of the war; and when the war was ended the white inhabitants resisted those measures of equality which were essential to local and general peace and prosperity. They refused to accept the negro as their equal politically, and for ten years they have seized every fresh opportunity for a fresh denial of his rights. At last they have regained supremacy in the State by acts of violence, fraud, and murder, fraught with more than all the horrors of open war, without its honor, dignity, generosity, or justice.

By them the negro is not regarded as a citizen, and whenever he finds a friend and ally in his efforts to advance himself in political knowledge or intellectual culture, that friend and ally, whether a native of the State or an immigrant from the North, is treated as a public enemy. The evil consequences of this policy touch and paralyze every branch of industry and the movements of business in every channel.

Mississippi, with its fertile soil, immense natural resources, and favorable commercial position, is in fact more completely excluded from the influence of the civilization and capital of the more wealthy and advanced States of the Union than are the distant coasts of China and Japan. Men who possess capital are anxious to escape from a State in which freedom of opinion is not tolerated, where active participation in public affairs is punished often with social ostracism, always with business losses, and not infrequently, as the record shows, with exile and the abandonment of property through fear of death.

Consequently, lands depreciate in value, the rewards of labor become more and more uncertain, taxes more and more burdensome, the evils of general disorder are multiplied and intensified, and by an inevitable rule of social and public life, the evils themselves, reacting, increase the spirit of disorder. Unless this tendency can be arrested, every successive chapter in the annals of that State will be darker and bloodier than the preceding one.

This tendency cannot be arrested by the unaided efforts of the peaceful, patriotic, and law-abiding citizens. There is a small body of native white persons, who, with heroic courage, are maintaining the principles of justice and equality. There is also a small body of men from the North, who, with equal courage, are endeavoring to save the State from anarchy and degradation. If left to themselves, the negroes would co-operate with these two classes.

But arrayed against them all are a majority of the white people, who possess the larger part of the property; who uniformly command leisure, whether individually, they possess property or not; who look with contempt upon the black race and with hatred upon the white men who are their political allies; who are habituated to the use of arms in war and in peace; who in former times were accustomed to the exclusive enjoyment of political power, and who now consider themselves degraded by the elevation of the negro to the rank of equality in political affairs.

They have secured power by fraud and force, and, if left to themselves, they will by fraud and force retain it. Indeed, the memory of the bloody events of the campaign of 1875, with the knowledge that their opponents can command, on the instant, the presence of organized bodies of armed men at every voting-place, will deter the republican party from any general effort to regain the power wrested from them. These disorders exist also in the neighboring States, and the spirit and ideas which give rise to the disorders are even more general.

The power of the National Government will be invoked, and honor and duty will alike require its exercise. The nation cannot witness with indifference the dominion of lawlessness and anarchy in a State, with their incident evils and a knowledge of the inevitable consequences. It owes a duty to the citizens of the United States residing in Mississippi, and this duty it must perform. It has guaranteed to the State of Mississippi a republican form of government, and this guarantee must be made good.

The measures necessary and possible in an exigency are three:

1. Laws may be passed by Congress for the protection of the rights of citizens in the respective States.

2. States in anarchy, or wherein the affairs are controlled by bodies of armed men, should be denied representation in Congress.  
 3. The constitutional guarantee 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.

The views of the minority are as follows:

On December 15, 1875, the Senator from Indiana [Mr. MORTON] submitted the following resolution:

"Whereas it is alleged that the late election in Mississippi for members of Congress, State officers, and members of the Legislature was characterized by great frauds, violence, and intimidation, whereby the freedom of the ballot was in a great measure destroyed, a reign of terror established, ballot-boxes stuffed, spurious tickets imposed upon voters, so that a popular majority of more than 25,000 was overcome, and in its place was given an apparent but fraudulent majority of more than 25,000; and whereas the Legislature thus chosen will have the election of a Senator to represent that State in this body; and whereas if these allegations are true a great number of the citizens of the United States have had their rights under the Constitution and laws of the United States wickedly violated: Therefore,

"Resolved, That a committee of five Senators be appointed by the Chair to investigate the truth of the said allegations and the circumstances attending said election, with power to visit said State to make their investigations, to send for persons and papers, and to use all necessary process in the performance of their duties; and to make report to the Senate before the end of this session of their investigation and findings."

He supported its adoption by a series of speeches, the last of which was dated January 19, 1876, the true history and inspiration of which will hereafter be noted in considering the testimony taken before the committee. The resolution slept until the 27th of March, 1876, when an amendment was proposed by the Senator from Michigan [Mr. CHRISTIANCY] and accepted by Mr. MORTON, as follows:

"Whereas it is alleged that the late election in Mississippi (in 1875) for members of Congress and State officers and members of the Legislature was characterized by great frauds committed upon and violence exercised toward colored citizens of that State and the white citizens disposed to support their rights at the election, and especially that the colored voters, on account of their color, race, or previous condition of servitude, were, by intimidation and force, deterred from voting or compelled to vote, contrary to their wishes, for candidates and in support of parties to whom they were opposed, and their right to the free exercise of the elective franchise, as secured by the fifteenth amendment to the Constitution, thus practically denied and violated, and that such intimidation has been since continued for the purpose of affecting future elections; and whereas the people of all the United States have an interest in and a right to insist upon the enforcement of this constitutional amendment, and Congress, having the power to enforce it by appropriate legislation, cannot properly neglect the duty of providing the necessary legislation for this purpose: Therefore,

"Resolved, That a committee of five Senators be appointed by the Chair to investigate the truth of these allegations, and to inquire how far these constitutional rights have, in the said election, been violated by force, fraud, or intimidation, and to inquire and report to the Senate, before the end of the present session, whether any, and, if so, what, further legislation is necessary to secure to said colored citizens the free enjoyment of their constitutional rights; and that said committee be empowered to visit said State, to send for persons and papers, to take testimony on oath, and to use all necessary process for these purposes."

After debate in the Senate, the resolution was adopted. In the course of this debate, the Senator from Massachusetts [Mr. BOUTWELL] made the following declaration:

"For seventy years the spirit of hypocrisy and misrepresentation dominated over the slaveholding section of this confederacy. They continually presented themselves to the country and to the world as the friends of the Union, and it was a lie from first to last. They were the enemies of the Union; and when the Union did not answer the chief purpose which they had, and the only purpose they had, the preservation of the institution of slavery, they made war upon the Union. The Senator from Delaware was the political supporter and ally and the substantial defender of the men who made war upon the Union, who clung to the Union for seventy years under the falsehood that they were its friends. They were its enemies all the while. Slavery, the spirit of slavery, is and ever has been the enemy of the Union, and it is so to-day. The troubles in the South are due to the spirit of slavery, and the time has come when I am forced to confess to myself and with reluctance to say here that I do not in my heart believe that any man educated under and obedient to the influence of slavery can be the friend of a Union that is designed to establish and preserve equality. The North will do well to take heed and to trust no man who was brought up under the influence of slavery, controlled by its spirit, and dominated by its power, and is not yet extinct."

The committee, as finally appointed under the resolution, consists of Messrs. BOUTWELL, (chairman,) CAMERON of Wisconsin, McMILLAN, BAYARD, and McDONALD, thus omitting in the organization of the committee the mover or amender of the original resolution. The first meeting of the committee was held on the — in the Capitol; and, at the second or third meeting, the clerk of the committee, Mr. Bartlett, was appointed stenographer, and Mr. James Redpath, of Massachusetts, was selected in his place as clerk, and has continued with intelligence and efficiency to fill that position, having been present at all the sessions of the committee. On the — a resolution was offered in the committee by Mr. BAYARD that the testimony should be taken with open doors, which was rejected by the committee. Mr. BAYARD and Mr. McDONALD voting in the affirmative. But a small portion of the testimony has as yet been printed, nor has any report of the committee been made; but Mr. Redpath, the clerk, having had the fullest opportunity of hearing the testimony of the witnesses and having had charge of all communications to the committee, has been enabled, in advance of the committee, to submit a public report over his own signature, of which the following extract will convey a distinct idea of his views. Speaking of the Union men of the South, or the original whigs, and the vigorous part they took in the contest, he says:

"Still they were Union men; but the Union they once knew was gone forever. They tried to begin where they left off, ignorant of the fact that while they fought a moral revolution has been going on in the North; that it was no longer Webster or Clay, but the man whom they had hanged at Charlestown as a felon who was now the ideal leader of a regenerated nation."

These references are made to the utterances of the chairman, and of the clerk selected by him to accompany the committee, and make public impression of affairs in Mississippi, and the remedy to be applied, because it indicated fully to the undersigned that from the first it would be naturally impossible for them, with their ideas of constitutional duty, to subscribe to the deductions of those who, however intelligent or conscientious, started out upon the proposed investigation upon such a platform of ideas.

While writing this report, the undersigned have read with surprise and regret the message of the President of the United States, dated July 31, 1876, transmitting to Congress certain correspondence relating to the murders lately committed at Hamburgh, in South Carolina.

In this message he has seen fit to use the following language:

"But recently a committee of the Senate of the United States visited the State of Mississippi to take testimony on the subject of frauds and violence in elections,

Their report has not yet been made public, but I await its forthcoming with a feeling of confidence that it will fully sustain all that I have stated relating to fraud and violence in the State of Mississippi.

"U. S. GRANT."

In his letter of the 26th of July to Governor Chamberlain he had stated:

"Mississippi is governed to-day by officials chosen through fraud and violence, such as would scarcely be accredited to savages, much less to a civilized and Christian people."

This last statement, come it from whom it may, we pronounce in the face of the testimony taken by this committee, and not yet printed, to be untrue and unwarranted by the facts disclosed.

The tone of animosity to the white people of the South which breathes throughout the President's message and letter is unmistakable. In his message of July 31, six days subsequent to this letter, the President says: "The report [on Mississippi] has not yet been made public." Why should he anticipate?

We hold it, and believe it will be so held by right-thinking men everywhere, discreditable for the Chief Magistrate thus to have exhibited such evidence of prejudice against any portion of his fellow-citizens.

It adds, however, but another proof to the many given heretofore that the heart and mind of President Grant are closed to all sense of justice where his political opponents, especially in the Southern States, are concerned.

Other attempts to forestall public opinion in relation to the affairs in Mississippi have been made, calculated to grossly mislead. Two attempts to fasten obloquy upon one of the undersigned, [Mr. BAYARD], and at the same time to convey unjust impressions against the people of Mississippi, may be noted.

[Special dispatch to the Baltimore Sun.]

"WASHINGTON, July 25.

"THE REPUBLICAN REPORT IN MISSISSIPPI.

"Another case illustrative of the general conclusions arrived at by the majority of the committee is that of a native of Philadelphia. He settled near Vicksburg and was with his family. He had been appointed a justice of the peace by the governor of the State, and his wife opened a school for the instruction of the poor. He was subsequently a candidate for office. On one night fifty armed men dashed upon his premises and shot him down without a word of warning and in the presence of his wife and family. When the story of this wife was told by her own lips to the committee, Senator BAYARD, one of the committee, ejaculated, 'I don't believe it.'

"After the murder, according to the report, the assassins hovered about the house and would not permit the wife to enact even the rites of sepulture. They dragged the bleeding corpse from the arms of the distracted woman, pitched it into a pig-wallow, and left. Senator BAYARD, affected by the narration, repeated, 'I won't believe it under oath.' The report says that these 'banditti,' for it states they compare with Italians of the same class, live upon the people. They are dissolute and indolent, generally the sons of planters impoverished by the war, or the remnant of that class of adventurers who fastened upon the institution of slavery as the camp-follower lives upon an army."

Mr. BAYARD never even saw the witness referred to, who was examined in his absence, and he never made any statement even similar in language or character to that falsely attributed to him. Yet this vicious falsehood has already had wide circulation.

In the New York Times of the 27th of July we find the following letter and preceding comments:

"Senator BOUTWELL has also received a letter from a colored witness who testified in Mississippi, from which it will be seen how the democracy of that State propose to treat those who obeyed the summons of the Senate Committee:

"DEAR SIR: I having been summoned before your investigation to give a sworn testimony in regard to the late election, which I did, and I told nothing but the truth. Yesterday I was met by an armed mob in the streets of — and compelled me to say that I swore a — — lie. And told me I had either to say that I swore to a — — lie or leave the city or die. The excitement grew so intense that I was compelled to take back what I said before the committee. I was also met by another mob at — — the same day that I was before the committee and compelled to do the same before I got home. I w'd not be surprised if I were not mob before you receive this letter. If you read this letter where Senator BAYARD can hear it he will write down here and let these democrats know it, and I will be murdered as soon as I appear on the streets. Therefore it will be best for me you to keep this to yourself and other republicans."

"Of course every one who knows Senator BAYARD will smile at this suspicion, but it shows the state of terrorism still maintained by the banditti of Mississippi."

For what reason and with what intent this letter was so published may be inferred from the letter itself and the editorial use of it.

It will be observed that the committee were instructed by the resolution to inquire into alleged violations of the fifteenth amendment to the Constitution, and the necessity of new and appropriate legislation for its enforcement; and it would seem that the scope of the investigation was intended to have been confined to that object. But in the investigation conducted by the majority, nearly every right and power of the State of Mississippi, heretofore supposed to be among the reserved powers belonging to the States, and not justly subject to exterior control, has been made the subject of the most wide-spread, unrestrained inquiry. The social habits, domestic institutions, personal and individual dealings and contracts, local police arrangements, and whole classes of subjects heretofore supposed to be under the sole control of the State and county governments, and even family affairs, have been made the subjects of inquisition.

The limitations upon the powers of Congress in its relation to the internal affairs of the States have been lately the subject of careful deliberation and adjudication by the Supreme Court of the United States in cases involving the validity of legislation by Congress in *pari materia* with that now proposed by the resolution.

In the recent case of the United States *vs.* Cruikshank, Mr. Chief Justice Waite delivered the opinion of the court and said:

"We have in our political system a Government of the United States and a government of each of the several States. Each one of these governments is distinct from the other, and each has citizens of its own, who owe it allegiance, and whose rights within its jurisdiction it must protect. The same person may be at the same time a citizen of the United States and a citizen of a State, but his rights of citizenship under one of these governments will be different from those he has under the other. (Slaughter-house cases, 16 Wallace, 74)

"Citizens are the members of the political community to which they belong. They are the people who compose the community, and who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as their collective rights. In the formation of a government the people may confer upon it such powers as they choose. The government when so formed may, and when called upon should, exercise all the powers it has for the protection of the rights of its citizens and the people within its jurisdiction, but it can exercise

\* The printed testimony having been withheld, the blank references to the depositions of witnesses are necessarily left unfilled, which is owing to the sudden and unexpected appearance of the report of the majority before the testimony was even delivered to the printer.

no other. The duty of a government to afford protection is limited always by the power it possesses for that purpose.

"The government thus established and defined is to some extent a government of the States in their political capacity. It is also for certain purposes a government of the people. Its powers are limited in number but not in degree. Within the scope of its powers as enumerated and defined it is supreme and above the States; but beyond, it has no existence. It was erected for special purposes and endowed with all the powers necessary for its own preservation and the accomplishment of the ends its people had in view. It can neither grant nor secure to its citizens any right or privilege not expressly or by implication placed under its jurisdiction.

"The people of the United States resident within any State are subject to two governments, one State and the other national; but there need be no conflict between the two. The powers which one possesses the other does not. They are established for different purposes and have separate jurisdictions. Together they make one whole and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad. It is the natural consequence of a citizenship which owes allegiance to two sovereignties and claims protection from both. The citizen cannot complain because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction.

"The Government of the United States is one of delegated powers alone; its authority is defined and limited by the Constitution. All powers not granted to it by that instrument are reserved to the States or the people. No rights can be acquired under the Constitution or laws of the United States except such as the Government of the United States has the authority to grant or secure. All that cannot be so granted or secured are left under the protection of the States."

Then again:

"The third and eleventh counts are even more objectionable. They charge the intent to have been to deprive the citizens named, they being in Louisiana, 'of their respective several lives and liberty of person without due process of law.' This is nothing else than alleging a conspiracy to falsely imprison or murder citizens of the United States being within the territorial jurisdiction of the State of Louisiana. The rights of life and personal liberty are natural rights of man. 'To secure these rights,' says the Declaration of Independence, 'governments are instituted among men, deriving their just powers from the consent of the governed.' The very highest duty of the States when they entered into the Union under the Constitution was to protect all persons within their boundaries in the enjoyment of these 'unalienable rights with which they were endowed by their Creator.' Sovereignty for this purpose rests alone with the States. It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State than it would be to punish for false imprisonment or murder itself.

"The fourteenth amendment prohibits a State from depriving any person of life, liberty, or property, without due process of law, but this adds nothing to the rights of one citizen as against another. It simply furnishes an additional guarantee against any encroachment by the States upon the fundamental rights which belong to every citizen as a member of society."

These propositions were unanimously laid down by the court, in considering alleged violations of the fourteenth amendment of the Constitution, but are equally applicable to the discussion of the relative powers and duties of the Federal and State governments under any and all provisions of the Constitution.

In the case of *The United States vs. Reese*, decided at the same time, the court says:

"Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and the manner of the protection may be such as Congress, in the legitimate exercise of its legislative discretion, shall provide. These may be varied to meet the necessities of the particular right to be protected.

"The fifteenth amendment does not confer the right of suffrage upon any one. It prevents the States, or the United States, however, from giving preference in this particular to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, &c., as it was on account of age, property, or education. Now it is not. If citizens of one race, having certain qualifications, are permitted by law to vote, those of another, having the same qualifications, must be. Previous to this amendment there was no constitutional guarantee against this discrimination. Now, there is. It follows that the amendment has invested citizens of the United States with a new constitutional right, which is within the protecting power of Congress.

"That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by 'appropriate legislation.'

"The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment. The effect of article 1, section 4, of the Constitution, in respect to elections for Senators and Representatives, is not now under consideration. It has not been contended, nor can it be, that the amendment confers authority to impose penalties for every wrongful refusal to receive the vote of a qualified elector at State elections. It is only when the wrong refusal at such an election is because of race, color, or previous condition of servitude that Congress can interfere and provide for its punishment.

\* \* \* \* \*

"The courts enforce the legislative will when ascertained, if within the constitutional grant of power. Within its legitimate sphere Congress is supreme and beyond the control of the courts, but if it steps outside of its constitutional limitations and attempts that which is beyond its reach, the courts are authorized to, and when called upon in due course of legal proceedings, must, annul its encroachments upon the reserved power of the States and the people.

\* \* \* \* \*

"We must, therefore, decide that Congress has not, as yet, provided by 'appropriate legislation' for the punishment of the offense charged in the indictment, and that the circuit court properly sustained the demurrers and gave judgment for the defendants."

In subordination to the principles thus laid down by the authority of the tribunal of last resort in our country, the undersigned would have been disposed to confine their investigation to subjects plainly within the jurisdiction of Congress, without infringing upon any of the reserved rights of the State of Mississippi, believing it to be the cardinal feature of our institutions that the equality of the States in the Union must ever be respected, and that any practice which invades so necessary a principle must place in jeopardy not only the rights of a single State, but, in their turn, the rights of all the remaining States; and that a power which is conceded to be applicable to the overthrow of the autonomy of any one State is liable to be used for the destruction of any other State, and that there is no safety for any unless the rights of each are guarded.

The condition of the State of Mississippi is to be considered at three periods of time.

First. In the spring of 1875, before the commencement of the political canvass, in which the alleged outrages upon the rights of citizens under the fifteenth amendment are said to have occurred;

Second. Its condition during the election itself, on the 2d of November, 1875; and, Third. Its condition as discovered by the committee at the time of their visit in June, 1876.

For a proper understanding of the entire case we propose to recite, by the light of the testimony and supported by its facts, what we believe to have been the true condition of Mississippi in the spring of 1875. At the time of preparing this report, however, but a small part of the testimony has been printed; and although we trust to be enabled to insert the proper references before it is submitted, yet the absence of the printed testimony interferes materially with one of our objects, *i.e.*, to make no assertions, but to let the witnesses speak for themselves, and to substantiate every fact by reference to its basis.

It has been said by high authority that it was difficult to draw an indictment against a whole people. Equally difficult is it to establish any rules of evidence that would sustain so vague an indictment. And in the present inquisition it would become plain to all who shall read the depositions and observe the mode of interrogation employed that every rule which the experience of mankind has established as essential for the regulation of evidence and the ascertainment of truth has been disregarded in the course of this investigation. So that the great bulk of the testimony which has been taken is such as would not be received in any court of justice in this country to convict the meanest felon of the pettiest offense.

Every rule of evidence followed by courts in the administration of justice has been entirely disregarded. Every rule which experience has shown is essential for the elucidation of truth has been thrown aside, and opinion, hearsay, wild rumor, anything and all things which excitement, prejudice, hate, love, or fear can suggest, have been poured in without discrimination or check.

No individual, no community, can be safe against such an order of things. The usual tests of discrimination between truth and falsehood having been abandoned, the result cannot be satisfactory to any just mind.

The argument that the charge is vague and against a whole community only makes the effect worse.

When a false principle is adopted, the wider its application the more dangerous it becomes.

This is observable in the examination from the first witness to the last. Adelbert Ames, the ex-governor of Mississippi, who was called and examined on the 27th of April, and at page 29, on the third day of his examination, in which he had made the most wholesale and sweeping assertions of facts of violence and intimidation, was asked:

Q. You have referred to various acts of violence and intimidation; have you personal knowledge of any of those acts?

A. I never saw an act of violence performed.

Q. Did you ever see an act of intimidation performed?

A. No; I never saw an act of violence performed.

Q. Then what you have said is derived from the information of other people?

A. Yes, sir.

And on page 32—

Q. I ask you, do you know the fact whether there was any resistance to process, when issued, in that State?

A. That statement I have made; I would say that I do not know of any facts of that kind.

And again—

Q. Do you know of a case where process of the courts has been returned with that statement?

A. I do not.

In fact, if the testimony touching the subjects within the scope of the resolution of the Senate could be reduced to such, as is receivable under the rules of evidence, as recognized by courts of justice and by this Senate while sitting as a court, the testimony taken in Mississippi by this committee would be confined to a dozen pages of manuscript. The rest is rumor, hearsay, and opinion. Not only so, but nearly all the witnesses examined for what may be termed the prosecution of the white people of the State of Mississippi were defeated candidates in the election of 1875 or other interested supporters or persons who had lost office and failed of re-appointment. Most of the witnesses, when pinned down by cross-examination to give names of persons concerned and dates, were directly and flatly contradicted as to those facts, and many of the occurrences either shown to have been not only untrue, but impossible, or else accompanied by facts which subjected them to a totally different construction.

A large body of these witnesses were negroes of the most ignorant and uncivilized description, who did not hesitate to state anything, and whose declarations were frequently of the wildest and most absurd character. Thus at page —, in the deposition of —, Dr. Holland, of Madison County, is represented as giving utterance to profanity in the following style:

Whereas by the deposition of Judge Campbell, of the supreme court, page —

Q. Did you know Dr. Holland, of the county?

A. I do; he is the man whose name was connected with that arrest.

Q. What manner of man is he?

A. A very highly respectable man; one of the most amiable, mild-mannered, good-natured men I ever knew.

Q. What is his age?

A. I suppose him to be about forty years of age.

Q. Do you know whether Dr. Holland is a man who is profane in his speech?

A. He is one of the most pious, devoted, Christian men I ever knew; remarkable among men in that respect.

Q. Would you believe it possible that Dr. Holland would interlard his conversation with profanity?

A. It is utterly inconsistent with his character, and I should regard it as impossible unless I could hear it, or it was attested by witnesses whose veracity I could not question at all.

and Major Powell, page —, and Captain Key, at page —, Dr. Holland is testified to be a gentleman of singular purity and piety, a strict and conscientious professor of religion, and a "pillar" of the Baptist church in his community. See also the case of —, page —, in Aberdeen, in which Mr. E. O. Sykes and his brother, Mr. T. B. Sykes, the mayor of Aberdeen, both of them professors of religion and gentlemen of the most admitted purity of language and conduct, are described as monsters of profanity.

The case of —, page —, testifying of Mr. Preasley, the judge of election at Calhoun precinct, in Madison County, rudely taking tickets from colored men, tearing them up and throwing them on the ground in the sight of the witness, is denied by Judge Cunningham, the republican judge of election present on the occasion, by Preasley's own statement and that of several bystanders. (See page —.) Witnesses thus set free to state anything and everything that malice could suggest, partisan animosity encourage, and ignorance assist, rendered it difficult to confute, by reason of the vagueness and uncertainty of their statements. The value of the testimony of Ann Hodge, colored, can be readily estimated, page 421:

By Mr. BAYARD:

Q. Did you ever take an oath?

A. No, sir.

Q. Do you know the meaning of taking an oath?

A. No, sir.

Q. Do you know the consequences of swearing falsely?

A. No, sir.

In short, the proverbial difficulty of proving a negative was imposed upon the white people of Mississippi, who, by the ruling of the majority, were not suffered to be present even by their representatives while the testimony was being taken.

The reconstruction policy of Congress had fully and perfectly forced the institutions of the State of Mississippi into the most entire subjection and conformity with its provisions. What Mississippi was at the time of the last election of Governor Ames in 1873, she was "the work of reconstruction by Congress." The will of her people, their tastes, their prejudices, their virtues, and their faults, had been melted and run into a mold fashioned by the will of Congress alone. If her institutions were defective, if they were not conducive to the ends of good government, if they were arranged with an unwise disregard of the condition and wants of her people, that people are no more responsible than the population of France, for they had no voice. Such as she was in 1873 the Congress of the United States had made her. The State constitution was molded in accordance with the will of Congress. The legislation under it had been enacted by men placed in power by the Federal Government. The ruling principle of that legislation seems to have been to lead as much power as possible directly into the hands of the executive, in which the reins were placed. The institution of suffrage was of course the proposed basis, and to control this the machinery of elections was placed absolutely in the hands of the governor, who had the sole power to appoint those officers who in their turn had the power of appointment of the registrars of every county, who in their turn appointed the election officers throughout the State in their respective counties, and supervised the elections and returns, thus gathering the whole control of elections in a single executive hand.

This was the state of things when Governor Ames took his seat on the 1st day of January, 1874, elected in the month of November previous. There was not an official of the State who was not a member of the republican party. There was not a county official to be appointed by the governor who was not in close affinity with him. In all the republican counties, and all were republican in which negroes were in a majority, every official was a member of the same party. Thus we see that the entire control of the State was in the hands of Governor Ames and his party associates. At page 30 of his deposition the fact is stated by him as follows:

Q. You have stated the violence and intimidation to have existed in the republican counties of the State?

A. Yes, sir.

Q. You have not referred to violence in any but republican counties?

A. No, sir.

Q. Such is the fact, is it not?

A. Yes, sir.

Q. Were not then all these justices of the peace, chancellors, the judiciary, and the machinery for choosing juries, in the hands of the dominant party in those counties?

A. Yes, sir.

Q. I need not ask you if all the United States officers in that State were not members of the republican party; that was so, was it not?

A. Yes, sir.

Q. Then the grand juries and the petit juries, and the judges, and the sheriffs, and the supervisors, by whom the jurors were selected, were all controlled by the dominant party in those counties.

A. They were all belonging to the dominant party.

Of course every official of the Federal Government, district judges, district attorneys, marshals, deputy marshals, supervisors, postmasters, revenue officers, were all of the same party and necessarily active adherents. It may be truly said that there was no trace whatever of official power in the State of Mississippi in the hands of the democratic party until the 1st day of January, 1876.

Now, let us consider into what a condition, social, moral, and financial, Mississippi was brought, in the spring of 1875, under the administration which has just been described. The population of Mississippi, by the census of 1870, had a total of 827,922 souls. Of these 382,896 were white people, 444,201 colored people, and the remainder Indians and persons not classed. The State was divided into seventy-three counties. The negro majority was thus about sixty thousand, but was distributed chiefly in the rich river counties and on the richer cotton-producing lands of the State, in which they greatly outnumbered the white population, and in these counties their large numerical majority was consolidated.

The domestic institutions of the State had been completely revolutionized, and the relations of the white and black races had not been permitted to adjust themselves into that harmony and good feeling which the interests of both made so essential to happiness and good order. The whites, as the result of the war, were impoverished to a most painful extent, which must impress itself upon any person who visits the State, which presents even to a casual eye unmistakable evidences of wide-spread and lamentable prostration. This brings with it increased privation to the colored people, who never had property, and who depended, necessarily, upon property-owners for their support. When their employers were ruined, they fell severely upon the employed. Theirs was a common lot, and that which struck down and crippled the one fell also heavily upon the other.

Unfortunately the new and arbitrary political conditions imposed upon both races by the will of Congress were disturbed by the presence of a class of unscrupulous, needy, and rapacious adventurers, who came down to fill the political offices to which prejudice against the southern whites on the part of those who held power in the Federal Government and the absolute ignorance and incompetence of the negroes prevented those whites from being appointed. The result was, as the testimony everywhere discloses, that the State and Federal offices to which any considerable emolument was attached fell into the hands of white men newly arrived within the borders of the State, ignorant and unsympathetic of the wishes and feelings of the white population, and bent wholly upon using the political material which they found ready at their hands in the shape of masses of ignorant, superstitious, and suspicious negroes to sustain themselves in office and power. Instead of encouraging the colored population to relations of amity and confidence with the whites who gave them employment and furnished them with the means of subsistence, it has been plainly the object and intent of these political adventurers to increase the distrust between the races and to encourage on the part of the blacks and intensify the instinct and feeling of race opposition. In this by means of low arts they have been unhappily too successful, and the negroes of the State of Mississippi have been banded together in an unthinking mass, under the lead and blind control of a handful of northern strangers, with here and there a native white man.

Throughout the testimony it is evident the white people of Mississippi, in the interests of the entire community, made every attempt to penetrate this alliance against them, and resorted to every means of combination and alliance with their political opponents to procure even a tolerable and decent administration of public affairs. Since 1868 they had given up their party name and candidates, had voted for Dent, a republican, had voted for Alcorn, a republican, and essayed in every way to appease and mollify the party led by Governor Ames; but all in vain. They witnessed the selection of men either incompetent or criminal, or both, for important offices in the State. They saw their best men, most virtuous, experienced, and able citizens passed by in contempt. They saw men notoriously vicious, and justly proscribed, taken into the confidence and friendship of Ames and placed in authority. (See the case of William Gray, negro brigadier-general, page —, and his character described by a republican witness, Putnam, p. —. Also, see Judge Shackelford, p. —; W. A. Ferguson, p. —; Judge John A. C. Watson, p. —.)

Cardozo, the forging clerk of the circuit court and defrauding State superintendent of public instruction; Davenport, the negro forger and county clerk; O. P. Lee, white, aide-de-camp, defaulter and red-handed murderer of two black committee-men; Morgan, the sheriff of Yazoo County, with the indictment for the

murder of Hilliard, his republican predecessor and contestant, hanging over him; Davis, colored lieutenant-governor, the vendor of pardons of any crime for money; these are specimens of the men whom he took to his confidence and made his political associates, and to complaints against whom he accorded such treatment as in the case of the application to him by the mayor of the little town of Greenville, in Washington County, soliciting protection against repeated acts of incendiarism in which Brigadier-General Gray was implicated and subsequently indicted for arson. Governor Ames sending no reply to this supplication for protection, placed the letter in the hands of Gray himself, who flaunted it in triumph in the face of the citizens. (See deposition of William A. Ferguson, p. —.)

Invested with the power of selecting the entire judiciary of the State, the character of his appointments may be learned from the deposition of Judge John A. C. Watson, of Holly Springs, who at page — testifies as follows:

Question. What class of men did General Ames call around him in his administration?

Answer. He called around him, as a general thing, the very worst class of what we call "carpet-baggers." Most of them were newcomers into the State, without property, who relied upon politics as a trade and means of livelihood.

Q. Had they any knowledge of your people, of their habits and wants?

A. None whatever; they came among us as strangers at the close of the war.

Q. With whom did that class of men affiliate?

A. A great many of them affiliated mostly with the negroes.

Q. What was the feeling and course of action toward citizens of the Northern States who came here as men of fair character and as good citizens to settle in your midst?

A. Upon the part of most of the citizens, especially of the better class, there was no indisposition to receive them, and a great many desired them to come. And when they came among us, as citizens engaging in some business, I believe any such man was received kindly and treated kindly. A great many of them, however, came among us, as I remarked before, and engaged in no business, but just went among negroes, the whole aim and purpose being to gain the confidence of the negroes and alienate them from the whites and their old masters. They carried this to such an extent that some of them would visit the negroes' houses and cabins, and meet them on terms of social equality. Some would not go so far, but would mix up with them in politics. And the general aim of that class was to destroy the confidence of the negroes in the whites and in their old masters. I have heard men of this class on the stump, in addressing crowds of negroes, say everything they could to exasperate the then recently emancipated negroes against their old masters. I have heard them lay down this rule, "You must never follow your masters in politics; just watch them, and when they take one direction you take the other, and you will certainly be right."

Q. Was this the current course of advice to this class of men?

A. So far as it fell under my observation, the general object was to convince them that their old masters were unalterably opposed to them, and that they must look alone to northern men for their protection.

Q. Was it from this class that General Ames drew his political associates and advisers?

A. Yes, sir; he very soon threw off what he regarded as the better class of republicans.

Q. Threw them off?

A. Yes.

Q. Was it thought that that led to the split of the Alcorn wing against the Ames?

A. Yes; perhaps I might state a fact or two there. Alcorn came back and ran for governor against Ames.

Q. What year?

A. In 1873. During that canvass Alcorn on the stump denounced as thieves and swindlers the main supporters of General Ames. The speeches made by Governor Alcorn in that canvass were the most denunciatory I ever heard against the leading men of the Ames party.

Q. Were there other leading members of the republican party who took the same tone as did Alcorn, in regard to the Ames administration?

A. In 1873, not a great many. Ames had the confidence of the negroes, and Alcorn was not sustained by his own party, to any great extent, in 1873.

Q. How was it later, in 1875?

A. Alcorn's strength continued to gain after that, and before 1875 the split was a very marked one. A great many had become followers of Alcorn and opposed to Ames.

Q. Was the feeling between the two wings, the Alcorn wing and the Ames wing, as great or greater than between the republicans and democrats?

A. The feeling between these two wings of the republicans was just as bitter as could have existed. In my district the opposing candidates for Congress were Wells and Howe, and when the Wells party had a meeting they denounced Howe as a thief and falsifier, and applied to him every epithet they could invent, and when the Howe party came along they would apply the same epithets to the Wells party.

Q. Who is Howe?

A. He had been a member of Congress from that district.

Q. Who was he?

A. A northern man.

Q. Was he on the Ames side or the other?

A. On the Ames side; Wells was for Alcorn. He is our present member of Congress. The collision between the two wings of the party had a great deal to do toward carrying that district against the republicans.

Q. Who was charged in the public papers that the character of the officers under Ames's administration was known to him, after which knowledge he continued to keep these men in office and consort with them politically?

A. Well, sir, I cannot say what was the knowledge of Ames upon that subject, but these delinquencies and this misconduct were known to the public generally, and Ames still retained them in office and in his confidence, and the more they were abused and exposed the closer he seemed to adhere to them. It seemed to be rather a recommendation to him.

Q. Many of them were placed under indictment?

A. A good many.

Q. By the grand juries of their counties?

A. Yes.

Q. The grand jury, as a rule, was under the control of the republican party?

A. Yes.

Q. After these indictments took place were the confidence and association of Governor Ames withdrawn from these people?

A. As a general rule it was not. In Northeastern Mississippi Governor Ames appointed a man as chancellor by the name of Barton, with no intelligence as a lawyer and no standing at the bar. Moreover, he was charged with a flagrant act of forgery.

Q. Had he been indicted?

A. He had not; but Governor Ames was informed by gentlemen of high respectability, among others by our present governor, who came from his vicinity, of the character of this man. Governor Ames refused to believe it, but had it been untrue and his moral character ever so good, he was not fit for the office; but Ames was blind to the truth, and did appoint Barton chancellor. When, however, his appointment was before the senate for confirmation, the judiciary committee, to which it was referred, sent out for witnesses, and the proof was conclusive. I had been knowing to it. The gentleman upon whom the forgery was committed re-

sided in my town and was my intimate personal friend; but Governor Ames did not withdraw his name until he was told by his friends that they could not possibly get him through the senate. That was the only thing that checked him.

Q. Did this man ever exercise the functions of chancellor?

A. O, yes, sir; he held several courts.

In all these republican strongholds in which turbulence and misgovernment are alleged to have existed, it is to be also noted that the entire local power was in republican hands. Thus the supervisors of the counties, being in fact the county legislature, assessing taxes, contracting for supplies, controlling all public improvements, the schools, public buildings, roads, and having, in short, all local control, were almost without exception composed of negroes, few of whom were able to read or write, and scarcely one of whom was able to compute an ordinary sum in arithmetic. In some cases the highest mark of erudition was the capacity of the chairman mechanically to sign his name to a record which he was unable to read. (See deposition of — and deposition of —.)

The justices of the peace, generally unable to write and frequently unable to read the contents of the process against person or property which they issued in the name of the law, delivered it to constables equally unfitted to understand the nature of the precept or to attest their action under it. (See deposition of —.)

Negro chancery clerks and clerks of the circuit court and courts of record were utterly unable personally to perform their duties, and intrusted everything to some white deputy. (See deposition of —.)

The consequence of this local misgovernment is an increase of taxation amounting to confiscation, and is well expressed in the language of a petition to the Legislature by the tax-payers of the State, in January, 1875, from which we make the following extract:

"But probably the most flagrant evil of which the tax-payers complain and the greatest outrages perpetrated on their rights arise from the action of the boards of supervisors."

"This court is really the most important of any in the State, and should be composed of the very best men in the several counties. As a general rule, we are sorry to say, the members of this board are wholly unfit to discharge their duties, and are without respectability or accountability. This, however, is not the fault of the Legislature of the State, except in so far as it encourages such men to seek for that position. The county levies, in a large majority of the counties, are extravagant and oppressive beyond all endurance. The contracts for public work are made without economy or care, and with a reckless indifference to the interest of the public. These boards, in some instances, employ their own members to do the work not authorized by law, merely for the purpose of making them extravagant allowances. In many instances these members are wholly ignorant, and are completely under the control of the clerks and sheriffs of these counties, to whom they make extravagant allowances. This is a great evil, and we suggest that remedy which alone seems adequate. Legislation should be immediately enacted fixing the maximum rate of taxation at 50 per cent. on the State, beyond which they shall not go in any instance."

"These boards should also be prohibited from making any contracts, or allowances, or appropriations, except when there is money in the treasury to pay them. And every such order or warrant so made and ordered, when there is not money in the treasury sufficient to pay it, should be declared utterly null and void, and all persons concurring in making or issuing them be declared guilty of a misdemeanor in office, and punishable for such, as provided by law."

To this urgent and respectful appeal no response whatever was made. (See deposition of E. Barksdale, page 453.)

The ruinous effects of such a system of misgovernment upon the real estate and property which are subject to it is to be found in the testimony of Shackleford, a republican ex-judge, at p. —

So that not only is all immigration prevented, but the possibility of obtaining loans of money upon real estate for the purpose of improvement is destroyed.

The system of public schools seems to have been liberally maintained chiefly for the advancement of the blacks, but necessarily at the pecuniary cost of the whites, whose property mainly contributed from its burdens to sustain them. This, however, would not have been a subject of complaint if there had been anything like equality of opportunities for the establishment of white schools, which were necessarily at the cost of white people.

An instance of the gross inequality and injustice of the action of these negro boards of supervisors and the insolence and overbearing conduct of the members is to be found in the case in Issaquena County. (See deposition of William A. Farrish, at p. —)

And the deposition of —.

The choice of registrars and judges of election was such as made fair elections hopeless, as will be illustrated by the case of Warren County, which we shall consider hereafter in this report.

The Legislature of the State, under Governor Ames, contained a large majority of negroes, and was confessedly a venal body of men, in which the defeat of any measure of reform or the passage of any measure of iniquity could be cheaply procured by the use of money among the members. (See deposition of —.)

As to the relation of Governor Ames to the white people of the State of Mississippi, it is best described by his own language at pages 16 and 17 of the testimony, in which he says:

Question. When did you first go to Mississippi?

Answer. I went there in 1867.

Q. In the Army, I believe?

A. Yes, sir.

Q. When were you elected Senator?

A. In 1870.

Q. Had you any intention to settle in Mississippi prior to your election?

A. I will say not long previous to that; and permit me to say that I found when I was military governor there that there was a black code existing, and that the negroes had no rights whatever; that they were not permitted to exercise any of the rights of citizenship. I had given them the protection they were entitled to under the Government of the United States, and I believed that I could render them great service. I felt that I had a mission to perform in their interest, and I hesitatingly consented to represent them and unite my fortune with theirs.

It will seem, therefore, by his own voluntary statement that the white people of Mississippi were not those whom he proposed to represent or with whom he desired "to unite his fortunes."

The next question and the reply of Governor Ames may perhaps be explanatory of his supposed "mission."

Q. You speak now in reference to the colored people of the State?

A. Yes, sir; in reference to the colored people of that State; they were in the majority.

On page 19 he says:

"The question of how I can get money to live is the one question with me."

Perhaps this was always the case with Governor Ames while he remained in Mississippi.

The natural consequences of a government so organized had become apparent prior to the adjournment of the Ames legislature, which met in January, 1875, and adjourned about the end of March following. Incompetence, venality, and misrule had borne their usual fruits. A government that inspired neither affection nor respect could necessarily rely only upon coercion and intimidation as a last and vain resort. The dissatisfaction and discontent of the people was not confined to the democratic party, but extended everywhere and among men of all parties.

The dissensions within the republican ranks were even more marked than among

their silent adversaries who had been totally deprived of official position and control in public affairs. Between one division of the republican party, led and represented by Governor Ames, and another, represented by Senator ALCORN, the breach became deep and widened daily. On either side individuals of that party arrayed themselves with their respective followers, and open and bitter denunciations, unsparing in their terms, were showered by each side upon the other. The split was open, positive, and would seem to have been irreconcilable. In his examination before the committee Governor Ames classes Senator ALCORN, Governor Powers, McKee, ex-member of Congress, ex-Senator Pease, Morris, the attorney-general, State Senator Musgrove, WELLS, M. C., and Chancellor Storrs, as among the opponents to him and his administration. At page 22 he accuses Morris of having used his office for corrupt purposes. Musgrove of insincerity and dishonesty, Storrs of being thoroughly corrupt; at page 25 Pease of willful falsehood and of being without ordinary intelligence. At page 26 murders are imputed to Senator ALCORN.

On the other hand, George E. Harris, the ex-attorney-general of the State, in his letter to the President of the United States, dated the 21st of November, 1875, giving the reason for the democratic success in Mississippi, declares that it was—

"Due to the imbecility and base corruption of the State administration and a few adherents."

(See letter, page —.)

He charges Ames—

"With cold indifference and of contracting his views and narrowing his circle of friends to a few confidential advisers, who were a close corporation of mercenary men who knew but little of the wants of the people of the State and cared less—men who have no identity of interest or sympathy in common with the people of the State."

He charges him—

"With the desire to control the judiciary as well as the executive department of the State; of resorting to the expediency of making appointments after vacation and then holding the appointments over them *in terrorem* until the next session of the Legislature, and if they did not please him in decrees, &c., he could withhold their names, (as he did in one case,) thus making the judiciary of the State subservient to the executive, in violation of the constitution; and he actually removed Chancellor Dreman, as I believe, because in a case of *habeas corpus* he refused bail to the governor's friend, Morgan, (sheriff of Yazoo County,) on a charge of the murder of one Hilliard."

He charged him—

"With appointing men to judicial position who had never had a case in court, and were totally ignorant of the law and practice, and who do not know a plea in bar from a demurrer."

Ex-Senator Revels, in his deposition, at page —, states:

I. H. Estell, a republican, states, at page 325:

Governor Ames's prostitution of his office and bargaining with appointees is shown by Judge Watson, at page —, as follows:

Senator ALCORN flatly contradicts Governor Ames's account of the Friar's Point riot, in which Mr. ALCORN was one of the chief parties, (see deposition at page 67,) and expresses his want of confidence in Ames's administration.

See also letter of H. C. Carter, page —, also speech of G. WILEY WELLS, (see his speech, reported by Senator Revels, at page —,) in which he quotes Ames's remarks that "the blood of twenty-five negroes would be a good thing for the republican party."

With such a division of feeling in regard to men and measures in the republican party in Mississippi, with universal discontent among all classes of the people in regard to the condition of the State and its administration, they approached the canvass of 1875. Governor Ames was charged by Harris (see same letter before quoted) with using his power as executive of the State for the purpose of securing his election to the United States Senate, and there seems to be no doubt that such was the fact. As he, himself, has stated, he had "united his fortune with the colored people of the State, whom he believed to be in a majority." He was unlearned in law or the spirit of civil rule. Military methods and rigor were his only conception of government. He seemed greedy of political power without comprehending its responsibilities. He did not lessen his deficiencies by associating with men more learned in civil rule than himself, but, avoiding men of intelligence and character in the State, surrounded himself with obsequious and inferior associates. The characteristics and tastes of the people among whom he had gone as a stranger, and yet to be their ruler, he never studied nor cared to comprehend, nor to have understood the gentle wisdom of Fletcher of Saltoun: "That if a man were permitted to make all the ballads, he need not care who should make the laws of a people." He never gained their respect; but, by his self-seeking, his self-promotion to power and place and his use of public power for his personal ends, he entirely lost whatever he might have had of their respect. Thus, losing public respect, he lost public confidence, and instead of seeking by conciliation and methods of justice to regain it, he resolved to defy those who withheld it. The end of all his methods was simply force—the bayonet; that last and most cruel test of military fidelity, when the American soldier is called upon to use his arms against the American citizen. When he found the political knot was complicated, he set aside methods of reason and used the sword to cut it, because he was devoid of the skill or patience to untie it. Violence was the necessary end of such a rule as he conceived and sought to put in practice. The just end of government is the happiness of the people to be governed, and measures to promote popular happiness and content are the first and chief duties of a ruler. It would be a farce to term such a government as he conducted in the spring of 1875 a free government, either for the white or for the black people. The colored population were as thoroughly enslaved to his will and to the handful of politicians whom he set over them as they ever could have been at the hands of their former private owners. In his testimony at page 15, citing his last message to the Legislature, he says he regards the whole affair as a race issue, in which he avowedly intended to take sides with the black race against the white, and to use all his power, personal, political, and official, in their behalf. Thus, in the first year of his administration, in the fall of 1874, in the case of a contest for the office of sheriff at Vicksburg, in Warren County, he forced Flanagan, the white occupant, out of his seat by a company of United States troops, which he had demanded to be sent to him for that purpose from New Orleans. In 1875, when it became apparent that the democratic party was disposed to combine itself with all the elements of opposition to his administration and make a strenuous effort to gain control of the State, Governor Ames made his first preparation in the Legislature for its defeat by the passage of a law known as the "Gatling-gun bill." This is described in the testimony of E. Barksdale, page —:

Q. You spoke of the "Gatling-gun bill," what was that?

A. I have, I think, a synopsis of the bill.

Section 3 of the bill empowered the commander-in-chief to organize, from the enrolled militia, two regiments of ten companies each, and to purchase four or more Gatling guns, and organize a corps of select officers and men from the infantry to send with the said guns."

That was passed by the Legislature which assembled on the 1st of January, 1875. The date is not given.

Q. It was passed the spring before the election?

A. Yes, sir; it was called the "Gatling-gun bill," because the purchase of four Gatling guns was authorized, and they were regarded as weapons of very terrible destructive qualities. The appropriation for carrying out the purpose of the Gatling-gun bill was \$60,000. Of this, \$5,000 were authorized to be expended for military supplies and munitions of war.

The next was his application to the Secretary of War at Washington for the State's quota of arms. (See testimony, page —, and the accompanying papers

and applications of A. G. Packer, adjutant-general, organizing the State militia for active duty.)

A. While matters were in a condition of profound peace here, though these causes of discontent existed to which I have referred and which are stated in the tax-payers' memorial and in the resolutions of the republican club here in the city of Jackson, Governor Ames, after the passage of the law which was known as the "Gatlin-gun bill," as if preparing for war here, addressed a letter to the Secretary of War inquiring about Mississippi's quota of arms. A copy of that letter I have here:

May 25, 1875.

SIR: By direction of his excellency A. Ames, governor of Mississippi, I have the honor to apply to you for the statement of arms and other military property issued to this State since 1860, under act of Congress April 23, 1868, and the acts amendatory thereto.

A communication from the Ordnance Office, Washington, D. C., has been received, in which the State of Mississippi is charged, under the provisions of an act approved March 3, 1875, with the sum \$170,167.31, and a balance due the United States is claimed of \$1,967.60.

The records of this office do not show the amounts of the apportionment for the different years, and having no data to furnish I respectfully apply to you to furnish it.

Very respectfully, your obedient servant,

A. G. PACKER, Adjutant-General.

The Hon. SECRETARY OF WAR,  
Washington, D. C.

That was a letter written on the 25th of May, 1875.

On the 2d of June, before the political canvass, Governor Ames addressed a letter to General Benét, chief of the Ordnance Department, as follows:

JUNE 2, 1875.

SIR: I have the honor to respectfully apply for a price-list of ordnance and ordnance stores as issued from your Office; also a book of forms used in the Department, if any change has been made since the publication of the regulations, 1863.

Very respectfully, your obedient servant,

A. G. PACKER, Adjutant-General.

Brigadier-General S. V. BENÉT,  
Chief of Ordinance, Washington, D. C.

Q. What do you know of any military preparation made by Governor Ames early in the canvass, and prior to the occurrence of any of these disturbances?

A. As I have stated, and cited the letters showing he was making military preparations. Then I have an order-book, issued from the headquarters State of Mississippi, adjutant-general's office, Jackson, May 1, 1875, announcing officers of the Mississippi State militia, during the months of February, March, and April, 1875.

"STAFF OF THE COMMANDER-IN-CHIEF.

"Brigadier-General Albert G. Packer, of Holmes County, adjutant-general. February 25, 1875.

"Lieutenant-Colonel Omar S. Lee, of Holmes County, aid-de-camp. February 25, 1875."

A gentleman who has since proved a defaulter to a very large amount in the county of Holmes, and has fled the State, and his whereabouts are not known.

"Lieutenant-Colonel James J. Spellman, of Madison County, aid-de-camp. February 25, 1875.

"Fourth division.

"Brigadier-General William Gray, of Washington County. February 25, 1875.

"General Brown, colonel First Regiment Infantry. February 25, 1875.

"Major-general State militia, Alexander Warner, of Madison County. February 26, 1875."

These gentlemen were all members of the republican party. That General Warner was the chairman of the republican State executive committee.

Of these, Spellman, Gray, and Brown were colored men; no democrats among them.

After the Clinton riot Governor Ames proceeded to perfect the military organization which had been ordered by law; and in the county of Hinds, under authority known as the "Gatlin-gun bill," on the 23d of September, he ordered one thousand Springfield breech-loading muskets to be purchased, and directed to the adjutant-general of this post. After the receipt of those arms they were issued to companies in this county of Hinds, as follows:

On the 2d of October, eighty guns, with accouterments, were issued to Captain Charles Caldwell, (colored.)

On the 5th of October, to the same person, seventeen were issued.

On the 6th of October, forty-seven issued to Captain John W. Cleagan, (white.)

On the 7th, eighty stand of arms to Green Tapley, (colored,) with ammunition.

On the 9th of October, eighty issued to Ed. L. Gillin, (colored,) with ammunition.

On the 9th October, 1865, stand of arms issued to Geo. D. Nixon, (white,) with ammunition.

On the 10th, eighty issued to W. C. Moseley, with ammunition.

On the 11th, sixty issued to Oliver Cromwell, (colored,) with ammunition.

That was in this county; issued with accouterments, ammunition, &c., to five negro companies in the county of Hinds, and two white companies.

Almost without exception the appointments were from the republican party. I do not think of an exception in the military appointments, and two-thirds of the companies, that were commissioned in the military service, were taken from that party. Probably half were commanded by colored officers.

The following is a full list of the appointments:

FIRST DIVISION.—Brigadier-General William F. Simonton, of Lee County, March 4, 1875.

SECOND DIVISION.—Brigadier-General Marion Campbell, of De Soto County, March 4, 1875.

THIRD DIVISION.—Brigadier General N. B. Bridges, of Oktibbeha County, March 4, 1875; Hinds County, Samuel F. Steele, colonel First Regiment Infantry, March 10, 1875; Jasper County, Newton Knight, colonel First Regiment Infantry, March 17, 1875; Lowndes County, W. A. Monroe, captain Columbia Light Artillery, March 17, 1875; Grenada County, C. P. Lincoln, colonel First Regiment Infantry, April 12, 1875; Monroe County, James W. Lee, colonel First Regiment Infantry, April 12, 1875.

By order of the commander-in-chief.

A. G. PACKER, Adjutant-General.

HEADQUARTERS STATE OF MISSISSIPPI,  
ADJUTANT-GENERAL'S OFFICE,  
Jackson, June 1, 1875.

[General Orders No. 3.]

The following-named officer has been appointed in the Mississippi State militia during the month of May, 1875:

Wilkinson County.—William H. Noble, colonel First Regiment Infantry.

By order of the commander-in-chief.

A. G. PACKER, Adjutant-General.

HEADQUARTERS STATE OF MISSISSIPPI.

ADJUTANT-GENERAL'S OFFICE,

Jackson, June, 1865.

[General Orders No. 5.]

The following-named officers have been appointed in the Mississippi State militia during the month of June, 1875:

Lowndes County.—M. A. Brownlee, captain Company A, First Regiment Infantry; T. H. Smith, first lieutenant Company A, First Regiment Infantry; D. P. Moody, second lieutenant Company A, First Regiment Infantry.

The following resignation in the Mississippi State militia has been accepted during the same period:

Grenada County.—June 17, 1875, First Regiment Infantry, C. P. Lincoln, colonel. By order of the commander-in-chief.

A. G. PACKER, Adjutant-General.

HEADQUARTERS STATE OF MISSISSIPPI.

ADJUTANT-GENERAL'S OFFICE,

Jackson, October 1, 1875.

[General Orders No. 7.]

The following-named officers have been appointed in the Mississippi State militia during the months of August and September, 1875:

Warren County.—William French, colonel Fourth Regiment Infantry, August 12, 1875.

FIFTH DIVISION.—Brigadier-General William F. Fitzgerald, of Hinds County, September 15, 1875.

FIFTH DIVISION.—Staff of brigadier-general.—John D. Beaird, assistant adjutant-general, with rank of major, Warren County, September 22, 1875; Wirt Johnson, assistant surgeon-general, with rank of major, Hinds County, September 24, 1875; William R. Davol, assistant quartermaster-general, with rank of captain, Warren County, September 27, 1875; John J. Rohrbacher, aid-de-camp, with rank of captain, Hinds County, September 27, 1875; Marion Smith, aid-de-camp, with rank of captain, Hinds County, September 27, 1875.

Warren County.—R. J. Temple, captain Company A, Second Regiment Infantry, September 27, 1875.

Staff of major-general.—M. B. Sullivan, assistant adjutant-general, with rank of colonel, Bolivar County, September 24, 1875; William H. Compton, assistant surgeon-general, with rank of lieutenant-colonel, Hinds County, September 24, 1875.

Hinds County.—John W. Clingan, captain Company A, First Regiment Infantry, September 25, 1875; John C. Rietti, first lieutenant Company A, First Regiment Infantry, September 25, 1875; Matt F. Ash, second lieutenant Company A, First Regiment Infantry, September 25, 1875; Charles Caldwell, captain Company A, Second Regiment Infantry, September 25, 1875; Eugene B. Welborn, first lieutenant Company A, Second Regiment Infantry, September 25, 1875; Porter Kelly, second lieutenant Company A, Second Regiment Infantry, September 25, 1875; Green Tapley, captain Company B, Second Regiment Infantry, September 25, 1875; Charles Morgan, first lieutenant Company B, Second Regiment Infantry, September 25, 1875; John F. Duncan, second lieutenant Company B, Second Regiment Infantry, September 25, 1875; Nathaniel D. Sneed, colonel Second Regiment Infantry, September 27, 1875.

Lafayette County.—Victor W. Thompson, colonel First Regiment Infantry, September 28, 1875.

First Division.—Staff of brigadier-general.—John C. Heidelberg, assistant adjutant-general, with rank of major, Lee County, September 30, 1875; Clinton C. Jones, assistant quartermaster-general, with rank of captain, Lee County, September 30, 1875; Joseph M. Bynum, assistant surgeon-general, with rank of major, Alcorn County, September 30, 1875; Henry M. G. Spencer, aid-de-camp, with rank of captain, Lee County, September 30, 1875; Green M. Maddox, aid-de-camp, with rank of captain, Tippah County, September 30, 1875.

By order of the commander-in-chief.

A. G. PACKER, Adjutant-General.

HEADQUARTERS, STATE OF MISSISSIPPI.

ADJUTANT-GENERAL'S OFFICE,

Jackson, November 1, 1875.

[General Orders No. 8.]

The following-named officers have been appointed in the State militia during the month of October, 1875:

SIXTH DIVISION.—Brigadier-General Harris P. Hurst, of Pike County, October 2, 1875.

SIXTH DIVISION.—Staff of brigadier-general.—James C. Lamkin, assistant adjutant-general, with rank of major, Pike County, October 2, 1875; Frank Strong, assistant surgeon-general, with rank of major, Amite County, October 2, 1875; Charles P. Hosmer, aid-de-camp, with rank of captain, Pike County, October 2, 1875; Moses Jackson, assistant quartermaster-general, with rank of captain, Amite County, October 17, 1875.

Warren County.—Adam Bowie, captain Company A, Second Regiment Infantry, October 5, 1875.

Hinds County.—William C. Moseley, captain Company D, Second Regiment Infantry, October 7, 1875; John W. Chase, first lieutenant Company D, Second Regiment Infantry, October 7, 1875; William Williams, second lieutenant Company D, Second Regiment Infantry, October 7, 1875; E. L. Gilliam, captain Company E, Second Regiment Infantry, October 7, 1875; Thomas Stevens, first lieutenant Company E, Second Regiment Infantry, October 7, 1875; Robert Williams, second lieutenant Company E, Second Regiment Infantry, October, 7, 1875; George D. Nixon, captain Company B, First Regiment Infantry, October 9, 1875; E. W. Partin, first lieutenant Company B, First Regiment Infantry, October 9, 1875; C. E. Marshall, second lieutenant Company B, First Regiment Infantry, October 9, 1875; William Iverson, captain Company C, Second Regiment Infantry, October 11, 1875; Edgar Gordon, first lieutenant Company C, Second Regiment Infantry, October 11, 1875; Oliver Cromwell, captain Company F, Second Regiment Infantry, October 11, 1875; Virgil Clark, first lieutenant Company F, Second Regiment Infantry, October 11, 1875; Cornelius D. S. Parker, second lieutenant Company F, Second Regiment Infantry, October 11, 1875.

De Soto County.—Albert D. Thompson, colonel First Regiment Infantry, October 11, 1875; Jefferson J. Evans, lieutenant-colonel First Regiment Infantry, October 11, 1875; Thomas A. Leon, major First Regiment Infantry, October 11, 1875; James F. Pratt, adjutant, with rank of first lieutenant, First Regiment Infantry, October 11, 1875; Horace H. Hillman, captain Company A, First Regiment Infantry, October 11, 1875; Calvin S. Nesbit, first lieutenant Company A, First Regiment Infantry, October 11, 1875; Henry Odom, second lieutenant Company A, First Regiment Infantry, October 11, 1875; John W. Farmer, captain Company B, First Regiment Infantry, October 11, 1875; Thomas McCain, first lieutenant Company B, First Regiment Infantry, October 11, 1875; James McLaughlin, second lieutenant Company B, First Regiment Infantry, October 11, 1875; Henry Rogers, captain Company C, First Regiment Infantry, October 11, 1875; Jerry Powell, first lieutenant Company C, First Regiment Infantry, October 11, 1875; Charles H. Nowlton, second lieutenant Company C, First Regiment Infantry, October 11, 1875.

Tazoo County.—Albert T. Morgan, colonel First Regiment Infantry, October 11, 1875; First Regiment Mississippi Cavalry, Colonel Eugene H. McMichael, of Wil-

Kinston County, October 11, 1875; Lieutenant-Colonel John G. Mills, of Holmes County, October 17, 1875.

*Amite County.*—Charles P. Nelson, captain Company A, First Regiment Infantry, October 11, 1875; Henry J. Lilly, first lieutenant Company A, First Regiment Infantry, October 17, 1875; T. N. Lafayette Anderson, second lieutenant Company A, First Regiment Infantry, October 17, 1875.

The following appointments have been revoked during the same period:

*Warren County.*—R. J. Temple, captain Company A, Second Regiment Infantry, October 5, 1875.

*Hinds County.*—Charles Caldwell, captain Company A, Second Regiment Infantry, October 21, 1875; Eugene B. Welborn, first lieutenant Company A, Second Regiment Infantry, October 21, 1875; Porter Kelley, second lieutenant Company A, Second Regiment Infantry, October 21, 1875.

By order of the commander-in-chief.

A. G. PACKER, *Adjutant-General.*

The State militia having been thus organized preparatory for the campaign, and the officials being among the most notorious and unscrupulous partisans, black and white, of the State administration, great alarm was created among the white population. The negro companies, officered by negroes, largely predominated, and threats were freely made by their orators that the slaughter of the whites would be completed from the cradle up, if necessary for their success. (Speech of Brigadier-General Gray, reported in testimony of W. A. Ferguson at page —; also testimony of Mr. Putnam, page —.)

As a consequence, rumors flew thick and fast. The preparation of the governor and his arming of the negro militia were on every tongue, and caused the deepest distress and apprehension among all classes who sought to preserve the peace in the State and friendly relations between the two races. That such rumors were exaggerated there can be no doubt, for it was the interest of the Ames party and of the negroes to make proclamation of an organization and power which they knew they did not possess. The effect was to increase the insolence and insubordination of the blacks and intensify the discontent and the apprehensions of the whites. The arms to be furnished by Governor Ames were at the expense of the State, and the whites were left to their private resources to obtain arms necessary, as they believed, for their self-defense. A feeling of excitement was engendered that grew each day in force. Intimidation was thus openly proposed, and proposed to men not likely to be intimidated and totally misunderstood in their course by the men who were assuming to rule them. Thus it seems that violence, bloodshed, and force, as the only arbiter of the election, were first suggested in a time of profound peace in the State of Mississippi, by Governor Ames and his political associates. (See page 334, deposition of Frank Johnston; page 472, deposition of E. Barksdale.) The practice of carrying arms in Mississippi among all classes is almost universal, and there were but few witnesses who appeared before the committee who were not so equipped—one, a Mr. Chisholm, leading republican of Kemper County, promptly producing his weapon for the inspection of the committee, and the justices of the peace and constables declaring that it was a part of their official costume.

It was testified by —, at page — and —, at page —, that after the war the desire to obtain arms among the negroes was almost universal, and that the sales of weapons to them, especially of shot-guns, was very much in excess of what it was to the whites.

Not only were the white people of Mississippi threatened with the organization and use of the armed negro militia in the coming election, but the armed forces of the Government of the United States were held in terror over them for a like purpose. Mr. Warner, chairman of the republican State executive committee, at page —, states that, immediately upon the holding of the republican State convention at Jackson, in —, 1875, a resolution was adopted vesting him with an authority to appoint a committee, with himself as chairman, to visit Washington and call upon the President for armed aid to the republican party in the ensuing canvass, which resolution, and the action of the committee under it, shows the character of the campaign which they intended should be waged in that State. It may be here mentioned that the prevalent idea among the negroes and the handful of whites who led them in Mississippi seems to be that the Federal Administration will at all times exert its armed authority for the purpose of retaining them in office; and it was in the hopes of such intervention that the application referred to was made, and which, as we believe, has largely promoted and induced the complaints which led to the constitution of this committee. The experience of prior elections had been favorable to this belief. (See page — of testimony.)

Question. Was it a fact, then, that the military arm of the Government was used in his election in favor of one party?

Answer. Yes, sir; the troops were sent to various parts of the State at that time, and persons were arrested and thrown into prison; and the effect of the use of troops against men who were opposed to that party had very great influence in controlling and determining the election.

Q. I would like to ask that fact, whether the Army of the United States has been used as a party agent in the affairs of Mississippi, and if it has been so felt by the party to which you belong?

A. Yes, sir; it has been so felt, for it was felt in that election, and the military commander was seen to go into a political organization and pledge his support to its candidates; and the troops were placed in various portions of the State without any ostensible cause other than their presence would have that effect.

The democratic conservative party of Mississippi, in the platform adopted at their State convention on the 3d of August, 1875, contained the following propositions:

"First. The recognition of civil and political equality of all men as established by the Constitution of the United States and the amendments thereto.

"Second. Favoring the education of all the children of the State in public school, sustained by adequate taxation; but opposition to extravagance or partisan administration of said schools."

The thirteenth cordially invites the voters of all the people of both races to unite vigorously with them in the approaching canvass. (See page — of testimony.) It was by this convention that the democratic executive committee was organized, and J. Z. George appointed as chairman.

Thus opened the campaign of 1875. It is in proof, by almost every witness who was examined on the subject, that the negroes were organized in clubs, having a quasi military organization in every county in the State. Clubs, also, of white people were formed, and the parading and marching, with the use of flags, drums, music, canon for salutes or the explosion of anvils—a rude substitute for cannon—became general throughout the State.

Much of the alleged intimidation of the colored people by the white population was claimed to be from causes like these, which could only have operated upon minds of the most childish character, and would be ridiculed if proposed with the same intent in any part of the Northern States. This constitutional timidity of the colored population was frequently and gravely urged as entering into alleged violations of the fifteenth amendment by white men, who fired off pistols in the air and exploded anvils at night on their return from meetings through the country. At page 112, A. Parker, republican sheriff in Amite County, testifies as follows:

Question. You may state whether or not these outrages had the effect of intimidating the colored voters.

Answer. They certainly did, sir. I am satisfied that for a month before the election there was not a week-day or a Sunday that colored people did not come to my residence or to the court-house, and tell me of these visits to their houses, and ask my advice as to what they should do, and did I think they would be killed, and all such inquiries as that. Of course I encouraged them all I could. I will state as

my candid opinion that there were no less than five hundred men who lay in the woods the greater part of the night before the election. They would stand in line at the polls, and drop asleep standing up, on account of not having had sleep the previous night. These democratic clubs were organized into squads, and each of these squads had two anvils. They would go to a little rising place in the road, and put these anvils down, and shoot them off ten or twelve times, and shout their shot-guns, yell, and go on, and stop a mile perhaps farther on, and repeat the same thing again. We could hear it in every direction from town, and it sounded just like war times. The colored people, when these squads would be approaching them, shooting and yelling, would of course imagine that they were going to kill them, and they would slip out and get into the woods, and lay hid until morning. In the morning they came in one at a time, and found out no one had been killed. This was done on the night before the election, and finding out that nothing serious had been done, and that this was only a trick to frighten them, they came up to the polls and voted, and we polled a larger vote than we had polled before since the war; both democratic and republican.

Perhaps the best proof that can be offered of the real intent and spirit with which the democratic and conservative canvass was organized and conducted will be found in the telegraphic correspondence between Mr. George, the chairman of the executive committee, and his party associates throughout the State, who communicated with him during the canvass. This correspondence, although not referred to by any witness nor in any way supposed to be connected with the subjects to be inquired of by the committee, was, by the order of the committee and against the formal and recorded protest of the undersigned, made public for the purpose of sustaining the charges of lawlessness and outrage against the democratic party of Mississippi. Mr. George had not been made a witness; none of the parties who were his correspondents had been made witnesses; but the whole correspondence was seized and produced in bulk before the committee, and is to be found on pages 380 to 420 of the testimony.

Let it be borne in mind that these communications were all supposed by the writers to be confidential, and that their contents would never be made public.

It will be difficult for any mind, however prejudiced, to construe any portion of this telegraphic correspondence so as to favor the suspicion that lawlessness of any kind was looked to as an element for the success of the democratic party in that canvass. From first to last there is nothing but what is creditable to Mr. George and his democratic correspondents as honorable, peaceful, and law-abiding citizens. We do not believe it will be possible to torture any of these dispatches into any other meaning. The demonstration of General Ames in organizing the negro militia, the openly expressed intention and threat of bringing Federal troops into the State to control the election, no doubt operated to create a corresponding antagonism and bitterness, and suggested that it should be met by force. The "race issues," which Governor Ames has recognized, and upon one side of which he so promptly and vigorously ranged himself with all his official powers, were undoubtedly aggravated and intensified. Collisions were constantly threatened, and yet few, remarkably few, under all the circumstances, occurred.

In endeavoring now to give a reliable account of the acts of violence and bloodshed which were proven before the committee as having occurred in Mississippi during the summer and autumn of 1875, we deem it hardly necessary to make express of the intense and hearty reprobation which we, in common with all men who respect and value law and order and humanity, necessarily felt, and now feel, upon every occasion where violence and crime were committed. Stern repression and prompt punishment are the just measures to be dealt out to all such offenders, without respect to race or color or station in life, and for all such criminals and transgressors we invoke due punishment at the hands of those who are the representatives of the Government whose laws need vindication. But while we propose in every proven case to condemn the guilty, we do not propose to allow reasonable proof to be replaced by reckless and malicious assertion or rumor; nor do we propose to condemn a whole community upon the testimony of men, confessedly without character, who live upon slanders and trade upon abuse, instigated, as many of such characters were who appeared before the committee, by a miserable faction, whose hope of prolonged plunder and self-enrichment lies in keeping up a condition of public excitement and fanning the prejudices and hatreds of half-informed citizens of the North against the white people of the South. We confidently believe that when knowledge of the truth as it is, and sad though it may be in many respects, of the state of affairs in Mississippi, shall possess the minds of the people of the Northern States, the occupation of the miserable class of slanders to whom we have referred will be gone forever.

It is for this reason that we sincerely deprecate such utterances as are contained in the speech of the honorable Senator from Indiana, [Mr. MORTON,] and delivered in the Senate by him, when urging the adoption of the resolution by which this committee was authorized. No fact stated by that honorable Senator was upon his personal knowledge, and the source from which he obtained his assumed facts was disclosed by the deposition of Captain Fisher, to be found at page 533.

By Mr. BAYARD:

Question. Is not that a copy of Mr. MORTON's speech that you have there?

Answer. Yes, sir.

Q. Didn't you furnish these extracts to him?

A. I furnished some of them.

SENATOR MORTON'S SPEECH, AND WHO HELPED TO COMPILE THE EXTRACTS IN IT.

Q. I observe, in reply to a question put to you, first in respect to the Clinton riot, and next in regard to certain questions in reference to the taxation of the State, that you consulted a pamphlet; have you it?

A. Yes, sir. [Witness hands pamphlet to Senator BAYARD.]

Q. This purports to be a speech delivered by Mr. MORTON in the United States Senate in January, 1876.

A. Yes, sir.

Q. I suppose when you read the extract from the Raymond Gazette you obtained it from that speech?

A. Yes, sir.

Q. And you looked for information in regard to the taxation of the State to the statements in that speech?

A. Yes, sir.

Q. You read your testimony from what you found there?

A. I refreshed my recollection on a few points from what I found there.

Q. Did you or did you not read from that speech when you gave your answer?

A. I did, sir.

Q. Did you or did you not read from that speech when you were questioned in regard to the proceedings of the Clinton riot, and the number of persons killed at that time?

A. No, sir; I did not. I endeavored to find a paragraph taken from the Forest Register, in which it stated the number killed at Clinton—the Forest Register is a democratic paper—but I do not find the paragraph.

Q. Did you, as a matter of fact, make that political compilation in there from the democratic press of Mississippi?

A. I assisted in that compilation.

Q. Who assisted you?

A. Well, sir, there were extracts furnished by different gentlemen.

Q. Name those parties.

A. Judge Alcorn assisted in a portion of the compilation.

Q. That is Mr. Robert J. Alcorn?

A. Yes, sir.

Q. Where did you prepare them? Where were you at that time?

A. I was in this city.  
Q. Were they prepared in this city?

A. Yes, sir.

Q. To whom did you furnish them?

A. Well, sir, they were furnished to Senator MORTON.

Q. At his request?

A. I was requested to furnish to Senator MORTON all the evidence that I could obtain showing the character of the election and of the canvass in Mississippi last fall. I told him that I should be very glad to do that, and that I might be able to furnish some extracts showing the temper of the press, which he said he would be very glad to receive. And I proceeded to do so; and a portion of what you see here is the result of that labor.

Q. Did you see him personally and furnish these to him at his request?

A. Yes, sir; I did.

Thus it will be seen that, while being examined as a witness, Captain Fisher based his replies upon the speech made by the honorable Senator; and yet he admits that he himself had furnished to the honorable Senator the statements contained in that speech; that he had not personal knowledge himself, but that the speech was prepared in the city of Washington from the newspaper-clippings which he, Fisher, as the editor of a partisan paper, had made from time to time in the State of Mississippi. Thus, if Mr. MORTON quotes Fisher and Fisher quotes MORTON, the combined authority of the two can be no greater than that of either, and either and both rest entirely upon mere hearsay and information for the assertions which are dignified by the utterance of a Senator in Congress.

During the canvass that preceded the election of November 2, 1875, there were four political disturbances ending in the loss of human life and bloodshed, in regard to which much testimony has been taken by the committee, and which have mainly served as the basis for the wholesale accusations against the white people of Mississippi with which the public press and the ears of the northern people have been industriously filled.

I. A riot at Vicksburgh on the occasion of the celebration of the 5th of July, (the 4th of July happening on Sunday)

II. The riot of Yazoo City on the 1st of September.

III. The riot at Clinton on the 4th of September; and

IV. Friar's Point on the 9th of October.

In regard to the Friar's Point riot, there is no testimony whatever except what is contained in the statement of Governor Ames, at page 26, and of Senator Alcorn, at page 67. Governor Ames charges Senator ALCORN with being personally responsible for those occurrences. This he does upon the information of others, not having been personally present; but Mr. Alcorn, who was personally present, gives in full the history of his participation as a leader in that whole affair, and divests it entirely of such political significance as is referred to in the resolution appointing this committee.

He testifies that the difficulty originated in the party schism between his adherents and those of Governor Ames, in which the democratic party, or, what is the same thing, the white people of Mississippi, had no share. He states, at page 69, the cause of the riot, which was, his personal difference with John Brown, the negro sheriff, and the organization by Brown of a large body of armed negroes, several hundred in number, well armed and approaching the town of Friar's Point, threatening to sack and burn it.

Mr. Alcorn organized a force, and with his "double-barreled shot-gun" headed the defense. The negroes were dispersed at first by the forces of Alcorn without loss of life or wounds on either side; but the murder by the negroes of a respectable young white man, by the name of Scott, who was innocently attending to his business and taking no part in the trouble, led to a retaliation by the Alcorn party, and be sums up, at page 71, the result of the conflict:

Two white men assassinated by the negroes, one other shot himself accidentally, and nine colored men killed by the Alcorn party.

Deplorable and dreadful as the occurrence seems to have been, and public as it was, and well known to Governor Ames, who has furnished the committee with Brown's communications to him on the subject, (and which are to be found at page 20 of the documentary evidence attached to the testimony,) yet no action seems ever to have been taken by any of the civil authorities of Mississippi to vindicate the law, and, so far as the testimony of Senator ALCORN discloses, no member of the democratic party was concerned in the transaction. Whatever may be the lawless and dreadful character of this collision, it is proved beyond doubt to have been disconnected with any trouble growing out of the democratic-conservative organization of Mississippi. It should not be forgotten that Senator ALCORN is a strenuous republican and ally of General Grant's administration, and that the democratic party of Mississippi have no more determined opponent.

The riot at Vicksburgh on the 5th of July is stated by every witness who has been examined to have been entirely unpremeditated. The colored people met at the court-house on the morning of that day for the performance of patriotic exercises. Among the audience was Cardozo, the negro superintendent of education, and who was also to have been one of the speakers on that occasion. He was the editor and proprietor of a newspaper published in Jackson, in which, it seems, he had assailed Judge Cowan, a citizen of the county. Judge Cowan and Cardozo met at the railway station at Vicksburgh on the morning of the 5th. An altercation took place between them by reason of the scurrilous article by Cardozo and a collision ensued. Cardozo was assisted by a white man named —, and with his aid, the attack of Cowan was foiled and Cardozo got off in safety and reached the court-house and took his place in the meeting. A few young men, supposed to have been friends of Cowan, followed him to renew the conflict, and finding there —, who had interfered between them at the depot, an encounter took place in which — was shot by some one unknown to any witness who testified.

The testimony discloses (see deposition of —, page —, and the deposition of —, at page —) that but a single shot was fired in the building, which resulted in the wounding of —, who has since absconded from the State. After the shooting of — the meeting, composed chiefly of colored people, scattered in great confusion. Shots were fired over their heads, one of which struck an old colored man who was on the sidewalk, not concerned in the meeting, and caused his death. The indignation of the men who had sought Cardozo continued; search was made for him, but he was secreted in an upper portion of the building and finally managed to escape unharmed. The mayor of the town, Dr. Leary, appeared promptly on the scene and soon brought everything to order. The riot had its origin in the personal encounter between Judge Cowan and Cardozo, had no feature of political intent, and the loss of life was confined to the old colored man, who was shot accidentally by some unknown person. The person who was wounded in the court-house was proven to be a very disreputable man, and was either a bar-keeper or the partner of a negro who kept a low drinking-house. He having absconded, no proceedings have been taken against the person who shot him, nor is it known whether his wound is dangerous or not. The disturbance of this innocent and peaceable assembly was undoubtedly outrageous, and deserves the greatest reprobation; but it is impossible to believe that it was in any way or degree connected with party politics. It was a gross breach of the peace, which should have been promptly arrested, as it was, and severely punished by the civil authorities, as it was not.

The affray at Yazoo City took place at a club meeting of the republican party held at Bedwell's hall on the 1st of September, 1875, to which members of all parties were invited. The speaker was A. T. Morgan, the sheriff, and a candidate for re-election, who says:

"There were present, perhaps, half a dozen white republicans and fifty colored, and perhaps half a dozen or more democrats."

An altercation took place, growing out of some remark of the speaker which was rudely contradicted by some one in the audience; pistols were drawn and fired, and the hall was soon emptied; the result of the melee being the killing of Mr. B. E. Mitchell, a white man, and the wounding of Foote, a colored man. (See testimony of Foote, at page —; also of A. T. Morgan, at page —.)

This was the beginning and the end of the riot in the hall; but the condition of feeling which probably gave rise to the riot did not end with that affray. Yazoo County contained an overwhelming majority of colored people. Its government, judges, clerks, sheriff, supervisors, justices of the peace, constables, juries—grand and petit—prosecuting officers—all were in the hands of the republican party. Mr. Morgan, who was one of the chief actors on this occasion, was the autocrat of his party in that county. He held the office of sheriff at one time, and was a candidate for re-election. He appeared in Washington before the committee to assail his political opponents in Mississippi. Mr. Morgan has been in Washington employed, as he says, as a claim agent for several months. He was in communication with the majority of the committee for weeks prior to their departure for Mississippi. His testimony could readily have been then taken, and some opportunity thus afforded for calling witnesses in reply, but he was withheld until the return of the committee to Washington, and examined at the very close of their sessions. He stated, at page —, that he went to Mississippi at the close of the war, rented lands, and commenced planting, but from various causes failed and was sold out, and became insolvent; that he was received with the greatest possible kindness on every hand upon his first coming, but soon lost his popularity with the white people, to whom he became exceedingly obnoxious. He omitted to inform the committee that he had married a colored woman, which fact was stated by Dixon and Foote, colored witnesses, and his political associates, at page —. Upon his failure in business he immediately embarked in politics, and has thoroughly controlled the county ever since. Attorney-General Harris, in the letter hereinbefore cited, classes him among the disreputable associates of Governor Ames, and says that, when a State senator, he offered to sell his vote for \$2,000; that Raymond, the State printer, refused to pay it, saying that he had already paid him \$900, and that was enough for that vote. Morgan was also chairman of the late republican State convention.

The marriage, to which we have alluded, and his evil repute encouraged a political associate named Hilliard, and a former sheriff, to run against him for the nomination of sheriff. The convention nominated Morgan; but Hilliard bolted and ran for the office, calling to his aid whatever opposition he could muster. At the end of the election in 1874, Hilliard, being in office, refused to give it up to Morgan, except upon terms to which Morgan refused to accede, and claimed that Morgan had not qualified according to law. Morgan proposed to take possession of the office by force of arms, and did so, and killed Hilliard, who resisted him, and with his party friends shot other adherents of Hilliard. This riot, occurring at the court-house, involved none but members of the republican party. (See deposition of Foote, page —.) Those who were killed and those who killed them were alike republicans. No democrat was concerned in it; but the friends of the murdered man caused the arrest of Morgan, who was committed without bail, waiving any hearing before the committing magistrate. He immediately, however, sued out a writ of *habeas corpus* before Chancellor Dreman, who, after a hearing of five days, refused to discharge him on bail, and recommitted him to prison. Morgan was then, at his own request, removed to the penitentiary at Jackson. He was, as his correspondence with Governor Ames shows, (see pages 102 and 103 of the documentary evidence,) on terms of close personal and political intimacy with Ames, and, according to the letter of Harris, the attorney-general, Ames removed Dreman because he refused to bail his friend Morgan, and appointed Walton chancellor in place of Dreman, who thereupon proceeded to hear the application of Morgan for a discharge, and discharged him on a recognizance of \$5,000. Morgan reappeared in Yazoo City, obtained possession of his office, and having political control of the county no indictment was found against him or any of his friends for the murder of Hilliard or the shooting of Hilliard's friends until the county passed into the democratic hands by the result of the election of 1875, when an indictment for murder was found against him by a grand jury, from which indictment he is to-day a fugitive in the city of Washington, and appears as a witness before the committee of the Senate to assail the community whose laws he has outraged. That Morgan killed Hilliard must have been found by Chancellor Dreman when he refused, after hearing of five days, to discharge him on bail, and the testimony of Foote (see page —) testifies to the same fact. How far the condition of feeling which led to the riot in Yazoo City on the 1st of September, 1875, had been brought about by the lawless action and defiance of all order by Morgan himself and his political associates is not easy to determine; but that he was himself a gross transgressor there can be no manner of doubt, and that such a man would never be permitted to obtain or retain office in the Northern States, we believe to be equally true. The weight of the testimony of such a witness we submit to just public consideration.

The Clinton riot was productive of more public excitement than the three other riots which we have described. It has been the subject of more exaggerated statement than all the other three combined, and the facts attending it can now be stated with a reasonable degree of certainty. A political meeting at which a barbecue was to be had was called at Clinton, a village on the Vicksburgh Railroad about twelve miles west of Jackson, the capital of the State. To give celebrity to the occasion, Governor Ames and other leading members of his party were announced to be speakers, and by an arrangement democratic speakers were also invited and a portion of the time for discussion allotted to each. It was intended to be a grand demonstration on the part of the republicans, who attended in large numbers, estimated at from eighteen hundred to twenty-five hundred, of whom upward of twelve hundred were men. The whites were a mere handful, by the best informed witnesses supposed to be from sixty to seventy-five, republicans and democrats.

The number of white men who participated in the fight that ensued was probably from ten to fifteen. The parade of the republicans, composed wholly of colored men, was unusually large and carefully arranged. Eight hundred and ninety mounted colored men were counted by Captain Montgomery in the procession. (See his testimony, page 543.)

#### NUMBER OF WHITES AT CLINTON MEETING.

Q. How many white people do you suppose were present at the Clinton meeting, at the original meeting?

A. At the barbecue?

Q. At the barbecue.

A. I think not over twenty-five or thirty; thirty at the outside.

#### NUMBER OF COLORED PEOPLE AT CLINTON MEETING.

Q. How many colored people?

A. I counted eight hundred men in line, cavalry.

Q. Besides that, how many?

A. Besides that there were, I reckon, four hundred or five hundred on foot, besides women and children. I don't know, but I reckon there was a crowd of two or three thousand altogether.

Q. You went up to be one of the speakers, but did not speak?

A. Yes, sir; I did not speak.

Q. You were entirely unarmed?

A. Entirely so—

while companies on foot to the number of many hundred were counted by the same witness. Many, perhaps the majority, of these men on foot and horseback were armed, and this procession so formed moved out of its necessary line of march, to the place of barbecue, and paraded through the town of Clinton. The place of

speaking was on a hill just outside of the town and near the railway station. The speaking was commenced by Judge Johnston, a democrat, in a very temperate and conciliatory speech, as described by every witness who was examined. He was followed by Captain Fisher, a republican; and during the remarks of Fisher a collision took place between a young white man and a colored man, about one hundred yards from the speaker's stand.

Comments had been made upon Fisher's remarks, and rude contradictions of their truth by one young white man named Neal, from the town of Raymond, standing in a group of two or three of his companions not many feet from the speaker's stand; but Captain Fisher in his testimony, (see page 536)—

Q. Was your speech interrupted by the shooting or disturbance that occurred or were you interrupted by remarks made?

A. I do not know that any remarks were made to me; if there were I did not hear them.

Q. We have had a great deal of testimony about the Clinton affair, and the witnesses were not certain, when you were speaking, whether you heard these interruptions noticed by men standing by, and I thought I would ask you whether you heard them or not.

A. I heard, subsequently to the riot, when I got home, that such expressions had been made in regard to portions of my speech, or as having reference to myself; but I did not hear them, and if I had heard them I should not likely have paid any attention to them—

distinctly says that he did not hear these remarks, nor was his speech interrupted by anything that was said in the crowd, but that the interruption to his speech arose from the affray between the white and the colored men to which we have referred; that the white man in question had a bottle of whisky from which he had been drinking, and which no doubt was the proximate cause of the affray that then took place. Immediately upon the collision between these two a pistol-shot was heard, and there is conflict of testimony as to the person who fired it. It was immediately followed by a general discharge of fire-arms, and in the mêlée, which caused intense confusion, two colored men were killed on the spot and four or five were wounded. The negroes were rallied and commenced pursuit of the whites, who, in a group numbering about eleven men, retreated from the field.

Martin Sivley and Thompson, white men, were overtaken, killed, and their bodies mutilated. Thompson was found in the public road, nearly a mile from the scene of action, shot through the head. Charles Chilton was killed in his own yard, and, as it appears by the testimony of Captain Montgomery, (page 543)—

#### ABOUT THE WHITE MEN KILLED.

Q. Did you know any of them?

A. No, sir; I did not know any of them.

Q. Black men or white men?

A. They were black men that I saw there, just lying there, and we afterward found the body of Mr. Sivley and Mr. Thompson and Mr. Chilton. Mr. Chilton was shot right near his house—the very man I had taken dinner with, and there was not a more quiet, inoffensive man in our county. It was Charles Chilton, the brother of John Chilton, who had before that been an active republican, and a leading republican of the native Mississippians of our county; and at that riot he threw up the sponge; he said he had given \$100 in money and in beef, and the heart's best blood of his brother that day, and he was done.

Q. By whom was his brother killed?

A. By the negroes.

Q. How far from the original scene of the riot?

A. Right at his own gate he was shot; that was one hundred yards, I suppose.

Q. Was he in the affray?

A. No, sir. There was such a stampede and rush that the negro men were riding and running over their women and children; and there was such confusion and hallooing that he ran out to his gate. He carried his gun with him, though, which was very natural; and he handed his gun to a negro boy standing by him, and said, "Take this." Now, that is the way the thing was told me. He was standing there helping the women and the children into his yard to get them out of the way of the stampede and of the horses, and as he turned his back some of the men in the road fired and shot him. After finding that there was no armed body on the top of the hill and several men from the town began to assemble—but before that time the negroes had gone off in companies, and they seemed to be assembling, and I thought we had better make for the depot, and get possession of that, and send for assistance to some other point to help us—for I thought it was very likely that there were not white men enough there to hold the town against the negroes, should they be disposed to attack it—which we did—

was endeavoring to let the black women and children into his yard to escape the press of the crowd behind them when he was shot. Captain White was shot, stabbed, and left for dead. Rice, Wells, Wharton, and Robinson, white men, were all wounded, with others whose names are not obtainable.

The excitement of the scene and consequent confusion created the wildest and most variant rumors. The negroes were reported as massing at a short distance from the town, proposing to attack and destroy it. Their declarations and cries during the conflict had been of an alarming character, and spread great dismay among the citizens. Instantly the telegraph was put in requisition, and bodies of men at Vicksburg, Jackson, and Edwards's Station hastily met together, armed with every variety of weapon, and taking the train reached Clinton on the evening of Saturday after the riot had occurred and the negroes had left the town.

A hasty attempt at organization was made by the election of Captain William A. Montgomery to the command of this unorganized and hastily collected force to the number of several hundred. Captain Moutgomery testifies (see page 543) that he immediately caused a mounted patrol, led by him in person, to make a circuit of the town and ascertain whether any immediate attack from the negroes was to be apprehended. He discovered no one, and no shot was given or returned between his party and the colored men, nor was there any collision or disturbance whatever. He returned to Clinton where the white men had collected under arms, and finding a want of subordination among them he resigned his position as commander, because he would not take the responsibility of preserving the peace without having the power to do so. This is much to be regretted, for by the testimony of all witnesses who have made any reference to Captain Moutgomery, as well as by his own testimony before the committee, he is evidently a man of high and cool courage, of generosity and integrity of character.

Thus left without a leader and deeply excited by the events of the day, infuriated by the murder and mutilation of their white friends, mob-law soon became triumphant among the whites collected at Clinton. The white men killed are shown to have been estimable and popular citizens. Chilton met his death while endeavoring to protect the colored women and children, and had handed his gun to a colored man in his employ at the time he received his death-wound. At page 543, Chilton is proven to have sent provisions down to aid the colored people in their barbecue. Martin Sivley had no connection with the commencement of the affray. The number of wounded whites was unknown, and was doubtless enormously exaggerated. As a consequence, the more violent and lawless of the men who had collected under arms obtained the ascendancy. They visited the homes of the negroes in the vicinity of Clinton who, they had been informed, had been connected with the affray and the killing of their friends, and outrageously took the lives of seven or eight of these men. It was the reign of terror and lynch law in that neighborhood from late on Saturday night until Sunday morning. After that time no distinctly authenticated case of murder growing out of the Clinton riot was established before the committee.

The circumstances of the riot were carefully and diligently examined by Mr.

Frank Johnston, of the town of Jackson, together with Mr. Chilton and Judge Cabinis, within a few days after the occurrence. Diligent inquiry was instituted by these gentlemen, and a number of affidavits from white and colored men, democrats and republicans, were taken at the time and at the town of Clinton. Mr. Johnston was examined before the committee at great length, and appended these affidavits to his testimony. His cross-examination developed nothing in contravention of the conclusions at which he had arrived in September, 1875. His deposition will be found at pages 329-378 of the testimony, and the reliability of his statements is attested in the strongest terms by all the republicans who have been examined in relation to this affair. Judge Alderson says of Mr. Johnston, at page 301:

By Mr. CAMERON:

Q. If Mr. Frank Johnston made a statement that he had made a thorough examination, would you conclude that that was absolutely true or merely that he really believed that he had made a thorough examination?

A. I would not conclude anything; but whatever Mr. Johnston would investigate and state upon his word of honor, that I would give credit to. I do not know a man for whose moral worth I have a higher respect than I do for Frank Johnston's.

And his high character is equally attested by Judge Swann, Mr. Estelle, and every republican witness who was examined in regard to the Clinton transaction. His profession is that of a lawyer, and his residence within twelve miles of the scene of disaster. So that we feel justified in accepting the statement of facts and the conclusions of Mr. Johnston as perfectly true and reliable. He is sustained in substance by nearly every witness who was examined.

Captain H. G. Fisher, who was the compiler of Mr. MORTON's speech, and was one of the speakers at the barbecue, stated his difficulty, even after the most careful investigation, in ascertaining reliably the names of more than four or five colored men who lost their lives on the occasion. There seems to be no just reason to doubt that the collision was entirely unpremeditated, certainly so on the part of the whites who were present, as it would have been little less than madness for twenty-five or thirty white men, not more than half of whom were armed, to have precipitated a conflict against such overwhelming odds. (See Fisher's testimony, pages 521 to 521.)

As an illustration of the absence of any anticipation of difficulty on the part of the whites, we refer to the testimony of Captain Montgomery, (page 541,) by which it appears that, having been asked to fill the appointment of another democrat who had intended to speak at Clinton, he attended the meeting without even a pocket-knife upon his person, and that, taking the train from Edwards's Station to Clinton in company with Harney, the colored sheriff of the county, he remarked in reply to an observation of Harney that he was totally unarmed, but that he believed that of the posse of twenty-five colored men whom Harney had on board, twenty-four would be found to have weapons upon their persons, and upon an examination by Harney it was found to be true in the case of more than two-thirds. (See page 541.)

It will be borne in mind that this affray occurring between a mere handful of whites and a large and organized body of colored men who were to meet in the presence of the governor of the State, their peculiar and especial champion, who had to use his own words, "united his fortune with theirs;" who held the entire executive power of the State; was also in a political stronghold of the republican party which controlled every peace officer; that every means of repressing or punishing disorder was in the hands of officials of that party; that within twelve miles was a force of United States troops encamped for the alleged purpose of suppressing riot. It seems impossible to believe that such a collision could be brought on by the minority under such circumstances with a view to produce political effect. Such a view is irreconcilable with any suggestion of human motives of which the undersigned have any knowledge.

It may here be noted that Major Allyn, in command of the United States troops stationed at Jackson, was at Clinton on the night of the riot, (see page 331,) and was in Jackson during the sessions of the committee, in intercourse with the majority of the committee, but not examined as a witness.

This, we believe, comprised a list of the public disorders prior to the election in relation to which testimony has been taken by the committee. There are other cases of homicide and violence, to which we shall hereafter refer. The murder of William P. Haffa, a white man, as detailed by his wife at page 483, and by the testimony of Captain Montgomery at page 547, occurred on the 6th of September.

This murder of Haffa seems to have been an atrocious crime, and two important facts appear in the testimony of his widow and daughter, (see pages 483-490,) one of which is the failure in public duty, which cost Haffa his damages in a civil suit against two parties named Bush, who had assaulted him—was that of Lake, a republican United States official at Jackson, (see page 487;) and, secondly, that the names of the persons who murdered her husband are well known and given, and that she went to Governor Ames with her sad story.

Why, may it be asked, did not Governor Ames order the arrest and trial of one or all of these murderers? The only notice he seems to have taken of Mrs. Haffa was a very moderate subscription, to the more liberal one already made by Captain Montgomery, a democrat.

Mr. Haffa would not appear to have been altogether the blameless citizen described (naturally) by his widow.

Captain W. N. Montgomery testifies, at pages 547, 548, as follows:

#### ABOUT MR. HAFFA.

It was about that time that Haffa's death was reported.

Q. State what you know about that.

A. I don't know anything about it of my own knowledge. I knew Mr. Haffa.

Q. Who was he?

A. He was a man that was from Chicago, brought there by Dr. Robbinett, for the purpose of working on his farm, some seven or eight years ago. I got twenty at the same time myself.

Q. Twenty what?

A. Twenty laborers from Chicago at the same time, white men; and, by the way, the last one of them ran off and stole all my mules, and I lost every cent that I made. This man Haffa was one of them that Dr. Robbinett got. He worked about three days with Dr. Robbinett, and then went to William Bush's and hired himself to a negro man who was renting from William Bush. After living there two or three weeks and doing a good deal of mischief, Mr. Bush and some others went over there and took him out and gave him a flogging, and Bush was up before the United States court, but the suit was dismissed. This flogging placed Haffa in a position to get office from the negroes, and at the next election he was elected to the Legislature. He was then a magistrate, and had been for several years teaching school there. I know nothing about him except what the neighbors there said. He was a very bad man, I judge, from everything that was said about him.

Q. Do you know what his reputation among the blacks was?

A. I received a dispatch inquiring for some one who could testify in regard to the Haffa case from here, and the first man that I inquired about was a negro man living on my place, who brought the dispatch from the telegraph office to me—I live five or six miles out in the country. I asked him if he knew anything about the killing of Mr. Haffa; and he says, "No, sir, I don't; but he ought to have been killed long before he was." I said, "Why, I thought he was a good friend of yours!" He says, "No, sir; he done too much stealing in this country, and he ought to have been killed long ago." If this will be allowed as testimony, I will say what this negro told me about Haffa. He says, "Well, sir, when he was elected magistrate he sent for all of us to come up and get our mules that the Government was going to give to us, and he said that it took \$5 apiece to get the mules and pay the freight on the mules." And he said that they gave him \$5, about two hundred of them, but that

he did not give \$5, as he did not have it; and at the time appointed to get the mules they came there, and Mr. Haffa said that they had so many mules for the blacks down there, and they had such a great long train of them, that in passing underneath a tunnel the whole thing caved in and killed every mule, and they lost their \$5.

I said, "You are surely mistaken; you are joking about that." He says, "Joking! I am not joking; I can get you a dozen men in five minutes that gave him \$5." Well, on inquiry I found that his reputation was very bad among the negroes, although he had been elected to office by them.

Q. Do you know anything of the circumstances of his death?

A. Nothing in the world.

Q. Did you hear of it at the time?

A. Yes, sir; I heard of it; and why it should be done for political purposes—I have no idea that there were any political purposes or object in the killing of Mr. Haffa, because he had many fallings-out with his neighbors; he was a terrible man to fall out with his neighbors, and they had all sorts of difficulties with him.

I have no idea that there was any politics in the killing of Haffa in the world. It was not on account of any political differences of opinion that Haffa was killed.

Q. Had you any application from Mrs. Haffa for assistance?

A. I had; and paid her \$50 at Edwards's Depot. She came there and applied to me for assistance.

NEGROES ORGANIZED AND MADE MANY DEMONSTRATIONS AND THREATS AFTER CLINTON.

After this difficulty was over in Clinton the negroes organized in companies throughout Hinds County, and made many demonstrations and threats to make an attack upon the town and kill all the people; sent in word that they were going to commence from the cradle and go up. Well, sir, living in such a country as I do, it is well calculated to arouse a man's fears, if he has got any. I live on a public road, myself and one other white man, and there are seventy-six negro men on the road and only us two white men; and it is very reasonable that if they wanted to hurt us they could do so.

THE WHITES ORGANIZE TO PROTECT THEMSELVES AGAINST THE ENCROACHMENTS OF THE BLACKS.

We organized ourselves into companies for protection then against these negroes, into military companies. I was captain; was elected to take command of five or six of them, in different parts of the county. It was simply and purely for protection; not for any political purpose in the world, but to protect ourselves against the encroachments of the blacks.

HELP TO MRS. HAFFA.

Q. Why was this application made to you by Mrs. Haffa?

A. As being in command of this military company. I suppose she was sent to me by some one. She was inquiring about where she could get assistance, and she was sent to me. She told me that Haffa's father was a man of considerable wealth and influence, and that when she could get home she would be cared for, and she wanted to get her family out of the country; and I handed her \$50. Where she went I don't know, and I have never seen her from that time to this, and I never saw her before.

Q. Was that a gratuity of your own to her, or did you owe that money to her husband?

A. No, sir; I never owed the money to anybody. After I handed her the money some of the men there in the neighborhood went around and got up a subscription.

This does not in the least lessen the crime, but may have weight in assigning some other cause than political prejudice as the origin of his murder.

The result of the Clinton riot and the affray at Yazoo City had the effect of aggravating the excitement and feeling between the two races. Instead of causing the law to be respected by a prompt and vigorous use of its powers, it would not appear that Governor Ames and his State administration took any of those steps which under a government of laws a ruler should have taken to punish the offenders and prevent the recurrence of wrong. We have not been able to ascertain that a prosecution was ever set on foot against any one connected with these riots, or any attempt whatever made to apprehend and punish any of the wrong-doers. On the contrary, it would appear from the order-book of Governor Ames, which was produced before the committee, (see testimony of E. Barksdale, p. 468,) that his favorite and only remedy—the bayonet—was looked to by Governor Ames. On the 24th of September a circular letter was addressed by Ames to the republican sheriffs of certain counties in the following words:

"SEPTEMBER 24.

"Sir: I am directed by his excellency the governor to inquire if any militia organizations are needed in your county to assist the civil officers?

"Are there any threats from the opposition, that, in your judgment, will be carried into effect; and if so, will it be possible to hold a quiet and peaceable election?"

It will be observed that this letter was not in response to any application for aid, and had evidently not been preceded by reports from any quarters of violence, either actual or apprehended. Governor Ames was plainly seeking for information that would justify, or rather give him the pretext for the use of armed militia. He inquires "if" there were threats from the opposition, and whether, in the opinion of his agents, such threats would be carried into effect; and "if so," whether a peaceable election would be held. Nothing could more strongly show the temper and intent of Governor Ames than this spontaneous, unsuggested solicitation of opinion from his partisan sheriffs, for no such inquiry was directed to any but his political confidants.

The answers to these circulars do not appear, but the suggestion no doubt was accepted and produced the desired results. The negroes were thus informed that they were to receive armed protection, and that they were to be armed themselves for political purposes.

In a speech made by the colored brigadier-general, Gray, when he returned to Washington County after an interview with Governor Ames, to whom allusion has been made, the announcement was publicly made by him that Governor Ames was to give the colored militia arms to secure the election; and such no doubt was the information given in other parts of the State.

In pursuance of this policy of intimidation and violence we find on the 6th and 7th of October special orders published by the adjutant-general, which clearly explain themselves:

[Special Orders No. 10.]

OCTOBER 6, 5.

Brigadier-General William F. Fitzgerald, fifth division Mississippi State militia, will order Captain W. C. Moseley's Company D, Second Regiment Infantry, Hinds County State militia, stationed at Edwards's Depot, as soon as arms and ammunition are distributed to them, to report at Jackson, Mississippi.

By order of the commander-in-chief.

A. G. PACKER, Adjutant-General.

[Special Orders No. 7.]

OCTOBER 7, 5.

Lieutenant-Colonel O. L. Lee, aid-de-camp on the staff of the commander-in-chief, is hereby ordered to proceed to New Orleans, Louisiana, to make any and all arrangements with the N. O. Lt. L. & C. R. R. Co. for transportation of troops and supplies of the Mississippi State militia.

By order of the commander-in-chief.

A. G. PACKER, Adjutant-General.

And also the following correspondence:

OCTOBER 4.

DEAR SIR: I am directed by his excellency the governor to inquire if it is possible for us to obtain cars for transportation of (300) three hundred men and equipage for two hundred more. The equipage will require a box-car. The time for using the train to be fixed at a day within the next two weeks. Train to run from Jackson, Mississippi, to Vaughn's Station, and to remain under orders until the men are returned to Jackson.

Very respectfully,

A. G. PACKER, Adjutant-General.

E. D. FROST,

General Manager N. O. A. L. & C. R. R., New Orleans, Louisiana.

OCTOBER 4.

SIR: Yours of the 3d ultimo received. General orders are issued for the militia of the State to enter active service; your offer will receive due consideration.

Very respectfully,

A. G. PACKER, Adjutant-General.

W. R. STEWART, Esq.,

Kirkwood, Mississippi.

OCTOBER 1.

SIR: Can you furnish five thousand (5,000) rations of pork or bacon and bread under the authority granted by the Secretary of War for the militia of this State?

If possible, ship immediately to William Noonan, superintendent State penitentiary.

Very respectfully, your obedient servant,

A. G. PACKER, Adjutant-General.

The COMMISSIONER OF SUBSISTENCE,

Department of the Gulf, New Orleans, Louisiana.

SEPTEMBER 2.

SIR: I am directed by his excellency the governor to transmit the inclosed duplicate requisitions for ordnance and ordnance stores on the quota of the State of Mississippi.

I have the honor to be, very respectfully, your obedient servant,

A. G. PACKER, Adjutant-General.

Brigadier-General S. V. BENÉT,

Chief of Ordnance, Washington, D. C.

SEPTEMBER 27, '5.

D. APPLETON & CO.,

Broadway, New York, N. Y.:

At what price will you furnish one hundred copies Upton's Infantry Tactics and ten sets of copies of the three different arms? Answer.

A. G. PACKER,

Adjutant-General Mississippi.

SEPTEMBER 27, '5.

Brigadier-General S. V. BENÉT,

Chief of Ordnance, Washington, D. C.:

Can you furnish fifteen hundred haversacks on our quota? At what price? Please answer.

A. G. PACKER,

Adjutant-General Mississippi.

Can there be any doubt of the object and intent of this correspondence?

These warlike preparations so made by the governor of the State were not only known to the citizens, but created in the minds of the colored population the belief that all the powers of the State were to be arrayed in behalf of their political party, and brought upon the whites the conviction that they were to be placed not only in great danger of losing their political liberties, but also their lives and those of their families. The condition of feeling created by such a belief cannot be justly estimated and considered in the calm security of a committee-room as in the seclusion of a country home where a planter resides, far distant from any white neighbor, too far for the cry for help to reach any friendly ear, and knows that he is surrounded and fearfully outnumbered by men of a different and antagonized race, a race which, while possessing many amiable and placid virtues, is yet highly animal in its organization, and, once becoming infuriated, will, as history has shown, be capable of brutal excesses which their reasoning powers are entirely unequal to control.

As a result of Ames's threatened organization and arming of the black militia, the threats of the blacks multiplied. Their habit of meeting was always at night, surrounded by the mystery of darkness and the refusal to allow white people to take part in their assemblies, page 547:

THE STATE MILITIA.

Question. Was there apprehension in the minds of the white people in Mississippi, growing out of the organization of the negro militia by Governor Ames?

Answer. Yes, sir; a very grave apprehension. This militia was organized some time after the Clinton riot. These companies that were at Clinton that ran off from the scene of action, the most conspicuous members of the Clinton riot, were taken to Jackson and were organized into military companies by Governor Ames, and guns placed in their hands and sent back to their homes. They said they were afraid to go back; but those who were afraid to go back had taken a very active part in the riot, and in staying away they induced others to stay, because they knew that if they should go in that capacity the governor would be pretty apt to put them in military companies, and they would go back home with their guns, draw the pay of \$16 a month, which was just as good as they could do at work at home; and of course quite a number of the most ruffianly fellows were organized into this militia, and they came down to our place.

Q. Now, as a fact, in your county were the white companies that you speak of, such as you commanded, organized subsequent to the negro organizations you have spoken of?

A. Yes, sir; we never thought of organizing until we found the negroes organized and drilling at night for some purpose which we could not tell, as no white men could get in among them. They were drilling and were organized all over the county before any movement took place on the part of the whites.

Their political consolidation is shown by every witness to have been complete and that so organized they were wholly and helplessly in the hands of the few white adventurers who were their absolute political owners. On this point see the testimony of Mr. Walton, the present United States attorney in Mississippi, at pages 49-50:

ORGANIZATION OF THE BLACKS.

Question. What is the nature of the organization, so far as you know, among the colored people?

Answer. Well, sir, it is one of those cases which, in my judgment, arises always out of the existence of a class of people who are ignorant and who are comparatively helpless in the presence of a much more powerful body of people who, although they may not be stronger in point of numbers, are stronger in point of force and intelligence. The negroes consequently herd together. They do so publicly,

and they do so more especially in secret. That is to say, there is a silent organization, existing not professedly as an organization, but existing still, in point of fact, everywhere that I have ever been, which prevents the intercourse between the two races from being candid and free.

## NO MUTUAL CONFIDENCE BETWEEN THE RACES POSSIBLE.

I am, myself, very well acquainted with negroes; I have always been in the habit of dealing with them a great deal; I have always worked a good many of them; and I must say that my intercourse with them has been of a character to make me believe it impossible for anything like mutual confidence on political questions to arise between the white people and the negroes. I don't see how it ever can arise, and I do not believe, myself, that it ever will. I think this is due to the enormous gulf between the races in all social relations—that confidence which springs from personal friendships and an unrestrained social intercourse being, in my judgment, an essential cement to a political party, and being absolutely out of the question, between the white and black races.

Q. You speak of an organization among the negroes; what do you mean by that; that they are organized in bands, under the command of any particular persons, or that they are associated together from the fact that they are of the same race and community of interests, or both?

A. They are not organized in bands.

Q. Or in companies, under officers, and having a general head?

A. Well, in the first place, they have their clubs, just as any other political organization has its clubs. I have never been inside of one of their clubs, but then they never have asked me, though the clubs were republican in their name, and republican, I suppose, in their character. They have generally acted in such a way as to leave me to believe that they did not want my presence there. Although they are quite near my house, I have entirely abstained from going there. And when the county conventions would meet, I have observed that the negroes in these conventions very strongly resisted white influence, and consequently it became disagreeable, inasmuch as there was such disposition, to the white people to have anything to do with these conventions. It became unpleasant personally, and it produced an impression which it was hard to avoid. I have always found it practically impossible for me to avoid it: the impression that these meetings meant nothing but the organization of one race against another. The truth is that a white man, especially a southern white man, belonging to the republican party, does not seem to be any more acceptable as one of their counselors or advisers than one who belongs to the opposition. Although my connection with the republican party has been undeviating, and I believe I have escaped from any personal reprobation in that connection, I am quite certain that my personal influence with the negroes is not a bit greater than that of any democrat in my county; not a particle. I am quite certain that I was never able to influence a vote or influence a colored man on any single question of politics; which I confess with some mortification.

Governor Ames seemed disposed to fan the flames of excitement and antagonism to their utmost height. As an illustration of this it was desired to transport some arms and munitions of war from Jackson to Edwards's Station, between which points a railroad was in operation; but Governor Ames sent these arms, convoyed by a negro militia company, fully armed, in command of Caldwell, a colored State senator, to march through the country with drums and flags and all the pomp of war, having no other result than to intensify the alarm already existing. (See Barksdale's testimony, page 472.)

Mr. Johnston, in his testimony at page 334, says, in regard to this and other acts of Governor Ames:

"On all hands and from all classes of white citizens I heard but one expression in reference to this militia, which was that it was intended by Governor Ames to use that militia to bring about a collision of the races, and the expression was used that it was his ultimate purpose to afford a good pretext for getting United States troops here to carry the election."

The result of such a course of action was made manifest all over the State wherever the negroes existed in superior or approximate numbers to the whites. The citizens of Canton, in Madison County, turned out and picketed their town for weeks at night before the election. (See testimony of —, mayor of the city, page —.)

White men were afraid to let their families remain in their houses in the country, (see testimony of Captain William A. Montgomery, page 553.)

Question. You do not live under any apprehension of their injuring you, do you?

Answer. Well, for myself I will tell you; when I have seen my neighbors running off, and have sent my family away, I have staid right in my own house on my place; but I must say that I had apprehensions. If left alone I would never have been afraid of them; but I knew that there was something brought to bear upon them from the outside, and they might not be able to resist the temptation.

Q. How many years have you been living at your present place?

A. Always—since I was nine years old.

Q. Some of those negroes were on the place before the war and remain there now?

A. Nearly all.

## WITNESS AND OTHER WHITES LIVED IN FEAR OF ASSASSINATION.

Q. You mentioned that you had lived in fear of assassination from the negroes? A. Yes, sir. I never stated that exactly—that I lived in fear of assassination; I said my fears were aroused sometimes. Senator BAYARD asked me if I was afraid, and I said that sometimes my fears were so strongly aroused that I sent my family off, but I staid there myself.

Q. You may have stated that the people were living in fear of assassination—your neighbors perhaps; was that what you meant?

A. Yes, sir.

and evidence of this state of feeling will be found multiplied throughout the testimony.

The apprehensions of both races thus excited grew to fever heat, and a condition of affairs absolutely alarming to the stoniest hearts prevailed all over the State of Mississippi, and at last penetrated the mind of Governor Ames himself. His plans had worked but too well. He had conjured up a spirit of despair and anxiety upon the part of the unhappy people over whom he had been placed in rule which threatened to wrap that State in flame and blood. It was no thanks to him or his advisers that this result was not reached at the time or preceding the election in November, 1875. From every quarter evidences reached him of this state of affairs. He had never conciliated the people. He had never sought to learn how far concession, and justice, and kindness, and sympathy, and a recognition of their tastes, prejudices, and habits would go toward procuring good government among a people. He threatened to restore Morgan, the sheriff of Yazoo County, to his place by force of armed militia; and the troubles in that county, which led to the killing of several colored republican leaders, the demoralization of the republican forces, and their practical abandonment of the canvass, are directly traceable to the threat of an armed military expedition organized by Ames to replace Morgan by force in the sheriff's office, then held by another white republican.

The arming of the citizens of Yazoo County, their organization into companies, under the lead of their most conservative and respected citizens, in some of which white republicans were enrolled, was for the avowed purpose of resisting the approach of the colored militia of Ames, intending by force to replace Morgan, the slayer of Hilliard, in the office of sheriff. When once a condition of desperation and excitement has been created in any community, it is in vain to look for the rule of peace and law. The perturbing force that breaks down one law or the law destined for the protection of one man or one class of men in a community necessarily

levels all law. It is like a fire which consumes all in its path. When, therefore, responsibility is to be affixed, shall we seek the cause or content ourselves with describing consequences only? Governor Ames had, either ignorantly or willfully, built up a condition of animosity and antagonism between the white and colored people of the State of Mississippi dangerous to the safety and peace of both, until excitement had usurped the place of reason, and force, with its remedies, had in some few localities taken the place of law.

There is no evidence that Governor Ames sought to exercise any of the civil powers intrusted to him for the pacification of these disordered localities. As usual, his recourse was had to the armed power of the Federal Government, and his correspondence with the Attorney-General and Secretary of War are well known to the Senate and the country. Failing in establishing, and being unwilling to allege, that condition of affairs within the State of Mississippi which alone under the Constitution of the United States authorizes the armed intervention of the Federal Government, the scruples of the President and his legal adviser, Mr. Pierrepont, withheld troops from the aid of the republican party in Mississippi. At page 2 of Governor Ames's testimony he testifies as follows:

"In view of that state of affairs I applied to the President of the United States for the protection of the United States, which was not granted. Subsequently, the Attorney-General, I presume at the suggestion of the President, sent an agent and two detectives at my request."

We may pause here to consider this new feature in American government. There is no such power known to the Constitution or laws of the United States as the employment by the Attorney General of the United States of detectives to inquire into and report the police condition of an entire State. The governor of the State confessed by his application that there was no one capable and sufficiently reliable to judge of and report upon the true condition of affairs in his own State; and three men, entire strangers to the people of Mississippi, were sent among them to examine and report whether a state of affairs existed which would authorize the interposition of the Federal Government by force of arms in the local disorders of that State. What possible authority can be urged for this attempted delegation of the highest discretionary power vested in the executive of a State?

About the 9th or 10th of October, Mr. Chase arrived in Mississippi, and took up his abode in the gubernatorial mansion with Mr. Ames. He has been examined as a witness before the committee, and his testimony will be found at page —. Whatever may be the opinions of the irregularity of his mission and its want of constitutional or legal warrant, all well-meaning men will concur in a sentiment of satisfaction that he was sent. He states that he found the State of Mississippi in a state of profound and dangerous excitement, the two races armed, ready and liable to collision at any moment, the State administration totally without influence or power to restrain the passions of either side. He discovered that the governor of the State had not even a personal acquaintance with the leading and most influential white citizens who were leaders of the democratic and conservative organization, and his first effort was to bring them into amicable council and personal acquaintance with each other. (See page —.)

The result of his offices was to produce an agreement anomalous in American history and highly suggestive of the state of affairs into which Governor Ames's maladministration had brought the State of Mississippi. There was a committee of leading white citizens of Hinds and some of the adjoining counties held on the 16th of October, 1875, to whom Mr. J. Z. George and others, who had just had an interview with the subject of political affairs with Governor Ames, stated the result of such interview, that he had received information that it would be agreeable to his excellency Governor Ames to have a conference with some of the citizens of the State in relation to the present condition of affairs, and in accordance therewith he had arranged for an interview, which had just taken place. The citizens attending were Joshua Green, D. Shelton, E. Richardson, J. W. Robinson, H. Hiltz, T. J. Wharton, Frank Johnston, J. C. Rietti, Robert L. Saunders, General Robert Lowry, W. L. Nugent, and J. Z. George.

The interview had been full and frank on the part of the citizens and the governor, and the governor announced to the committee that in consequence of Colonel A. T. Morgan's refusal to go back to Yazoo County, he had abandoned the purpose of sending him there with two companies of militia, one white and one colored, which had been his original purpose, and that he had also countermanded an order for guns to be shipped to De Soto County.

After this a conference ensued between the citizens and the governor in relation to the disbanding of the militia. The citizens, in response to fears expressed by the governor that peace and good order would not be preserved, and that colored men would not be permitted to vote as they pleased, assured the governor that there was no other desire among the whites than that peace should be preserved, the laws enforced, and a fair election had; that the leading whites had all along inculcated this; and they also assured the governor that they would pursue this course until the election, and would, both by precept and example, do all in their power to preserve peace and good order and secure a fair election.

The governor said his whole object in calling out the militia was to preserve order and suppress disturbances; that he was originally opposed to arming the militia, and under all the circumstances as he deemed it was forced to do so; that in view of the statement of citizens he was willing to meet their views as far as he could, and to this end he promised that he would order all the militia companies which had been organized to disperse and go to their homes with their arms. But on further consultation it was agreed that the arms of the several companies organized should be deposited in depots in the neighborhood in which the companies were raised, and should there be guarded by United States troops to be detailed for that purpose, and to be under the control of the governor, and to be removed only by his orders; or, if United States troops could not be gotten, then the arms were to be guarded by men selected and agreed on by the governor and Mr. George; that the arms should not again be delivered to the militia except in case of riot or insurrection which could not be suppressed by the civil authorities. The citizens above named expressed themselves satisfied with the arrangement. After this report and some discussion, the following resolution was adopted:

"Resolved, That the foregoing citizens and also the following additional gentlemen, to wit, Messrs. William A. Montgomery, E. W. Cabinis, T. C. Catchings, George G. Manlove, A. M. Harlow, Colonel Gilbrath, Dr. Moore, and Judge Chester, be requested to go to Governor Ames and tender the thanks of the meeting for what he has done, and represent to him that it would be better and more satisfactory if he would agree that all the arms should be guarded in Jackson."

The committee waited on Governor Ames, and he declined making any change of the arrangement which had been agreed upon between him and the citizens. He was asked if arrangements with the citizens included the idea that no more militia would be organized. He answered, "that nothing was said on that subject expressly, but it was his purpose and intention to organize no more."

The committee returned to the meeting and made report of the second interview, and what was done was deemed satisfactory, and the meeting then adjourned after requesting the report of the interviewers with the governor to be reduced to writing and made public.

The effect of this agreement or, as it has been constantly termed by the witnesses, "treaty of peace," was highly favorable to a better condition of things, and did much to allay the excitement and political antagonisms which were so rife at that period. Some of the results of this conciliatory course were shown by the nomination of joint committees by the two parties in several of the counties upon the fair basis of compromise and good government. Men of character, republicans and democrats, were thus placed upon the same ticket in Madison County and in other counties, and, as a consequence, no further collisions of a serious nature took place during the remainder of the campaign and including the day of election. The elec-

tion day itself was marked by an absence of even the usual personal collisions which take place in almost every community in the United States when party excitement runs high.

An answer to the general allegation that voters were intimidated from casting their votes is to be found in the pregnant fact that the republican vote in the State of Mississippi in 1875 was within 3,291 of the vote polled at the last preceding general election in 1873. (See election tables in the testimony of Governor Ames at pages 37 and 38, and documentary evidence of the committee, page 144.) The combined vote of Ames and ALCORN for governor, in 1873 (see page 138 of documentary evidence) was 126,378, and the total vote of both parties in 1875 was 155,886, showing an increased total vote throughout the State of 29,508.

It is abundantly established that for the first time since 1868 the democratic-conservative party was perfectly united and thoroughly and well organized, and conducted their campaign with an unprecedented interest and vigor. The republicans, on the other hand, were, as we have shown, disorganized and disengaged by schisms in their party, many of them, black and white, thoroughly disgusted with the conduct of their rulers, and, to use the language of Judge Harris, heretofore cited, were convinced of the "imbecility and base corruption of the State administration and a few adherents."

There can be no doubt also that a considerable and encouraging inroad was made in the heretofore impenetrable phalanx of the colored vote, a considerable portion of which was cast for the democratic ticket in Hinds County, the official residence of Governor Ames himself, as well as in many other counties, which reasonably and fully accounts for the increase in the democratic vote and the changes. Increase and changes in vote even more remarkable can be found in the election returns of the States of Massachusetts, New York, and Indiana, not to mention other States, in the election of 1874.

The whole number of witnesses examined by the committee was \_\_\_\_\_. Their testimony relates to twenty-two counties, leaving fifty-one counties in the State in regard to whose affairs no fact of any character was alleged before the committee. Of these twenty-two counties the chief portion of the testimony related to Warren, Hinds, Monroe, Chickasaw, Madison, Lowndes, Claiborne, Amite, Yazoo, and Washington.

**Warren County**—Warren County, which contains the city of Vicksburgh, is one of the most populous and wealthy in the State, having a white population of \_\_\_\_\_ and negro population of \_\_\_\_\_. There were \_\_\_\_\_ witnesses examined in relation to the affairs of this county, which may be summarized as follows:

That which gave rise to most turbulence and disorder in the spring of 1875 in the county was the contest between Bedford, the white deputy of Crosby, the negro sheriff and Flanagan, a democrat, both seeking to obtain the nomination of the republicans and the indorsement of the republican convention. (It will be remembered that Flanagan was the person whom Ames displaced by force of arms from the office of sheriff in 1874, and by the same process re-established Crosby, whom the citizens had rejected. This gave rise to the "Vicksburgh riots," which were fully investigated and reported upon by a committee of the House of Representatives.) In the course of the contest to obtain this nomination there were several homicides committed by the respective partisans of Flanagan and Bedford, and there would seem little doubt that Flanagan's nomination by the republican convention was in a large degree influenced by terrorism.

The cases of homicide were \_\_\_\_\_ and one of wounding.

In all of these cases indictments have been found and prosecutions commenced. The perpetrators of these crimes were known and have been arrested and held to bail to be tried in due course of law, and it is to be hoped will be duly punished. These crimes did not differ in their nature or their facts from such as are incident to any ill-governed community, and their parallel can be found too frequently in the lower strata of politics in many of the northern cities. There is, however, no trace of testimony which can be justly relied upon to connect the commission of these crimes with the democratic organization or its objects. The respectable men viewed these crimes in Mississippi with the same abhorrence they are viewed elsewhere.

The election in Warren County in November, 1875, was characterized by the grossest frauds, and it seems impossible that such should not have been the case, when the character of the men deliberately selected to control the entire machinery of election is made known. The three registrars of election into whose hands the absolute control of the entire election was committed were appointed by the circuit judge, the chancellor, (both republicans,) and sheriff of the county, respectively. The chief registrar was a man named Knaedler, republican. He was selected by Circuit Judge Brown Barber, republican, the second registrar, was selected by Bedford, Crosby's deputy sheriff. The characters of these three men were simply infamous, and notoriously so.

The judge who selected Knaedler had presided at his trial and sentenced him to imprisonment for life for willful murder in the spring of 1875. A writ of error had been allowed by the supreme court, pending which Knaedler was admitted to bail, was appointed chief registrar of the county of Warren, and received a free pardon for his services at the election at the hands of Lieutenant-Governor Davis (colored) a few days after the election. (See page — of testimony.) He admits that a thousand dollars was promised, of which \$500 was paid, to compensate him for the loss of his "business" in performing the duties of registrar, the pay of \$3 per day being insufficient. Barber was under indictment at the time of his appointment by Chancellor \_\_\_\_\_ for highway robbery; and Pegram was a notorious professional gambler of a very low grade, against whom indictments were also pending.

The testimony of a dozen witnesses discloses the strong probability, if not the absolute fact, that these custodians of popular rights, by their manipulation of the tally-lists and returns and stuffing of the ballot-boxes of the entire county, procured a return as if elected of a pre-arranged ticket, composed partly of republicans and partly of democrats. (See page — of testimony, deposition of \_\_\_\_\_.) This ticket contains some names on the regularly nominated tickets of the democratic and republican parties, but other names which were not in nomination by either party, among whom is H. C. Carter, a colored man, who is now a republican member of the Legislature. The ticket so returned as elected was styled by the witness the "bogus ticket," and was proven to have been printed on paper of a peculiar hue, but precisely the same as the paper of the regular republican ticket, the typography and ink of both tickets being also precisely similar. It was proven (see deposition of \_\_\_\_\_ Richardson, page —, a republican,) that the committee to procure tickets consisted of W. W. Edwards, colored, and \_\_\_\_\_, colored, who went to New Orleans to have the tickets printed, and brought them back.

The identity in outward appearance between the "bogus ticket" and the regular republican ticket leaves little room to doubt that they were printed at the same time, on the same press, on the same paper, under order of this republican committee. Of the time and place of stuffing the ballot-boxes and altering the tally-lists by the election officers there is no conclusive proof; but there can be no doubt that a wholesale fraud was committed, and that a ticket not voted for in the county was returned as if elected. There was testimony by Barber that some money was found in the ballot-boxes when opened, which Pegram put in his pocket.

It may be mentioned that the circuit judge, Brown, was a candidate for nomination by the republican convention for Congress at the time he appointed Knaedler chief registrar. He and the chancellor were both appointees of Governor Ames, who held in his hand power to remove either of them. He could have done so, and could have canceled the appointments of these three infamous registrars; but the political rights of the people of Warren county were thus put up for sale through the agency of the republican State administration, and being for sale, we presume, they fell, as usual, to the lot of the highest bidder. The laws of that State

establish penalties for such offenses, and the execution of the law rests wholly in the hands of the State administration. Shall the community who are the sufferers of such misgovernment be made the victims of congressional assault because of a misfortune against which they have vainly protested and for which they have no just responsibility? It will perhaps be considered a curious spectacle and a strange method of ascertaining the true state of facts in a community, when such confessed scoundrels as Knaedler and Barber are brought as witnesses to impeach the community which has the misfortune to contain them, and in which they had been placed in power by the very party who now seeks to denounce those who are the victims of their crimes.

A large number of colored men were brought to show personal intimidation, as practiced toward them in the county of Warren, but the establishment of the fact that fraud was successfully used would render intimidation useless and absurd.

**Madison County**.—Madison County has been the subject of extended investigation, and an examination of the testimony of Captain Ross, (page —,) the republican sheriff; Judge Cunningham, republican circuit judge, (page —;) Judge Campbell, of the supreme court, (page —,) chancellor, and numerous other witnesses of the highest personal and official character, must establish beyond a reasonable doubt that the election of the ticket formed by amicable compromise and agreement between the executive committees of the respective parties was perfectly fair, lawful, and peaceable. The address of the republican county committee, after the formation of the compromise ticket, which is appended to the testimony of Mr. Warren, republican, (page —,) will show the practical nature of the compromise, and of the election that was held under it. The ticket so elected by an overwhelming majority was composed of men entirely worthy and capable in the offices for which they were chosen.

Question. Was there any intimidation resorted to to compel the creation of the fusion ticket?

Answer. Not the slightest that I ever knew or heard of.

Q. Was it, to your knowledge, a voluntary action of the leaders of the two parties for the purpose of procuring good men in the county?

A. That was certainly my understanding; there was a further object, I doubt not. I know I urged that. There was a very feverish state of the public mind. The Clinton affair had occurred, and the Warren County matter, and some disturbances in Yazoo, and every sensible man of both parties thought there was a possibility, in the feverish state of the public mind, of a disturbance being precipitated by imprudence or accident. I suppose every one of us was desirous to preclude the possibility of any disturbance on election-day. I think I was, and I suppose every one was.

Q. Without its being precisely alleged—I cannot, not having the notes before me, say—but without its being precisely alleged, there has been before this committee, from the witnesses, intimation that there was intimidation practiced to induce the formation of the fusion ticket, and I ask you, as a party to the compromise, whether that was true or not?

The CHAIRMAN. The statements, to my mind, have a different construction; not that intimidation was for that purpose, but that there had been intimidation and outrages in the district, which made the republicans prefer a compromise rather than take the risk.

Mr. BAYARD. Just consider that interrogatory with the correction of the chairman. I would like the chairman, or members of the committee, to make any correction when I fail to state the testimony accurately.

A. I certainly never had an idea that there could be a pretense that there was even a semblance of intimidation in Madison County. I remember when I saw an account of the appointment of this committee, or the proposition of Senator MORTON to appoint it, I felt, and I remarked at the time, that there certainly would not be anything to investigate in Madison County, for if there was any semblance of intimidation prior to that time I was ignorant of it; I never heard of it.

Q. Did or did not the leading republicans of the county oppose the Warner ticket?

A. I am not able to say about that.

Q. After the compromise I speak of?

A. I think the compromise, or fusion ticket, was almost unanimously supported.

Q. Were you present on the day of the election?

A. I was at Canton.

Q. Was there, to your knowledge, any interference with the right of voting, by anybody, at any time?

A. There was not. There were more democrats opposed to the fusion than republicans. As well as I could ascertain, there was a minority of the democratic party opposed to the fusion, that warred against it, and condemned it bitterly; extreme men and violent men, who didn't want to have any treaty with the republican party at all; yet, at the same time, the compromise had an overwhelming majority of democrats; five-sixths, I should think, cordially approved it, and a greater proportion of the republicans. I never heard of any dissatisfaction on the part of the republicans except at Jackson.

Q. That is not in the county?

A. No; but Warner, from Jackson, it is understood, tried to distribute straight-out republican tickets, or the old tickets, and thus defeat the fusion.

There is a large amount of absurd testimony by negroes in relation to the affairs of this county; but the testimony of gentlemen of both the political parties to which we have referred, and which is to be found on pages —, will set at rest any question as to the legality and propriety of the election in that county.

**Hinds County**.—Hinds County contains the capital of the State. The only alleged disturbance of any moment in Hinds County was the Clinton riot, of which we have heretofore given a full statement. With this exception no one has ventured to attest a single act of intimidation or violence. It was the official residence of Governor Ames, who himself stated, on page 29, that he was not a witness of any act of violence or intimidation; and a dozen witnesses have affirmed without the slightest contradiction that the election was entirely peaceable and lawful, with the free right of every one to vote as they saw fit.

#### ASSAULT UPON THE GOVERNOR'S MANSION.

At pages — will be found the depositions of several colored men who were employed as watchmen around the governor's mansion for weeks before the election. Their statements as to the firing upon the mansion is not only disproved by Ames himself, (see page —,) but is incredible from the fact that no pane of glass was broken by the alleged bullets, nor does any mark appear upon the exterior of the mansion, nor was any one hurt at any time.

Mr. Barksdale, at page 475, disposes of this ridiculous charge.

#### ABOUT THE GOVERNOR'S MANSION BEING FIRED INTO.

Q. Some witnesses have been before this committee—colored men—who have stated that the governor's mansion has been an object of attack, and I would like to state to you here what Governor Ames said on the subject:

"Q. (By the CHAIRMAN.) Did you, at any time, receive threats or intimations of bodily harm to yourself?

"A. As I stated yesterday, no attempt has ever been made to intimidate me personally. Of course no person ever came to me and said that if I did thus and so, certain consequences would follow; but the mansion where I live was fired into.

"Q. (By Mr. BAYARD.) At what time?

"A. Just previous to the election.

"Q. (By the CHAIRMAN.) During the day or at night?

"A. This was at night. I may say, however, that I did not, at that time, consider myself in any personal danger; I did not think that they could well afford to assas-

sinate me. I thought it would be too great a political blunder, so I really had no feeling of that kind; but since then I have been informed that the thing was seriously considered. People were seen firing into my mansion, and the trees were cut. There is a bullet-hole or two in various parts of the mansion."

Q. This testimony, some of it at least, referred to the democratic conservative meeting which was held here, in the city of Jackson, on the 27th of October, just before the election.

A. Well, I will state that previous to that meeting, when it was known there would be a great crowd of persons, inspired by the enthusiasm of the canvass, when there would be banners, music, and all that sort of paraphernalia which gives interest to a political canvass, and it was determined by the democratic authorities that no device, no flag, no banner, and no thing should appear in that procession, or in the proceedings, in any way to cast ridicule or wound the sensibilities of Governor Ames.

A treaty of peace had been established, as it was called, between him and the democratic authorities, and it was felt that it was due to him that there should be no exhibition of that sort.

DEMOCRATS WATCHFUL THAT NO INDIGNITY SHOULD BE OFFERED TO THE GOVERNOR.

The consequence was, that we were especially watchful that no indignity should be offered to Governor Ames during that meeting or by the procession on the march.

Upon that principle, on the occasion to which reference is made I myself was anxious to see to it that no indignity should be offered to the governor, no hostile demonstrations of any kind, whether firing of guns or pistols, or making even jesting remarks, and I took a position, before the head of the column reached the mansion, directly in front of the office, that I might see what might occur. I remained there until the procession had passed.

I do solemnly aver that if any pistol was fired, or remark made reflecting upon the governor, or offering indignity to him, I did not see it, and I was in a position to hear and see whatever occurred, certainly.

As to the perforation of trees there by bullets, I suppose it could be verified by an examination, but I certainly heard no pistols. I took that position directly opposite the governor's mansion in order to see that the pledge of peace which had been made should be fulfilled and that no indignity should be offered to the governor, because we desired the agreement should be carried out.

Q. How far is the office where you were to the gubernatorial mansion?

A. About two hundred and fifty yards.

Q. You were near enough to hear any firing or any disturbance?

A. Yes, sir.

Q. Were you constantly at your office during the next night and for a couple of weeks preceding the election?

A. I was occasionally, not constantly—frequently. Of course it is not my habit to remain, except on such occasions.

Q. Were you aware that for twenty days prior to the election, and two days afterward—I believe it embraced that—that Governor Ames had colored men stationed around his house as guards, inside of his fence?

A. I will say, personally I was not aware of it, but I heard it so stated.

NEVER HEARD ANY FIRING.

Q. Did you ever hear evidence, or have any knowledge or information, that there was constant firing at night toward the mansion during those twenty days?

A. No, sir; I never did. I am quite sure I should have heard it. I will remark that there is a police constantly on duty at all hours of the night on the streets to arrest any disturbance of that sort or anything of that kind.

*Claiborne County.*—Claiborne County was impeached by the testimony of one witness, E. H. Stiles, (page 191,) which was controverted by the testimony of J. D. Vertner, at page 191. From special and moral causes there had been a great degree of excitement in this county preceding and entirely disconnected with the question of the election. The most conspicuous cause of excitement and feeling was the marriage of Haskins Smith, a colored man, with the daughter of his employer, Mr. William Smith, a hotel keeper in the town of Port Gibson. This colored man and white girl eloped. (See testimony of Mr. J. D. Vertner, page 191.)

Our campaign opened, I think, in the month of September, about two months before the election. Just prior to the opening of the campaign, however, an incident in no way connected with politics occurred, which produced a very bad state of feeling between the whites and blacks. It was not the marriage of a negro with a white woman so much as the incidents connected with it. There was such a marriage in the county, and while the white people took no part in it whatever, the parties being of humble origin and not in the society of the place, yet the father of the girl felt himself very much aggrieved, the boy having been reared in his family and brought up with the girl. The father was a desperate man, and he threatened to kill him. I myself overheard no such remarks on the part of the negroes, but a gentleman of respectability informed me that they had threatened to burn the town and wreak vengeance on the people if a hair of that negro's head was harmed by Mr. Smith.

Q. Smith was the father?

A. Smith was the father.

Q. State the name of the persons married.

A. The boy was a negro by the name of Haskins Smith. The girl was the daughter of William Smith, who kept the public hotel of the place. The boy, while a member of the Legislature, was a boot-black in the hotel and a waiter, and continued there during the time that he was in the Legislature, waiting on the table during the recess; and finally he ran off with this girl. It created some impression upon us, but of course was beneath our notice; but these remarks, which were said to have been made very publicly—

Q. You say the father of the girl was very much excited?

A. The father of the girl was very much excited and the mother has never recovered from the shock that she received at the time. The father in that exasperated state of feeling proposed to kill the negro whenever he returned. He was a very good negro and held in very good esteem by the white people. The negroes here, Haskins's friends, seeing him with a shot-gun, gathered around his hotel *en masse*. I saw myself the excited crowds that gathered there from day to day. They were absent during all this time—the man and woman who were married. The negroes made a great many threats, according to hearsay, but we paid no attention to them. One Sunday, about one week after the occurrence, the negro was brought back to the place by prominent negro leaders, among them the black corner of our town, who is now in this jail, the leader of a band which has been sent to the penitentiary for burglary. They went down with carriages to bring the negro back. The negro protested against it, saying he had outraged the feelings of the family and preferred to remain where he was; but they took him by force and brought him into the village on a quiet Sunday, with four or five young men armed, and they paraded our streets up and down with this negro who had offended the feelings of this family in their midst; and then, not content with this, they followed our young ladies and went to our grave-yard where our parents are buried, and trod all around there and marched back.

THE WITNESS THREATENS THE COLORED PEOPLE.

I told the sheriff—a colored man—by the eternal gods, if ever again such a thing were repeated, blood was thicker than water, and we would kill the last son of a bitch; that if ever such insults were heaped upon us again we would not stand it. He told me that they started from the jail with side weapons, and that he expostulated with them to go back, and said that he had lost control of his people.

THE WHITES ARM.

We, seeing that aggressive spirit, and being insulted on the streets frequently, instantly called a meeting; it was totally disconnected with politics; and we armed ourselves thoroughly and completely; that is, the citizens generally. There were eighty of us with, perhaps, eighty guns.

PROPORTION OF THE RACES.

Q. State the proportion of the black population compared to the white in your county.

A. Our population is 20,000, I think, by the recent census. There are fully 3 to 1, if not a little more. I think there are about one thousand white voters—eight or nine hundred white voters—and about four hundred who have not been in the habit of voting until the last election.

That was the first event, disconnected with politics, but which brought about a very excited state of feelings in our midst. That was the occasion of our arming and nothing else; it was totally disconnected with any politics. There are two radicals who have always affiliated with that party in the town, who joined us in this organization of men armed.

The excitement and disgust in the county became very intense, and the sympathy for the father of the girl was strongly manifested, all of which was greatly increased by the triumphal entry of this ill-matched couple into the town, and the procession by them and their colored associates throughout the streets of the place, including a visit to the cemetery, all of which seems to have aroused the indignation of the white people to the highest pitch. It being understood that the father of this girl had armed himself and intended to kill his daughter's husband on sight, plans for his destruction were arranged by the negroes, which plans becoming known to the whites, they armed themselves in opposition and for the protection of this injured parent. This event created an intense excitement, which continued up to the time of the political canvass.

There were but two witnesses, Stiles and Vertner, examined before the committee, and their statements are utterly variant.

There was upon the day of the election a race collision, in which an old colored man, disconnected with the quarrel, standing on the outside of the crowd, was shot and killed by parties unknown, and, as is testified, greatly to the sorrow of the white people, who buried him with every mark of respect and regret.

This unfortunate death, and the wounding—not seriously—of a few others, were the only acts of violence which marked the election, and the excitement consequent upon it having quieted down, the election went on rapidly and without further disturbance. It was alleged by the witness, Mr. Stiles, (see p. 191,) that in consequence of the disturbance in which this old man was killed, many colored men were intimidated, left the ground, and refused to vote; and although this is denied by Mr. Vertner at pages 201-203, and 204, yet the fact remains that the aggregate vote of the county as compared with the former elections was but slightly reduced.

*Amite County.*—Amite County was the scene of a great deal of disorder and alleged intimidation of voters. The colored population in 1870 was 6,777 and the white 4,196. According to the testimony of Mr. A. S. Parker, the defeated candidate for sheriff, there was a republican majority of about 300 votes. The disorders in this county were attested by W. B. Redmond, whose deposition is on page 73; H. P. Hurst, at page 86; A. S. Parker, at page 107.

Parker's testimony, at page 113, and Hurst's at page 99, concur in attributing the chief disorders in the county and breaches of the peace to the influence of one Colonel Frank Powers, whose residence is in the State of Louisiana, over the line.

Hurst says: "If Powers had staid away from Mississippi, I don't think there would have been as much trouble as there has been," and proceeds to describe the reckless and dangerous character of Powers, whom he also considers "the worst man and the chief cause of the troubles in Amite County." At page 101 he says:

(By Mr. BAYARD.) How many men in the State of Mississippi are the chiefs and ruling spirits of this condition of affairs down in the lower end of Amite County?

A. Well, it is not easy to say. I could not possibly tell you how many. I suppose if you picked out ten or fifteen of those desperate characters, the whole thing would stop. Yes, and I would go further than that, and say that, if Jackson and Powers were arrested, this whole thing would stop.

And in the next reply he classes Powers as the worst man and Moses Jackson as the next.

At page 113 Parker, in reply to a question by Mr. BAYARD "who this man Powers is, and what effect he has had in producing this condition of things in the county of Amite," describes him as follows:

"Colonel Powers during the war had commanded a regiment of cavalry that was called 'Buttermilk Cavalry' in our neighborhood. They were scouting and raiding around the country, and he had always a bad reputation for running cotton through the confederate lines. His reputation was, I think, very bad. He is a leader of what is called The Regulators, in the parishes of East Feliciana and Saint Helena. There have been a great many negroes killed through these counties; and they have killed some of the county officers at Clinton, in the parish of East Feliciana, and have run the rest away. Included in his organization were some men from Amite County, and they were in sympathy with him in getting rid of republican officers.

"The understanding was that, should they want Powers on our side of the line, they would call on him, and he would come prepared to assist them in doing anything that they might require to be done. On this election day they sent for him. General Hurst asked Powers why he had come there, and he said that they had sent for him."

Further on he speaks of Powers as "the chief over the line in Mississippi," and in reply to the question whether he believed "that if Jackson and Powers were arrested and punished these things would cease," he says, "Yes, sir; I have no doubt of it."

These two and a colored man named Strother were the only witnesses examined in regard to the affairs of Amite County, and the only disturbance testified to on the day of election was at this precinct where Powers came; but the fact was established subsequently by two witnesses by the name of Weber, who were summoned from the parish of East Feliciana, whose depositions will be found at pages 112—of the testimony, one a State senator and the other a tax-collector of the State of Louisiana; both republicans, and from them we have the information that Colonel Frank Powers is a republican office-holder by the appointment of Governor Kellogg, and has been acting with the republican party in Louisiana since 1870. It would seem difficult, therefore, to hold the white people and democrats of Amite County, in Mississippi, answerable for a disturbed and disordered condition of affairs which is proven by every witness examined in relation to Amite County to have been chiefly caused by a non-resident republican office-holder in Louisiana, under the administration of Governor Kellogg.

Despite the operations of Colonel Powers and his friends it would appear by the testimony of A. S. Parker, to be found on page 112, that a larger vote, both democratic and republican, was polled in Amite County at the election of 1873 than had been polled since the war. These disturbances were alleged at but a single precinct, and is the one visited by Colonel Frank Powers from Louisiana. The violence threatened to Raymond and Parker occurred since the election, but was instigated by the same condition of feeling which Powers represented, and which a moderately vigorous exercise of imprisonment and fine would speedily stop.

*Washington County.*—To impeach the character of the election in Washington County a witness by the name of Putnam was called. His testimony is to be found at page 191. He does not allege any case of intimidation or violence of his own knowledge, but that the election was unfairly conducted by the inspectors at one

of the precincts by unnecessarily delaying the reception of the votes. His allegations are specifically met and flatly contradicted by General William A. Furguson, one of the judges of election, whose conduct had been impeached by Putnam.

The deposition of General Furguson will be found at page —, in which the character of the election is fully and, as we believe, truly stated. The examination of Putnam will disclose him to be a thoroughly discreditable person. His confessions of a fraudulent and immoral life are alone sufficient to deprive him of credit; but the testimony of General Furguson, who is a gentleman of high character, supplements the statements of Putnam in regard to his own career. (See deposition of Putnam, page —, and deposition of General Furguson, page —.)

Washington County, by the deposition of — and — and —, appears to have been the scene of more than unusual misgovernment. The relative population of the blacks to the whites was — to —, and as a result nearly every official was a negro. The present sheriff of the county, Scott, a colored man, who was called before the committee, did not in any degree impeach the peace and good order of the election. Greenville, in Washington County, was the home of Gray, the infamous negro who was appointed by Ames brigadier-general of militia. At page —, by the deposition of —, the conduct of Gray and his immunity from all restraint of law is set forth as follows:

His character is likewise spoken of by Putnam. In short, we may here say that the picture of affairs presented by the negro rule in the county of Washington, as well as the adjoining county of Issaquena, fairly beggars description. Ninety-five per cent. of the property is owned by the whites, who constitute but a small portion of the entire population. All powers of local government are in the hands of the negroes, who select the people of their own race almost wholly to fill every office; boards of supervisors, utterly ignorant, incapable of reading or writing, unable to add or subtract or perform the simplest arithmetical problem, have entire sway over the taxes and property of the county. Their rule is arbitrary, and oftentimes insolent to an intolerable degree. At page —, deposition of Mr. Miller, will be found an account of the refusal of a board of negro supervisors to entertain or receive the humble petition of the white citizens of the county presented by a venerable and respectable white citizen for the privilege of having a white school established in the county where sixteen colored schools were already established, the expense, of course, to be borne by the property of the county, and even the poor privilege of having a portion of the taxes taken from their own lands applied to the benefit of their own children was insolently denied.

By Mr. BAYARD:

Question. Do you remember the occasion of this refusal of the board of supervisors to permit a petition for a white school to be presented to the board?

Answer. Yes, sir; I had been attorney for the board for quite a length of time. They had appointed me unanimously, these negroes had, and I remained in that position for some time, when I resigned my position something like over a year ago, on account of their reckless management and on account of the refusal to hear the whites in regard to schools, and so on. Right there at Mayerville there was a strong demand for a white school. There were some, I suppose, thirty or forty pupils, and they had no school-house. They had to employ a teacher, and they got a room wherever they could to teach in; and the people brought it to the attention of the board several times, and earnestly requested them to build a school-house there. The board went through the pretense of posting a notice for bidders. The law provides that the contract shall be let out to the lowest bidder. They posted two or three notices, and the bids were offered there by good mechanics to build a school-house at a good deal less than they had been paying for negro schools in various parts of the county. And they rejected the bids on the ground of extravagance, and old Major Smith came up there about two or three weeks before the meeting in which Gross was to be requested to resign, and made a request, politely requesting them to have the notice renewed. He was very anxious about this school-house, and that was the wish of the whole community. It was opposed by this man Gross. One or two members were anxious to build it. This man Gross was very offensive to Mr. Smith, and told him to sit down, he didn't want to hear him, and finally drove him away in his disgust and despair. That was one of the main causes which induced the people to request Gross to resign, in order to get a board, if possible, who would do justice. I suggested that the resolution should read this way: that since we had decided to ask him to resign, to request him to resign in favor of Robert Murkin or Green Collins, or any other of several good negroes in the neighborhood who were also republicans. I will say that the suggestion met with a degree of favor, but we thought we would have no success. But I thought that if Gross could be got out and we could get a good republican upon the board it would be very well.

Q. You did not propose to replace him by a white man or a democrat, but to put some respectable colored man in his place?

A. That was the purpose of a good many, and that resolution met with favor, but it was not carried in that way. Some persons favored it, and if it had been insisted upon it would have been carried through that way. There was no race feeling.

Q. Were you present at the time when Gross insulted Major Smith?

A. I was, and left the board in disgust.

Q. What was Major Smith's demeanor in coming to him?

A. Exceedingly polite.

Q. He assumed nothing more than to urge the action of the board?

A. He asked that in a very earnest manner, but not at all offensive. Finally, when told to shut up and sit down, he said, "By God, I am a citizen and tax-payer, and have a right to be heard here," and went away disgruntled, and I left also in disgust. I had business to attend to there, but I would not stay on account of it.

Q. By whom was the bulk of the school-tax paid?

A. By the land-owners; white people. The negroes do not pay over one-tenth.

Q. How many colored schools are there in the county?

A. A great many. They never refused any petition to build a colored school-house anywhere. They built them all over the county, and they had standing notices to build them.

Q. How many white schools were in the county at that time?

A. Only one that I know of, on Rolling Fork. In fact, that was not a school-house, either. They used the basement of the church. They rented it. It suited very well for that purpose; no objection to it on that account.

Q. How far was it from that school-house to the other school-house that they proposed to build?

A. About ten or twelve miles. That was the main cause of the request to Gross to resign.

A condition of affairs which would be incredible and utterly intolerable in any of the Northern States exists in many of the black counties of Mississippi, where the property, intelligence, and character of the community is trodden to the earth, insulted, and ignored by the most ignorant and sometimes vicious members of the community. Things are of daily occurrence, and were proven almost daily before the committee, which, if attempted in the State of Massachusetts, Wisconsin, or Iowa, or indeed any of the Northern States, would be met by a popular uprising and speedy overthrow. In such a condition of affairs, the forbearance and self-sabordination exhibited by the white population demands and should receive the strong sympathy and high respect of every just and well-regulated mind. Page —, testimony of S. H. Gross, colored:

By Mr. BAYARD:

Question. How many members compose the board of supervisors?

Answer. Five members, sir.

Q. How many of them were colored people?

A. During my time of being in office it was all colored members until 1876.

Q. You mean up until the present year?

A. Yes, sir; they were all colored members from the time I have been a member up until the present year.

Q. All members of the republican party?

A. Well, I could not say they all were.

Q. You have been one of the board of supervisors of Issaquena County for the last three years—1874, 1875, and the present year?

A. Yes, sir.

Q. Until when were these five men composed entirely of colored men; until what time?

A. Until 1876.

Q. The 1st of January?

A. Yes, sir.

Q. Before that time they had nothing but colored men on the board?

A. They were all colored, right from the time of my being installed.

Q. How far from Mayerville do you live?

A. The nearest route is about five miles.

Q. That is the county seat?

A. Yes, sir.

Q. Where did you first meet General Hampton?

A. In the town of Mayerville.

Q. Had you known him before?

A. O, yes, sir.

Q. Does he own property there?

A. He owns one plantation in that county.

Q. How far from Mayerville?

A. I could not give you the exact distance, but somewhere between four and five miles from Mayerville.

Q. On the river?

A. Yes, sir; on the river.

Q. When he met you did he speak to you?

A. Yes, sir; he spoke to me; that is, he sent for me.

Q. Sent a man for you?

A. Yes, sir; down the road for me.

Q. Be kind enough to state just what he said to you.

A. He said to me like this: says he, "Gross, I have heard a good deal of talk of you, and I have heard that you was a perfect gentleman, and was prompt to attend to your own business, and I heard of this trouble that has taken place, and I have come down here to-day on that occasion; and I want you now to call your board together and proceed to business. The river is rising"—this I didn't give in my former statement, but I omit that then—"the river is rising now very swift, and we want men on that levee board to go to work on the levee; therefore, we are very anxious for you to proceed to-day at once and make the appointments; and," he says, "I hope you will appoint good men." I think he said, "I have heard that they have asked you to resign; and" he said, "the good citizens of the county don't know anything about that, and we ain't in favor of any such doings as that."

Q. He said that the good citizens of the county were not in favor of interfering with you?

A. Yes, sir.

Q. And were not in favor of your resigning?

A. Yes, sir; he said if there was anything wrong about that he proposed for the law to justify that.

Q. Did he say anything in regard to protecting you in case of anything of the kind being attempted?

A. He said that he had been a general in the confederate army, and that he was not afraid to fight if he was called upon to do it. He did not say he would protect us, but the impression was that he meant to protect us that day.

Q. To protect you in your rights and in your office?

A. Yes, sir; that is the way I took the meaning of his words.

A. He spoke to you kindly, civilly, and told you just what you have said to us?

A. Yes, sir.

Q. Did you say anything to him after that?

A. No, sir; he did not appear after that.

Q. You had no molestation at all after that time?

A. No, sir.

Q. He told you that if there was anything wrong they would look to the law to remedy it?

A. Yes, sir.

Q. That he disapproved of this attempt to remove you from the board?

A. Yes, sir.

Q. And that the good people were opposed to that?

A. Yes, sir; that they were opposed to any such doings as that.

Q. Is not the maintenance of the levee along the banks of the river essential to the safety of the property of that county?

A. It is, sir.

Q. Is it a difficult and expensive thing to keep that levee in good and safe condition?

A. Of course, sir, it is.

*Monroe County.*—Monroe County lies upon the border of Alabama, toward the northeast corner of the State. The population consists of — black and — white. It is not alleged that any loss of life took place in this county in the canvass or election of 1875; but the defeated candidate for sheriff, J. W. Lee, appeared before the committee and charged (see his testimony, p. —) that the canvass had been marked with attempts at intimidation on the part of democrats, and that on the day of the election the colored voters, who had massed to the number of fifteen hundred in the town of Aberdeen under his orders, were, by a show of violence on the part of the democrats, intimidated and prevented from voting, and in that way the election was controlled against the republican party. Captain Lee's testimony was given circumstantially and at great length. (See p. —.) In reply to him the committee examined Mr. T. B. Sykes, (see p. —,) the mayor of the town of Aberdeen, and Mr. E. O. Sykes, (see p. —,) who, by the testimony of Captain Lee, was principally implicated in the alleged disorder; also General Reuben Davis (see p. —) and others. The weight of the whole of this testimony is entirely against the truth of Captain Lee's statement. It was proven that many of the occurrences which he alleged that he saw could not have been witnessed from the residence of the jailor, in which he had taken up his quarters. He is directly met and flatly contradicted by the most unimpeachable witnesses, and it is impossible, after reading his testimony and that of the gentlemen who were called to answer it, to doubt that the bitterness of Captain Lee's feelings toward his former political associates (for he had been a rabid secessionist and a violent democrat until the time of his commercial failure and his immediate acceptance of office in the republican ranks in 1870) must have perverted his judgment and blinded his understanding. It is impossible to escape the conclusion that Captain Lee anticipated defeat at the polls, and, as a last resort, to escape the results of the election, endeavored to throw discredit upon it by advising the negroes not to vote.

The testimony of several negroes who were examined at Aberdeen, among them —, has been already referred to as proofs of the recklessness with which charges are made by that class of persons. The alleged gross profanity of the two Messrs. Sykes and the statements of General Reuben Davis, was not only emphatically denied by those gentlemen, but was so grossly inconsistent with their characters as pious and upright men as to be entirely unworthy of belief by any unprejudiced man. The citizens of the town of Aberdeen, in common with many others in Mississippi, had been kept in a state of constant alarm by the rumored

arming and banding of the negroes of the county. The county of Monroe is intersected north and south by the Tombigbee River, the richer lands lying on the east side of the river and the poorer lands on the west side of the river, the eastern side being chiefly occupied by negroes, with a small relative white population. The testimony of Captain Sykes discloses the fact that great apprehensions were felt from time to time preceding the election of a rising of the blacks for the purpose of marching on the town of Aberdeen and destroying it; that incendiary had been frequent and sufficient, in the excited condition of public feeling, to alarm them to an intense degree; that under these circumstances, to which must be added the organization and arming of the militia company in the community by order of Governor Ames, and the possession of those arms by Lee, the republican sheriff, the uneasiness and discomfort of the community had reached an extreme point.

The white citizens had on more than one occasion turned out and picketed the roads leading to their town, night after night, fearing the approach of a body of negroes armed for the destruction of the place. On the morning of the election, at break of day, these fears were confirmed by the presence in the town, at the court-house, of a large body of negroes from the eastern side of the county, all armed with heavy bludgeons and many of them with pistols. This was a violation of the election laws, which required voters to cast their ballots in the precincts where they resided, and only permitted a voter who was constrained to be absent from his home to cast his vote in another precinct by attaching to his ballot an affidavit stating the fact. But the presence of this large body of blacks, with sullen faces and armed with clubs, at a voting-precinct which was not a proper one for them to attend naturally alarmed the citizens of the town, who took the best steps they could for self-protection. A point much dwelt upon by Captain Lee was the presence of what he termed "a body of cavalry" from Alabama in the town. This body of cavalry was proven to consist of from eight to twelve men on horseback, who, if armed at all, were armed with pistols, which were not exhibited, and who were stationed between the county jail, wherein Captain Lee had a number of State arms and fixed ammunition, and which the white citizens feared he was about to place in the hands of the negroes whom he had brought from the east side of the county to take possession of the polls and prevent the whites from voting in the town of Aberdeen.

The whole action of these ten or dozen men on horseback was confined to remaining quietly, disturbing no man, at such a point as would prevent Lee from getting the arms out of the jail and delivering them to the negro mob at the court-house. The testimony will disclose the fact that not a blow was struck on that day, and that no man was injured and no one prevented in his lawful right to vote. No case was brought before us of any one who did not vote or could not vote if he had desired to do so. Under Lee's advice, many of the negroes who had unlawfully assembled at the court-house went back to their own precincts, and it is presumed that they there voted undisturbed. These facts, we believe, are fully established by the weight of testimony taken in regard to this election. That no material number of the vote was prevented from being cast by intimidation would appear from the fact that the aggregate vote polled in 1875 was two hundred and fifteen greater in the county than in the general election of 1873.

*Lownes County.*—The only point in Lownes County in relation to which testimony was taken was in the city of Columbus. The witnesses examined were the mayor of the city, Mr. —, and Robert Gleed, a negro, ex-sheriff of the county, and a defeated candidate for re-election. The testimony of the mayor, which will be found at page —, is to the effect that there had been no evidence of intimidation or disturbance; that the republican party had been split, and that two republican tickets were in the field, therefore lessening the necessity for the resorting to intimidation, even if it had been sought.

A few nights before the election, just after nightfall, a fire was discovered in a remote portion of the town, and the fire apparatus gotten ready to extinguish it; but while the engines were proceeding to this fire, another fire was discovered in an opposite quarter of the town; and according to the testimony of Mr. — and Mr. —, the town appeared to be fired in seven or eight different places at once. The excitement instantly became intense. The rumors and apprehensions of incendiaries of the negroes, founded upon remarks made by several of them of a threatening character, induced the belief that the community was on the verge of a great disaster, and a successful conspiracy to destroy the town by fire was about to be carried out. To protect the city and keep the peace the mayor appointed Mr. — a special marshal for the occasion with authority to summon peace officers to his aid. The report of the marshal, as made to the mayor on the following day in writing, was presented to the committee, and is to be found on page —.

The substance of that report is that the marshal took semi-military possession of the town and prevented the free circulation of the people; that his orders were to halt any man who was not known, and if he did not obey, to shoot him. Witnesses testified that in this way they were halted, although well known in the community, and obeyed the summons. There was, however, excitement and feeling which was directed against the race which they believed had been the authors of this intended conflagration, which resulted in the shooting and killing of four colored men by the patrols established by the marshal. This was the case alleged by the mayor and the white citizens of the place, but, to some extent, denied by Robert Gleed, who alleged, or, rather, we infer from his testimony, that the object of the fires was to create a disturbance in which colored men could be intimidated or slain. It is certain that Gleed's family were kindly and hospitably entertained by the mayor himself on the night of the disturbance, and that Gleed was believed by many of the white citizens to have been the chief instigator of these incendiaries and attempted destruction of the town.

The action of the city authorities cannot be considered unnatural or improper, under the circumstances. They immediately sought to increase the police force and prevent any lawlessness on the part of the white people, growing out of their excitement and apprehended destruction of their homes and lives.

It would seem impossible from so cursory and incomplete an examination as was hurriedly made by this committee to come at a perfectly clear and satisfactory judgment of the events on the night in question, in the town of Columbus, and the causes which led to them. On the one hand there is the terror of incendiary which appeals to every householder, and which strikes fear into the boldest heart. Most of the dwellings of Columbus and other southern towns are composed of wood, and their water facilities and apparatus for extinguishing fires are generally of an inferior description. They knew that the negroes had been banded together in political hostility to the whites, and they had heard threats of incendiary that placed them in great anxiety and distress. At 567, see statement of the lieutenant of Owen, the commander of the negro company captured at Vicksburgh:

"We got orders we should not go there; if we had not received these orders before night, I would have been there with my gun in one hand, a coal-oil can in the other, and a box of matches in my pocket."

How far these fears honestly actuated the mass of the people in the unusual steps taken for self-protection, there is not sufficient testimony before the committee thoroughly to determine, or how far such alleged fears were made by wicked and cruel men the pretext for an assault upon obnoxious colored individuals, or upon the colored people as a class, there is not enough testimony before the committee satisfactorily to determine. That the result of that night's proceedings ought to have been made, or ought still to be made, the subject of thorough and rigid examination no one can doubt; nor is it yet known what steps were taken to discover the true condition of facts and the causes of these fires which, from their number and scattered location, would seem clearly to evince a settled plan of incendiary for some purpose, either to destroy the town or to give a pretext for a criminal assault. One thing may here be said, that if the atrocious design did exist of making that incendiary the pretext for an onslaught upon the colored peo-

ple at night, and where they were in large numbers, it would seem strange that the victims were limited to four in number, when their slaughter could have been so easily multiplied.

We have not classed this occurrence at Columbus with the four principal collisions between the races, because no political significance seemed to have been given to it, and the matter was mentioned late in the course of the investigation, only by three or four witnesses, and even they gave totally different theories for the occurrences of the night, and for the reason also that it did not partake of the nature of a riot growing out of any immediate quarrel or controversy between the two races. In the opinion of the undersigned, it was the result of sudden fury and excitement caused by terror of incendiary, which, for the time being, deprived men of their self-control. Although no proof of the immediate facts attending the killing of any one of these four men was brought before the committee, the report of the marshal is more circumstantial than anything brought to our knowledge. No consequent intimidation is to be inferred from the condition of the vote; for the aggregate vote of 1875 is a very large increase over the vote of the election preceding.

#### ROLLING FORK COLLISION.

In December, 1875, in what is now Sharkey County—then a part of Issaquena—occurred a most deplorable and shocking tragedy. The affair was first brought to the attention of the committee by the testimony of Derry Brown and Bowie Foreman (negroes,) whose turbulent conduct had caused them to be expelled from the neighborhood, and whose testimony was shown to be unreliable. (See testimony of Judge Shackelford as to the character of Foreman and of — Miller, page —, impeaching Brown.)

It seemed difficult to obtain a clear and connected narrative of the transaction, but the testimony of E. B. Ball, a republican, who emigrated to the State of Mississippi from the State of Illinois at the close of the war, and who resides in the neighborhood where the tragedy occurred, will fairly represent the state of affairs and feeling at the time, and the circumstances which led to it. (See pages from — to —, Ball's testimony; also the deposition of W. W. Moore at page —, and of —, page —, corroborative of testimony of said Ball.)

It appears that on Saturday, the last of November, 1875, a number of negroes, not belonging to that part of the country, but who had been picking cotton, were paid off, and were engaged in a drunken frolic at Rolling Fork, a small town in what was then Issaquena County, now seat of Sharkey County.

A young white man, or boy, for he was not yet of age, who was drinking with them, got into a quarrel with one of the negroes, which ended by the white man striking the negro with a knife, and inflicting a wound of no dangerous character.

The boy fled and was pursued by the whole band of negroes, who finally discovered him in the back room of a store where he had secreted himself, and after stabbing and otherwise wounding him, left him for dead.

On Sunday morning warrants were issued by a colored justice of the peace, residing at Rolling Fork, for the offending parties, and in the course of the day five or six were arrested and placed under guard in a building then vacant, which had been occupied as a drug store. During the night the gun of one of the guards was discharged by accident, and the prisoners became alarmed and attempted to make their escape by breaking through the windows. They were fired upon by the guards, and one of them was killed and two or three were wounded. The wounded parties with one or two others were captured.

The next day all of the parties implicated in the assault on the young white man were recognized and gave bonds for their appearance at court and the difficulty seemed to be ended, but the news of the affair extended down into the neighborhood where Mr. Ball resided, and spread through the country with many exaggerations. The white people at Rolling Fork and vicinity were greatly outnumbered by the negroes in that locality, and the disproportion in the neighborhood of Mr. Ball and below there, on what was known as the Deer Creek settlement, was at least 10 to 1 of the colored people to the whites.

Bands of colored men were at once organized, and armed with such weapons as they could procure, threatening to attack and destroy the town of Rolling Fork, and to kill the white people, and, to use the language of some of their most excited leaders, "from the cradle up," and to burn cotton-gins, and to destroy property generally. Two of these bands—one under the leadership of a negro preacher by the name of Moses Johnson—started in the direction of Rolling Fork, but were turned back at Elgin's store by the firmness of Elgin and one or two white men who were there at the time. They returned from the neighborhood where they had started some few miles below Elgin's store, somewhat excited by liquor, and, as will be seen by the testimony of the said Ball, by no means inclined to give up their purpose of destruction of the whites and their property.

The terror which their conduct inspired in that county among the few white settlers and their families is very graphically depicted by the witness Ball, as well as his own apprehensions because of his being a white man, notwithstanding the fact that he was a republican, and in political accord, and on terms of personal friendship with the negroes. (Insert Ball's testimony, p. —.)

News of this uprising and demonstration was carried back to Rolling Fork. Application was made by the white people there to their friends in Washington County and above for aid. A band of armed white men, from the upper counties, under the leadership of Rev. — Ball, a Baptist minister, collected together and marched down to Rolling Fork, where, learning such facts as they could in reference to the disturbances below and the parties most deeply implicated, mounted an armed force of some fifty or seventy-five men on Sunday, and went down in the neighborhood where these turbulent negroes were assembled under arms, and captured and killed six of the most dangerous and violent of those concerned in the armed organization for the destruction of the property and lives of the white inhabitants.

This violent remedy promptly ended the conspiracy of the negro population against the whites and caused them to abandon any further prosecution of their hostile purposes.

A few days after the killing of these negroes a meeting took place between the leading white people at Rolling Fork and the leading and peaceably inclined negroes of the neighborhood, and a treaty of peace was signed by the parties, which has been incorporated into the testimony taken by the committee, and will be found on page — of —.

Derry Brown, who before the tragedy occurred had been inclined to peace and quiet, became furious, and was unwilling to be reconciled except by the killing of six white men in retaliation for the six negroes, and was excluded from the terms of the amnesty provided in this treaty.

This ended the affair, and however reprehensible the entire transaction is, the undersigned could discover in it no trace of any political character. On the contrary, it was a war of races, having its origin in a drunken brawl between one white person and a number of dissolute and drunken negroes. The region in which it occurred lies remote from railway or other public modes of communication. The civil authorities of the neighborhood were wholly inadequate to cope with the emergency, and it was too sudden for the authorities of the State to be called into action.

#### INTERFERENCE WITH VOTERS.

Some of the testimony tended to prove that in some cases colored men were deceived or cajoled into voting the democratic ticket.

There is nothing in any part of the testimony to prove any obstruction to the voter "on account of his race, color, or previous condition of servitude," but in every case the objection was to the party ticket he proposed to vote; to the color of his political prejudices, and not to the "color" of his skin referred to in the fifteenth amendment.

The white people earnestly sought to induce the colored people to vote, and to vote the same way they did. To this end they held public meetings, made numberless speeches appealed to their colored fellow-citizens in every conceivable manner that they should vote, and vote with them for the common interest of all.

To justify any legislation by Congress to enforce the fifteenth amendment, the obstruction of the "right to vote" must be for the sole reason of race, or color, or previous condition, &c., and there is no power in Congress to interfere for any other cause whatever. There is not from the beginning to the end of this testimony a single case of the obstruction of a voter because he was a colored man.

In every case of alleged unlawful interference with the right of suffrage, it was because the voter was in opposition to the political sympathies and wishes of the person interfering.

Intimidation and violence are almost as frequently alleged toward white men as colored men, and perhaps the bitterest opposition was proven toward the former class.

Yet it cannot be said that the race or color of these whites induced other whites to "deny and abridge" their right of suffrage.

The testimony of many witnesses, white and black, proved the gross intimidation of colored people by other colored people. Now, this was not on account of race or color, but for the same reason which caused all other intimidation and interference in the State—i. e., opposition to the voter's political views and actions—not because he was a colored man, but because he was voting in opposition.

The Supreme Court of the United States distinctly say, in the opinion, we have already cited:

"The fifteenth amendment did not confer the right of suffrage upon any one? It gave to the Congress the power to guarantee its exercise in case it should be denied or abridged on account of race or color or previous condition.

If the right to vote be denied or abridged for some other cause, the State, and not the United States, must exercise its protecting power over the citizen and remedy his wrong.

If a colored man be driven from the polls because he comes up with a republican ticket, and when he returns with a democratic ticket is welcomed and assisted to vote, there can be no doubt but his "right to vote" (which means, of course, to vote according to his free will) has been abridged; but not having been abridged because of his race or color, but because of his political views, the power and duty to remedy the wrong he has sustained are, according to the decision of the Supreme Court, in the laws of the State where he resides, and not in the United States.

Holding this proposition to be true, then the testimony overwhelmingly establishes the fact that negro voters were welcomed into the democratic ranks and every effort made to procure them.

If negroes were intimidated, it was not because they were negroes, but because of their obnoxious political views.

As a necessary consequence, it follows that Congress has no power under the fifteenth amendment to the Constitution to punish any invasion, however gross and reprehensible, of personal rights of suffrage which is not based upon the particular cause of the race, or color, or previous condition, &c., of the party injured.

Having thus stated the limitations upon the power of Congress, which respect for the Constitution of our Government and to the decisions of its highest judicial tribunal has dictated, we cannot refrain from an expression of our abhorrence and hearty reprobation of every act of lawless and so often brutal interference with the rights of citizenship, which were related by witnesses in our presence.

Prosperity and happiness can never thrive in a community where such scenes of violence can be enacted without condign punishment. By a law higher than man's the "wages of sin is death," and it will be vain for the people of Mississippi to look for the advancement of their State to that position in the ranks of wealth, influence, and reputation which those who love her would desire to see her occupy, until the spirit of law shall be strengthened and assert itself over the "dangerous classes" who have brought disrepute upon her good name.

We are glad, in this connection, to express our sincere and profound conviction that under the present State administration and government of Mississippi all the elements for the needed reforms exist and will be developed, so that a remedy for every wrong will be surely found in laws ordained in a spirit of benevolence and justice to all classes within the borders of the State.

A vast majority of the people of Mississippi have every element that constitutes a good American citizen. They are law-abiding, peaceful, and industrious, and they have every impulse in favor of justice, peace, and order, and all they now need is the kindly sympathy of their fellow-citizens in other States in the great distress which war and a totally revolutionized condition of their social and labor systems, coupled with gross maladministration of their State affairs, have brought upon them.

They have been the victims of a misrule which they sought in vain to avoid or remedy.

In simple justice we ask, should the white masses of Mississippi be held responsible for the results of bad government, against which they have petitioned and protested in vain for years? Is it just to hold those responsible from whom all power has been withheld? The requisite means are always necessary for the desired end. In all the centuries the demand that the children of Israel should make bricks without straw has been cited as an illustration of tyrannical injustice; but is it not equally and even more unjust to demand of the white people of Mississippi the results of good government, when bad government has been fastened on them against their best efforts to prevent it, their entreaties, and their prayers?

Let them fully and fairly test their present opportunity to produce peace and order and prosperity by exercising their faculties for self-government.

The evils that have been enacted they were not justly responsible for, and their sufferings should call for sympathy, and not denunciation. Why should not this portion of our fellow-countrymen be made to feel that they have the rights as well as the responsibilities of that local self-government which is so freely enjoyed and jealously guarded by their fellow-citizens of the Northern States?

Is it consistent with justice, wisdom, or expediency to put the stigma of inferiority upon any State of the Union, by asserting a power and right to make inquisition in her management of those domestic and internal affairs which, by the express terms of the Constitution and by common consent and practice, are reserved to other States, which are never questioned in their control over them?

No attempt seems to have been omitted to bring the white people of Mississippi into ill-repute with their fellow-citizens of the North.

What, it may be asked, have the flags used at a political celebration to do with infractions of the fifteenth amendment? Yet the following testimony will exhibit the intent to create sectional prejudice against them, (see testimony of John T. Harrington, at page 233):

#### NO AMERICAN FLAG, BUT TWO HUNDRED OTHERS.

By Mr. BOUTWELL:

Question. Were you at the West Point meeting of the democrats two or three days before the election?

Answer. Yes, sir.

Q. Did you see the flags exhibited there?

A. I think I saw two hundred flags, but no United States flag.

Q. What were they?

A. There were some very nearly—I cannot say if just exactly—like the confederate flag, and all sorts, shaking and waving. But I saw no United States flag. At the West Point meeting, up and down the streets on both sides for nearly a quarter of a mile, over both sides of the street, thirty or forty feet high, on the tops of the buildings.

By Mr. BAYARD:

Q. Did you walk along the whole of that street?

A. No, sir.

Q. Where were you?

A. I was at my office, and went from my office to the hotel where the district attorney was.

Q. Did you pass by and along this row of flags?

A. Well, I could see up the street.

Q. How far could you see? I think you said you had ophthalmia, or something, which prevented you seeing very far!

A. O, I could see. I cannot discriminate features half across the street. I could see these bars and colors.

Q. Did you see confederate flags at that meeting?

A. No, sir; I said flags resembling. They might have been like them. I do not know how many of these stripes they had on them. I do not know that they were full confederate flags. I know about the various colors and from the appearance of confederate flags which I have seen.

Q. Was there no United States flag, then?

A. I did not see any. I seen the particular ones. I think those on the courthouse, if any, United States flags.

Q. Did you walk along the entire line of the street where those flags were?

A. I did not walk along the entire line; I think near the lower corner, and looked up.

Q. That was the meeting at West Point?

A. Yes, sir.

Q. When?

A. The Thursday before the election, I think. The election was the Tuesday following.

The answer to this miserable slander is to be found on page 233, in the testimony of Mr. R. H. Shotwell:

Question. Harrington stated here that there were no United States flags exhibited on the day of the celebration. What have you to say about that?

The CHAIRMAN. He did not state that.

Q. In order that we may know the facts, you may state what you discovered there. I thought that he stated that there was no United States flag, and he did say that there were flags that were very like confederate flags; and he left the impression, as I understand, and meant to leave the impression, that there were no United States flags.

A. The flags he supposed to be confederate flags were just flags of red calico and white bleached domestic, which were hung by a Frenchman in our town after the style, as he said, of ornamenting the streets in Paris on public days; and he made a beautiful display of white calico and red calico, but the stores and all the public buildings were ornamented with United States flags—five hundred of them, I reckon—and a long procession of horsemen, and very many of them had United States flags attached to their horses' heads, and the children all over town had little flags and were at the windows and doors saluting the procession as it passed by. It would look rather bad to let that go without a refutation. Mr. Harrington also stated something in regard to a speech by Mr. Barry. I heard that speech, and no such language was used by him as was attributed. All the addresses made to the negroes were of the most conciliatory character. The negroes were treated with the greatest degree of kindness by every man, so far as my knowledge goes. I believe hundreds of these men who came here would testify that they were not intimidated.

The character of the witness Harrington is thus given by Mr. Shotwell at page 249:

"He is now under bond. This brother of his (J. T. Harrington) who testified here, I can show by any quantity of witnesses that he is a man of notoriously bad character; that he has been indicted for horse-stealing and for kidnapping negroes—not indicted for kidnapping negroes, but he has been charged with it, and a white man and a negro caught him at it. That was during the war. After the war he brought a suit for damages against one Anderson Beam for \$20,000 damages, for making those charges against him, and the suit was finally dismissed by J. T. Harrington at his own expense. As to that Harrington, I can bring fifty or a hundred men, if necessary, here."

By the CHAIRMAN:

Q. State what you know of your own knowledge.

A. I am stating as to his character of my own knowledge. I am just speaking of the character of the man.

By Mr. BAYARD:

Q. Of his reputation in the community?

A. Yes, sir; the general bad character of the man; that he is regarded as a horse-thief. I have no doubt I can produce witnesses who would testify, any number of them, that they would not believe him on oath—eighty or a hundred men. I can name the party that caught him trying to kidnap a negro—William Nixon.

The report of the United States grand jury is also appended to the evidence, (part 6.)

In criticising this highly sensational document, it would seem reasonable to ask if such a denunciation of the State could be made by the nineteen republicans and one democrat who composed the grand jury. Why did they not find indictments for the punishment of some of the alleged crimes?

If they had a majority to denounce, why not to bring to justice?

Its publication would seem to reflect upon the district attorney, whom it affects to praise; for if he had done his duty, the guilty would have been presented for indictment.

It seems plain that this report was a partisan assault, a mere blast of defamation against their political opponents, for no one can doubt the indictments would have been found had the evidence warranted it. The President of the United States has caused to be annexed to his message on South Carolina troubles the following letter of District-Attorney Walton, which shows how little responsibility the "shameful failure of justice" belongs to the white people of Mississippi:

OXFORD, MISSISSIPPI, July 15, 1866.

Sir: I have the honor to submit herewith the report of the grand jury lately in session here, together with the evidence on which it is based. This evidence, you will see, plainly required the jury to indict a great many persons for violations of the election laws; but, out of eighteen jurors, seven were found who refused to concur in any such indictment. I learn, however, that all but one of the jurors voted for this report. All but this one professed to belong to the republican party; and some of those who finally voted against the eleven who were for the indictments were throughout the whole session apparently the most reliable men we had to sustain the indictments and the most zealous in investigating the cases. This was particularly true of the man who wrote this report, yet he finally went against all prosecutions, though we had conceived him to be the most earnest, as he had certainly been the most active, man among us in bringing to justice, or at least in investigating the election cases.

I can only lament the shameful failure of justice which has taken place, and I have little doubt that it must and will give a most unbridled license to lawlessness at the next State, if not at the next Federal, election.

I am, sir, your obedient servant,

THOMAS WALTON,  
United States District Attorney.

Hon. ALPHONSO TAFT, Attorney-General.

In this connection it is proper to note that section 820 of the Revised Statutes of the United States provides as cause of disqualification and challenge of grand and petit juries in the courts of the United States, "having served in the rebellion, or given it aid or comfort, or to have given, directly or indirectly, any assistance in money, arms, horses, clothes, &c., anything whatever, for the use or benefit of any one whom the giver knew to have been engaged in arms against the United States," &c.

This law was enacted in 1862 and, although provisions for its repeal have more than once passed the House of Representatives, yet by the refusal of the Senate to concur still remains upon the statute, most unfortunately, as we believe.

It works an absolute exclusion of nearly every white citizen in the Southern States from the United States juries.

In the selection by the United States marshal in Mississippi the juries were almost exclusively composed of republicans, colored and white, (20 to 1, see Walton's letter.)

Attention is drawn to this, because the better classes of the white citizens have been bitterly assailed and condemned because they have not actively assisted in convicting offenders; at the same time they have not only been excluded from office, but not even allowed to sit upon the juries.

*We submit these facts to the consciences of our countrymen.*

A letter from W. F. Tucker is also published, at the request of the chairman, directed to Mr. Frazee, the foreman of this grand jury, to be found at page 151 of the documentary evidence.

If Mr. Frazee believed this letter was intended to deter him from doing his duty his course and duty were plain. The letter should have been handed to Judge Hill, who, by a bench-warrant, could have brought Mr. Tucker to answer.

But the publication of the letter by Mr. Frazee proves that he did not so construe it, and certainly that he derided it.

Whatever impropriety may be adjudged Mr. Tucker, it is his individual sin, and should not be visited upon his innocent fellow-citizens.

Throughout the testimony much of the alleged intimidation was by violent language, profanity, and vague and mysterious threats, which, however improper and reprehensible, are, we regret to say, much too common in every heated political canvass in almost every county in the United States, and are not peculiar to the State of Mississippi. The object of such testimony could only be to create prejudice, as it certainly could not have been intended as a basis for legislation. There is scarcely a State in the Union which is not assailable on similar grounds.

During the canvass, and in the midst of this growing feeling between the races, Davenport, the colored county clerk at Vicksburgh, who has been indicted for forgery of warrants, made a public speech, saying "He would have a white wife from among the best families," which W. F. Fitzgerald, republican, one of Ames's brigadiers, testified, at page 151, "had more to do with creating excitement than anything else." In a community where the white people are largely outnumbered by the blacks it is not surprising that deep resentment and excitement should follow such declarations.

*Wilkinson County.*—This county was carried overwhelmingly for the republican ticket in 1875, and therefore no evidence impeaching the election was taken; but as it is situated in the southwest corner of the State, on the Louisiana State-line, — on —, the honorable Senator from Indians introduced the following resolution, which was adopted:

The witnesses summoned were from the parish of East Feliciana, in Louisiana, and from Wilkinson County, Mississippi. The region embraced by this county and parish is remote from routes of travel, and in Louisiana the presence of Governor Kellogg's tax-collector, Colonel Frank Powers, heretofore mentioned in connection with Amite County, has caused law and order to be little regarded.

W. H. Noble, the republican sheriff of Wilkinson, testified (see p. 151) that negroes there in his custody admitted to him that Aaronson, a white store-keeper over the Louisiana line, who had just moved into the neighborhood, was murdered by a body of negroes who were passing his store in search of one —, another white man, who had brutally assaulted a negro man the day before.

When Aaronson's murder by the negroes became known, the white people, to the number of one hundred or more, visited the locality and arrested and hung — negroes who confessed their murder of Aaronson.

The affair created great excitement, and the two races commenced organizing and arming themselves.

Reports of the armed organization of the negroes were rife and their intended destruction of the white people.

Sheriff Noble summoned an armed posse, at the head of which he placed himself, and his command in three columns moved toward the western side of the county, where the negroes were reported to be massed and armed.

One of these companies, at the plantation of —, came in conflict with some armed blacks, in which encounter — negroes were shot and — whites.

At page 151 — Sheriff Noble says:

At page 151 — is the deposition of —.

These occurrences took place in the month of May last, when there was no election at hand, and no occasion whatever for political excitement. The county of Wilkinson had, as we have stated, entirely a negro government, and the republican party held all the offices.

The character of such government is but a repetition of the same sad story as we have related of other counties similarly governed. (See page 151, deposition of —.) What these disorders, tragical and shameful as they are, have to do with the fifteenth amendment and the "right to vote" does not appear to the minds of the undersigned. That they exhibit a condition of things impossible under a decent government of laws, no one will deny; and upon territory under the control of William P. Kellogg, governor (so called) of Louisiana, they were certainly committed.

The majority of the citizens of Louisiana, in 1872, voted to elect John McEnery their governor, and the ballots still in existence, as well known to the Senate, exhibit a majority of over nine thousand votes in his favor. But the President of the United States, by the armed interposition of the Federal power, overthrew the will of the people of Louisiana, and installed Kellogg and a kindred legislature in office and power.

His government never had, nor deserved to receive, the respect of the people, whose will, if allowed to be exerted, would have driven Kellogg and his adherents like chaff out of their places.

That discontent and disorder should prevail is not at all surprising, and that Kellogg should appoint Colonel Frank Powers, a ruffian and a brigand, to office will astonish no one.

But we doubt whether any mind will be so utterly unjust as to hold the white people of Louisiana or Mississippi responsible for the outrages caused or encouraged by Kellogg's appointees, or the disregard of law, decency, and order, in all of which Kellogg himself is pre-eminent.

Throughout the investigation the inquiry was frequently made by the majority whether there had not been intimidation practiced by threatening to discharge men from employment if they did not vote in compliance with their employer's wishes, and in many cases such facts were proven.

However important it may appear to the undersigned that the moral and intellectual independence of the individual voter should be respected, and that no methods of coercion should be used to influence the free exercise of suffrage, yet in the face of the admitted and almost general violation of these sound and just propositions by public and private employers in all sections of the Union, it would seem scarcely credible that it should be proposed to select Mississippi as the one State for the application and enforcement of a rule which is disregarded everywhere else.

Thus lately the republicans in the State of New Hampshire, by a formal address

of the Legislature, approved by the governor, made a clean sweep of their democratic opponents, on the sole account of political opinion.

In House Miscellaneous Document No. 65, present session, the testimony taken in the contested election of Platt vs. Goode, at page 254, will be found the deposition of Jesse Mahoney, a ship-carpenter in the Government employ in the Portsmouth (Virginia) navy-yard:

*Deposition of Jesse Mahoney.*

JESSE MAHONEY, a witness of lawful age, being duly sworn, deposes and says as follows:

By Mr. JOHN GOODE, Jr.:

Question 1. State age, residence, and occupation.

Answer. Age, forty-four years; residence, second ward, Portsmouth, at present; occupation, ship-carpenter, first class.

Q. 2. Are you employed in the navy-yard?

A. I am not, at present.

Q. 3. When were you last employed there, and when were you discharged?

A. On the 4th of August, 1874, and discharged on the 11th of November, 1874.

Q. 4. State how you procured your employment on the 4th day of August, 1874; what steps were taken by you to procure it; whether you had any conversation with Hon. James H. Platt, Jr., on the subject; and if so, all that was said.

A. In May last, 1874, I went to see Mr. William Smith, foreman of shipwrights in the navy-yard, to give me work. He told me he would do what he could, and then I went over to Norfolk about the middle of May, 1874, and seen Mr. James Platt, and asked him would he give me employment in the yard. He then told me to get a letter from the executive committee, and indorsed by the chairman, send it to him to Washington, and he would put me to work.

Q. 5. Did you get the letter from the republican executive committee or any member thereof?

A. I did not.

Q. 6. Did you make application for it?

A. I did; to the chairman of the committee, James H. Clements.

Q. 7. When did you make application to Mr. Clements?

A. On several occasions.

Q. 8. What did he say?

A. He told me he would do all he could to get me in.

Q. 9. Has anything else occurred, besides what you have stated, to make the impression upon you that in order to procure employment in the navy-yard, it would be necessary to get the indorsement of leading men or officials belonging to the republican party?

A. It was, in March, 1873. I was at work in Norfolk; knowing that I could not work in the yard without affiliating with the republican party, I came over here. I see Mr. James H. Clements to give me work in the yard, that I would support their party, which I did up to November election, 1874; then I supported Mr. GOODE.

Q. 10. State whether or not you voted with the republican party in the spring election of 1873, and if so, what induced you to do it.

A. I did vote with them—for my bread and meat, and not from principle.

Q. 11. Could you have procured employment in the navy-yard in 1873 or 1874 without a promise, either expressed or implied, that you would support the candidates of the republican party?

A. I could not.

Q. 12. How were the men generally employed in the navy-yard—upon whose recommendation?

A. By the republican committee, so far as I know.

Q. 13. Did the officials in the navy-yard, as a general thing, employ any workmen without the indorsement of the republican executive committee?

A. They had to be indorsed by the republican executive committee.

Q. 14. You have stated that you voted for me in the November election: state, according to the best of your knowledge, information, and belief, whether that vote had anything to do with your discharge from the navy-yard on the 11th of November, 1874?

A. I believe it did.

Q. 15. Have you heard anything on that subject from any official in the navy-yard? If so, state it.

A. Not officially. I was challenged by one of the bosses by the name of Patrick McDonough; he came under the ship's bottom where I was at work; says to me, "Jess, I am told you voted the conservative ticket." "Pat, I did vote the conservative ticket, for the Hon. Mr. JOHN GOODE." He says, "I understand that you got whipped by the conservatives." I told him no, that I did not. It was some prejudice that existed a long time that got me hit.

Q. 16. Was any pecuniary assessment made upon you as an employé in the navy-yard, or did you pay any money without assessment for Mr. Platt's election purposes during the last congressional campaign? If so, state fully all you know about it.

A. I had a written circular passed to me with the request for a day's pay. In that circular I saw where the bosses had to pay \$20, the quartermen \$10, the eight-men \$5, first-class mechanics \$3.20, second-class \$3; and about the 19th of October, 1874, I went to Mr. Smith about this pay. I told him that I was in here only a short time; that I was only able to pay \$2. He told me that would not do; he wanted the whole; that he was tired of it.

Q. 17. How much money did you pay?

A. I give him \$2.

Q. 18. Who is the Mr. Smith to whom you have referred?

A. William F. Smith, foreman, or the boss of the shipwrights, under whom I worked.

Q. 19. Did you pay that money willingly or not?

A. I did not pay it willingly.

Q. 20. What, then, induced you to pay it?

A. Thinking it would give me a longer job.

Q. 21. Was it or not generally understood, so far as you know, among the men employed in the navy-yard, that if they failed to meet the assessment made upon them it would result in their discharge or deprive them of a job?

A. As a general thing they thought it best to pay it, in my opinion.

Q. 22. Was it, or not, generally understood, among the men employed in the navy-yard during the late congressional campaign, that they would be expected to vote for Mr. Platt, and that if they failed to do so they would incur the hostility of those who controlled the patronage in the navy-yard?

A. It was, in my opinion.

Q. 23. How many men were employed in the navy-yard during the time you were there, from the 4th of August to the 11th November, 1874, according to your knowledge, information, and belief?

A. To my belief, in the construction department there was two hundred men on the ship-carpenter's roll. Some were put there as mechanics who were not. There was about four hundred laborers during the month of October in that department, two hundred more than was needed, to the best of my judgment. There was some imported from Isle of Wight and worked on the ship-carpenter's roll who were no ship-carpenters—one from Isle of Wight and one from Williamsburgh; one from Isle of Wight named Juba Gordon, (colored.) There must have been in the whole yard in the neighborhood of seventeen hundred men, in my opinion; to the best of my judgment.

Q. 24. You have stated that men were brought there and put on the ship-carpenter's roll who were not carpenters. What did those men do; in what kind of work were they engaged, and how did they spend their time?

A. They spent their time "down-east"—down in the privy. Down east, we call it.

Q. 25. Did you ever see those men carrying old lumber or iron about the yard as if to keep up a show of employment?

A. I have seen a gang of men taking deck-plank and pile it from one place to another to keep themselves employed.

Q. 26. Was that large number of men employed there during those months necessary or not, for the legitimate purposes of the Government, in the navy-yard?

A. I think not.

Q. 27. Did you attend a republican meeting held at Temperance Hall, in Portsmouth, night or two previous to the election?

A. I did; the night before the election.

Q. 28. Who presided over that meeting?

A. James H. Clements.

Q. 29. Does Mr. James H. Clements hold any Federal appointment in Portsmouth?

A. He does. He is postmaster, and has been for some years past.

Q. 30. Did you hear any instructions given at that meeting by Mr. Clements, the chairman, or by any one else, as to how the voters should receive their tickets on election day, how they should hold them, and how they should deposit them in the ballot-box? If so, state what they were fully.

A. Mr. Clements told them he did not want "no backing out" and "no lagging" the vigilance committee. One must hold the tickets, and only give the ticket to the man that was going to vote. The voter must hold it in his hand so it can be seen when he deposited it, so the vigilance committee-man can see him deposit it; when he deposited it right, he was to be tallied.

Q. 31. Was any proclamation made or notice given of the names of the committee-men from whom the voters should receive their tickets?

A. Not that I know of. It was late when I got in, and the voting was all through with.

Q. 32. Where did you vote on the day of election?

A. I voted in the second ward.

To the same effect are the depositions of William W. Bain, page 234; of George W. Glover, page 266; of Joseph Broughton, page 283; of Francis Russ, page 309; but it is unnecessary to multiply illustrations of what every man in the country knows is the invariable practice in all the Executive Departments of the Government—never to such an extent as under the present Administration.

In the investigation of the New York custom-house in 1872, it was proved that official positions were frequently the price of partisan services. (Volume 3, page 608.)

By Mr. HOWE:

Question. Now, what efforts have General Arthur, or Mr. Cornell, or Mr. Laflin, or Mr. Darling made to control the political action of their subordinates?

Answer. The only special knowledge I have on that subject is that every single one of their subordinates has to act in a certain political way. There are a few men there who I know are forced, in order to keep their places, to do just exactly contrary to what they believe to be right.

Q. Now, who are those?

A. I do not propose to tell them if I can help it, because every one of them would be turned out of office. (Examination of General George W. Palmer.)

At page 702, same volume, deposition of James L. Haste:

Q. What was the offer made by Mr. Murphy's agent to you? Just repeat the offer made by him in case you would leave your place upon the ticket and allow Mr. E. D. Morgan to go to the convention in your stead.

A. That I could take a sheet of white paper and write my own terms for myself and friends in the district. Any positions that I would choose to select would be given.

Q. Positions in the United States service in the custom-house?

A. In the United States service, for myself and my friends. Take a sheet of paper, and write out my own selections.

The individuals who were thus interrogated were, however, only Mississippians, into whose private and personal dealings with their employés an inquisition was made, which we do not believe would have been attempted or tolerated in the State of Massachusetts or any other State, where the right of local self-government is acknowledged and is suffered to exist.

However open to reprobation such attempts at coercion of opinion may be, no one can suppose it is within the power of Congress to interfere.

#### SOCIAL OSTRACISM.

Testimony was taken to prove the unwillingness of the southern white people to associate intimately with many of the witnesses. Judging from the account given of themselves by those who made this complaint, the undersigned are disposed to coincide with the parties complained of, and do not believe that in the Northern States the social standing of these witnesses could be very high, or intimacy with them generally desired. But it does seem to us absurd to suggest the regulation of private intimacies and associations by act of Congress. History has been read in vain if the folly and futility of all such attempts be not admitted. Time, the great healer of grief, may steep in oblivion the memory of the great losses with which the people of the South have in the providence of God been visited. But the wounds are too recent not to be touched gently. The members of many a household in Mississippi are clad in the garb of woe, and mothers, sisters, and wives are pale with sorrows that will not cease until the union with their loved and lost shall come with the end of their earthly troubles.

Into these associations a stranger may not intrude; a man of feeling would not if he could and an unfeeling man should be repelled.

The fireside of a citizen, however humble, is a domain which neither congressional committees nor any one else has a right to enter unbidden by its owner. Nothing in the letter or spirit, the theory or practice of American government even suggests such a jurisdiction, and we thus dismiss the subject.

#### INTERFERENCE BY FEDERAL AUTHORITY

in the State elections and internal affairs of the State has, since the close of the war, frequently taken place, and never without deplorable and disastrous results; and, on the other hand, the applications of minorities, defeated by the popular vote, to be nevertheless installed in office, has never been denied by the Federal authorities without such denial being followed by beneficent results.

Such interference has always been followed (and very naturally) by local discontent and disorder, as in the case of Louisiana and Alabama, while Tennessee, Virginia, North Carolina, Georgia, Texas, and Arkansas are living proofs in their increased prosperity and tranquillity of the wisdom of non-interference.

#### THE PROBLEM OF RACE

will continue to be of the deepest interest to the people of this nation; and it is not the duty or purpose of the undersigned to do more at present than recognize its existence and refer to its solution as a matter of great difficulty. Suffice it to say that the relations of the African to the white races in the United States do not stand alone for consideration; but on our Pacific coast the dark shadow of an Asiatic horde hangs lowering over the white population, and has aroused their gravest apprehensions.

The African race is now admitted fully to the rights of American citizenship. Under the fifteenth amendment all power to discriminate as to the right to vote "on account of race" is inhibited to the States and to the United States.

Thus, between the admission of the Mongolians to the privilege of suffrage, there now stands but the frail barrier of a single word of the naturalization laws to be added or subtracted at the will of a bare majority in Congress, which can close or open to the teeming oriental populations unobstructed opportunity, by their mere numbers, to control our elections and our governments, State and Federal.

The vastness and gravity of the subject will not admit of further discussion in this report.

A few remarks upon the condition of Mississippi in June, 1876, will conclude this report.

A rapid journey by railway brought the committee to the town of Jackson, the capital of the State. The examination of witnesses, who were all ready and in attendance, having been summoned in advance by telegraph from Washington, commenced on the day of our arrival and continued all day and every day from June 9 to June 27, when, by traveling all night, we reached the little village of Aberdeen, in Monroe County, and, after three days of close labor there, returned to Washington. No act of a turbulent or disorderly nature was witnessed by the committee, and no signs of enmity or incivility were exhibited; but, on the contrary, courtesy and respect were on all hands extended to the committee.

The poverty of the people was apparent in their garb, the appearance of their houses, and the marked absence of good and comfortable vehicles.

The want of horses or equipages for ordinary pleasure was frankly stated to the undersigned by sundry gentlemen who regretted their inability to allow us to see the surrounding country, simply because they and their families were too poor to indulge in the pleasure of a drive.

Large numbers of ladies in Mississippi delicately nurtured and carefully educated are compelled to perform the drudgery of their households unaided by domestic servants.

This great change in their mode of life and fortunes induces them to conceal their wants from a stranger's eye and frequently forbids that open-handed hospitality once so characteristic of southern households.

The only exhibition of pleasure-seeking witnessed was by the colored people, whose processions passed the committee-room and whose holiday excursions by railway started from the depot opposite.

The only cannon sound was from their republican ratification meeting, and theirs was the only music heard by us in Mississippi.

The poverty of the colored people also was often painfully apparent in the groups of witnesses who clustered upon the long galleries, wretched in appearance and miserably clad, giving to the hotel the appearance of a county almshouse.

The reformation in the legislation and administration of Mississippi by the party in control since January, 1876, has thus been important and marked with great benefits to the entire community.

The judiciary has been purified and elevated by the appointment of men learned in the law and irreproachable in character to the bench. The far-reaching and beneficent influences of this single reform can scarcely be overstated, and the blessing to flow to all classes of society and all races of men in the pure and equal administration of public justice may be now hopefully looked for.

The Hon. John A. C. Watson, a citizen of the highest reputation, both as a lawyer and a man, testified on this subject as follows, at page —:

Question. Speaking irrespective of party in the State, what was the effect upon public opinion of the course of administration which you have here detailed as to the growth of confidence or dissatisfaction therein?

Answer. It created great discontent and dissatisfaction. Many of the republican party became as violent opponents of Governor Ames as the democrats were or ever had been.

Q. I would ask you what, in your judgment as a citizen of the State and a close observer of the affairs of the State, was the effect of the discord in the dominant party in the election of 1875?

A. I think the split in the party contributed more to the overthrow of Ames than any other single cause. And in this way: The negroes, hearing their own men abusing each other, seemed to be bewildered. I traveled over the State a good deal during the last canvass. I addressed the people at this place, (Jackson,) and I addressed them at Canton, at Winona, at Oxford, Taylor's Depot, Hernando, Senatobia, and some other places, besides in Marshall County, and had a good deal of intercourse with the people.

Q. With both parties?

A. Yes, and I noticed a very great change in the negroes. Before, they had been unwilling to hear any but their own speakers, and seemed to have no confidence in anybody else. Last fall, long before the election, they were coming out to hear the democratic speakers. They were conversing with democrats, and before the day of election a good many had openly avowed themselves democrats. In my county and in others, of which I heard, a great many had joined clubs, and I noticed, frequently, one or two who would first go and hear; then they would converse with me, and their change was as gradual and slow as it well could have been. Finally they would avow themselves democrats and become more enthusiastic than anybody else. Such changes were usual throughout the State before the day of the election, and I heard many of them say, "Well, we have made nothing yet by the republican party; they have done us no good, and I reckon it is possibly best to have a change. We will try it." I don't pretend to give their exact language, but the substance of what many said.

Q. Since the election have you observed the sentiments and feelings of the colored population in regard to this change of administration?

A. I think there has been more of contentment and quiet and satisfaction among the negroes since the last election than has before existed in the State since reconstruction.

Q. Excluding yourself, of course, what is your estimate of the present state of judiciary, both as to the chancery, circuit court, and the supreme court?

A. I regard the improvement as very great—very great.

Q. Have the offices of chancellor been refilled?

A. Yes.

Q. And the circuit judges also refilled?

A. Yes.

Q. From what class of men, as to legal attainment and character, have these appointments been drawn?

A. They have been made from a class of lawyers who had the confidence of the people and who were competent to fill the places. The supreme-court bench, with Simrall, appointed by ALCORN, and Campbell and Chalmers, appointed by our present governor, Governor Stone, in point of capacity, integrity, and character, is equal to any court in the Union, and there are not more than one or two chancellors or circuit judges that I, myself, as governor, would not have appointed.

Q. Are you aware that the charge had been made that the late election in 1877 was carried by a general system of intimidation and violence on the part of the democratic party toward their political opponents in this State? I will ask you now what is your knowledge and your judgment as to the truth or falsity of that statement?

A. Well, so far as my personal knowledge goes, I never witnessed anything approaching intimidation by the whites. Cases of intimidation of colored voters by colored voters did come under my observation. There has always been something of that, but much less of it in the last election than previously. A better class of men, as a general thing, were anti-radical candidates last fall, and a more orderly or fairer election was never held, so far as it came under my observation.

Judge Campbell, of the supreme court, at page —, says:

Question. Has there been, as far as you know, since the election an acquiescence in the change of affairs in the State?

Answer. Entirely so; the most perfect quiet has reigned throughout Mississippi. Q. Any collision between the races since that, that you are aware of, in your own section of the country?

A. I have heard none anywhere I remember, except on the borders of Mississippi, in Louisiana, this matter down here, that is known through the instrumentality of papers; I have heard of no disturbance; perfect quiet has reigned throughout the State except that.

Q. State what has been since 1875 the effect of this change of administration; if there has been any effect upon the happiness and prosperity of the people.

A. It has been most inspiring, decidedly inspiring, to the people.

Q. Is that feeling confined to one race exclusively?

A. I am not able to speak about the colored people. My associations with them are so very limited that I cannot say, sir. My professional duties before my appointment to the bench, and my judicial duties since, have so engrossed my time that really I cannot express an opinion, even about the sentiments of colored men in the State.

Q. Has there been, to your knowledge, a visible improvement in the prosperity and condition in the State since the change of administration?

A. There is no question about that, I think, sir. The prospect for industrial success is decidedly better than it has been. There are much higher hopes in the bosoms of the white people, and, so far as I can ascertain or judge from every appearance, perfect contentment, quietude, and satisfaction among the colored people.

The truth is that the colored people were being incited by pestiferous vagabonds who wanted to stir them up for purposes of their own against the whites. And they would have moved along in their sphere contentedly and quietly, depending on the white people, trusting in them, and treated with kindness by them, but they were stirred up and hopes were created in their bosoms which could not be realized. And there are ambitious men among them, who, catching their inspiration from their leaders, undertook to permeate the whole race with it, and spreading it abroad inciting them and inducing a feeling, when there would have been no such feeling; all would have been satisfactory between the whites and blacks had it not been for the interference of these persons who undertook to use the negroes for their own purposes.

And I will state further that the negroes would have fared just as well and better without any interference at the hands of the mass of the white people, who have far more consideration and kindness for them than these men who make loud pretense of their devotion to them for mere political purposes.

I know the negro race well; I was born and reared among them, and have nothing in the world but the kindest feelings for them, and in my private life and in public life, as they will all testify who have been brought within my influence, I have treated them with great consideration. When on the bench, where they had against them the natural prejudice unhappily existing to a great extent in the minds of their late masters against the newly enfranchised race, I was anxious to secure them from injustice from white jurors, even more so than if they had been white people. I have always had only feelings of the utmost kindness toward them, and have now.

I am prepared to assert that they have done wonderfully well under the circumstances, and would have done far better but for the interference of politicians, who stir them up and use them for their own benefit. They have been badly taught and misled and been used as mere puppets to a large extent.

The reduction of expenses by the last Legislature was positive and highly satisfactory to all tax-payers. (See page —, deposition of —.)

The condition of public schools is in the main satisfactory, and the provision for their maintenance has been increased by the appropriation of certain license fees and fines to their support. (See page —, deposition of E. Barksdale.)

On this subject the following extract is pertinent and interesting:

#### THE PEABODY SCHOOL FUND.

"On Friday last the trustees of the Peabody fund for aiding the public schools at the South held a meeting at the Greenbrier White Sulphur Springs, at which the report made by Dr. Sears of his last year's work was discussed. From this report we learn that Dr. Sears disbursed from the fund under his charge, but a small amount to South Carolina, Florida, and Louisiana, because those States do not foster public education. In South Carolina and Louisiana the republicans have had possession of the government for years past. In Florida the democrats have only recently had any chance of carrying the State. Yet in these three States, where the white friends of the colored people have everything their own way, the school funds have been squandered and dissipated and the school-houses closed. What wonder, then, is it that Mr. George Peabody Russel, who joined in the discussion of the Sears report, gave it as his opinion, from personal and recent observation, 'that nothing could be expected from those States in the way of advancing their educational interests until there was a change in their State governments.'"

By amendment criminal legislation the live stock of the farmers has been protected and the lawless and indiscriminate slaughter of breeding-animals has been made highly penal, so that this year much of the pork and beef heretofore purchased abroad will be raised within the State.

With the increased acreage of corn and the fine crops of their great staple of cotton, the prospects for the material prosperity of Mississippi in the present year are favorable.

#### CONSTITUTIONAL POWERS OF CONGRESS.

If it be desired that our form of government should be continued, we hold it to be the sworn duty of every Senator and Member of Congress, as well as every officer of the Government, to respect and obey the limitations upon power imposed by our written charter.

Whatever may be our individual opinions as to the right or the wrong of a given condition of affairs, the power, and with it the duty to interfere must be found expressly or by necessary implication in the Federal Constitution, otherwise such interference is law-breaking and not law-making.

The Supreme Court of the United States, in the case of *The Collector vs. Day*, 11 Wallace, Rep., p. —, through the lips of that venerable and lamented jurist, Mr. Justice Nelson, described the relative powers of the Federal and State governments in the following words, which we commend to the respect and for the instruction of the Senate:

"It is a familiar rule of construction of the Constitution of the Union that the sovereign powers vested in the State governments by their respective constitutions remained unaltered and unimpaired, except so far as they were granted to the Government of the United States. That the intention of the framers of the Constitution in this respect might not be misunderstood, this rule of interpretation is expressly declared in the tenth article of the amendments, namely: 'The powers not delegated to the United States are reserved to the States, respectively, or to the people.' The Government of the United States, therefore, can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given, or given by necessary implication.

"The General Government and the States, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other within their respective spheres. The former in its appropriate sphere is supreme; but the States within the limits of their powers not granted, or, in the language of the tenth amendment, 'reserved,' are as independent of the General Government as that Government within its sphere is independent of the States. \* \* \*

"Such being the separate and independent condition of the States in our complex system, as recognized by the Constitution, and the existence of which is so indis-

pensable that without them the General Government itself would disappear from the family of nations."

The House of Representatives of the United States is by the Constitution the sole judge of the elections, qualifications, and returns of its members. Contests for membership and admission to that body must be settled by that body alone. This Senate has no power.

The constitution of the State of Mississippi secures to the respective houses of its Legislature the same exclusive power in the same frame of words, and it cannot be lawfully overthrown by the United States.

The deposition of Mr. Walton, the present United States district attorney of Mississippi, at page 63, exhibits his and Governor Ames's views of the late election:

Question. Has any department of the government in Mississippi, or any authority, State or Federal, questioned the legality of the present Legislature?

Answer. I believe not, sir. That is to say, no authority, State or Federal, nor department of the government in Mississippi has questioned the legality of the present Legislature. There has been a popular charge that it was a legislature elected by intimidation; but then, while they have questioned it unofficially, they have recognized the legality of the Legislature by their official intercourse with it.

Q. Have not both the judicial and executive authority of the State repeatedly recognized the legality of the Legislature elected in 1875?

A. The judicial authority, the supreme court, may be considered as having recognized the legality of the Legislature in this way: two of the judges of the supreme court by turns—the court consists of three judges—presided over the impeachment of Governor Ames. The chief justice of the State first presided, and then in consequence of ill-health he resigned his position, and became only an associate justice, and the person who was elected chief justice in his place took his position as president of the court of impeachment. The officers of the State generally reported to the Legislature, and the governor of the State sent his message to the Legislature and approved or vetoed its bills. I remember that I had a conversation with Governor Ames on that subject, in which something was said about the legality of the Legislature. I recollect he made the remark, which impressed me as authorizing his action in the matter, that the Legislature was a legal body, because the number of republicans in the Legislature and the number of democrats in the Legislature, who were peacefully elected, constitute a majority of each house, and thereby were entitled to decide the question of the right of the other members to their seats. He contended, however, that a good many of the members had been illegally elected. Q. But that that was a question which there was a legal body there to determine?

A. That there was a legal body there composed of republicans who had been elected without any improper influence, and democrats who were elected peacefully in sufficient numbers to constitute a majority of each house. I remember his making that remark to me in January, shortly after the Legislature met. He did not give that as his reason for recognizing the Legislature in his official capacity; but the two things coupled themselves together in my mind.

The statement of the result of the election by Governor Ames, and that the late Legislature was a legal body, is more than sustained by the testimony.

Striking out the counties where fraud or violence may be supposed to have nullified the elections in those special and few localities, still enough lawfully and peacefully elected members of both houses remain unimpeached, in any quarter and by any witness, to form more than a quorum duly qualified to organize the two bodies according to the constitution of the State of Mississippi.

T. F. BAYARD.  
J. E. McDONALD.

NORMAN H. RYAN.

Mr. LOGAN. I move to take up Senate bill No. 840.

The motion was agreed to; and the bill (S. No. 840) for the relief of Norman H. Ryan was considered as in Committee of the Whole. It provides for the payment to Norman H. Ryan of \$736, in full for services as storekeeper of the bonded warehouse of E. W. Dutcher, at Amboy, Illinois, from the 18th of April, 1868, to the 15th of October, 1868.

Mr. LOGAN. There is a report from the Committee on Claims in connection with this bill. It has been examined by the Committee on Claims and reported favorably.

Mr. EDMUND. Now I should like to hear the report read.

Mr. WRIGHT. I think I can state to the Senator from Vermont the facts of this case. This man was watchman of this bonded warehouse. The party failed. The officer in charge, the collector, instructed this person to continue to watch the property that was there in which the Government had an interest. It was the duty of course of the person owning the property to pay this expense, but he having failed and this collector instructing the man to continue on watch he did it for the number of days he is paid for as watchman.

Mr. EDMUND. Is there not a lien on the property for fees of that kind?

Mr. LOGAN. The Government got the property.

Mr. EDMUND. If the Government got the property, of course we ought to pay the man.

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

ROBERT N. EDDY.

Mr. ALLISON. I wish to call up the conference report on the river and harbor bill.

Mr. KERNAN. I ask the Senator to yield to allow me to call up a bill. I think there will be no objection as the man is suffering. It is Senate bill No. 788, which contains but eleven lines and the report is still shorter.

Mr. ALLISON. I yield to that.

There being no objection, the bill (S. No. 788) for the relief of Robert N. Eddy was read the second time and considered as in Committee of the Whole. It is a direction to the Paymaster-General of the United States Army to pay to Robert N. Eddy, late second lieutenant Company K, One hundred and fourteenth Regiment New York State Volunteer Infantry, the full pay and emoluments of a second lieutenant, from the 31st of December, 1862, to the 28th of August, 1863, deducting therefrom all pay he may have received from the Government as first sergeant for that period.

Mr. KERNAN. Let the report of the Committee on Military Affairs be read.

The Chief Clerk read the report submitted by Mr. RANDOLPH from the Committee on Military Affairs on the 1st of May, as follows:

The Committee on Military Affairs, to whom was referred the bill for the relief of R. N. Eddy, late second lieutenant Company K, One hundred and fourteenth Regiment New York Volunteer Infantry, submit the following report:

The applicant desires difference in pay from the 31st December, 1862, to the 28th August, 1863, between the pay of a sergeant and that of a second lieutenant.

Prior to the first date, Eddy was a sergeant in the regiment and company named; was appointed a second lieutenant at that time; a second lieutenant's vacancy then existed in the company. Eddy performed the duty assigned him; failed to get his commission because of the loss of the vessel on which it was, and was prevented from being sworn in as second lieutenant until the last day named, *i. e.*, August 28, 1863.

The committee recommend the passage of the bill.

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

#### CHANGE OF A STEAMBOAT'S NAME.

Mr. McMILLAN. I ask the Senator from Iowa to yield to me to move that the Senate proceed to the consideration of the bill for the relief of the heirs of Asbury Dickins.

Mr. CONKLING. That will lead to long debate.

Mr. McMILLAN. If that be so, I ask the Senator to yield to me for the passage of the bill (H. R. No. 2252) to authorize the Secretary of the Treasury to change the name of the steamboat Hiram Wood.

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

Mr. EDMUND. Let us pass one bill that is not a money bill.

By unanimous consent the bill (H. R. No. 2252) to authorize the Secretary of the Treasury to change the name of the steamboat Hiram Wood was considered as in Committee of the Whole.

Mr. CONKLING. Mr. President, on this bill I wish to make a remark, and I would be glad to believe that it would reach the ears and the regards of Senators. There are a great many bills on the Calendar to which nobody would object and which are of deep concern to those who are interested in them. If we could in place of taking up bills in this way—I do not mean to object to this bill at all—have consent to go through the Calendar in the morning hour for a day or two under the Anthony rule and let the Calendar be called for unobjection bills, it would be a great relief to many people, some of whom are sitting in the galleries now and some of whom are in much distress about matters which would not occupy the Senate one moment each. As I say, I do not interpose against this bill; but to-morrow morning and on subsequent mornings I will see whether I cannot get the approbation of the Senate to take up the Calendar under the Anthony rule, and as a friend very properly observes, it is more important in the case of House bills because our action on those concludes legislation. Let us take up unobjection bills and run on and dispose of a great many of these questions which are so distressing to the people concerned in them.

Mr. THURMAN. A day or two ago a bill in regard to counting the votes for President and Vice-President was taken up on my motion and then was laid aside informally subject to be called up at any time; but since that I suppose it has been supplanted by business that was pending at the close of the day. I want to give notice now that as soon as the Senator from Indiana and the Senator from New Jersey shall be in their seats I shall ask that that matter shall be disposed of. I have no speech to make on it; I only want it voted on and disposed of. If the Senator from Indiana were in his seat I should move to take it up.

The PRESIDENT *pro tempore*. There is a bill before the Senate as in Committee of the Whole.

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

#### BILL RECOMMITTED.

Mr. PADDOCK. I ask the indulgence of the Senate for a moment to move a reconsideration of the vote by which the bill (S. No. 133) to sell certain public lands to the Beatrice and Denver City Railroad Company, and for other purposes, was indefinitely postponed. I do this by instruction of the Committee on Public Lands, for the purpose of moving its recommitment to that committee.

The PRESIDENT *pro tempore*. Is there objection to the reconsideration of the indefinite postponement of the bill? The Chair hears none. It is moved that the bill be recommitted to the Committee on Public Lands.

The motion was agreed to.

#### THE CALENDAR.

Mr. GORDON. I move to take up Senate bill No. 951.

Mr. CONKLING. I did not object to the bill which was last moved, and I dislike to object to any bill in which the Senator from Georgia is interested; but I must insist that if we are going on, the morning hour having expired, to displace the regular order, it ought to be with a fair opportunity to all these people alike. I have no doubt the Senator's bill is right, but we shall reach it in a moment, nobody will object to it, and it will be passed.

Mr. GORDON. I am perfectly willing to accede to the motion of the Senator from New York.

Mr. CONKLING. Suppose the Senator makes the motion, and let us try. We shall run down to his bill in a moment.

Mr. GORDON. I move, then, that we take up the Calendar, and only bring before the Senate bills that are not objected to.

The PRESIDENT *pro tempore*. Under what is known as the An-

THONY rule. Is there objection to that proposition? The Chair hears none.

Mr. SHERMAN. I ask what is the regular order?

The PRESIDENT *pro tempore*. The resolution of the Senator from Indiana [Mr. MORTON] for printing extra copies of the President's message relative to the massacre at Hamburgh.

Mr. CONKLING. And this is subject to a call for the regular order at any time.

The PRESIDENT *pro tempore*. The Calendar will be resumed where its consideration was last left off.

#### STEAMBOAT ROBERT ROSS.

The bill (H. R. No. 1915) to change the name of the steamboat Robert Ross was considered as in Committee of the Whole.

The Committee on Commerce reported the bill with an amendment, which was in line 5, after the word "Mollie," to strike out "Kreton" and insert "Keator;" so as to make "Mollie Keator" the name of the vessel.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

#### PLEASURE-YACHT ELLA.

The next bill on the Calendar was the bill (H. R. No. 1823) to change the name of the pleasure-yacht Ella to that of Myra; which was considered as in Committee of the Whole.

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

#### PRINTING AGRICULTURAL REPORTS.

The next business on the Calendar was the concurrent resolution to print 25,000 copies of the report of the Commissioner of Agriculture for 1875, to be distributed by the Commissioner.

The Chief Clerk proceeded to read the resolution.

Mr. CONKLING. If that resolution is not legible, I think I shall object.

Mr. FRELINGHUYSEN. It is very necessary that it should pass.

Mr. CONKLING. It cannot be passed unless it can be read.

The Chief Clerk read as follows:

*Resolved by the Senate, (the House of Representatives concurring.)* That there be printed and bound 25,000 copies of the report of the Commissioner of Agriculture for 1875 for distribution by the Commissioner of Agriculture.

Mr. WITHERS. I ask whether it is contemplated that any number of copies shall be printed for distribution by members of Congress.

Mr. FRELINGHUYSEN. There are two resolutions which have passed the House. One provides for the printing of 100,000 copies, I think, for the House and the Senate of the report for 1874, and then there is another resolution which has passed the House for 1875. The books are stereotyped for 1874, and it is very little expense, comparatively, to have that year's report printed. This resolution is for the benefit of the Commissioner himself, and I think the three resolutions ought to pass.

Mr. SAULSBURY. I want to call the attention of the Senator from New Jersey to the fact that I believe the number of 25,000 has been heretofore printed for the Commissioner, but I want to inquire of him if that is not too large an amount for the Commissioner? I understand he is unable to distribute them and sends them here, and they are put in the folding-room to the credit of members of Congress. I think I found the other day thirty copies that were assigned to me out of the surplus remnant in the hands of the Commissioner.

Mr. FRELINGHUYSEN. I understand from the Commissioner that he cannot spare any of these.

Mr. SAULSBURY. That was my information. I may be incorrect. I found them to my credit after I thought I had exhausted all my own.

Mr. FRELINGHUYSEN. The reason of that probably is that last year the Senate printed some number, I forget how many, but a thousand or two thousand for its own use while none were printed by the House, and I suppose the Senator from Delaware received his quota of that ten or twelve hundred copies.

The PRESIDENT *pro tempore*. The pending amendment will be reported.

The CHIEF CLERK. The pending amendment is to insert at the end of the resolution:

And 250,000 copies of the same for general distribution by Senators and members of the House of Representatives.

Mr. SARGENT. Is an objection still good to this resolution?

The PRESIDENT *pro tempore*. No; it is before the Senate.

Mr. FRELINGHUYSEN. This had better be passed without amendment.

Mr. SARGENT. I object, provided this amendment is tacked on.

Mr. PADDOCK. I do not see why we may not dispose of the whole question now as well as delay part of it to another time.

Mr. SARGENT. It is sought to pile up the committee-rooms and folding-room with documents when there is no method of distributing them. I do not know how other Senators may feel, but I say for

myself that I cannot afford (out of the little pay I receive and such resources as I can command) to pay the postage on thousands and thousands of public documents.

Mr. FRELINGHUYSEN. That is very true for everything except this report. This report and the RECORD do go free.

Mr. SARGENT. I have another objection. That objection is that we have made very stingy appropriations for the Government Printing Office for the ensuing year, and it is doubtful if they can get through with the ordinary necessary work. I am informed by those who are cognizant with the matter that it is impossible to do it. We have very stringent laws against exceeding appropriations. I would not like to find that the blanks of the Post-Office Department or those of the Treasury are suspended in the vacation for want of funds to do necessary work. I would not like to see the man who is Public Printer in the State prison or hauled over by a committee of Congress for violating the law by expending money not appropriated by Congress. I am opposed to piling up these orders for printing for that reason. With reference to the original proposition for 25,000 copies, it might perhaps be squeezed through; but when you come to add 250,000 more I do not think we ought to do it unless ample appropriation is made.

Mr. FRELINGHUYSEN. I think we had better pass this resolution without the amendment, inasmuch as there are two other resolutions which have passed the House making provision for copies for the use of members of Congress; and as to the deficiency in the appropriation, while what the Senator from California says is very true, still I rather guess the appropriation is enough to run the establishment until December, and that is about all that is contemplated, I presume, by these appropriations.

Mr. WRIGHT. The resolution is now before the Senate. I understand the amendment is to print 200,000 copies additional for the use of the Senate and House. I shall vote for the amendment, and I think it a very appropriate and proper place to put it on now. These other two resolutions may have passed the House, but it is a matter of very great doubt whether we shall pass them at this session. I do not know any report published by Congress that, so far as the people of my country are concerned, they take so much interest in as in this very report. There is no one report that is called for one-tenth or one-hundredth part of the time that this is called for, so far as I am concerned, and I think there is no one thing to which we can devote the money that would be more acceptable and that would be more approved generally by the people than this. This is only the number, as I understand, that has been published heretofore in prior years, and I see no reason why we cannot do it now. I think if the resolution as originally reported is to pass for printing 25,000 copies, then the additional 200,000 ought to be added. I shall vote for the amendment, and I shall vote for the resolution when it is thus amended.

Mr. SARGENT. I have objected.

Mr. PADDOCK. At the time this matter was considered before I offered the amendment which has been read without thinking of the necessity of making provision for the distribution of the report of 1874. I think the propositions sent over from the House more nearly cover the necessities of the case than my amendment. Therefore, I propose that they be added as an amendment to this resolution. I offer them as a substitute for the amendment, or rather I withdraw the other amendment and substitute this.

The PRESIDENT *pro tempore*. The amendment of the Senator from Nebraska will be read as amended.

The CHIEF CLERK. The amendment is to strike out all of the resolution after "Resolved," and insert:

That there be printed 100,000 copies of the report of the Commissioner of Agriculture for the year 1874, 20,000 copies for the use of the Senate, and 80,000 copies for the use of the House of Representatives; and that there be printed 200,000 copies of the report of the Commissioner of Agriculture for the year 1875, 43,750 copies of which shall be for the use of the Senate, 131,250 copies for the use of the House of Representatives, and 25,000 copies for distribution by the Commissioner of Agriculture.

Mr. HITCHCOCK. I wish to inquire of the Senator from New Jersey where the House resolutions are on the Calendar that he spoke of?

Mr. FRELINGHUYSEN. I think the resolutions are on the Calendar. I hope now that this matter is up that this amendment will be adopted, and that we shall dispose of the whole subject.

Mr. SARGENT. I have objected to the whole matter.

The PRESIDENT *pro tempore*. Not when the resolution was taken up. An objection does not prevail unless it is made at the time a resolution or bill is taken up. When the Senate has once proceeded to consider it, it cannot be laid over by one objection.

Mr. SARGENT. I should like to know the cost of printing this enormous quantity of matter?

Mr. FRELINGHUYSEN. I do not know. I understand that the report of 1875 is stereotyped. What the cost is I do not know. The report of 1875 is already to be printed. That is all the information I have on the subject. This is the same number which has been printed every year. It is about all that the agricultural part of the community get out of the Government and they are very much pleased with this work. I think it does good. I hope the Senate will pass the resolution.

Mr. SARGENT. I should like to enter my protest; it seems to be

all that I can do. I thought I objected in time to this extravagant expenditure of public money, this immense draft upon a fund entirely inadequate to do the current business of the Government.

The PRESIDENT *pro tempore*. That there may be no misunderstanding, the Chair will state his ruling. It is that whenever a bill is read in full, if requested, an objection then will send it over; but after a bill is in Committee of the Whole and under consideration, no objection can then prevail. So of a resolution.

Mr. SARGENT. I did not object to the original resolution, but when amendments were offered entirely different in character, increasing the amount to an enormous extent, then I interposed the objection the very moment these amendments were offered.

The PRESIDENT *pro tempore*. A bill or resolution is liable to be amended in any form. Objection cannot pertain on account of the different stages. The question is on the amendment of the Senator from Nebraska.

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 34, nays 10; as follows:

YEAS—Messrs. Bayard, Bogy, Boutwell, Burnside, Cameron of Wisconsin, Christy, Cockrell, Cragin, Davis, Dennis, Ferry, FrelinghuySEN, Gordon, Hamilton, Harvey, Hitchcock, Howe, Ingalls, Jones of Florida, Kelly, Key, McCreery, McDonald, McMillan, Maxey, Mitchell, Paddock, Patterson, Ransom, Saulsbury, Spencer, West, Withers, and Wright—34.

NAYS—Messrs. Booth, Conkling, Cooper, Eaton, Hamlin, Kernan, Morrill, Sargent, Wallace, and Whyte—10.

ABSENT—Messrs. Alcorn, Allison, Anthony, Barnum, Bruce, Cameron of Pennsylvania, Clayton, Conover, Dawes, Dorsey, Edmunds, Goldthwaite, Johnston, Jones of Nevada, Logan, Merrimon, Morton, Norwood, Oglesby, Randolph, Robertson, Sharon, Sherman, Stevenson, Thurman, Wadeleigh, and Windom—27.

So the amendment was agreed to.

Mr. SARGENT. By the vote just taken a resolution which was intended to involve a cost to the Government of \$10,000 has been changed to one costing \$120,000. It looks like very brisk work in about ten minutes, and it exhausts about one-fourth of the whole appropriation for public printing. It is very rapid legislation.

I suppose after the vote that has been given in favor of this enormous printing it will be useless to protest any further. I simply call attention to the fact that it does not look very economical to expend \$120,000 in addition to the cost of stereotyping and setting the type for these books by an amendment put on in this way; and it seems to me, although I do not question the ruling of the Chair, that it is going very far to say that where a proposition is brought forward to spend \$10,000 an objection is not good when a proposition is made to change it to cost twelve times that amount.

Mr. FRELINGHUYSEN. Although my friend thinks the legislation is rapid it is really stereotyped legislation. It is what is done every year; and it would be a great deal better to have it fixed by a permanent statute than even by passing these resolutions. It does cost something, it is true, but it is the people's money and the people want this information, and they like this expenditure, as the vote in the House and the vote here always show.

Mr. SAULSBURY. I desire to say that, while I consider this a very valuable document, I am in favor of limiting the printing of reports, particularly upon mining and other interests which are purely local in character, as I have been careful to explain to the Senator from California, [Mr. SARGENT.]

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

Mr. SAULSBURY. Certainly.

Mr. SARGENT. The report on mining was abolished last year on my motion.

Mr. SAULSBURY. I am glad to hear it.

Mr. SARGENT. I believe the Senator at that time had something to say about the report on mining, and I made a similar remark, calling his attention to the fact that it was omitted from the sundry civil bill on my motion. I trust the Senator will remember it now, and next year will not say that I am in favor of the report on mining.

Mr. SAULSBURY. I will join the Senator in economy on a great many other works which are prepared and which can only go out at the personal expense of members of Congress. I have insisted here that we ought to limit the publication of works unless there was some provision to send them out without personal charge to members of Congress; but this work, the Agricultural Report, is one that the agricultural community desires, which it appreciates. In my opinion they appreciate it more than any other work which is published by authority of Congress.

The resolution, as amended, was agreed to.

#### VANCOUVER WATER COMPANY.

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

The next bill on the Calendar was the bill (S. No. 453) to authorize the Vancouver Water Company to lay water-pipes through the Fort Vancouver military reservation; which was considered as in Committee of the Whole. It authorizes the Vancouver Water Company, a corporation organized under the laws of Washington Territory, to lay down and keep in repair water-pipes for the conveyance of water through the military reservation of Fort Vancouver.

The bill was reported from the Committee on Military Affairs with an amendment, to add at the end of the bill the words:

To be subject at all times to orders and regulations of the War Department.

Mr. BOUTWELL. I do not object to the amendment, but it seems to me it ought to be amended so as to authorize the company to remove the water-pipes, if they choose.

Mr. SPENCER. I think it does do that.

Mr. INGALLS. Is there any report from the Secretary of War on the subject?

The PRESIDENT *pro tempore*. No papers accompany the bill.

Mr. KELLY. I will state, if it be desired, the reason why this bill was introduced and why I desire it to pass. The Vancouver Water Company was authorized some years ago to construct and lay down pipes through the military reservation by the permission of the Secretary of War. Subsequently the Secretary learned that he had no authority to do that, but that it should be done by Congress. While the water-company is now passing water over the reservation, it has really no authority to do it, and therefore this bill was introduced. The amendment of the committee that it shall be under such regulations as may be established by the War Department I think is fair.

Mr. BOUTWELL. I move in the amendment after "to," in the seventh line, to insert "removal and to;" so as to read:

To be subject at all times to removal and to orders and regulations of the War Department.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

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

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

#### PRINTING AGRICULTURAL REPORTS.

Mr. ANTHONY. While I was absent for a few moments in the service of the Senate, a concurrent resolution has passed, I understand, authorizing the publication of 300,000 copies of the Agricultural Report. Although I am opposed to what seems to me such an extravagant waste of public money, I do not propose to attempt to object to the will of the Senate, but I ask that the vote on the passage of the resolution may be reconsidered so that I may add an amendment, without which I do not think the resolution can be carried into effect. There is no money to pay for the printing. The sundry civil appropriation bill has cut down the appropriation for the public printing one-third, I think. The Senator from California [Mr. SARGENT] will recollect how that is.

Mr. SARGENT. Yes, sir.

Mr. ANTHONY. And now having cut down the appropriation about one-third, we pass a resolution here to expend \$150,000 more than we did last year, which cannot be carried into effect unless there is money for it, because if the Public Printer expends the money without an appropriation he is subjected to a severe penalty. I therefore move a reconsideration of the vote by which the resolution was passed, and I will then move that it be put in the form of a bill, making an appropriation to pay the expense of the printing.

Mr. PADDOCK. I should like to inquire of the Senator if there will not be an opportunity in some other bill devoted exclusively to appropriations to provide for this appropriation?

Mr. ANTHONY. No; every appropriation bill that has not already become a law has passed both Houses and is in the conference committee.

Mr. PADDOCK. It seems to me unnecessary to reconsider the resolution for the purpose of putting this amendment upon it. It seems to me some other provision could be more readily made.

Mr. ANTHONY. If the Senator can suggest it, very well. I make this motion in good faith to the Senate. I am opposed to the printing of this enormous number of books for gratuitous distribution, but if it is the pleasure of the Senate to order it, I think we ought not to compel the Public Printer to incur the expense and then put him in the State's prison for spending the money. I am quite sure that unless the amendment I suggest is put upon the resolution the order of the Senate cannot be carried into effect.

Mr. CONKLING. Is this a Senate resolution?

Mr. ANTHONY. It is a Senate resolution, but should be changed to a bill. Not wishing the publication to be made, I am quite content to leave it as it is, in which case I am quite sure it will not be effective; but if it is the desire of the Senate to incur this great expense, then it must appropriate the money and take the responsibility.

Mr. PADDOCK. I object to a reconsideration.

Mr. SAULSBURY. I have no doubt that if Congress would stop publishing political documents for distribution and other unnecessary works, we could save enough to publish this work, in which the great agricultural interest of this country is interested.

Mr. ANTHONY. Will my colleague on the committee tell me where we are going to save? We order so many copies of this report and then we appropriate a certain amount of money. We appropriate for the public printing a million of dollars and then we order a million and a half dollars' worth of printing to be done.

Mr. PADDOCK. I should like to inquire of the Senator if he knows any other direction in which money can be applied for public printing where it will carry with it greater beneficial results to the people? I object most thoroughly and most emphatically to the term "waste" employed by the Senator in connection with this appropriation. So far as I am concerned, I am satisfied in my own mind that

there is no printing done by the Government so acceptable to the people and so useful to the whole country as is this.

Mr. ANTHONY. If we should print Webster's Dictionary or the Holy Bible, I think it would be quite as useful to the country and there would be as great a demand for it. There is always an immense demand for books which we give away. I did not rise to argue the question, however. I have long known that it was the intention of the Senate and House to order this printing. I rise in good faith to the Senate to say that if they want this printing done they must reconsider the resolution and make an appropriation for it.

Mr. FRELINGHUYSEN. Can we have unanimous consent to take the resolution up at once and pass it, if it is reconsidered?

Mr. SARGENT. I will not object. I objected before on the ground that the Senator from Rhode Island now so ably states. I will not object provided the appropriation is made.

Mr. FRELINGHUYSEN. What does the Senator from Rhode Island suggest?

Mr. ANTHONY. My amendment is to appropriate the money to print the 300,000 copies.

Mr. SARGENT. Which will take \$120,000. I understand the type is set and it will cost forty cents a volume after it is stereotyped.

Mr. FRELINGHUYSEN. The type is set of the report for one year.

Mr. ANTHONY. It should be "\$130,000, or so much thereof as may be necessary."

Mr. HOWE. Let me suggest that the resolution had better go to the House and they will concur without an amendment or with an amendment. If we require the printing to be done, the Printer will not do it unless he has funds to do it with, and if we come back here next winter and do not find the reports he will probably be able to tell us what the reason is, and then we can appropriate the money or not as we choose. I guess we had better not attempt to go into the question of making an appropriation at this time.

Mr. ANTHONY. I move to reconsider the vote and shall then move to put the resolution in the form of a bill with a proper appropriation; and then, although I shall not waste the time of the Senate in opposing it, I shall merely vote against it. If the Senator from Wisconsin does not want the books printed and is willing to defeat the resolution by indirection, I certainly have no objection; only I do not think it would be proper for me with the information which I happen to have upon the subject, having some charge of the public printing, to allow the Senate to make an order which cannot be executed.

Mr. HOWE. I may be allowed to say that I do not want to defeat this measure by indirection, and I do not mean to defeat it at all. I want the resolution to pass, and I undertake to say it will be executed if you pass it. It may be you will find yourself short next winter and will either have to make an additional appropriation for the Printing Office or have to stop printing them, but "sufficient unto the day is the evil thereof." This printing will have to be done, for I do not think we shall order printing enough this session to exhaust the appropriation made for that purpose.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island [Mr. ANTHONY] to reconsider the vote by which the resolution was agreed to.

Mr. PADDOCK. I hope the motion will not prevail. It seems to me it is unnecessary to reconsider the resolution.

Mr. LOGAN. Why not put it in the form of a special appropriation bill, and let the resolution stand as it is?

Mr. ANTHONY. The two provisions ought to go together. If we pass the resolution and should not pass the appropriation bill, then, in spite of what my friend from Wisconsin says, the order cannot be executed. All these appropriations are under a particular head. The Government Printer cannot take the appropriation made for the Treasury Department or the Interior Department and divert it to the publication of these reports.

Mr. WEST. I voted for the resolution, and am in favor of the appropriation for the reasonable cost that the Government will incur in carrying it into effect. An examination of the lately-passed sundry civil service bill will convince the Senate at once that it is idle to let the resolution stand as it is. The total amount appropriated for the printing of the Interior Department is \$135,000 and for the Agricultural Department \$9,000, making the amount \$144,000 for all the printing of those two Departments. Consequently if this is to cost so much money it would exhaust all that you have appropriated for the Interior Department and the Agricultural Bureau, and your resolution as it stands is a nullity.

Mr. PADDOCK. Of course it will not take precedence of the other printing.

Mr. WEST. I know it will not take precedence. You will by no possibility get any Agricultural Reports printed under your resolution without such an amendment as appropriates the money necessary therefor.

Mr. INGALLS. These are for bound copies?

Mr. ANTHONY. Yes.

Mr. INGALLS. In looking over the cos' I find that for 1,250 copies for 1874 the cost to bind them was \$200, or about sixteen cents apiece. You would be without books and without bindings, most assuredly, as the resolution now stands, and the only way to make it effective is to reconsider it and add the amendment making the appropriation.

Mr. FRELINGHUYSEN. I suggest that the resolution stand as it

is. A bill can be introduced making the appropriation. The House can amend the resolution by adding an appropriation or an appropriation can be added in conference. I do not see any necessity for our undoing what we have done. It seemed a little difficult to get the measure up, and it is, at any rate, an expression of the opinion of Congress on the subject.

Mr. CONKLING. Mr. President, I cannot doubt that the Senator from Rhode Island is quite right about this matter. Surely no conference committee can import into this resolution an appropriation.

Mr. FRELINGHUYSEN. Probably not.

Mr. CONKLING. Or even change it to a bill.

Mr. FRELINGHUYSEN. No, sir.

Mr. CONKLING. Very well, then what are we in the act of doing? This subject is now before us; the Senate is considering it; it is here, and what do Senators advocate? Here is the Public Printer, who has been the object of much reproach, first because he allowed Senators to order speeches, and printed them and sent them here and received pay from Senators, the law technically as it was said, requiring that the money should be put in his hands in advance. It was alleged to be a crime for him to do the printing and trust to the faith of Senators who had subscribed, and a serious inquiry was had to ascertain the length and breadth of the guilt of the Public Printer for doing that. Then came out charges of irregularity, of disregard of the formalities and technicalities of the law. Thus our attention has been called to this subject, and now what is proposed? One hundred and forty thousand dollars, and that only, by the action of both Houses, fortified by repeated conferences of conference committees, has been appropriated as the entire sum for printing for the Interior Department and the Agricultural Bureau, \$9,000 of that money being appropriated for the Agricultural Bureau.

Mr. PADDOCK. I should like to inquire of the Senator—

Mr. CONKLING. I wish my friend would let me conclude my statement, and then I will hear him with great pleasure. Now we propose, making no appropriation whatever, warned by the Senator from Rhode Island of the facts, when we direct the printing of a work which is to cost \$140,000 itself, or nearly that. Then where is the Public Printer to stand? One alternative is that there is to be committed to his discretion the question whether he will apply parcel of this \$140,000, devoted to printing for that Department, to this book, or whether he will wholly refuse to devote anything to this book; whether he will undertake to rate and apportion this \$140,000 as he pleases, or whether he will have to pick and choose and say, "I will print no Agricultural Reports; I will devote all this money to the residue," or "I will print some Agricultural Reports and devote only some of this money to the residue;" and by and by when we come back to ascertain the accountability of the Public Printer where does he stand and where do we stand? We have, when our attention was called to it, adopted a resolution grossly irregular, grossly tempting to this man, and uncertain as to what he should do.

Mr. ANTHONY. Compelling him to be uncertain.

Mr. CONKLING. As the Senator says, in a sense compelling him to be uncertain, to make bricks without straw, to do that which, as the law stands, he has no right to do. In his discretion he passes upon it. He asks some individual Senator to advise him what he had better do, or he asks somebody else, or he evolves out of his own consciousness what perhaps he had better do, and when we come to hold him to his own responsibility we see that we have done an act destructive of all discipline, of all regularity of administration, disregarding all symmetry in legislation, opening the door for exactly that complaint which we may be called to consider.

I humbly submit that it is unjust to this officer, and that it is hardly worthy of the Senate to sit here with a resolution before it, when the chairman of the committee says "if you mean to print these books, appropriate the money; enable this man by law to justify himself in executing it, and do not pass a resolution directing it to be done when the Constitution says that no money shall be appropriated except by law," when every member of this body knows that this is not a law, but another mode of stimulating or directing this man to do a thing which he is to have no legal business to do after the Senate has made the direction. I voted against this resolution, as the Senator from California says he did, after hearing him, because when we cut down the appropriation of money for public printing one-third, to go and pile on an enormous item which would overtop it, if we had not cut it down, seemed to me to be utterly inconsistent with what we had done. Therefore I could not vote for it; but now, when more distinctly and sharply the figures are given to us, how can we justify ourselves in saying that this man, a subordinate officer, is to do a thing which, if he does it, involves a wrong and which, if he refuses to do it, he is utterly to ignore the action of the Senate? Then it is said we can commit it to the House to do it when it is before us now, when here it is, and everybody says he does not object to its being considered, no technical objection standing in the way, just consider it and make it right; and we know all about it, for the facts are before us. I heard some Senator say "sufficient unto the day is the evil thereof." I adopt that; and this is the very day, this is the very hour when this evil is pointed out to us, and I say we ought to make it right or we ought not to pass the resolution at all.

Mr. PADDOCK. I inquire of the Senator from New York if he does not think it is a little unfair to assume that the House will not

make this appropriation in view of the fact that when they did appropriate for the expenses of the Government Printing Office they did not do it in the light of the fact that these publications would be authorized?

Mr. CONKLING. I should not think I was disrespectful to the House if I were to assume that the House would do just what it is proposed the Senate shall do, when it is proposed that it shall be done in this body, where there is no previous question, where there is none of that trip and twitch by which legislation is jerked through so quickly that you cannot see it go. When we have the abundant opportunity and do this thing, I do not think it will be disrespectful to the House to assume that they might do it; and as my friend [Mr. HAMLIN] says, whether they would do it or would not do it, we should not do it in violation of law. If it is so obligatory that my friend from Nebraska can trust the House to do it it does seem to me that he ought to trust himself and his fellow-Senators to do it.

Mr. PADDOCK. I am willing to trust myself and the Senate and the House to do this thing in another way at another time and in perhaps a more proper form upon some appropriation bill. I will state to the Senator that I understand the Senator from Illinois [Mr. LOGAN] has already prepared or is preparing a bill in reference to appropriations; in fact, as I believe, sir, with the view of covering these publications specially.

Mr. CONKLING. That is, a separate appropriation bill?

Mr. PADDOCK. I think it should be separate from this resolution. I think the appropriation itself should be placed upon an appropriation bill and not connected with this resolution in any manner, shape, or form.

Mr. CONKLING. That is a very frank statement and I am disposed to leave this subject on that assertion. If I understand the statement, as I construe it, it is this: it is a little easier to get this through by way of a resolution, which was voted for by many Senators in innocence of the fact—that a fulcrum is needed to complete it, and then take the chances of curing it by another bill. That is the idea.

Mr. PADDOCK. I think that it is more proper and for every reason safer to treat this proposition as an independent one, and the question of the appropriation afterward by itself.

Mr. CONKLING. For my part I am so primitive in my notions and so old-fashioned that I think the best way to do it is the way the Constitution says it shall be done, that is in round numbers to this effect: that you shall not directly or indirectly appropriate money out of the Treasury without making an appropriation according to law and by law, which means by the action of the two Houses and the action of the President, they being the law-making power. If any Senator can find out that it is wise to put the fingers of one House between the belt and the wheel by one kind of legislation so as to draw it in and necessitate afterward the passage of a separate bill for fear that if we did not put in the finger and the arm, and have the whole body pulled in by this process, they might refuse to appropriate the money, and if he can make that argument show that it ought to be done I think the same argument will show that it ought not to be done.

Mr. PADDOCK. I should like to inquire of the Senator if he assumes that because the authority to print is given, therefore the Printer is required absolutely, whether he may have the money or not, to print these documents?

Mr. CONKLING. Does the Senator assume the contrary?

Mr. PADDOCK. I do assume the contrary, most certainly. The authority may be given, and if the money is not afterward supplied, he, of course, cannot and will not be required to print.

Mr. CONKLING. That is what I supposed the Senator would assume, and that is all I assume.

Mr. PADDOCK. If you do so authorize the Public Printer I think it is competent for him to stop if the appropriations are exhausted before he reaches this branch of the work, but, the publication being authorized, if a further appropriation is required it can be readily passed I am sure.

Mr. CONKLING. That is exactly what I supposed the Senator would assume and that is another way of presenting better than I did the objection to this whole proceeding. The Senator's argument is now that when we have passed this resolution it does not impose any obligation on the Printer; that it is a mere hurrah to do this thing; he is not to do it. Why? Because it would not give him any direction for the reason that this furnishes no money whatever to do it at all.

Mr. PADDOCK. There is no legal requirement that he shall do it unless he has the money.

Mr. CONKLING. To be ingenuous, as I have no doubt the Senator means to be, he ought to add the further opinion that, in addition to all that, it commits to the Printer, whoever he may be, the prerogative and the discretion to determine whether he will take this money and devote it, or deal it around to these different objects, so much to this, and more to that, and less to something else, or whether he will go on and devote his \$140,000 to that to which it stands now devoted by law, and where undoubtedly it will go unless by this resolution or some other contrivance we say something which shall destroy that certainty and embark him on the sea of his own discretion as to what disposition he will make of it. I am surprised that Senators want to do this thing. I say nothing about the merits of it one

way or another, but I am surprised that Senators should want to print a document which will cost \$140,000, or whatever the sum is, for any information, and yet will not say on the face of the resolution what they mean. If they want it printed, appropriate the money to do it, but if they think it worth while to have it done, the resolution should not be passed to do the printing and then take the chance of getting in some other way some appropriation to carry it on.

Mr. LOGAN. I think there is no difficulty whatever in solving this problem. I cannot understand the difference between passing a separate appropriation bill for the amount of money to pay for the printing and adding that to the resolution itself. If the House of Representatives should concur in a resolution which we have passed for the printing of 300,000 Agricultural Reports, and the two Houses should have failed to make an appropriation for that printing, there then rests upon them a duty, and that is to make the appropriation; that is all there is to it. A mere reconsideration of this vote does not help it a particle. You can upon a separate bill just as easily as you can upon this resolution make such an appropriation. There is no authority extended over one that is not necessary to be extended over the other. We have the facts; they are brought to us. The chairman of the Committee on Printing says it will cost so much; and inasmuch as I am rather inclined to be a practical man more than otherwise, while my friends were discussing this proposition I drafted a bill and will offer it now, and ask the Clerk to read it.

Mr. SARGENT. I have no objection to its being read for information.

The PRESIDENT *pro tempore*. It will be read for information as a part of the speech of the Senator from Illinois.

The Chief Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That \$130,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated to be applied to the printing of 300,000 Agricultural Reports ordered by a concurrent resolution of the House of Representatives and of the Senate of the United States.*

Mr. FRELINGHUYSEN. Here is another bill which has been drawn which I will have read for information also. The only thing about this matter that some Senators do not like is that they wish the appropriation to go with the resolution. I always like to accommodate my friends, and if they feel better pleased with having the appropriation go with the order to print, I shall make no objection.

The PRESIDENT *pro tempore*. The Secretary will read the bill suggested by the Senator from New Jersey.

The Chief Clerk read as follows:

That the Public Printer be, and he is hereby, directed to cause to be printed 100,000 copies of the report of the Commissioner of Agriculture for the year 1874, 20,000 copies of which shall be for the use of the Senate and 80,000 copies shall be for the use of the House of Representatives; and that he also cause to be printed 200,000 copies of the report of the Commissioner of Agriculture for the year 1875, 43,750 copies of which shall be for the use of the Senate, 131,250 copies of which shall be for the use of the House of Representatives, and 25,000 copies shall be for the use of the Commissioner of Agriculture; and that the sum of \$130,000, or so much thereof as may be necessary, is hereby appropriated for the execution of the work, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. FRELINGHUYSEN. If, by common consent, the bill I have proposed can pass, I think we had better pass it. Of course one objection would carry it over.

Mr. LOGAN. As I have the floor, I have but a word more to say. I do not see why there should be any opposition to the printing of this report. Senators who represent agricultural communities know the great value of this report to that portion of the constituency of this country. The leading agriculturists of this country prefer this report to anything else. They obtain therefrom great information.

Mr. ANTHONY. They prefer it because they do not have to pay for it.

Mr. LOGAN. They prefer it because they do not have to pay for it, the Senator says. No, sir; that is not the reason they prefer it. The reason why they prefer it is because it is a report made upon subjects in which they are interested and out of which they gain information which aids them in advancing that interest. That is the reason, and none other. I suppose the Senator might say for the same reason that the people would desire a report on any other subject because it cost them nothing. I suppose his constituents are more glad to have his speeches because they do not have to pay for them on the same principle, and yet my judgment is that they get as much information out of an Agricultural Report as they would out of one of his speeches; that is on the subject of agriculture, not on the subject of printing.

Mr. ANTHONY. I have no doubt of that; but I have never asked to have my speeches printed at public cost.

Mr. LOGAN. But they do not cost the man who gets them anything; that is what I am talking about, not what it costs the Senator or any of my honorable friends here. I had reference to the cost to the individuals who receive the report. I say it does not cost them anything, nor does any other document cost them anything. If the reasoning is good in one instance it certainly is good in the other. When I referred to the Senator's speeches, I did not mean that his speeches were not as good as, and great deal better on some subjects than, those of any other Senator, especially so far as I am concerned, but certainly not on the subject of agriculture. I presume a speech of his on agriculture would be a good deal like a speech of mine on metaphysics or something of that kind. It certainly would not be a

very readable document. I know that the great agricultural interest of this country are much interested in this report and always have been, and we never have published agricultural reports sufficient to satisfy not the whole community but those who really take an interest in examining these reports. I know so far as I am concerned—I only speak for myself—I have more calls from men, and intelligent men, for this report than I have for any other report that is printed by Congress, I care not on what subject it may be.

For these reasons I am in favor of appropriating the money necessary to print this report and opposed to the reconsideration of the resolution, and I agree with the Senator from New York. He says that somehow or other there is a desire to get the finger between the belt and the wheel in order to retain this. I do not care how you fix it, I want it retained. I agree that he is correct. I do not want it reconsidered, for the reason, that the Senate might vote it down. That is my reason, and I am frank enough to state it. I do not want it reconsidered. It was the sense of the Senate at the time it was passed, and I hope it is the sense of the Senate now. But inasmuch as it has been passed by both Houses, at this late hour of the session I do not want to see it reconsidered by one House or the other.

Mr. FRELINGHUYSEN. Two concurrent resolutions were passed by the House. There was a resolution pending here to print 25,000 copies. The Senator from Illinois was not in when those two resolutions were added as amendments to the resolution which was pending in the Senate. Now it has got to go to the House to be concurred in, and it seems to me that as it will satisfy everybody better, the best thing we can do is to take up by unanimous consent the bill which I introduced in which I make the appropriation and direct the printing. We can take it up by unanimous consent, and of course every Senator will vote as he pleases. I have no doubt that it will pass.

Mr. LOGAN. I have no objection to that.

The PRESIDENT *pro tempore*. The question is on the motion to consider the vote on the passage of the resolution.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is before the Senate.

Mr. FRELINGHUYSEN. Now I ask for the consideration of the bill which I offered.

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 read, as follows:

*Be it enacted, &c., That the Public Printer be, and is hereby, directed to cause to be printed 100,000 copies of the report of the Commissioner of Agriculture for the year 1874, 20,000 copies of which shall be for the use of the Senate and 80,000 copies shall be for the use of the House of Representatives; and that he also cause to be printed 200,000 copies of the report of the Commissioner of Agriculture for the year 1875, 43,750 copies of which shall be for the use of the Senate and 131,250 copies shall be for the use of the House of Representatives, and 25,000 copies for the use of the Commissioner of Agriculture; and that the sum of \$130,000, or so much thereof as may be necessary, is hereby appropriated for the execution of the work, to be paid out of any money in the Treasury not otherwise appropriated.*

Mr. SARGENT. Mr. President—

Mr. PADDOCK. I thought the understanding of the Senate was that the substitute in the shape of this bill was to be adopted without question.

Mr. SARGENT. That it should be brought up. I have not objected to its being brought up, but I made no arrangement upon the floor of the Senate or elsewhere by which my right to vote against the proposition can be given up. I am not making any delay; I simply want, in compliance with the request of the Senator from Rhode Island, to state one or two facts showing the necessity of the action which is now proposed by the Senate, not for the passage of the measure, but that it should be in this form rather than any other.

Congress, by the sundry civil bill, appropriated for the public printing and binding \$1,133,737.50, which they divided among the Departments. A few of these I will notice as illustrating the manner in which we appropriate for public printing.

The estimates were considerably over a third higher than this, and the appropriation of last year was a third higher than the amount thus appropriated. Following the precedent heretofore a division was made of this gross amount among the Departments, and for this year we appropriate for the printing and binding of the State Department, \$15,000; for the Treasury Department, \$180,000; for the War Department, \$72,000; for the Navy Department, \$39,000; for the Interior Department, \$135,000; for the Agricultural Department, \$9,000; for the Department of Justice, \$6,000; for the Post-Office Department, \$105,000; for the Congressional Library, \$15,000; for the Supreme Court of the United States, \$20,000; for the supreme court of the District of Columbia, \$3,000; for the Court of Claims, \$10,000; and for the debates and proceedings of Congress, \$100,000. I have added up these different amounts at my seat and I may not be exactly correct, but they amount to about \$709,000, distributed among the different Departments. The balance which is left, which is \$324,000, is for printing ordered by Congress or ordered by law outside of the separate Departments. The amount ordered by law, which is irrevocable from year to year, and we have not modified it at all, by such information as I can hastily get, is at least \$110,000, as, for instance, the printing of the message of the President and accompanying documents, the printing of the opinions of the Attorneys-General of the United States, the Congressional Directory, and things of that kind which are fixed by permanent statute from year

to year and have not been changed this year. The amount is much more than \$110,000, but I have been able to gather items enough to amount to \$110,000 already. This reduces the amount of \$324,000, apparently left available for the action of Congress, to \$214,000. Then \$130,000 will probably be the cost of the printing of these 300,000 volumes; I mean to say after they are stereotyped the cost yet to be paid upon these, perhaps including binding—though I think that would be a little more—would be \$130,000, which would leave but \$84,000 for all the other printing which Congress orders. Not a day passes here while we are in session that we do not order extra copies of some document. Some of these are very essential indeed; some of them give information to the country upon very important matters; some are political. The Senator from Delaware [Mr. SAULSBURY] objected to printing political documents; and yet they are necessary, and all parties concede the necessity where a political document favors its shade of opinion; but where those documents relate to great facts occurring in the country, are testimony taken under oath, which is necessary for public information, they ought to be printed; the facts should go out to the country; and there ought to be no party question upon the mere matter of printing them and letting men of all parties weigh them for what they are worth. But aside from this kind of printing there is much more that is necessary to facilitate our own business. All our bills are printed, all our reports are printed, and the cost of all this must come out of this appropriation, and we should have left but \$84,000 for all the current work of Congress.

Mr. LOGAN. Running the next session.

Mr. SARGENT. Of course this is inadequate. The principal objection which I urged to the printing of this document was that it absorbed nearly the whole available fund for the printing ordered by Congress for the fiscal year, and it was not right to put the Public Printer in the dilemma of refusing to obey a joint resolution of Congress or of making a deficiency by expending money which had not been appropriated for that purpose.

I have another objection which simply influences my vote, but perhaps would hardly have induced me to take any time on this proposition at all; and that is I think we should curtail as much as possible the printing of ordinary public documents. It is a very expensive system, amounts to a great deal of money, as a million and a half appropriation for printing shows; but that simply influences my vote, and I do not desire to delay proceedings for that reason.

Mr. LOGAN. If we printed more agricultural reports and dug out fewer rivers, we should be better off.

Mr. SARGENT. Perhaps that is true. One other remark and I shall yield the floor. Senators have said something about printing the mining report. Perhaps I did not pay sufficient attention to the remark that was made on that point. I stated at the time hastily that I had procured that to be stricken out last year from the sundry civil bill. On taxing my recollection since, I opposed it last year on the sundry civil bill and it went out. But aside from that circumstance, instead of my having from the occupations of my people any hostility to the agricultural interest, I desire to say that my State is one of the greatest agricultural States of this Union. The amount of wheat which we export to foreign countries compares with perhaps any other State in the Union; I doubt if it is excelled by any other State. My State is peculiarly an agricultural State. When it was originally acquired from Mexico, the question was raised in the Senate of the United States whether it was worthy of acquisition, and Daniel Webster used the remark that it was a country of rocks with rattlesnakes enough to fence it. Since that time, however, we have changed the opinion of all intelligent men, as well as of our own people. We have developed there by our industry and skill varied agricultural industries of moment, and I have no doubt that the people of my State who are engaged in that business receive as thankfully as the people of any section the Agricultural Reports. I am willing to any reasonable extent to satisfy that demand.

Mr. HARVEY. I hope this bill will pass and pass at once. A large majority of the members of the House by their votes have shown that they approve this publication, and it is made in the interest of the greatest productive industry of the country. The Senator from California has stated that he has no doubt his constituents desire to be furnished with the information contained in these reports. I have no doubt that much the largest number of the constituents of every Senator here feel a great anxiety for the information contained in these reports. I hope the bill will pass.

Mr. ANTHONY. I wish to say one word. The Senator from California has shown that the money for the public printing now available under the existing appropriation for the current year is \$234,000. If this publication had been ordered without any specific appropriation, it would have reduced the appropriation to about \$84,000, deducting from it the \$110,000 ordered to be printed by permanent statutes. In my opinion the \$84,000 has already been ordered by this Congress. I do not believe that the reports of the investigating committees and the other printing which we have ordered can be done within the amount that has been appropriated. Perhaps the country might not suffer a great deal if some of the printing should fail; but if some printing that has been ordered fails, the fault is in Congress in ordering work to be done and then failing to make the necessary appropriation to perform it, and while the officer charged with performing it is under legal penalties if he obeys the orders of Congress.

A part of the \$110,000 ordered by permanent statutes is in my opinion and in the opinion of the Senate a very unnecessary expenditure of public money. Twice on the report of the Committee on Printing we have repealed, so far as the Senate could repeal, the statutes that required a considerable part of this printing; but that action has not met with the favor of the other House. I think we might save half of it without any loss to the public service.

The PRESIDENT *pro tempore*. Is there objection to the motion to reconsider lying over until action is taken on the bill presented by the Senator from New Jersey? There is no objection. The bill will be considered as read twice and it is now before the Senate as in Committee of the Whole.

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

Mr. ANTHONY. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 34, nays 13, as follows:

YEAS—Messrs. Allison, Bogy, Cameron of Wisconsin, Christiancy, Cockrell, Conkling, Davis, Dennis, Ferry, Frelinghuysen, Gordon, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Kelly, Key, Logan, McMillan, Maxey, Merrimon, Mitchell, Morrill, Oglesby, Paddock, Patterson, Saulsbury, Wadleigh, West, Wendum, Withers, and Wright—34.

NAYS—Messrs. Anthony, Booth, Cooper, Dawes, Eaton, Kernan, McCreery, McDonald, Sargent, Sherman, Stevenson, Wallace, and Whyte—13.

ABSENT—Messrs. Alcorn, Barnum, Bayard, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Conover, Cragin, Dorsey, Edmunds, Goldthwaite, Johnston, Jones of Florida, Jones of Nevada, Morton, Norwood, Randolph, Ransom, Robertson, Sharon, Spencer, and Thurman—24.

So the bill was passed.

Mr. ANTHONY. Now the resolution had better be disposed of.

The PRESIDENT *pro tempore*. The resolution will go on the table, if there be no objection.

Mr. ANTHONY. I think we had better reject that resolution so as to take it off the Calendar. I move that it be indefinitely postponed.

The motion was agreed to.

#### EDUCATIONAL APPROPRIATION.

Mr. PATTERSON submitted the following resolution; which was referred to the Committee on Appropriations:

*Resolved*, That the Committee on Appropriations of the Senate be requested to insert an appropriation of \$5,000 in the legislative, executive, and judicial appropriation bill for the purpose of carrying out the recommendations of the Commissioner of Education contained in his letter of August 7, 1876, herewith annexed.

#### COMMISSION AS TO STANDARD OF VALUE.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the resolution of the House of Representatives to appoint a commission to inquire into the change which has taken place in the relative value of gold and silver and the causes thereof, the policy of restoring the double standard, and of continuing greenbacks concurrently with the metallic standards, reported a bill (S. No. 1037) to appoint a commission to inquire into the change in the relative value of gold and silver and the causes thereof, the policy of restoring the double standard, and of continuing greenbacks concurrently with the metallic standards; which was read and passed to the second reading.

#### NEW YORK POST-OFFICE BUILDING.

Mr. HAMLIN. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is the resolution of the Senator from Indiana [Mr. MORTON] for the printing of extra copies of the President's message and accompanying documents. The Senator from Connecticut is entitled to the floor.

Mr. EATON. Mr. President—

Mr. WINDOM. I ask the Senator from Connecticut whether he will not yield until I call up a bill from the Committee on Appropriations to pay a deficiency for the New York post-office and custom-house which I think ought to be passed? I think there will be no objection to it.

Mr. EATON. Certainly; I will yield for that purpose.

Mr. WINDOM. I ask the Senate to proceed to the consideration of the bill I have indicated.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the 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.

To enable the Secretary of the Treasury to pay the indebtedness incurred in the construction of the building for court-house and post-office in New York City, in excess of the amount appropriated for that purpose for the fiscal year ending June 30, 1876, the sum of \$227,566.78 is appropriated by the bill, in accordance with the recommendation of the Committee on Expenditures on the Public Buildings in their report to the House of Representatives of July 17, 1876.

Mr. STEVENSON. I should like to ask the Senator from Minnesota how it was that, in violation of law, this amount was expended by any agent of the Government on any building? I thought the Committee on Appropriations were in the habit of holding officers to the appropriations. I do not mean to oppose the bill, but I want to know how it happened, because it seems to me if the architects or employees of public buildings can, at their discretion, overrun the appropriations made by law and then come to Congress to supply the deficiency, it is a very bad way of managing our fiscal affairs.

Mr. WINDOM. Mr. President, the Committee on Appropriations do not attempt to justify the fact that this appropriation is required because of an excess of expenditure over appropriations. On the other hand they condemn that act, and I was instructed so to state to the Senate. However, I wish to say while condemning the act under any circumstances, for I think the law should not be violated at all and that no sufficiently good reason can be given for it, that there were some very strongly palliating circumstances in this case. I will read a short statement from the superintendent giving his reasons. In answer to a question from the committee of investigation he said:

I came into this office in January. That building was not even plastered then. The building had been promised to the Post-Office Department and the Law Department two years before, and I felt, if it was possible, it was my duty to get the building completed in time to get the courts in there in May, that that effort should be made; so I made a very strong effort to get the building completed, and we did an enormous amount of work. There was a tremendous pressure upon us by the Post-Office Department to get their offices out of where they were, and if we could not get the courts in there by the 15th of May, we would have been obliged to rent the building in which the courts were then held for another year. We endeavored to advance the prosecution of the Government buildings, and carried on the work with great vigor, and it was out of that pressure and the enormous amount of work that was done that these expenses were created in excess of the money in the Treasury. No injury came to the Government by it.

I think these circumstances certainly do palliate the offense very much.

Mr. STEVENSON. Whose letter is that and of what date?

Mr. WINDOM. It is an extract from the testimony of Mr. Potter, the Architect, taken before the committee who investigated this matter. I will say that the committee of the House have so thoroughly investigated it as to produce a document of this size, [exhibiting the report,] which sets out all the items that are to be paid out of this deficiency bill; and they say:

Your committee find that a full and valuable consideration has been received by the Government from the persons claiming compensation; that the articles furnished are of good quality, and, as far as your committee were able to learn, furnished at reasonable prices, and the articles of furniture placed in said building are all necessary for the use of the persons occupying said building engaged in the public service.

They also say:

Your committee are satisfied from all the evidence that all the persons holding claims against the Government embraced in the foregoing schedule are innocent parties, that they acted in good faith in the premises, and that in equity they are entitled to have their claims paid.

The Senator from Massachusetts [Mr. DAWES] inquires who they are. The list is given in this document.

Mr. DAWES. What I desire to know is whether the parties concerned were the original contractors or whether after the building was completed as a building this expenditure was among the merchants of the city in procuring furniture.

Mr. WINDOM. Here we have iron-work, \$36,725, and the names of the parties given; for fire-proof shutters, \$16,152.05; mail-elevators; iron-lathing; cut granite, &c.; iron-work, service of superintendent—

Mr. DAWES. How much cut granite was it necessary to get in there before the courts could use the building?

Mr. WINDOM. I suppose some of the debts for the building itself remained unpaid.

Mr. DAWES. I wanted to find out whether this money was to go to the original contractor, who must have known just what money was appropriated. If it was to go to merchants outside with whom the officers dealt for the purpose of procuring furniture and the like, that would put a different aspect upon it. They were entirely innocent men, probably.

Mr. WINDOM. Mainly this money is due to persons who furnished articles of furniture and for finishing up the building, as stated in this evidence.

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

#### SAN FRANCISCO MARINE HOSPITAL.

Mr. SARGENT. The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 2692) to relinquish the title of the United States to certain property in the city and county of San Francisco, California, have instructed me to report it back without amendment, and I ask that it be considered now. It will take but a moment.

The being no objection, the Senate as in the Committee of the Whole proceeded to consider the bill. It relinquishes to the city and county of San Francisco all the right and title of the United States to the following-described property, being the two fifty-vara lots on which the old marine-hospital building now stands, fronting two hundred and seventy-five feet on the north side of Harrison street, between Spear and Main streets, with a uniform depth of one hundred and thirty-seven feet six inches, as laid down on the official map of said city, to be used by the city and county of San Francisco solely for the purpose of a sailors' home. If the same shall at any time be used for any other than the purpose stated, or if the home shall not be opened within one year from the passage of the act, all right and title hereby relinquished shall revert back to, and again vest in, the United States.

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

Mr. MORRILL. Has any report at this session been made by the Department as to what could be obtained from the sale of this property?

Mr. SARGENT. I have the House report in my hand showing that the whole amount the Government was offered was about \$700. This is a building which was built away back in 1853. It was badly shattered by an earthquake, and it would cost probably fifteen or twenty thousand dollars to repair it. The ladies who wish to use it as a sailors' home have sufficient money to put the building in repair and are disposed to do it. It is a very worthy object. The building is away off on one side of the city, and the Government has not used it for twenty years. The building could not be put to better use and would not bring any money if sold. There is a unanimous report of the Naval Committee, and the bill has passed the House of Representatives. I trust the Senator will not object, as it is a very benevolent object and the property is now really of no value to the Government.

The bill was read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to 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.

The message also announced that the House had passed a bill (H. R. No. 4085) to repeal part of section 5 of an act entitled "An act authorizing the repavement of Pennsylvania avenue," approved July 19, 1876; in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker *pro tempore* of the House had signed the enrolled bill (H. R. No. 3625) providing for the sale of the Osage ceded lands in Kansas to actual settlers; and it was thereupon signed by the President *pro tempore*.

#### DISTRICT GOVERNMENT.

The PRESIDENT *pro tempore*. The Senator from Connecticut [Mr. EATON] is entitled to the floor on the unfinished business.

Mr. SPENCER. Will the Senator from Connecticut yield to me a moment? I think there will not be any objection 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 for other purposes.

Mr. WHYTE. I object.

Mr. PADDOCK. I think we had better have the regular order.

Mr. SPENCER. I think if this was understood there would be no objection. It is a House resolution. Certainly there is some government needed here, and some steps ought to be taken during the recess. During the session of Congress it is impossible to prepare any bill. This resolution, as amended, provides for a committee of three Senators, to be designated by the President of the Senate, and three members of the House, to be designated by the Speaker of the House, to sit during the recess and frame a permanent form of government for the District of Columbia, to be reported at the next session of Congress.

Mr. WHYTE. I object, because it must give rise to discussion.

Mr. SPENCER. I hardly think it will give rise to discussion.

Mr. PADDOCK. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for.

Mr. PADDOCK. I only object because I am satisfied this measure will give rise to infinite discussion.

#### 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. EATON. Mr. President, when I had the floor yesterday afternoon, just before yielding I was speaking of the manner in which honorable Senators on this floor saw fit to speak of the distinguished gentleman who had been nominated as the candidate of the democratic party for the high office of President of the United States. There is one thing in that rejoices me, and I hope it may be so until the end of this discussion. That is that no democratic Senator has yet found the occasion of attacking the character of either of the nominees of the republican party. We recognize, or at least I do, the two gentlemen who have been placed in nomination by the republican party as highly respectable gentlemen in point of character and, so far as I know, in point of ability. I have not the honor of knowing personally the republican nominee for the Presidency, but I presume him to be a gentleman of fair ability.

And now I ought to say a word, for I care to say no more, regarding the position and character of the candidate of the democratic party for the office of President. He stands up high, no words of mine could elevate him in the opinion of his countrymen, but I have a word or two to say with regard to the candidate for the Vice-Presidency, because he has been the subject of abuse on this floor, unnecessary abuse. The distinguished Senator from Vermont, not now in his seat, [Mr. EDMUND], in an argument of some length, has endeavored to convince the Senate, and through the Senate the country, not that there has been a terrible and horrible outrage at Hamburg, but that Mr. Hendricks, the candidate of the democratic party for

Vice-President, is unworthy of the position because he is not honest, because in his political opinions he is not honest and will not carry out the laws under the Constitution of the United States. Sir, that is a severe charge to make against a man nominated as a candidate for high position, and the Senator has gone back and with an air of triumph, pointing to his books, said, "No man will deny it, for here is the record." The record of what? The record of the votes of an honest man in this Chamber with regard to a certain amendment, if it may be called such, proposed to the Constitution of the United States. Sir, has it come to this that Senators from Indiana and Delaware and Connecticut and New York are to go to Vermont to ascertain what is true constitutional doctrine in this country? Has the distinguished chairman of the Judiciary Committee fed on any meat that makes him our Caesar? He says Mr. Hendricks voted against the thirteenth amendment to the Constitution. I hope he did if he believed it an improper amendment. If so, he ought to have voted against it. I have some good reading here. I wish the Senator from Indiana [Mr. MORTON] was in his seat; I desire the Secretary to read what purports to be an extract from a speech delivered by the Senator from Indiana in Indiana on the 29th day of September, 1865. I will thank the Secretary to read it.

The Chief Clerk read as follows:

Very well, say some; that is all very well if we can get the negroes to go there. But let me say that the colored States would be a balance of power in this country, I ask, is it desirable to have a colored State government? I say it is not; it is not for many reasons. One reason is that such States would perpetually constitute a balance of power. They would be held bound by that stringent tie that ever held men together: the tie of color and race, the tie of a down-trodden and despised race. As 300,000 slaveholders by a common tie were able to govern this nation for a long time, so 4,000,000 people bound together by a much stronger tie, despised by the whole world as they have been, would constantly vote and act together; and their united vote would constitute a balance of power that might control the government of this nation.

I submit, then, however clearly and strongly we may admit the natural right of the negro, I submit it to the intelligence of the people that colored State governments are not desirable; that they will bring about results that are not to be hoped for; that finally they would threaten to bring about and, I believe, would result in a war of races.

#### THE SOLUTION OF THE DIFFICULTY.

Now the question turns up, how can this be avoided? If I had the power I would arrange it in this way: I would give these men a period of probation and preparation; I would give them time to acquire a little property and get a little education; time to learn something about the simplest forms of business and prepare themselves for the exercise of political power. At the end of ten, fifteen, or twenty years, let them come into the enjoyment of their political rights. By that time these States will have been so completely filled up by emigration from the North and from Europe that the negroes will be in a permanent minority. Why? Because the negroes have no emigration, nothing but the natural increase, while we have emigration from all the world and natural increase besides. Thus, by postponing the thing only to such times as the negroes are qualified to enjoy political rights, the dangers I have been considering would have fully passed away, their influence would no longer be dangerous in the manner I have indicated, and a conflict of races would not be more likely to happen than it now is in Massachusetts. In Massachusetts the negroes have exercised political rights for twenty-five years, and yet there has been no disturbance there, no conflict of races. Why? Because the negroes have been in the minority.

Mr. EATON. So it seems, Mr. President, that in 1865 the honorable Senator from Indiana himself, the Jupiter Tonans of this whole business, occupied a position such as I occupied at that time. Has he changed his opinion? These were the honest convictions of the Senator from Indiana in 1865. What has occurred in the history of the country in the last eleven years that should have caused a change in the opinions of the honorable Senator? He has changed. Does anybody blame him for the position he occupied ten or eleven years ago? Nobody. Does anybody blame Hendricks for the position which he occupied ten or eleven years ago? No honorable man, no honest man. Sir, Mr. Hendricks did not believe that the amendment which was proposed was a proper one, and so he voted against it. Mr. Hendricks did not believe that the African race had the capability of self-government; neither did the honorable Senator from Indiana. But, sir, what is the opinion of Mr. Hendricks to-day? He says in his letter, as Mr. Tilden says in his letter, "We accept the amendments of the Constitution;" and I should like to see that Senator rise in his place here—I will give him my time—and say when it was that Samuel J. Tilden or Thomas A. Hendricks, or any other—I do not now speak of my southern friends, because gentlemen say they have been in rebellion—Tilden, or Hendricks, or any other leading democrat north of the Potomac River but what was always true to the Constitution. I ask any Senator to rise in his place and dispute it. There never was that man; not one. We stand by the Constitution. We stood by it from 1789 down to 1861—the old Constitution. We stand by it now with its amendments. We did not like them all; I did not for one; nor did the honorable Senator from Indiana, in my judgment, looking at his speech; but they have become a part of the organic law of the land. The democratic party has always been true to the organic law of the land; and if every republican Senator can put his hand upon his heart and say that the republican party from 1856 to 1861 was true to the Constitution, let him say so.

But, sir, I do not apologize for any act of Tilden or Hendricks. They are clad in an armor of steel, and I might well say, "Gnaw vipers! you gnaw steel." What next? We are told by the distinguished Senator from Vermont, traveling from one end of the Union to the other, that the rebel State of Texas has done a certain thing; and that word "rebel" seems to him a sweet morsel, and he rolls it under his tongue as a sweet morsel. When will Senators forget words of that

character? When will Senators remember that this is a Union of equal States, and that Georgia, and Virginia, and Tennessee, and Carolina are represented here by the peers of the Senators from Vermont, and Massachusetts, and Connecticut, and New York? We are here as equals; and the term and word "rebel" ought not to be howled on this floor by anybody. It is done, and it can be done for only one purpose, and that is to taunt the representatives of the Southern States, to goad them, if possible, into some action that may not be pleasant to their friends at the North. It has no other object. But the distinguished Senator from Vermont has arrived in Texas, and he says—I will try to give his own words—"Democracy in Texas is but another name for re-organized rebellion." Sir, is that proper language to come from the chairman of the Judiciary Committee of this body, that the democratic party in Texas "is but another name for re-organized rebellion?" And why? He says the first thing they did was to break an irrevocable bond. This is the first time I ever heard that an irrevocable compact could be broken. It is a contradiction in terms. It is not good sense. An irrevocable thing cannot be broken. In the first place the philosophy of the distinguished Senator from Vermont is at fault; his knowledge of human government is at fault; his knowledge of what men can and cannot do is at fault. Sir, human intelligence and human power can form nothing that is irrevocable. It is not in the power of the Senate of the United States, it is not in the power of the State of New York, it is not in the power of the United States of America to form an irrevocable compact with anybody or anything. The term "irrevocable" is only to apply to Him who governs the universe. Our fathers during the revolutionary war formed an irrevocable and perpetual union. How long did it last? Ten years. Then they formed an irrevocable perpetual Constitution of the United States, and it has been amended fifteen times. The whole frame-work of this Government of compacts has been changed, and what five and twenty years ago was the very life-blood of the Constitution has no existence within it to-day. Talk about an irrevocable act—a constitutional lawyer, an able one I agree, the chairman of the Judiciary Committee of this Senate to talk about an irrevocable compact between two political bodies! Irrevocable compact! Ah, sir, he has had the hardihood to say upon this floor that the people of Texas revolutionized their government. What does he mean by it? He means just what we do at the North whenever we please to change our constitution. He says it was done in a revolutionary manner, not done under and by the terms of the instrument itself. Sir, time will not allow me to go into a discussion of this character. We had the same sort of an irrevocable constitution in my own State; but the best minds of my State, the best minds of New York, the best minds of the whole North are of the opinion that the people through their Legislature have the right to call conventions to form new constitutions. Such is my opinion, and such is the opinion of every distinguished lawyer that I know in my State, no matter what his political views may be. There is but one opinion, and it seems that the people who are represented in part by my distinguished friend upon the floor of this Senate [Mr. MAXEY] had the hardihood, the people of the great State of Texas had the hardihood through their Legislature to call a convention to change their constitution without consulting the distinguished Senator from Vermont!

Mr. MAXEY. Will the Senator yield?

Mr. EATON. Certainly.

Mr. MAXEY. I will say that the resolution submitted to the people of Texas by the Legislature for the purpose of calling a convention was voted upon by the people and a convention was ordered by the people by a vote of more than 50,000 majority.

Mr. EATON. Sir, when the people whom I have the honor in part to represent upon this floor desire to change their constitution they will consult with their own leading men; and Hubbard and Ingersoll, Hawley and Garrison, and a thousand other distinguished men will determine with regard to the change in their form of government without consulting the Senator from Vermont or any other Senator or any other body on the face of the earth. And when the great State of New York, an empire of itself, with its five millions of people, desires to change its organic law, her Tilden, her Seymour, her CONKLING, her KERNAN, her Morgan will determine that matter, not the distinguished Senator from the State of Vermont.

Sir, Texas saw fit to exercise her right as a sovereign State of this Union. I say "sovereign State," for sovereign she is, for sovereign in many respects every State in this Union is. That is one of them, too. I thank God for it. There is where the sovereignty comes in; and that is sovereignty, if I understand the use of language and the use of words. When a State within the limits of this Union can form its own organic law in spite of the power of every other State in the Union, it is exercising the very highest branch of sovereignty. Sir, Texas saw fit to change her constitution, and as my distinguished friend says she did it by calling a convention of the people through her Legislature. Delegates were elected to that convention—

Mr. MAXEY. It was submitted to the people and ratified by the people.

Mr. EATON. That resolution was submitted to the people, which was entirely unnecessary in my judgment, but no matter, it makes it democratic; that resolution was submitted to the people, and by them obtained over 50,000 majority, and the Senator from Vermont says it was revolutionary. The people's delegates met in convention, formed

a constitution and submitted it to the people, and by the people it was ratified by more than 50,000 majority, as I am informed, and that constitution is now the organic law of that State, not to be changed by the action of this or any other portion of the Union. Why talk about it? Why was it brought up here by the distinguished Senator from Vermont? Simply because the Senator says Texas made a compact by which if she was let back into the Union, suffered to come back into the Union, she was to give one-fourth of all her general revenues for school purposes. Why, sir, was Texas ever out of the Union? Five hundred thousand men laid down their lives and \$4,000,000,000 of the earnings of the people were expended for the very purpose of keeping that and other States in the Union. I had supposed that Texas never went out. I know she tried to get out; but we would not let her; we kept her in. Now, says my distinguished friend, she made a compact and agreed to do certain things if we would take her back, let her become again a part of this great confederation of States; and, by the way, that was not his language; that is mine. Sir, what business had the Congress of the United States to make terms of that character with any State? It is for the people of New York, of Kentucky, of Georgia, of Vermont, and of Texas to determine what part of their revenues shall be applied for school or any other purposes. The Congress of the United States have nothing to do with a matter of that character, and whenever they undertake to do anything of that sort they travel out of their line of duty and law and right.

Mr. MAXEY. Will the Senator from Connecticut allow me to state the exact facts in regard to that matter?

Mr. EATON. Certainly.

Mr. MAXEY. On Saturday the Senator from Vermont [Mr. EDMUND] arraigned the people of Texas in this language. He quoted from the constitution of 1869, adopted by the republican party, this clause:

The public lands heretofore given to counties shall be under the control of the Legislature and may be sold under such regulations as the Legislature may prescribe, and in such case the proceeds of the sale shall be added to the school fund.

He then added:

What does the revolutionary democratic constitution provide? It provides—

What the constitution does provide is that the county school fund belongs to the county of right, and that the constitution of 1869 had no authority whatever to interfere with the vested rights of the counties in their school funds. The convention which framed the revolutionary constitution, as he calls it, was called, as stated by the Senator from Connecticut, on a resolution submitted to the people, and by them adopted by an overwhelming majority of 50,000. The constitution was made and ratified in like manner. On that point, I wonder if the decision of the supreme court of the State of Texas when every member of that bench was a republican would be authority. If the Senator will give me the time, I will read a clause from a decision directly on this point, and show how the republican supreme court of the State of Texas thought in regard to this very question in contradistinction to how it has been represented here on this floor, and which I attempted on Saturday to have corrected but was not allowed to do so.

In the case of *Galveston County vs. Tankersley*, reported in the thirty-ninth volume of the Texas Supreme Court Reports, a decision in 1873 in which the direct question came up between the county of Galveston and Tankersley and others who had located land certificates upon the land belonging to that county, the county of Galveston being a corporation capable of suing and being sued under the laws of Texas instituted a suit in the nature of what is there known as an action of trespass to try title, to recover the land, and did so. Here is what the supreme court of the State of Texas, every member of which was at the time a republican, in the year 1873, say about the republican constitution of 1869 and about this identical clause which the Senator from Vermont quoted on Saturday:

This suit was brought by Galveston County in 1867—

Mark you, 1867, not 1873, two years before the constitution of 1875 was adopted and while the constitution of 1869, the republican constitution, was in full force—

This suit was brought by Galveston County in 1867, and, on the adoption of our present constitution—

The constitution of 1869—

the defendants interposed a plea in abatement, alleging that since the institution of this suit, and since the filing of their answer, the title to the land sued for and claimed by plaintiff had passed out of Galveston County and become vested in the State of Texas by the new constitution.

That is the position of the Senator from Vermont. The court say:

We do not consider that it was the purpose and intent of the framers of the constitution to cancel all the solemn contracts made with the several counties in regard to the school land.

But we do not hesitate to say that if such was the purpose and intention of the convention, still they had no power or authority to do so. These grants were solemn acts of a contract made with the several counties, and this contract with Galveston County was duly executed years before the adoption of the constitution. The State had parted with the title to a body corporate, capable of receiving and holding title to land, and she has not the power or authority, under the Constitution of the United States, to recall her grants or violate her executed contracts at pleasure. (*Fletcher vs. Peck*, 6 Cranch, 87; *Trustees of Dartmouth College vs. Woodward*, 4 Wheaton, 570.) In the latter case the court say: "A contract is a compact between two or more persons. \* \* \* A grant, in its own nature, amounts to an extinguishment of the right of the grantor, and implies a contract not to re-assert it." In the same case the court say: "It may also be admitted that corporations for mere public government, such as towns, cities, and counties, may in many respects be subject

to legislative control. But it will hardly be contended that, in respect to such corporations, the legislative power is so transcendental that it may, at its will, take away the private property of the corporation, or change the use of its private funds."

So much for the authority.

Mr. EDMUND. I wish to ask the Senator if he considers that decision of the supreme court of Texas to be good law?

Mr. MAXEY. Well, Mr. President, I am taking up the time of the Senator from Connecticut and I shall be short. I stated that it was the decision of the supreme court of Texas when every member of that court was a republican, and the decision of the supreme court of the State, delivered by Mr. Justice Ogden, a republican, upon a republican constitution adopted in 1869, in which he declares that the effort of that constitution to do precisely what the Senator from Vermont commended on Saturday, was revolutionary, was unconstitutional, null and void, and in violation of the Constitution of the United States. I say that the exposition of the law by the highest judicial tribunal known to the law is to me the law of the land so far as Texas is concerned, and that was the exposition given.

Mr. EDMUND. O, but my friend has missed the point.

Mr. MAXEY. No, sir; I am taking up the time of the Senator from Connecticut.

Mr. EDMUND. I certainly hope the Senator will indulge me.

Mr. MAXEY. I wish to add one word.

Mr. EDMUND. Mr. President—

Mr. EATON. The Senator from Vermont is asking the Senator from Texas a question whether he regards that as good law. I cannot permit my time to be taken up by a discussion between my distinguished friend from Vermont and my distinguished friend from Texas with regard to the ability and the character of the late supreme court of Texas.

Mr. EDMUND. What can the Senator permit, then?

Mr. EATON. It is republican law, and it ought to satisfy the honorable Senator from Vermont.

The PRESIDING OFFICER, (Mr. MERRIMON in the chair.) The Senator from Connecticut declines to yield longer.

Mr. EDMUND. O, no. The Senator from Connecticut is too courteous a gentleman for that, notwithstanding the Chair.

Mr. MAXEY. Now, Mr. President—

Mr. EDMUND. Will my friend from Texas allow me to correct him before he goes on?

Mr. MAXEY. I have not control of the floor, though I am perfectly willing to yield.

Mr. EATON. Go on, sir.

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Vermont?

Mr. EATON. I ought to say here that my friend from Vermont shall have all the time that he will say is parliamentary and proper. The Senator from Texas desired to read a clause from a decision of the supreme court of his own State with regard to the very constitution that was in question here the other day. He has read it.

Mr. MAXEY. That supreme court was a republican court, every member of it.

Mr. EATON. That report goes for what it is worth. If it is good law, then it should satisfy the honorable Senator from Vermont; if it is not good law, he will have ample time and opportunity to attack it; and really if he desires to attack that law and wants a little of my time, he shall have it now. I do not want, however, a long debate between my friends while I am on the floor.

Mr. EDMUND. Now I want to ask my friend from Texas—

Mr. MAXEY. I will go one step further—

The PRESIDING OFFICER. The Chair understands that the Senator from Connecticut yielded the floor to the Senator from Texas. Does the Senator from Texas yield to the Senator from Vermont?

Mr. EDMUND. Before the Senator from Texas goes on I wish to ask him the courtesy of allowing me to call his attention to the precise point that was in discussion the other day. If he is not willing, I have nothing to say.

Mr. MAXEY. I am perfectly willing to discuss any question of constitutional law with the Senator from Vermont, though I am not so wise or so distinguished as he may be, whenever the occasion will give us both time to do ourselves justice.

Mr. EDMUND. The Senator is not willing now to have me correct the misapprehension into which he has fallen.

Mr. MAXEY. I would yield if I had the floor.

Mr. EDMUND. The Senator from Connecticut says you do have the floor.

Mr. MAXEY. I will hear the Senator.

Mr. EDMUND. I want to ask my honorable friend from Texas if what I said the other day was not that this new constitution of the State of Texas as it is called—I do not know whether in point of law it is new or not; that depends on its validity—did not substantially change the old constitution in respect of the appropriation of public money for the use of schools? Now the Senator comes to me with a decision of the supreme court of Texas which holds that the old constitution in certain respects about county lands, as I understand, lands granted to counties, was inoperative.

Mr. MAXEY. That you yourself quoted.

Mr. EDMUND. Suppose it was inoperative and unconstitutional, what has that to do with the question? Does that make the new constitution any more constitutional than the old one was?

Mr. MAXEY. It seems to me that if there were vested rights in the various counties of Texas to their lands, if the State of Texas or the republic of Texas—for part of it was during the days of the republic—parted with its title to lands by patent, the State or republic became divested of all right, title, or interest it had therein, and it became vested in the counties to which it had been granted, then any attempt on the part of this constitution to divest vested rights was in itself unconstitutional, null, and void. This land had been parted with to the various counties of the State, patented to those counties; the expense of the location, survey, and issue of patents was all paid for by the various counties; the right became vested in those counties by the issuance of those patents; and the constitution of 1869 attempted to divest vested rights; and the supreme court appointed by a republican governor and confirmed by a republican senate declared that clause of the constitution unconstitutional, null, and void. So far, then, as that question is concerned I leave it as settled by the highest judicial tribunal known to the State of Texas which had the right to pronounce on that constitution.

Now, Mr. President, one other point.

Mr. EDMUND. The Senator has missed the point again entirely that I was putting to him.

Mr. MAXEY. No, sir; one other point. It was charged that the democratic party had thrown its whole weight against the dissemination of education by public schools, and the action of the fourteenth Legislature was quoted, which expired before the last democratic convention was held in this present year in January; and the second clause of the democratic platform adopted by that convention is:

The democratic party now and in the past, adhering to its policy of maintaining an efficient system of general education, declares it to be the duty of the Legislature of the State to speedily establish and make provision for the support and maintenance of public free-schools; and to this end to exercise the whole power with which it is invested.

Mr. EDMUND. Did the Legislature do it?

Mr. MAXEY. Since that time another Legislature, not the fourteenth to which the Senator referred but the fifteenth Legislature, is to-day in session. My own business here has occupied my whole time so that I have not had the means of keeping up with the senate and house journals; the general laws have not been published; and therefore I cannot say what has been done; but I do say that here was a solemn command given by the democratic party in a State convention, and the largest ever held in the State, to do all in their power to advance education and all that the constitution gives them the right to do.

Mr. EDMUND. I ask—

Mr. MAXEY. I will state now that I have occupied this much of the time of the Senator from Connecticut by his consent because the subject of my own State was up.

Mr. EDMUND. Will my friend from Connecticut allow me to ask the Senator from Texas one question?

Mr. EATON. I had rather my friend should state some one point, because this will be interminable if it goes on in this way. My friend and I may wish to get into a discussion.

Mr. EDMUND. I wish only to ask one question.

Mr. EATON. One; but I fear it will lead to another.

Mr. EDMUND. Then my friend declines to allow me to ask one question of the Senator from Texas on this very point.

Mr. EATON. No, I will not.

Mr. EDMUND. Then I will ask my friend from Texas, taking these two constitutions, the one of 1869 that was adopted and ratified by the Congress of the United States under this solemn and express stipulation that as to public schools it should stay as it was in substance, and the new one when the democratic party came into power in that State, the new one of 1874, whether in respect of the appropriation of the general revenues of the State that by the old constitution were to be employed to the extent of one quarter for public schools and the new one that they need not be employed at all unless the Legislature chooses to do it—my question is whether that is going forward or going back?

Mr. EATON. Mr. President, one moment. I beg in all kindness to say that the question is not a fair one.

Mr. EDMUND. Then decline to let it be answered and go ahead.

Mr. EATON. I will decline to let it be answered and I will go ahead.

Mr. EDMUND. That is right.

Mr. EATON. I decline because the gentleman put the same question the other day, precisely the same question to the Senator from Texas that he puts now again. If he has any question he desires to put to me—

Mr. EDMUND. May I ask the Senator from Connecticut, then?

Mr. EATON. Certainly.

Mr. EDMUND. Is the Senator from Connecticut the keeper of my friend from Texas, or ought my friend from Texas not be allowed to determine whether my question to him is a fair one or not?

Mr. EATON. Sir; I am no man's keeper.

Mr. EDMUND. Then you ought to let the Senator from Texas answer.

Mr. EATON. Nor are you the Senator to determine what I ought to do or not.

Mr. MAXEY. I should like the Senator to permit me—

Mr. EATON. It is not proper that the Senator from Vermont should tell me what is courteous or proper on this floor.

Mr. MAXEY. I will say that I do not regard the remark of the Senator from Vermont as at all courteous. It is not such a remark as I would make to him. No man is my keeper. I had the floor by courtesy, and having had the floor by courtesy—

Mr. EATON. I propose now to go on.

Mr. EDMUND. Will not the Senator from Connecticut allow me to say one word when I am accused of discourtesy? I wish to say to my good friend from Texas that I was not speaking to him or of him. The Senator from Connecticut had declined to allow the Senator from Texas to answer a plain, straight question that I put to him on the very point under discussion. Then I asked the Senator from Connecticut whether he was the keeper of the Senator from Texas and whether the Senator from Texas had not the right to determine whether the question was a fair one or not. He said that he would take care of that himself, substantially. So I hope my friend from Texas will not consider that I implied anything as to him, but I did imply to my friend from Connecticut that he assumed to be the keeper of the Senator from Texas.

Mr. EATON. The time was mine; and when the Senator from Vermont asked from me as a courtesy to put a question to the Senator from Texas, and then reiterated the same question which he put himself in his own time the other day, I did not regard it as proper and do not now. The RECORD has that question and the RECORD has its answer.

Mr. EDMUND. And it has it now.

Mr. EATON. It may have it now. My position on this whole business is that the distinguished Senator from Vermont is no more the keeper of the State of Texas than he is of his brother-Senators on this floor; and when Texas determines to change her constitution it does not become him to stand up on the floor of this Senate and talk about the democratic majority being rebellion re-organized.

Mr. EDMUND. Not even if the compact says so?

Mr. EATON. Compact! Irrevocable compact! I do not wish to go through with that term "irrevocable." If the Senator had been in his seat he would have learned my opinion with regard to the term "irrevocable" when applied to human government, human compacts and agreements between States.

Mr. President, a great deal has been said during this discussion, both by the honorable Senator from Vermont and by the honorable Senator from Indiana, not now in his seat, that the design of the democratic party was to carry the presidential election in certain States in this Union by defending outrages. Sir, by what authority do either of these Senators make a charge of that character against the democratic party of the United States? The distinguished Senator from Indiana says it is so because he says that there is 30,000 majority in this State, 25,000 majority in that State, 40,000 majority in the other State, and by a system of terrorism, by a system of outrages, the democratic party intend to carry those States. O, Mr. President, how a little fact, how a little truth wipes away all trash and nonsense of this character. I hold in my hand a republican paper, not a democratic paper, but a republican paper published in this goodly city of Washington, called the National Republican. This paper was issued this morning, and—will you believe it, Mr. President—it says that the democratic party have carried Alabama by 30,000 majority. Will you believe another thing it says—let the honorable Senator from Indiana weep—not an outrage, not a trouble, not the slightest difficulty in the world, a fair election, a good election, an honest election—30,000 majority, all the members of Congress but one, and a large majority in both branches of the Legislature!

Mr. SPENCER. If the Senator will allow me to interrupt him?

Mr. EATON. When I make a statement myself and authorize it to be made from my own knowledge, I have no objection to being questioned about it. I said that a republican paper published in the city of Washington stated such facts; it does.

Mr. SPENCER. I was only going to state to the Senate that those are Associated Press dispatches; the paper does not hold itself responsible for them. It is true that yesterday the election went very largely democratic in the State of Alabama, and it is equally true that in many counties in Alabama the colored people are so intimidated that they did not dare to vote.

Mr. EATON. Well, I do not know that.

Mr. SPENCER. I do.

Mr. EATON. You believe it?

Mr. SPENCER. I believe it.

Mr. EATON. You do not know it, for you were not there.

Mr. SPENCER. I was not there yesterday, but was there on a previous occasion.

Mr. EATON. Then you do not know it. If a gentleman says he knows a thing, that is one thing; belief is one thing and knowledge another. The Associated Press is not under the control of the democratic party "by a long deal," as my good friend from Vermont is fond of saying.

Mr. PATTERSON. Will the Senator from Connecticut yield to me a moment?

Mr. EATON. Certainly.

Mr. PATTERSON. I understand the Senator from Connecticut to say that the Associated Press is not under the control of the democratic party in the South. That may be true; but every agent of the Associated Press in the South is a democrat. That is true.

Mr. EATON. I suppose they could not get anybody else there who could read and write. [Laughter.] It is necessary that they should be

democrats. I understand that the associated telegraphic dispatch company—if that be the term; I do not know what the term is; it is a matter of no consequence—is under the charge of a gentleman by the name of Orton, whom I have met and who I believe to be a very strong republican, I am sorry to say.

Mr. SPENCER. If the Senator will permit me to interrupt him again, I will state that the Associated Press is under the control, I believe, of Mr. Simonton, and that the Western Union Telegraph Company, of which Mr. Orton is the president, really has nothing to do with it. I ask the Senator from California [Mr. SARGENT] if I am not correct?

Mr. SARGENT. I did not hear the remark.

Mr. SPENCER. I say that the Associated Press is under the control of Mr. Simonton.

Mr. SARGENT. Yes, sir.

Mr. EATON. Very likely my friend is right. Is not that gentleman a good, fair, square republican too?

Mr. SPENCER. I should like to have the Senator from California state the fact.

Mr. SARGENT. My impression is that Mr. Simonton is a republican. I think he has that credit.

Mr. EATON. Very well. I do not say it is to his discredit, by any manner of means; and when you can point to one to whom it is a credit I shall be very willing to admit it, I assure you.

Mr. SARGENT. I am very glad the Senator will admit so much in favor of any republican.

Mr. EATON. I do. I have very many warm friends who are republicans. Some five hundred republicans voted for me the last time I was a candidate in my town. As I was saying, the Senator from Alabama believes, or he would not say so, that there was intimidation in his State yesterday at the election or previous to the election.

Mr. SPENCER. I will state, if the Senator will allow me, what I do believe. I believe that in a large number of counties in the State of Alabama the colored people were so intimidated that they did not dare to go to the polls and vote yesterday.

Mr. EATON. I give the Senator full credit for his belief, and now let me say to him that I do not believe any such thing. From what I hear from colored men from his own State and from colored men from other States, I do not believe any such thing. The time has about gone by when those men were to be cooped up, lashed, tied together, and forced to vote. Let me tell you what one of them told me in the State of Virginia on the eve of an election four years ago. I speak now whereof I know. I knew one of the candidates; he was a personal friend of mine; and I said to a black man who was brought in connection with me in performing some service about my person, "Are you going to vote for Colonel B.?" Said he, "No, I dare not; they would kill me if I did." There are two sides to this story. Gentlemen who have more knowledge than I have may correct me hereafter, but I know this much, that the black man has been controlled by his own fellows at the instigation of white men who band together and assume it to be a crime to vote the democratic ticket. That time is passing by. The election in Alabama yesterday shows it. The elections in all these States, I trust, will show it hereafter. Who finds any fault with the manner in which the elections are carried on in the Old Dominion close by us, across the river here? No one. Every man enjoys his right under the Constitution, no matter what his color, no matter what his previous condition, may be. So it is in Georgia; so it is everywhere where the democracy rules. We intend it to be so all over this country.

I dislike getting into this discussion. It is not to my taste to make a speech of this character, a speech that belongs more to the stump, if I may be allowed to use the expression, than it does to the Senate; but I could not sit here and hear the peer of any man living on God's footstool accused of dishonesty, accused of being opposed to the best interests of this common land of ours. I submit to no such imputation, and I rebuke it wherever I find it, whether in the Senate or in the church. I for one will not submit to have language of this character applied to my party, to its leaders and its purest men.

The honorable Senator from Vermont closed a somewhat lengthy speech with poetry. I find no fault with his poetry. It would not do him and some other Senators that I know any harm if they would read of peace every night before they go to bed and every morning before they read their prayers. It is well that there should be a feeling of brotherhood and love going out from our breasts toward all the people of this broad Union. We are one people and are destined to be one people, so far as human knowledge can see, forever; members of a common Union, always having the same thing at heart, the good of the country, the welfare of its citizens, and the purity of its Government. Every Senator, I hope and trust, entertains the same opinions that I know govern me. I hope this Union will exist forever. I might as well close upon this point also with a few lines. I would that this Union might exist forever:

A giant oak uplifts its lofty form,  
Greens in the sun and strengthens in the storm;  
Long in its shade shall children's children come,  
And earth's poor traveler find a welcome home;  
Long shall it stand, and every blast defy,  
Till time's last whirlwind rends the sky.

Sir, I have nothing more to say upon this part of the subject. The fashion has been set me of talking about various things upon one bill,

and as I said I would and this is as good a time to redeem my word as any other, I should like to say a word or two with regard to the figures which have been put before the people of this country by the honorable Senators from West Virginia, [Mr. DAVIS,] from Ohio, [Mr. SHERMAN,] and from Massachusetts, [Mr. BOUTWELL.] Neither of them do I see in his seat. I do not well see how I can go on without the Senator from Massachusetts. I should be glad, if he is in the Senate, if he would take his seat, for I have certain questions to put to him before I get through with the discussion of this matter. My friend, the Senator from West Virginia, has put before the Senate and before the country a condition of affairs in the Treasury Department that has been, in my judgment, entirely unanswerable. No results have been obtained by the resolution which he had the honor to introduce. The Senate sent the resolution to a committee overloaded with work, the Committee on Finance. The Committee on Finance, as I know from what members of that committee have said on the floor of the Senate, gave no attention to that matter. They simply addressed a communication to the Treasury Department. The answer to that communication was a set of figures which have been made a part of the speech of the Senator from Ohio and have gone out to the world as a part of his speech.

Mr. BOUTWELL entered the Chamber.

Mr. EATON. I say that, in my judgment, it was the duty of the Senate to have sent that resolution to a special committee. It is admitted here, if I am not mistaken, and if I am I will thank my friend from Massachusetts to correct me, that there has been a change in the statements amounting to over \$200,000,000.

Mr. BOUTWELL. No, Mr. President, if the Senator will allow me—

Mr. EATON. Certainly; this is a matter of figures.

Mr. BOUTWELL. What I had to say in reply to the Senator from West Virginia related to his method of computation. As I understand, that difference of \$200,000,000 is reached by this process: He takes ten years, between 1860 and 1870 and finds in each of those years a statement of the public debt by warrants, as it was made up previous to 1870, and the statement by receipts and expenditures which differs each year to a certain amount, some years more and some years less, and he adds together those differences for eight or ten years and realizes as the result the sum of something like \$200,000,000. I do not understand the Senator from Connecticut to claim that there is any such difference in the sum for any one year.

Mr. EATON. I ascertained that matter before the Senator from West Virginia did. The greatest difference that I ascertained was about \$90,000,000; a little less than \$90,000,000, if I recollect aright.

Mr. BOUTWELL. I will say that that, I think, was in McCulloch's time, and I think the year that the statement was published he appended a note showing that there was this difference for that particular year, or something like that difference, between the statement of the public debt made up under warrants and as put in made up under receipts and expenditures; but I do think the honorable Senator from West Virginia and the honorable Senator from Connecticut will agree that those differences (they were not errors) through many years should not be aggregated and the statement made that the differences amounted to so much. I think that would be as incorrect as it would be for a man who has kept an account of his indebtedness and who should find at the end of each year that he was in debt a thousand dollars, when he had reached ten years would to aggregate his indebtedness and say it amounted to \$10,000.

Mr. EATON. The honorable Senator has the advantage of his statement. What I say is this, and I desire it to go to the country, that the accountant does not live who can take the reports of the Treasury Department and the reports of the Register of the Treasury and make them agree. It cannot be done.

Mr. BOUTWELL. In answer to that—

Mr. EATON. I do not know that I care to be answered just now on that point.

Mr. BOUTWELL. I thought the proposition on which the Senator introduced me into the Senate was that if he was in error I should correct him. That is the invitation upon which I came.

Mr. EATON. I did not mean to introduce the honorable Senator from Massachusetts. I said that I did not care to go on in his absence.

Mr. BOUTWELL. In regard to the Senator's remark that there was not on the face of the earth an accountant who could reconcile the statements of the Treasury Department, I would simply answer that there have been four different sets of accountants who have done that particular thing. In 1869 and 1870 a set of accountants in the office of the Secretary of the Treasury did that thing, and the record remains to this day. In the year—

Mr. EATON. Wait one moment. I do not choose to be interrupted and unintentionally misrepresented. I did not say that no accountant in the United States could go into the Treasury Department and take its books and make them agree. What I say is this, and the gentleman may have time to answer, that no accountant or number of accountants in the United States can take the reports of the Treasury Department and the reports of the Register of the Treasury and balance the accounts. It cannot be done.

Mr. BOUTWELL. I agree exactly with what the honorable Senator from Connecticut says; but he will allow me to correct the error of his statement, which was, I believe, if the reporter were to copy

the words of the honorable Senator from Connecticut and read them to the Senate, that there was no accountant on the face of the earth who could reconcile the accounts of the Treasury Department—

Mr. EATON. The reporter may read what I did say, but I did not say any such thing. What I meant to say was this, and I will repeat what I intended to say, so that if I did not say it I will correct it now: that there was no accountant on the face of the earth who could take the reports of the Treasury Department and the reports of the Register of the Treasury and balance the accounts. That is what I meant to say.

Mr. BOUTWELL. If the Senator confines himself to the published reports, of course those reports do not furnish the materials by which any expert can ascertain whether the balance was correct or not; but that is true of the reports of every organization and of every institution in the country. It is true of the Senator's own bank account. If there were to be a public statement to-day of the balance of his account, either in black or red, upon the books of the bank, that statement would not furnish the means of ascertaining whether the balance was correct or not; but you must go to the institution itself, or to the records of the institution. What I say is that by the books of the Treasury Department the statements made to the public from 1870 forward have been reconciled and with the exception of a few errors found to agree with the statements made previous to 1870 by four sets of accountants; first, by accountants in the office of the Secretary of the Treasury in the year 1869-'70; secondly, by accountants in the Office of the Register of the Treasury in 1871; and thirdly and fourthly by separate sets of accountants working in the office of the Secretary of the Treasury and in the Office of the Register of the Treasury during the present session of Congress and since the resolution was introduced by the honorable Senator from West Virginia. These four examinations have corresponded not only to a dollar but to a cent; and if there can be any hard test of the truth of results, it can be no better ascertained than by four such independent investigations as have been made on this subject.

Mr. EATON. That may be so. That is something I have no knowledge of except the information which is tendered me by the Senator from Massachusetts; but I long ago learned one thing in the course of a not very short life, that if I had any doubt with regard to the accuracy of a public servant, I should not take the reports of that public servant in order to solve the question of accuracy. Take a great commercial house in New York which sells its fifty or seventy-five million dollars a year, for there are one or two such houses there. If a rumor is started that there is some difficulty in the accounts of the cashier, they would not set that cashier to examine his own accounts. They would look to men outside. Therefore it was proper that a resolution should be introduced; that resolution ought to have gone to a special committee, and that committee ought to have had the power to employ experts. There should have been a thorough examination of this whole business, for I beg to say that there is a feeling abroad that this matter is wrong.

The Senator from Massachusetts said in his place on the floor of the Senate the other day that there had not been a change in any of the figures of the books of the Department. There can be no figures when we speak of a Department. I do not mean loose paper, I mean Department accounts which are kept in books. That is what I understood the Senator from Massachusetts to say, and I understood the Senator from Ohio to echo the remark of the Senator from Massachusetts. Has the Senator from Massachusetts given the matter a personal examination? I beg to say here in putting this question to the Senator that under no circumstances—and he knows me well enough to know that not for one moment do I question the entire integrity of the Senator from Massachusetts when an active officer of the Treasury Department. He knows me well enough, too, to know that if I believed he was guilty of wrong there I shan't state the fact to him and to the country also. Do I understand the Senator to mean the Senate to infer that he knows, not that he believes, not that he has been told, but does he know of his own knowledge that there have been no forced balances upon some of the books of the Treasury Department? Is he prepared to say to the Senate, with a full understanding of the import of the question, that he knows of his own knowledge that there have been no forced balances on any of the books of the Treasury Department proper or of the Register of the Treasury?

Mr. BOUTWELL. Of course I have not gone over all the books of the Treasury Department; but I no more believe that there have ever been alterations in the books of the Treasury than I believe that the records of the Senate have been altered. I never heard any such thing suggested inside of the Department, never heard it in my life until it was possibly inferred from the remarks made by the Senator from West Virginia. I have been told over and over again by the officers, and Mr. Bristow, the recent Secretary of the Treasury, who was in no way concerned in these transactions, in his letters to the Senate says that the books of the Department have never been changed. The simple truth was this, and nothing that can be suggested or stated or proved as having any foundation in fact will change the statement I make, which is that the books of the Treasury Department remain as they were previous to any time, so far as I have any knowledge or belief. I never heard the thing suggested by any one except the suggestions that have been made here on the floor of the Senate. The only thing that was done was that in 1869 and

1870, finding that there had been errors in previous statements, an investigation was undertaken and certain errors were found. The statements that had been made to the country previously remain, and after the discovery of those errors the statements that were subsequently made were made to correspond with what we believed to be the truth. After ascertaining the truth, it would, it seems to me, have been a greater offense to the country to have continued to restate the errors than by the statement of the truth to suggest that errors had been made in previous times. There was nothing for the Secretary to do except to do that. I wish to say again that nothing cast any imputation upon the integrity of those who had kept the accounts; that the country never lost a cent by the errors; and that the statements affected no financial fact, nor did they in any way affect the fortunes of the country.

Mr. EATON. I supposed I should get the answer which I have had from the honorable Senator from Massachusetts. From an examination which I under his lead conducted in that Department, I well knew it was not in his power or in the power of any living man to give a personal examination to those accounts. Secretary Bristow says the accounts are all right. What he means by it is that he believes they are all right, not that he has examined all the accounts in the Treasurer's Department and in the Office of the Register of the Treasury. Of course he has done no such thing. He believes in the integrity of the officials, and so does my friend from Massachusetts.

Mr. BOUTWELL. I wish to say to the Senator, and I think his experience in the Treasury Department will justify the remark I make, as I am sure that my experience justifies me in making the remark, that there could be no change in the books of the Treasury Department affecting a balance which could be made without the knowledge of at least twenty-five different persons who have charge of various books, the results of which have to be marshaled into various ledgers which are tested by comparison with books kept by other independent persons. It would be one of the most difficult things to change the books of the Department so as to affect a balance without the knowledge of the change being known to twenty-five or thirty persons; which is, in itself, pretty good security that the thing could not be done.

Mr. EATON. There is some force in the remark just made by the Senator from Massachusetts, and yet I learned enough while there to believe that two men could combine, three certainly to take a hundred million dollars from the Treasury.

Mr. BOUTWELL. O, no. If three persons, each of whom has an independent key to a separate lock in which the reserve is kept, which is the large body of the money, were to combine they might force it out of the Treasury; but when you come to change the books so as to force a balance you have not only got to deal with three persons, but with eight or ten times three, who must be in collusion, in conspiracy; and when the thing was done, there would be nothing in the world to reward them for it, because they have not the control of a cent of money and never can get it except by going into the office of the Treasurer and robbing precisely as some other persons might do. Therefore they would have no motive to change the books; they would get nothing for it.

Mr. EATON. I have no desire to go into the question with regard to what might be done or what might not be done as to the false issue of securities or the taking away of securities or anything else. It is not worth my while, nor do I care to alarm the feelings of the community upon a subject of that character; but I commend to my friend from Massachusetts the testimony given the other day by General Spinner before a House committee. I have not seen it, but I have heard statements of that testimony which place some of the actions of the Treasury officials in not a proper or a pleasant light. I do not know it to be true, but I have heard it said by competent accountants—and I should have gone into the inquiry myself if this resolution had gone to a special committee—that the interest account of the Treasury Department was from \$1,500,000 to \$2,500,000 wrong. That I have heard from a man who has long been an official in that Department, a man of great shrewdness and great worth.

Mr. BOUTWELL. Do I understand the Senator to say that the account is wrong from \$1,500,000 to \$2,500,000?

Mr. EATON. I do say just that.

Mr. BOUTWELL. I should like to have the Senator give some ground for the statement.

Mr. EATON. I do not know that I care for it now. It will be known if it is so; the country will demand to know it. The country will know certainly the whole history of the Treasury operations with regard to the interest, with regard to the syndicate, so called, and with regard to all the transactions of the Department. If there had been a proper committee instituted, it would have been known before now. In my judgment there will be found errors, to use a mild term, in the interest account of the United States. I am informed by men in whose character I have great confidence and place full reliance, in whose knowledge I have great confidence also, that there will be found gross errors in the interest account of the United States.

But that is not the subject to which I mainly intended to direct the attention of the Senator from Massachusetts. The Senator from Massachusetts presented certain tables here the other day with regard to the relative expenditures in 1860 and 1875. Two years were brought in juxtaposition to each other, and now I beg, if my friend will not consider it impertinent—

Mr. BOUTWELL. Before the Senator leaves the subject of the interest account, inasmuch as he has made a statement and it is upon the record, I should like to make a statement as to the mode of doing business in reference to the payment and the issue of bonds, which I think will satisfy most persons—I hope it will satisfy the honorable Senator from Connecticut—that such a condition of things is very impossible. I think it will be hardly necessary to say here that the Secretary of the Treasury never has a dollar of public money in his hands, and could not get a dollar by any other process than the Senator from Connecticut, or any other man could. He has no control over the money. Nothing comes into his hands, nothing passes through his hands, and he is only responsible for the mode of conducting the Department. The bonds which are issued to bear interest are issued under circumstances, I submit, affording the best possible security. If the mode of doing business in the Treasury Department in that particular can be placed against the mode of doing business in the Bank of England or in the Bank of France, it will be seen that the securities taken here are much greater than the securities taken elsewhere. In the first place, the paper made is of a peculiar sort. It is made under the direction of the Government and under the control of Government officers. Every sheet of paper is counted. It is cut at the mill of a particular size, destined for the issue of particular securities. The books of the Treasury Department show the number of sheets of paper manufactured of every size, the use for which it is to be put, and its destination. When it arrives at the Treasury Department, it is counted and put into the hands of the paper division, and it is turned over by installments as it is wanted for the Bureau of Engraving and Printing. It is subject to three separate impressions in three different places: one in New York, one under one superintendence in the Treasury, and a third under a third superintendence in the Treasury. The plates used by each of these divisions are engraved under separate authority and kept in the hands of separate custodians; and no security of the Government can be perfected except by the use of these three separate plates in the control of three separate and independent sets of men. When a bond is perfected in that way, it goes to the Office of the Register of the Treasury, and is there recorded, and the public debt of the country is charged with the nominal value of the bond. It is then sent to the Treasurer of the United States, and is there issued, and he is made accountable for the sum of money which he receives upon its issue by the books of the Register of the Treasury, and therefore he must account for every issue. In the Office of the Register of the Treasury is a ledger opened, in which the bonds are entered with reference to the payment of the interest. If you open one of these ledgers, you will see the number of the bond, the date of its issue, the act under which it was issued, and a square corresponding to each coupon on that bond. Whenever a coupon is returned by the Treasurer, it goes to the Register, and before the Treasurer is allowed in his account for the payment made on account of that coupon, the coupon itself is entered upon this ledger in the place assigned to it.

Therefore there never can be a second payment of interest upon any bond, nor can there be a payment of interest upon any bond not issued by the United States; because the coupon, its number, its date, and its reference must conform to the bond on which it was issued. Therefore the probability is so slight that there can be any interest paid by the Government of the United States which is not justly due that I think it cannot be taken into the account by any reasonable man.

Mr. EATON. There is one thing my friend can say, that he has had plenty of time to make his statement, although he has hardly touched the point.

Mr. DAVIS. Before my friend from Connecticut leaves the debt statement, there is one point which I have never been able to understand, and I have never asked the direct question of the ex-Secretary. I would be glad now, as the Senator from Massachusetts has made an explanation, to read the figures from two reports, that of 1869, which was during the Senator's administration, and that of 1871, which was also during his administration. I find that in 1871 the Secretary of the Treasury, Mr. BOUTWELL, in his statement as made up in his office and as since that time it has continued in the reports, stated that the public debt June 30, 1869, was \$2,588,452,213.94. The Register reports for that same year the public indebtedness to have been \$2,489,002,450.58, a difference of \$99,000,000 between the statement as reported by the Register and as reported by the Secretary two years afterward.

Mr. BOUTWELL. That arises from two circumstances. In the first place, the Register's statement as made up did not include the interest accumulated; that is, the interest earned.

Mr. DAVIS. My friend will understand that the interest had been paid two years previous, and it is charged and reported to Congress.

Mr. BOUTWELL. It is true, the interest had been paid; but at the time the Register made up his statement for the year he did not include the interest which was earned upon the public debt, but which had not been paid. There is always a considerable amount.

Mr. DAVIS. Let me say to my friend that that could not have been, because the interest runs along regularly. The next year we find a difference in the public debt as reported of about \$75,000,000; that is, an increase of that amount when the Secretary's new table is made up for the next year instead of \$99,000,000 which it would have continued as about the amount of interest. It is \$75,000,000 the next

year, and the next year after that there is hardly any difference. Therefore it could not have been the interest account. The ex-Secretary will at once see that.

Mr. BOUTWELL. What year is that?

Mr. DAVIS. I gave two years. The first was 1869.

Mr. BOUTWELL. Was the debt due that year?

Mr. DAVIS. The debt was due the 30th of June, 1869. By the table made up in the Secretary's office and reported to the country it was about \$99,000,000 more than it was in the Register's report for the same year. That is, the table made up in 1871 by the Secretary for 1869 increased it \$99,000,000. Let me say, as the Senator knows, that since 1869 the amount has been increased \$99,000,000. It may throw some suggestion upon the answer if the Senator will look at the year 1862, when Mr. Chase reported the amount of the debt in round numbers at \$514,000,000. It remained that sum in the reports from that time up to 1871, when this statement was remodeled, and then it was put down at \$524,000,000. Fessenden, Chase, and McCulloch all reported \$514,000,000, and it is now reported in the debt statement at \$524,000,000, which is \$10,000,000 above that sum.

Mr. BOUTWELL. Of course there could have been no particular motive for increasing the public debt or any statement concerning it. If I had any object about it, it would be to reduce the public debt; but I will explain that difference, although I have not before me the figures.

Mr. DAVIS. I will hand the books to the Senator.

Mr. BOUTWELL. I do not care about the books, because I understand the facts. It is due to one or both of two circumstances. One circumstance inevitably is to be considered in connection with those facts. The interest account, as I state, was included after the report of 1869; that is, beginning with 1870, I included the interest earned and not paid as a part of the public debt, which had not been included in the time previous. When I revised the statements for the previous years upon the basis of receipts and expenditures, that item was also included.

Mr. RANDOLPH. Am I to understand that it was the habit of the Register to include the interest account and the habit of the Secretary of the Treasury not to include the interest account?

Mr. BOUTWELL. It was the habit of the Secretary of the Treasury after I took charge of the Department to take into view the interest account; but the Register never did; he merely took the principal as it appeared in his books.

Mr. RANDOLPH. The habit of the Secretaries of the Treasury preceding your administration was not to consider it?

Mr. BOUTWELL. The whole of it is that previous to my time there was no check on the Register. He kept a set of books, and there were no means elsewhere in the Treasury Department for ascertaining whether his accounts were correct or not. Now, although I believe that I have had to defend myself more in reference to it than all things else, I thought it was in the public interest that there should be a check upon the Register, and I did therefore open in the office of the Secretary of the Treasury a new set of books, entirely independent of anything that had existed before, and opened those books upon the principle of ascertaining and keeping an account of the public indebtedness upon the basis of receipts and expenditures; and that led to this inquiry which resulted in showing that there had been some inaccuracies.

The account of the Register was kept upon warrants; and the effect of that will be seen from the statement which I will make. For example, if a bond were prepared for issue, it would go to the office of the Register, and it would be entered; and as soon as it was entered it was an item in the account of the debt of the United States. The debt of the United States was swollen just to the extent of the nominal value of that bond; but as a matter of fact the bond had not been issued from the Treasury Department, nothing had been received in exchange for it, and it was not until the bond went into the hands of the Treasurer and was sold and he received the money that it really became a debt of the United States.

The change which was made in the books kept in the office of the Secretary as distinguished from those kept in the Register's Office was that we entered that as a public debt when the bond was actually issued, not when it was registered in the Office of the Register. Then, on the other hand, in the redemption of bonds the Treasurer would pay for bonds due and redeemed or for bonds purchased, and he would claim an allowance on account of the redemption or the purchase of such bonds; but those bonds or his account of the purchase together with the bonds would go through the Office of the First Auditor and the First Comptroller and to the Register before the Register would charge off those bonds as paid. The consequence was that his account would be too large on both sides when there was business; when the Government was issuing new bonds, when it was redeeming old ones his account would be too large as representing the issue greater than it had been, and the books of his office would show that the redemptions were less than they actually had been at the Treasurer's Office. The books which were opened in the office of the Secretary of the Treasury were based upon receipts and expenditures. That is, we charged a bond when we got the money for it, we credited the loan account when we had paid for a bond and it was redeemed. The consequence was that these two accounts necessarily differed just to the extent of the amount of the bonds and notes of the United States that had been in the Register's Office and not issued or that had been

redeemed by the Treasurer and not entered upon the books of the Register of the Treasury. Therefore there would always be a difference; but at any day you could follow these bonds and these notes and ascertain the value of all those *in transitu*, and by deducting from one amount or adding to the other if everything was right the two accounts would agree. And that explains the difference or a large part of the difference to which the Senator from West Virginia has now called my attention.

Mr. DAVIS. I have listened with some degree of satisfaction to the Senator from Massachusetts, but the bond question according to my judgment cannot enter into an account that has been closed, fixed, determined, reported to Congress in some cases for thirty years and in some cases ten years and in some cases nine years. I can see that in the current accounts running along on the 30th of June there might be differences, as the Senator has explained; but bear in mind that there are six weeks allowed by law, and practice four months allowed to close up those accounts before they report to Congress. From June to November is always allowed for the purpose of correcting such errors as the Senator speaks of. The accounts are kept open, as the Senator knows better than I do, for four or five months.

Mr. BOUTWELL. But the accounts are kept open, not in reference to the loans and indebtedness of the country, but kept open so as to get the receipts of money actually paid on or before the 30th of June. The accounts of receipts are kept open for the purpose of showing in the following December the amount actually received during the last fiscal year; but it does not show the loan account. The loan account closes right down on the 30th of June.

Mr. DAVIS. The Senator will know that in 1870 or 1871 when these tables were remodeled and restated, according to what Secretary Bristow says, there were no bonds being issued, there were no bonds coming into the Treasury at that time?

Mr. BOUTWELL. We were always changing them.

Mr. DAVIS. You must issue new bonds in exchange for old bonds; but I cannot see—and I have given it all the thought possible—how it is that when you go back, as was done in 1870 and 1871, when the debt statement was remodeled, from 1836 down to 1870; and the restatement made a difference in some years of a million and in other years of nearly \$100,000,000, and in the aggregate the total was decreased \$247,000,000 from the previous statements. I can see very well on the bond question if one year it was too much and in others too little the result in the end would come out about balance; but how it is that the public indebtedness has increased in the aggregate over \$200,000,000, I have not been able to see. Look at the other statements; take the expenditures, or take the revenue after it had gone into the Treasury, how was it got out and how it was reported afterward at different amounts. I know there will be a difference in the accounts between the Register and the Treasurer, but there should be no difference, if the books are kept properly, between the Register and the Secretary's office. How this great difference has come in different times I am unable to account for, and I have given it all the consideration I have been able to give it.

Mr. BOUTWELL. It would be difficult for me to explain it any further. If you take one year, the honorable Senator from West Virginia does not observe that when we went back and analyzed the statements of previous years, those statements having been made up and reported on the basis of warrants, the account was restated upon the basis of receipts and expenditures; and, therefore, there would be just the same difference if that account were restated ten years after the transaction had taken place as there would have been if the account had been stated at the time on that basis. That did not make any difference; it produced the same result.

Mr. DAVIS. The books had been regularly balanced every year and reports made to Congress, and there had been no difference in them.

Mr. BOUTWELL. Because they were stated on a different theory; that is on the theory of receipts and expenditures, and the original entries were made on the theory of warrants. Therefore, in each year there would be a difference depending upon the amount of business going on at the time. Now what is the point on which I should make complaint in regard to the theory of the Senator from West Virginia? He finds, as in 1865 perhaps, a difference of \$10,000,000; that is, in 1865 he finds that the statement of the accounts on the basis of warrants and the statement of the accounts on receipts and expenditures differs \$10,000,000, which could be explained, as the Senator from West Virginia can very well see, by the business *in transitu* between the Register's Office and the Office of Treasurer. Suppose in 1866 there are \$10,000,000 difference also, the result of the same facts. I do not think that it is reasonable to add those two \$10,000,000 together and say "there is a difference of \$20,000,000." In that way, as I understand, the \$20,000,000 of difference are arrived at.

Mr. DAVIS. If the Senator from Connecticut desires to go on, I will not interfere with him; but this is a point on which I desire information. I only want a moment longer, as I see the Senator from Massachusetts is willing to explain as far as he can these discrepancies, for there are great discrepancies in the reports to Congress. As to the books, I am not able to state. I understand, and the Senator knows better than I do whether it is a fact or not, that when this re-examination took place, though the Register is the official book-keeper of the Government and his Office the final resting-place of all warrants on which money has been paid, there was no re-examina-

tion in that Office whatever of warrants or books, but a statement was made up in the Secretary's Office, sent from the Secretary's Office to the Register, and he directed to make his annual statement to Congress correspond with the sheet sent from the Secretary's Office, without regard to the facts or figures or warrants in his own Office. I understand that to be so. I do not state it for a fact; but it comes so straight to me that, unless the Senator says it is not so, I state it as a fact; I believe it to be a fact.

Mr. BOUTWELL. I have no doubt this is true, after the investigation was made in the Office of the Secretary of the Treasury, that with reference to future statements of the balances in previous years, the Register, either of his own motion or by some direction or understanding, made up his statement to correspond with the statement made in the Office of the Secretary of the Treasury. I have no doubt of that; but I read the other day in the presence of the Senate a letter from the Register of the Treasury directed to the Secretary of the Treasury, dated I think in 1871, in which he said that he had been over these accounts independently of the examination made in the Office of the Secretary of the Treasury and found that his results corresponded exactly with those attained in the Office of the Secretary, and he gave the tables showing the processes by which the result was reached.

Mr. DAVIS. I listened with some attention to the letter read and afterward read it, and I think the Senator from Massachusetts is probably mistaken as to what the Register says. I understand from that letter that there was no examination whatever in his Office. He is the official book-keeper of the Government and his Office is the final resting-place of all warrants and the only office from which a restatement of the accounts could be made. I understand that in that Office there was no re-examination; it was made in the Secretary's Office. I understand that if there had been such a re-examination, going back to 1836, forty years of time, it would have taken perhaps five years to have done it.

Mr. BOUTWELL. O, no.

Mr. DAVIS. Every warrant in that Office would have had to be re-examined so as to restate the account and I understand there were millions upon millions of them.

Mr. BOUTWELL. The exact fact, as I understand it, was that for the year 1870 the statements of the Register were based upon the examination made in the office of the Secretary of the Treasury. I have no doubt about that. His report for 1870 was based on the examinations made in the office of the Secretary; but that he then proceeded independently to an examination from 1836, when there was no public debt of any magnitude, and reached a result for himself, and that result corresponded exactly with the result previously reached in the office of the Secretary.

Mr. DAVIS. I understand exactly different. I think the Senator is mistaken, and I might say that I had a conversation with the Register, though not for two or three months past, and I asked the question, as I thought I had a right to do, whether or not the warrants in his Office since he had been there had ever been re-examined so as to make out the fact whether or not the statements as remodeled in the Secretary's office were true, and I understood that there had been no re-examination of warrants in that Office, and his statements were supposed to correspond with the reports to Congress at the time they were made. That is my understanding. I understand—the Senator can correct me if it is not so—that in that Office there has never been a re-examination of the accounts up to the present day.

Mr. BOUTWELL. I understand differently, that there has been a thorough examination and re-examination. There have been two examinations in the Register's Office.

Mr. DAVIS. Then it is unfortunate that the Committee on Finance, who had four or five months to examine and make the report as to whether or not the figures I had presented were correct, did not learn that fact. I understand that committee, though they attempt to explain them away, do not impeach a single figure. Every figure that I presented was taken from the official statements to Congress and is correct. I understand that that committee, as a committee, or perhaps as individuals, never asked a question in the Department as to whether or not there was a restatement made or how it was made or how it came to be made. The Senator himself was a member of that committee, and he knows whether or not the committee as a committee visited the Department and made any examination. I understand they did not.

Mr. BOUTWELL. I did not act with the committee at all. I never met with the committee or conversed with any member on the subject.

Mr. EATON. Mr. President, the Senator from Massachusetts did not say, as I was very certain he could not say, that there had been no forced balances, so called, in the Treasury Department. My friend from Georgia [Mr. GORDON] has placed in my hand testimony before the Committee on Expenditures in the Treasury Department, which is the testimony of General Spinner. I have not had the time nor has he to read it through, but I find this:

By Mr. WILSON:

Question. Was any part of that fund used to balance the public-debt statements, to your knowledge?

Answer. I cannot tell. The public-debt statement was a curious thing. I do not know how the law has been latterly, but when I first came into the Treasury the Treasurer was directed by law to publish weekly statements in one or two papers in the city of Washington. I found that they prepared a statement upstairs and

published it, to which my name was attached, and I objected to that. They did not want me to publish my statement.

Q. Who did not want you to publish your statement?

A. The Secretary of the Treasury or his assistant. That was Mr. Harrington, I think under Mr. Chase, and was early in the war. They would publish a statement that did not accord with my statement, and I would not permit my name to be signed to it, and so they used to publish a statement as the statement of the Treasurer of the United States, and they attached my name to it, but it did not emanate from my office.

Q. Did it differ materially from your statement?

A. I do not recollect. I remember that they forced balances in some way or other so that it did not accord with my statement. They pretended that they had done things up-stairs that I did not know any thing about, and I did not like it at the time. I afterward got the law changed in some way so that it became the duty of the Secretary to make the statements.

Q. And then you were not responsible in any way?

A. Then I was not responsible and knew nothing about the debt statements and rarely regarded them. I differed with all the Secretaries in that. They have a rule that nothing must be divulged that takes place in the Treasury. My idea was that a public officer should have no secrets; that the public had a right to know every thing, and when I was asked questions, unless I was prevented from doing it, I always answered them.

That is not very full testimony; it is not explicit testimony; but it goes to substantiate what I have been informed and what I stated to the Senate. My information was that there had been forced balances in some of the departments of the Treasury, and here is a man who swears to it.

Mr. RANDOLPH. What officer?

Mr. EATON. The late Treasurer of the United States, General Spinner. He swears it was so. I have just had this put in my hands. I heard something about it yesterday.

Now, I say again that the resolution introduced by the Senator from West Virginia ought to have been the subject of inquiry by a special committee which should have had the power to summon experts and expend as much money as was necessary in order that they might make a thorough examination of the condition of the Treasury. I fear there is something wrong there. My friend from Massachusetts smiles. I will not quote from Shakespeare on that point. [Laughter.] I say I fear. I hope not; I pray not. If a committee had been instituted and that committee had ascertained that everything was entirely right and correct, I should have rejoiced. It is not for me to undertake to injure the good name of my country, not for me to undertake to injure the good name of the Government; but the testimony of this late officer of the Treasury Department seems to me to show, in the absence of absolute knowledge on the part of the Senator from Massachusetts, that there must have been a change in the figures, for there cannot be, my friend knows it as well as I do, a forced balance unless there be a change in the figures upon some of the books of some portion of the Department. That is the very meaning of the term "forced balance"—false balance, knowingly wrong. That is what this man testifies to. His testimony is before the Senate. I read precisely what it was and it may go for what it is worth before the country. I do not think the testimony of a public officer who for many years—I do not know how many

Mr. BOUTWELL rose.

Mr. EATON. My friend has the right to reply; but I hardly think the explanation ought to be made in my speech. There is the testimony of the late Treasurer of the United States. If it can be explained, very well.

Mr. BOUTWELL. I do not propose to explain it away, because I do not know anything about it. I have only this to say, that his testimony as read relates to transactions that took place when Mr. Harrington was Assistant Secretary of the Treasury, in the administration of Governor Chase, and therefore I have really no means of knowing about it more than other persons unless it had come to me by tradition in the Treasury Department. I do not consider myself any more responsible for it.

Mr. EATON. O, you are not on trial.

Mr. BOUTWELL. Than for the administration of Albert Gallatin. I have only to say that I never heard of such a case. After I became the Secretary of the Treasury, by law and by usage, the statements of the public debt were issued by the Secretary of the Treasury, and I never had any interference with General Spinner in regard to that, except in so far as from his office the facts were furnished on which the statements were made.

Mr. EDMUND. What was the fund to which he referred, the naval pension money?

Mr. BOUTWELL. I do not know. I have not read it.

Mr. EATON. My friend from Massachusetts almost seems to take the ground that I have got him on trial.

Mr. BOUTWELL. Not at all; but there is this to be said: I have been made responsible, and from that responsibility I do not shrink, for having issued the statements of 1870 and 1871, and I mean to say that the utmost investigation in my judgment will show that those statements are correct and that the statements made in previous times were erroneous, but upon that point we cannot settle it here.

Mr. EATON. There may have been a great deal of stealing before you came in.

Mr. BOUTWELL. This was introduced in connection with the other matter, and I thought it proper to say that so far as the testimony showed they were transactions that occurred six or eight years before I had anything to do with the Treasury.

Mr. EATON. During the war.

Mr. EDMUND. I wish to call the attention of my friend from

Connecticut, who does not intend to put this thing in a false light I am sure, to the fact that if he looks a little further back in this testimony of General Spinner, he will see, so far as I can now judge from a hasty perusal, that he was being inquired of about the naval pension fund, as there appears on the preceding page this question by Mr. Wilson:

Q. Was any part of this fund ever transferred to the naval pension fund?

A. I do not know. The naval pension fund was a very large fund, upon which the Treasury paid a low rate of interest—4 per cent., I think, though I do not recollect certainly. That fund was in the Treasury a long while, and I do not know but it is there yet.

Then the inquiries go on to know whether any part of this fund was transferred to Jay Cooke & Co., and he says he does not know, and then comes what my friend read. Now, it may turn out, and I suspect it probably will, that this supposed forcing of balances was a mere question whether the naval pension fund, which has sometimes been regarded as a separate trust, and at other times as belonging to the United States, was carried into the statements of the public debt.

Mr. EATON. I do not suppose this touches it at all. It was a balance, it was the public-debt statement about which he was speaking.

Mr. EDMUND. As affected by the naval-pension fund.

Mr. EATON. No matter what affected it; it was the public-debt statement he was speaking about, and that they forced balances in that public-debt statement. I do not think my friend from Vermont has bettered this thing any. I certainly do not want anything added. I had not read it; I did not know to what it referred. It was put into my hands while I was conversing with my friend from Massachusetts, but I want it distinctly understood that I will make an examination into this testimony and ascertain hereafter. I only read it because it showed what I had been informed by another officer in the Department heretofore was true, that there had been forced balances in that Department. Now, Mr. President, I leave that.

Mr. DAVIS. Allow me to say that I believe the pension fund has never come up to \$20,000,000. It has been about \$14,000,000. The amount involved in a single year here is nearly \$100,000,000 in some cases, so that it could not be the pension fund that caused the difference.

Mr. EDMUND. I am merely taking the testimony of the witnesses referred to.

Mr. EATON. Mr. President, I find certain tables published in the RECORD of the 24th of July, introduced by the honorable Senator from Massachusetts, and if he will permit me—if the question is an improper one he may decline to answer it, and he will pardon me for putting it—I should like to know if the Senator is responsible for the correctness of this statement?

Mr. BOUTWELL. No, sir; I am not. I am only responsible for this: that Mr. Conant, the present Assistant Secretary of the Treasury, under whose direction the tables were made, is an honest man; that he has honestly done his duty; that they have been honestly reported to him by his subordinates, and that he has reported honestly to the Senate. I presented the statement, taking that much responsibility.

Mr. EATON. Those tables are not true, and I did not suppose that the honorable Senator from Massachusetts was or would be responsible for statements that right on their face are manifestly false and incorrect; and if the Assistant Secretary of the Treasury, Mr. Conant, puts his name to statements of this character to go broadcast throughout this land he ought to be removed from his office, for he is not a fit man to occupy it. The statements are not true. I am not now talking about an opinion which Mr. Conant may have; I am not now talking about his judgment with regard to a matter; that is another thing; but he puts before the country what he as an accountant knows is not true; and I shall be soon done with this gentleman, for I would not dishonor this body nor disgrace myself by going through with this whole table before the Senate when I can cover it up with fraud in one minute.

Just see how this man makes out his statements. He is trying to show—this is pretty poor business he has got into—that it cost but a trifle more to support the Government of the United States in 1875 than it did in 1860, and he has produced a statement here—the honorable Senator from Massachusetts has put it before the Senate and it has gone to the people—and in order to reduce the expenditures in the year 1875 what has he done—not my friend, but Mr. Conant? He finds, after making deductions amounting to I believe \$189,000,000 owing to the war, that the expenses of all the different Departments of the Government of the United States not increased by war expenditures were in 1875 \$84,773,762.49. Now, what does he do to reduce it still further? He deducts 12 $\frac{1}{100}$  per cent., the average premium on gold during the year, the expenditures here given being in currency, while those of 1860 were in gold—\$10,745,074.40. He takes that from the \$84,773,762.49, and that leaves as the expenses of the Government, taking out the war expenses, \$74,028,688.09.

When I stamp a thing with fraud upon its very face in one respect, I do not take up the time of the Senate with the miserable conclusions of a miserable accountant. Just think of it one moment. In order to reduce the expenditures in the opinion of the people of the United States so as to bring them down to very nearly what they were fifteen years ago, he has taken out for the difference between gold and currency \$10,745,074.40, being 12 $\frac{1}{100}$  per cent. upon the gross amount of \$84,000,000 and over. Now look at it, mark it, see the

fraud of this Assistant Secretary of the Treasury of the United States. I know what he meant perfectly well. It would be a matter of argument if it were true. It was as there was a difference of over 12½ per cent. between the purchasing power of coin and paper, therefore it was proper to deduct that. My friend from Massachusetts bows his head as though that were correct. Now let us look at it for one moment. I will settle this question in one moment so that there will be no more attempts by anybody to sustain a set of tables of this character. What was the civil list? Fourteen million eight hundred and ninety-one thousand four hundred and forty dollars and one cent. What was the foreign list? One million two hundred and fourteen thousand eight hundred dollars and eighteen cents. What was the pay of the Army? Ten million eight hundred and seventy thousand seven hundred and sixty dollars and thirty-nine cents. What was the pay of the Navy and Marine Corps? Seven million seven hundred and eighteen thousand eight hundred and forty-seven dollars and four cents, making in all \$34,695,853.62, which was paid in currency. The purchasing power of the currency had nothing to do with this amount. Suppose it had all been paid into my hands as for the civil list or the pay of the Army and the Navy, it is not for matters purchased for the Army or the Navy; it is the mere bills that were paid for the pay of the soldiers in the Army and the marines and sailors of the Navy. The amount with which he has gone to the people, which is entirely a fraud, was \$4,400,000 in round numbers. There is \$4,400,000 shown to be an absolute fraud in the very inception of this thing. Am I right? Who will dispute it? I do not say that the whole ten millions is a fraud. That is another matter. I say this, the expenses of the civil list were paid in currency. If any Senator will deny it I will give him the floor. The expenses of the Army, \$10,870,760, were paid in currency. It is the pay-bill of the Army, not the beef and pork that are bought or the powder and shot. The pay of the Navy and Marine Corps was \$7,718,847 and it was all paid in currency. And yet this Assistant Secretary of the Treasury of the United States has dared to say that there should be a deduction of \$4,400,000 in favor of the expenses of the Government in 1875 on these items because of the difference between gold and currency. Sir, it is a fraud upon the people of the United States. I rejoice that my distinguished friend from Massachusetts did not back this fraud. That he had not examined it I know, for if he had he would not have presented it and had it go before the people of the United States.

I said I would not go through this, and I will not, because it would take me two hours; but I desire it to go upon the record and go before the country that this fraud is unmasked to the tune of over \$4,000,000 in one item; and hereafter when we do go before the people we shall show that there are more than forty other millions in the same way. Sir, this Assistant Secretary of the Treasury of the United States undertakes to make figures to go forth to the people to be used as a campaign speech, and they are false. I pronounce them to be false. Any Senator who will look at them will know that they are false. I am not now talking—that is matter of argument—whether it would be a proper deduction because of the difference between the purchasing power of paper and gold. That is another question. But it was when paper was used that this Assistant Secretary of the Treasury has fraudulently said to the people of the United States that there should be a difference of over \$4,000,000 made in these three items. I say here that when this whole matter is examined it will not be merely \$4,000,000, but it will be \$40,000,000. I do not like to find any fault with what my brethren do, but I must say that before tables of this character are spread upon the records and sent forth to the people of the United States great care ought to be taken to see that they are reasonably correct. Of the opinion of this man I have nothing to say. I would not give a rush for his opinion. He says there should be \$28,000,000 taken from the expenses of the Government for miscellaneous matter because of the war. That is his opinion. I am not going into that at all. It is not worthy of my position, nor of the Senate. When I have unmasked the fraud of the man, I leave him to be dissected hereafter by others.

So I say, Mr. President, in regard to these tables that were presented here a few days ago, and have gone forth to the people probably to be used as a campaign speech, let this go forth also to show that there is fraud here, to show that one of the high officers of the Government has been guilty of this fraud, and he one of the men who are brought here to swear to the Committee on Finance that the accounts of the Government are correct. Sir, point me to a man who will put a table of this sort forth, that I know, and you know, and every man knows who will look at it, is a fraud, do not bring that man before this grave body in order to make the people believe that the accounts are right in the Treasury or any other Department.

Sir, what I say with regard to this paper, which was made by the Assistant Secretary of the Treasury, I ought to have said days and days ago, because I know that it has done harm. I know the newspapers have seized it, I know that speakers upon the stump have seized it in order to show that there was but little more cost in 1875 to the people of the United States in the maintenance of their Government than there was in 1860, and I should have made this explanation long, long ago.

Mr. President, I desire to say but one other thing, and then I trust it will be the last time I shall have occasion to engage in a discussion of this character on the floor of the Senate. I have not desired it.

I regret that the honorable Senator from Massachusetts had not examined this table before he suffered it to be published in the RECORD, because whatever his opinion may be in regard to the propriety of making the difference between gold and paper, it is only when gold is used, not when paper is used. When paper is used to buy articles of commerce necessary to the Army and to the Navy, that is one thing; then it becomes a subject of argument; but when paper is used to pay the debts of the United States, to the soldier in the field, to the sailor on the ship, then it does not become a matter of argument. The honorable Senator from Massachusetts, not guilty of any improper act himself, will regret, in my judgment, as much as I do that this paper has been presented by him without a thorough examination.

Mr. BOUTWELL. I only desire to say in regard to the paper commented on, and especially in regard to Mr. Conant, that I venture to assert that I think the honorable Senator from Connecticut would not have used the word "fraud" once, much less frequently, in regard to Mr. Conant if he had considered that in this paper there was no concealment whatever. It is a statement of the expenditures for the year and a specific statement of the deductions made. There is nothing concealed. Mr. Conant deducted 12<sup>675</sup><sub>1000</sub> per cent. as the average premium on gold for the year 1875 upon the idea that as the expenditures for the year 1860 were in a gold currency and the expenditures of 1875 were in a paper currency, and that paper currency was depreciated to the extent of over 12½ per cent. on the dollar, it was a reasonable thing in coming at the comparative statement of the expenses for the two years to equalize the currency and put the expenditures of both years in gold. That may be an error; it may not be wrong; but certainly even in the popular sense, to say nothing of legal sense, there was no fraud in it. There was a perfectly clear statement of the manner in which he had proceeded in the statement, and I should differ with the honorable Senator from Connecticut in regard to the propriety of that statement. For example, consider one item amounting to \$10,000,000 and more, which he stated, the pay of the Army. It is very well known that we advanced the pay of the Army from thirteen to sixteen dollars a month, more than 20 per cent., on account of the depreciated value of the currency in which they were to be paid, and when Mr. Conant made his deduction of 12½ per cent. he reduced the sum less than it had been increased by the legislation of Congress in regard to the pay of the Army. So as to the pay of the Navy, my recollection, not distinct, is that during the war and when our money was depreciated the pay of the Navy was increased. I think no person can come to any other conclusion than this, that when you undertake to ascertain the comparative expenses of the Government in two years the expenses should be stated in the same currency, whether it be coin or whether it be paper. But the facts are all upon the document. Every person, the Senator from Connecticut and everybody else, can form a judgment for himself whether the processes are right. There was no concealment as to what the processes were. I have only risen to say that I see no element of fraud in the statement so far as Mr. Conant is concerned, but only an opportunity for an honest difference of opinion as to whether he should have made a deduction on account of the payments being in paper in 1875 as against gold in 1860.

Mr. EATON. One moment.

Mr. PADDOCK. Mr. President, if the Senator from Connecticut will allow me, I desire to express my surprise that a Senator who ordinarily observes so carefully the amenities of official as well as social life should allow himself to employ such terms of opprobrium as those which he has directed against the Assistant Secretary of the Treasury in connection with the report to which he has referred. Passing by the merits of the question under discussion, I exceedingly regret that my friend should use such language toward an officer whose only offense is that he entertains and has expressed certain views and conclusions concerning which the Senator entertains a different opinion.

Mr. EATON. I accept the rebuke of the distinguished Senator from Nebraska in good temper, but I have no words to take back. I am only sorry that the Senator from Massachusetts proceeds to defend this man; that is all. That I regret. He proceeds to defend the Assistant Secretary in a transaction full of deceit, as is perfectly plain. He takes the entire expenditures after he has executed judgment upon one hundred millions more or less, and he proceeds then to deduct 12<sup>675</sup><sub>1000</sub> per cent. from the whole amount, and my friend from Massachusetts tries to excuse him on the ground that the Army pay was increased some time. Was the civil pay increased? Was everything increased enough to make up the forty-nine millions which I read? No, Mr. President, not so. It was an error. It was designed to deceive the people.

Mr. WALLACE obtained the floor.

Mr. PATTISON. Mr. President—

Mr. WALLACE. I will yield for the present to the Senator from South Carolina.

Mr. PATTISON. I am very much obliged to the Senator from Pennsylvania for yielding to me. I have been trying to get the floor all day.

Mr. President, the resolution of the Senator from Indiana proposes to print 10,000 copies of the President's message. Objection is made to that on the ground that the papers are *ex parte*. Let us inquire into the nature of these papers. The first paper is a letter of

Governor Chamberlain, of South Carolina, to the President. Governor Chamberlain is a man of ability, cool, clear-headed, and moderate in all his views and not likely to make any hasty statements. As an evidence that he has not made any rash statement, let us compare the date of his letter with the date of the transactions at Hamburg. His letter is dated the 22d of July; the riot occurred at Hamburg on the 8th of July. There were thus two full weeks. Hamburg is only eighty miles from Columbia, the State capital of South Carolina, with which it has railroad and telegraph communication. Now, will any person believe that Governor Chamberlain wrote this letter without a full knowledge of all the facts, without every effort on his part to get all the information he could in regard to the transaction? Governor Chamberlain before he sends his letter to the President waits until he gets a report from his attorney-general; and let me say right here in regard to this letter of Governor Chamberlain that it has been published in the South Carolina papers, in democratic and in republican papers, and as far as I have noticed a majority of the democratic papers of the State have indorsed and joined in the statement of the facts as made by the governor in this letter. There are some newspapers representing a certain portion of the democratic party in South Carolina that do not approve of this letter. They charge Governor Chamberlain with going out of his way in writing; but I have not seen in any one of the papers an attempt to deny the facts as set forth by him.

Governor Chamberlain occupies this position in South Carolina: His administration has been so acceptable to the people of the whole State, to the people of all parties, that to-day the democratic party in South Carolina is divided upon the question whether they shall nominate a democratic candidate for governor on the 15th of August or whether they shall wait until the republicans make a nomination in September, and if they nominate Mr. Chamberlain, whether they (the democrats) will not accept him as their candidate for governor. This letter comes from a gentleman holding that position to both parties in South Carolina; and it is fair to presume, as he seems to have pleased both parties in his administration as governor, that he told as near the truth as he could get at the truth in writing his letter to the President.

The following is the entire text of the letter, of which only portions have been heretofore published here:

STATE OF SOUTH CAROLINA, EXECUTIVE CHAMBER,  
Columbia, July 22, 1876.

SIR: The recent massacre at Hamburg, in this State, is a matter so closely connected with the public peace of this State that I desire to call your attention to it for the purpose of laying before you my views of its effect, and the measures which it may become necessary to adopt to prevent the recurrence of similar events.

It is, in the first place, manifestly impossible to determine with absolute certainty the motives of those who were engaged in perpetrating the massacre at Hamburg. The demand which was made by the mob upon the militia company for the surrender of their arms, taken in connection with the fact that the militia are not shown to have committed or threatened any injury to any persons in that community, would seem to indicate a purpose to deprive the militia of their rights, on account of their race or political opinions. It seems impossible to find a rational or adequate cause for such a demand, except in the fact that the militia company was composed of negroes, or in the additional fact that they were, besides being negroes, members of the republican party. Those who made the demand were, on the other hand, white men, and members of the democratic party. The lines of race and political party were the lines which marked the respective parties to the affair at Hamburg. I mention this as a fact, and as apparently the most trustworthy index of the motives and aims which inspired those who brought on this conflict.

As affecting the public peace, however, the effect of this massacre is more important than the motives which prompted it. Upon this point I can speak with more confidence. It is not to be doubted that the effect of this massacre has been to cause wide-spread terror and apprehension among the colored race and the republicans of this State. There is as little doubt, on the other hand, that a feeling of triumph and political elation has been caused by this massacre in the minds of many of the white people and democrats. The fears of the one side correspond with the hopes of the other side.

I do not intend to overstate any matters connected with this affair, nor to omit any statement which seems to me essential to a full understanding of its significance. It is certainly true that most, though not all, of those who have spoken through the newspapers or otherwise here, on the white or democratic side, upon this matter, have condemned the massacre. Their opposition to such conduct has not, however, sufficed to prevent this massacre, nor do I see any greater reason for believing that it will do so in the future. That class which now engage in this cruel work certainly disregard the expressed sentiments of those who assume to speak, for the most part, for their communities, and go forward without fear of public opinion or punishment.

It is sometimes asked, Why do not the colored race return this violence with violence? Why do they suffer themselves to be thus terrorized, when their numbers greatly exceed those of their enemies in the localities where many of these outrages occur? The answer is not difficult. The long habit of command and self-assertion on the part of the whites of these southern States; their superior intelligence as compared with the colored race; the fact that at least four-fifths of the property of these States are in their hands, are causes which contribute to give them an easy physical superiority thus far over the recently emancipated race, which still exhibit the effects of their long slavery in their habit of yielding to the more impudent and resolute will and the superior intelligence and material resources of the white men.

Add to this that in almost every southern community there may be found a considerable number of daring, lawless, reckless white men, accustomed to arms and deeds of violence, over whom the restraints of the sentiments of the better and more conservative classes of society have little, if any, power, who are inspired by an intense and brutal hatred of the negro as a free man, and more particularly as a voter and a republican, and you have the elements which would naturally give rise to, and in point of fact do give rise to, nearly all the scenes of bloody violence which occur in the Southern States. Besides all this, another fact must be noted here, a fact which, in my judgment, marks and explains the world-wide difference between the effects of such occurrences as this at Hamburg upon the mass of the white people here and the effects of deeds of blood and violence upon the people of other sections of the country; namely, that such occurrences as this at Hamburg have generally resulted in what is thought to be political advantage to the democratic party here. From this fact it results that the white people here are induced, to a considerable extent, to overlook the naked brutality of the occurrence

and seek to find some excuse or explanation of conduct which ought to receive only unqualified abhorrence and condemnation, followed by speedy and adequate punishment. In this way it often happens that a few reckless men are permitted or encouraged to terrorize a whole community and destroy all freedom of action on the part of those who differ from them in political opinions. The more respectable portions of the white people here content themselves with verbal perfunctory denunciations and never adopt such measures or arouse such a public sentiment as would here, as well as elsewhere, put a stop to such occurrences.

In respect to the Hamburg massacre, as I have said, the fact is unquestionable that it has resulted in great immediate alarm among the colored people and all republicans in that section of the State. Judging from past experience, they see in this occurrence a new evidence of a purpose to subject the majority of the voters in that vicinity to such a degree of fear as to keep them from the polls on election day, and thus reverse or stifle the true political voice of the majority of the people.

But the Hamburg massacre has produced another effect. It has, as a matter of fact, caused a firm belief on the part of most republicans here that this affair at Hamburg is only the beginning of a series of similar race and party collisions in our State, the deliberate aim of which is believed by them to be the political subjugation and control of this State. They see, therefore, in this event what fore-shadows a campaign of blood and violence, such a campaign as is popularly known as a campaign conducted on the "Mississippi plan."

From what I have now said it will not be difficult to understand the feeling of a majority of the citizens in a considerable part of this State. It is one of intense solicitude for their lives and liberties. It is one of fear that, in the passion and excitement of the current political campaign, physical violence is to be used to overcome the political will of the people. I confine myself here to a statement of what I believe to be the facts of the present situation in this State as connected with the public peace and order, without any expression of my individual feelings and opinions. My first duty is to seek to restore and preserve public peace and order, to the end that every man in South Carolina may freely and safely enjoy all his civil rights and privileges, including the right to vote. It is to this end that I now call your attention to these matters. I shall go forward to do all in my power as governor to accomplish the ends above indicated, but I deem it important to advise you of the facts now stated, and to solicit from you some indication of your views upon the questions presented. To be more specific, will the General Government exert itself vigorously to repress violence in this State during the present political campaign on the part of persons belonging to either political party, whenever that violence shall be beyond the control of the State authorities? Will the General Government take such precautions as may be suitable, in view of the feeling of alarm already referred to, to restore confidence to the poor people of both races and political parties in this State, by such a distribution of the military forces now here as will render the intervention of the General Government prompt and effective, if it shall become necessary, in restoring peace and order?

It seems proper to add that I am moved to make this communication to you by no motive or feeling save such as should animate me as the chief executive of this State, bound to do justice to all and to oppress none. I venture to say that I have given sufficient evidence by my whole conduct in this office that, as governor, I am guided by my oath of office and my duty to all the people. I challenge any proof or indication, from any word or act of mine as governor, that I am capable of doing injustice, or denying justice, to any citizen of this State. But I do deem it my solemn duty to do my utmost to secure a fair and free election in this State; to protect every man in the free enjoyment of his political rights, and to see to it that no man or combination of men, of any political party, shall overawe or put in fear or danger any citizen of South Carolina in the exercise of his civil rights. In accomplishing these results, I now recognize, with deep regret, that there are many indications that it will be necessary for me to invoke the aid which, under the Constitution and laws, the authorities of the General Government may extend under certain circumstance.

And I trust you will permit me to add that I know no official duty more binding, in my judgment, on the Chief Executive of the United States than that of exercising the powers with which he is invested for the protection of the States against domestic violence and for the protection of the individual citizen in the exercise of his political rights, whenever a proper call is made upon him. I understand that an American citizen has a right to vote as he pleases; to vote one ticket as freely and safely as another; to vote wrong as freely and safely as to vote right; and I know that whenever, upon whatsoever pretext, large bodies of citizens can be coerced by force or fear into abstaining themselves from the polls, or voting in a way contrary to their judgment or inclination, the foundation of every man's civil freedom is deeply, if not fatally, shaken.

I inclose for your information respecting the Hamburg massacre the following documents: The report of Hon. William Stone, attorney-general of this State; the report of General H. W. Purvis, adjutant and inspector general; a copy of all the evidence taken before the coroner's jury; a copy of the printed statement of General M. C. Butler; a copy of a letter addressed by me to Hon. T. J. ROBERTSON; an address to the American people by the colored people of Charleston, and a similar address by a committee appointed at a convention of leading representatives of the colored people of this State, at Columbia, on the 20th instant.

I have the honor to be, your obedient servant,

D. H. CHAMBERLAIN,  
Governor of South Carolina.

The PRESIDENT.

I now ask attention to the letter of the President in reply to the letter of Governor Chamberlain. I have been amazed, and I am sure the country will be no less so, to hear the criticisms of Senators on this letter. How the President could have said less I am at a loss to conceive, and in their cooler moments, when this subject is contemplated in the light of history, those Senators who have condemned the President will regret that their partisan feelings should have led them so far astray.

EXECUTIVE MANSION,  
Washington, D. C., July 26, 1876.

DEAR SIR: I am in receipt of your letter of the 22d of July, and all the inclosures enumerated therein, giving an account of the late barbarous massacre of innocent men at the town of Hamburg, South Carolina. The views which you express as to the duty you owe to your oath of office, and to the citizen, to secure to all their civil rights, including the right to vote according to the dictates of their own consciences, and the further duty of the Executive of the nation to give all needful aid, when properly called on to do so, to enable you to insure this inalienable right, I fully concur in. The scene at Hamburg, as cruel, bloodthirsty, wanton, unprovoked, and as uncalled for as it was, is only a repetition of the course that has been pursued in other southern States within the last few years, notably in Mississippi and Louisiana. Mississippi is governed to-day by officials chosen through fraud and violence such as would scarcely be accredited to savages, much less to a civilized and Christian people. How long these things are to continue or what is to be the final remedy, the great Ruler of the universe only knows. But I have an abiding faith that the remedy will come, and come speedily, and earnestly hope that it will come peacefully. There has never been a desire on the part of the North to humiliate the South. Nothing is claimed for one State that is not freely accorded to all the others, unless it may be the right to kill negroes and republicans

without fear of punishment and without loss of caste or reputation. This has seemed to be a privilege claimed by a few States.

I repeat again that I fully agree with you as to the measure of your duties in the present emergency, and as to my duties. Go on, and let every governor, where the same dangers threaten the peace of his State, go on in the conscientious performance of his duties to the humblest as well as the proudest citizen, and I will give every aid for which I can find law or constitutional power. Government that cannot give protection to the life, property, and all guaranteed civil rights (in this country the greatest is an untrammel ball) to the citizen is in so far a failure, and every energy of the oppressed should be exerted (always within the law and by constitutional means) to regain lost privileges or protection. Too long denial of guaranteed rights is sure to lead to revolution, bloody resolution, where suffering must fall upon the guilty as well as the innocent. Expressing the hope that the better judgment and co-operation of the citizens of the State over which you have presided so ably may enable you to secure a fair trial and punishment of all offenders, without distinction of race, color, or previous condition of servitude, and without aid from the Federal Government, but with the promise of such aid on the conditions named in the foregoing, I subscribe myself, very respectfully, your obedient servant,

U. S. GRANT.

Hon. D. H. CHAMBERLAIN,  
Governor of South Carolina.

But the governor waited until he could get further information. He sent Mr. Stone, his attorney-general, to Hamburgh to attend the investigation and inquire into the transaction and make a report to him. Now who is Mr. Stone? He is a young gentleman, well known as an upright lawyer of Charleston. He is a republican, but I have never known him to take any active part in politics. I can safely say he is respected by people of all classes. He goes to Hamburgh and makes this report to the governor of the State. The report of the attorney-general is inclosed by Governor Chamberlain to the President. It is as follows:

OFFICE OF ATTORNEY-GENERAL,  
Columbia, South Carolina, July 12, 1876.

SIR: According to your request of Monday last, I have visited Hamburgh for the purpose of ascertaining the facts connected with the killing of several men there on the night of the 8th of July.

My information has been derived chiefly from Trial Justice Rivers and from the testimony of persons who have been examined before the coroner's jury, now in session, and from those who received wounds from the armed body of white men who had taken them prisoners. From this information the following facts seem to be clearly established:

During the administration of Governor Scott a company of State militia was organized at Hamburgh, of which Prince Rivers was captain. This company was known as Company A, Ninth Regiment National Guard of the State of South Carolina. Arms were at that time furnished to it, and some ammunition.

This company, previous to May, 1876, had for some time but few names on its rolls, drilled rarely, and scarcely kept alive its organization. But in May of this year the number of members increased to about eighty, and one Doc Adams was chosen captain.

On the 4th of July the company drilled on one of the public streets in the town of Hamburgh. The street on which they drilled was between one hundred and one hundred and fifty feet wide; but it was little used, and was overgrown with grass except in that portion which was used as a carriage-road. While the company was thus drilling Thomas Butler and Henry Getzen, his brother-in-law, came along in a carriage, and demanded that the company should make way for them. Adams halted the company, remonstrated with Butler and Getzen for thus seeking to interfere with the company, and called their attention to the fact that there was plenty of room on each side of the company to pass.

Finding them unwilling to turn out of their course, Adams finally opened ranks and allowed them to drive through.

This incident seems to have angered Butler and Getzen, who made complaint before Trial Justice Rivers against the militia company for obstructing the highway. The trial justice on the following day issued a warrant against Adams, as he was the captain of the company, and had him brought before him for trial. During the progress of the trial Adams was arrested by the trial justice for contempt of court, and subsequently the case was continued until four o'clock Saturday afternoon, July 8.

At that time Butler and Getzen, with General M. C. Butler, who had been employed by Robert J. Butler, father of the former, as their attorney, repaired to the office of the trial justice, but Adams did not appear.

General Butler inquired as to the nature of the charges against Adams, and asked if the trial justice was to hear the case as trial justice or in his official capacity of major-general of militia. To this the trial justice replied that he was to hear the case as a trial justice, but if the facts showed that a military offense had been committed, Adams would have to be tried by a court-martial. General Butler then stated that he thought the case might be arranged, and at his suggestion, time was given him to see the parties. After this the trial justice did not see General Butler at his office, but learned that he had gone over to Augusta. In the mean time the trial justice had been informed that some two or three hundred armed white men were in Hamburgh, and that a demand had been made by them that the militia should surrender their arms. After a consultation with Messrs. Jefferson and Spencer, Rivers sent for General Butler. He rode up to the back gate of Rivers's house; the two had a conversation, in which General Butler said that he had given orders to have the guns given up in half an hour, and the time was nearly up. Rivers asked if some other arrangement could not be made, to which General Butler replied in the negative.

Rivers then asked if he would not consent to have him receive the arms, box them up, and send them to the governor, to which General Butler replied that he would box them up and send them to the governor, and if he (the governor) should return them to the company it would be at his own risk. Rivers then asked if they would give a bond for the arms, to which General Butler said that he would stand the bond, and, turning to another person—I think R. J. Butler—asked if he wouldn't go on a bond also, to which he replied that he would. Rivers then asked for time before fire should be opened on the militia, so that he might have a conference with the militia officers. This was acceded to, and Rivers then went to the building known as the Sibley building, in the second story of which the company had its armory and drill-room, and where it was then assembled, and told Captain Adams what might be expected if he should refuse to give up the arms. To this Adams replied that General Butler had no right to the guns; that the company held them, and he proposed to hold them unless General Butler showed some authority to take them. After this interview Rivers returned to General Butler, with whom was Robert J. Butler. He told them the decision to which the company had come. Then Robert J. Butler said that General Butler was his attorney; that he had come to settle the matter. If the company would apologize for the insult to his son and son-in-law he would do nothing more, but the whole matter was in General Butler's hands. General Butler said that as the men would not meet him he would have no more to do with them. General Butler was asked by Rivers if he would guarantee the safety of the town should the militia surrender their arms. He said that would depend on how the men behaved themselves afterward. This statement is confirmed by S. P. Pixley.

While these negotiations were going on, the armed body of white men in the town were concentrated on the bank of the river near the Sibley building. Soon after they were broken off firing began. Men who were in the building say that it was commenced by the whites firing upon the building. Adams gave his orders not to shoot until he directed them to. The company had very little ammunition, and all they had was a portion of that issued to the company when it was first organized.

After the firing was begun it was returned by the militia, and one of the attacking party, McKee Merriweather, was shot through the head and instantly killed. After this a piece of artillery, said to belong to the Washington Artillery, of Augusta, was brought over from Augusta, and four charges of canister were fired from it upon the armory, but without injuring any one. The persons in the armory escaped from the rear by means of ladders, and hid under floors of adjacent buildings or wherever else they could find shelter.

The first man killed by the whites was James Cook, town marshal. He had been in the armory, but was not a member of the company. He had gone into the street from the rear of the Sibley building, and was at once fired on and fell dead instantly, pierced by five or six bullets. Afterward the whites began their search for the members of the company. They succeeded in getting about twenty-five colored men as prisoners, some of whom were never members of the company. As fast as they were captured they were taken to a place near the South Carolina Railroad, where a large party of armed men stood guard over them. None of those thus captured had arms in their hands.

Subsequently, and at about two o'clock a. m., six men took A. T. Attaway out of the "ring." He and his mother begged for his life, but in vain. He was told to turn round, and was then shot to death by the crowd. David Phillips was next taken out, and was similarly killed. Pompey Curry was next called out. He recognized among the by-standers Henry Getzen and Dr. Pierce Butler, and called on them to keep the other men from killing him. He ran, and was shot at as he ran, one bullet striking him in the right leg below the knee.

Afterward, Albert Myhart, Mozes Parks, and Hampton Stephens were killed. Stephens did not belong to the company. Nelder John Parker, who has been commonly referred to in the newspaper reports as John Thomas, was corporal in the company. When he was arrested and taken to the spot where the other prisoners were, he recognized among the party two gentlemen of Augusta, named Twiggs and Chaffee. He appealed to them for protection. They said he should not be hurt. He states that General M. C. Butler asked if he was one of the d—d rascals. The reply was in the affirmative. He was then shot in the back. Messrs. Twiggs and Chaffee then said if he was shot again they would shoot the ones who did it. They took him off, and had him taken to Augusta. He was shot before Attaway was killed. He may recover from his wounds.

One Butler Edwards was taken as a prisoner. He says he was taken before General Butler, who at the time was in the street near the Sibley building. This was about twelve o'clock.

Threats were made to shoot him. General Butler directed that he be taken to the others. He recognized among the crowd one Captain Carnile and —— Dunbar, of Augusta; said he had a long talk with the former. He was among the prisoners who were let loose and told to run; as they ran they were fired at, and he was shot in the head. He was not a member of the company.

Willis Davis, one of the members of the company, was taken to the place where were the other prisoners. The men stated that John Swaringen, of Edgefield County, had charge of the prisoners. He states that he saw General Butler before the men were killed, who asked him what he was doing, and told him he would have enough of it before he got through. He was shot in the arm near the elbow when about twenty paces distant from the crowd. The ball is still in his arm, and he suffers much pain. He also states that some of the young men from Georgia remonstrated against shooting the prisoners, but in vain.

Besides the killing and wounding of the men herein named, the party broke open several stores and houses, and, in some instances, robbed the inmates. They took from Mr. Charles Roll, the postmaster, and a very respectable white citizen, a gun which he had in his store, and his private property. From an old colored man named Jacob Samuels, in his employ, they took a watch and set fire to his house. They broke open the house of Trial Justice Rivers and did much damage, as well as robbed him of clothing. They obtained kerosene oil and attempted to set fire to a house, but were prevented by Colonel A. P. Butler from doing so. The ropes of the public wells were cut, and some fences were torn down.

So far as I can learn, the primary object of the whites was to take away from the militia their arms.

The man Parker, who was wounded, states that on Friday, the 7th instant, he had a long talk with one Harrison Butler (white) on Broad street, Augusta. Butler told him that if Rivers did not give orders for the militia to give up their arms they would take them any way on the next day.

On Saturday rumors were abroad in Hamburgh that there were armed parties coming in to take the guns, but little credit was attached to them.

One of the white citizens of Hamburgh heard a conversation between David Phillips and General Butler in the afternoon. Phillips talked very "big," as the gentleman said, and General Butler told him that they wanted those guns and were bound to have them.

In the afternoon Colonel A. P. Butler went to the various stores in town and told the proprietors that they must not sell any liquor to his men. In spite of this, however, some of the men compelled one of the storekeepers to furnish them liquor. From the same person they obtained kerosene oil to use in setting fire to a house.

The whites were armed with guns and small-arms of various kinds, and many of them had axes and hatchets.

It is proper to state that the intendant of Hamburgh, Mr. Gardner, was informed by General Butler, in an interview with him, that the arms of the company must be given up.

Trial Justice Rivers is now holding an inquest and taking the testimony of witnesses. Until their verdict is rendered it will be impossible to tell who were engaged in the attack on the militia and the subsequent killing and wounding of the colored men.

It may be possible that a careful, judicial investigation may show some slight errors in some of the minor details stated in this report. But making due allowance for such errors, the facts show the demand on the militia to give up their arms was made by persons without lawful authority to enforce such demand or to receive the arms had they been surrendered; that the attack on the militia to compel a compliance with this demand was without lawful excuse or justification; and that after there had been some twenty or twenty-five prisoners captured and completely in the power of their captors, and without means of making further resistance, five of them were deliberately shot to death and three more severely wounded. It further appears that, not content with thus satisfying their vengeance, many of the crowd added to their guilt the crime of robbery of defenseless people, and were only prevented from arson by the efforts of their own leaders.

Yours, very respectfully,

WILLIAM STONE,  
Attorney-General South Carolina.

Hon. D. H. CHAMBERLAIN,  
Governor.

Now, I should say that that was official. It may be *ex parte*, but it certainly is official. The letter of the governor of South Carolina is certainly official. I will grant that it may be *ex parte*; but it is an official document, and I will ask Senators this question: Under the

Constitution of the United States the governor has a right to call on the President of the United States for troops to suppress domestic violence. Does the Constitution require the governor before he makes that call to wait until the courts have examined the question? Does the Constitution of the United States require the governor to wait until he can get the whole testimony, until he can hear both sides? By no means. If a riot occurs in a State and there is domestic violence that he has not the power to suppress, he acts on the testimony that is before him, the best information he can get, and he makes his call on the President of the United States in conformity with the Constitution of the United States. Governor Chamberlain did not call on the President in this letter for troops exactly, but he makes suggestions as to what he deems necessary to be done in the way of sending troops already in the State to certain localities. It is an official document upon which the President had a right to act. The letter of the attorney-general to the governor is an official document, and upon that the governor had the right to act.

Now, we will go a little further. We also find the letter of the adjutant-general of the State. He is a State officer, and was sent to Hamburgh by order of the governor to investigate the transactions and he makes his report to the governor; the governor incloses that to the President. Is not that an official report? Is not that a report which the President of the United States is bound to take notice of, and on which he had a right to form his judgment and take action?

The following brief report of that officer tells its own story:

EXECUTIVE DEPARTMENT,  
OFFICE OF ADJUTANT AND INSPECTOR GENERAL,  
*Columbia, South Carolina, July 12, 1876.*

SIR: In compliance with your letter of instructions of the 10th instant, I at once proceeded to Hamburgh, Aiken County, South Carolina, where I arrived yesterday morning, the 11th instant, when I at once proceeded to examine into the cause of the recent disturbances at that place.

The town of Hamburgh presented just such an appearance as one would that was, after being raided upon by a hostile army, with but this difference, that the latter would not descend to robbery and plunder, as well as murder. Nearly every colored man's house in the town (and Louis Schiller's, white) was broken into, and plundered, furniture broken, bedding and clothing stolen, and a general scene of devastation prevailing everywhere.

From all I could ascertain, as well as from the testimony taken before the coroner's jury, (copy herewith transmitted,) General M. C. Butler is charged with being the sole cause of the trouble, and from conversation held with many citizens in Hamburgh, all agreed that had he, Butler, been so disposed, one word from him would have stopped the scene of carnage that ensued.

I respectfully invite the attention of your excellency to the testimony of P. R. Rivers, esq., trial justice at Hamburgh, marked "A," of John Gardner, esq., intendant of the town, marked "B," and also that of Alexander Grinage, page 10 of testimony taken before the coroner's jury.

H. W. PURVIS,  
*Adjutant and Inspector General, South Carolina.*

His Excellency D. H. CHAMBERLAIN,  
*Governor and Commander-in-Chief.*

Now we come to another paper; that is, the evidence taken before the coroner's jury investigating the facts relating to the massacre. It is among the documents inclosed by the President in his message to the Senate. It contains a list of the jurors (duly sworn) and the whole testimony taken before the jury. I wish I had time to read it. I know Senators are tired, but I should like every Senator in this body to hear that testimony read. I was surprised on Saturday when this matter was brought up to hear a Senator, one of the most distinguished on that side of the Chamber, [Mr. THURMAN] say that he had read and knew very little about the Hamburgh transaction. I wish that Senator was here and I had the time to have the Clerk read this testimony. I think that he would join with me, he would join with every man in South Carolina who deplores such outrages, in denouncing the men who commit them. It is a sad and sickening tale of "man's inhumanity to man."

The next is a "Statement of M. C. Butler, of South Carolina." General Butler, the gentleman referred to here, has been charged and returned by the coroner's inquest as one of the parties accessory to these murders before the fact.

I think the Senator from Connecticut said, what has the President to do with that? I give the President credit for sending in the letter of General M. C. Butler. General Butler sends a statement to the Register, a newspaper in the city of Columbia, in his own defense. Governor Chamberlain, I have no doubt, though I do not know the fact, inclosed that to the President. The President, to show his sense of right and his desire for fair play, his desire to see every man heard in his own defense, to give every man an opportunity to exonerate himself from these charges, incloses that letter to the Senate, so that it may be spread all over the country; and yet fault is found with the President for doing that which I call simple justice; and if General Butler was here to-day he would thank the President for giving him an opportunity to be heard in this high forum in his own defense.

But the President goes further than that. General Butler was not satisfied with his first statement in his own defense to the Columbia Register, but he wrote a letter to the editor of the Journal of Commerce in Charleston. I will tell you why he wrote the letter to that journal. It is because we have a curious state of affairs in South Carolina which the people at the North do not understand, but very well understood throughout the South. The President incloses that to the Senate, so that that will come before the public, and yet on the other side fault is found with the President because he has done that. I say the President should be entitled to credit for that, too.

The next is a letter from Governor Chamberlain to Hon. T. J. ROBERTSON.

Mr. ROBERTSON is a member of this body. He writes to the governor of the State for a statement of the facts in relation to the Hamburgh massacre. Governor Chamberlain sends a statement of the facts to my colleague and it is published in the New York Herald. The President incloses that for the information of the Senate. That is objected to.

Then we have an address to the American people by the colored citizens of Charleston.

The Senator from Connecticut wants to know what the President of the United States has to do with that. O, yes! Mr. President, the colored people of Charleston have dared to issue an address to the people of the United States asking their sympathy and protection, against what? Against murderers; murderers in the democratic party; every man of them a member of that party; every man of them if he is not hung before the election will vote the democratic ticket; and because the colored people of Charleston meet to present an address to the people of the United States asking for their protection against a band of democratic murderers the Senate of the United States and the people of the United States are asked by a Senator in this body, "What has the President of the United States to do with that?" I say to you that if the President of the United States had not sent that to the Senate and given it to the public and given it the force and the power of his sanction, he would have fallen short of his duty.

Among the documents is an address by a committee appointed at a convention of leading representatives of Columbia, the capital of the State.

The first address of colored citizens at Charleston was at a public meeting in the city of Charleston. This address is from the leading representatives of the colored people of the whole State assembled at Columbia, upon invitation of the chairman of the republican State committee. Senators may say in regard to these two documents that they are not official; I will grant that; that they are *ex parte*; I will grant that; but they come from the representatives of a race who are in danger, they come from the representatives of a race who are entitled to the protection of the President of the United States, and of this Senate, and of the people of the United States against murderers, no matter who they are or where they are, and they have a right to be heard here in this place and all over this broad country.

That is all that relate to the Hamburgh massacre.

No. 11, No. 12, and No. 13 relate to matters in Mississippi. I have no more to do with that than any other Senator, but feel a deep interest in the sad condition of affairs in all the southern States. I am not like the Senator from Connecticut. I do not know whether he has even read these papers, but he says he does not believe them. Let us briefly inquire into them. The district attorney of Mississippi writes to the Attorney-General of the United States. I should like to know what right the Senator from Connecticut has to dispute what the district attorney of Mississippi says to the Attorney-General of the United States? By what authority can he say that what this man says to his superior officer is not true? I do not know that it is true, but I presume it is true. But there is one thing that I do know, that I have no right to say it is false and I am just as confident that he has no right to say it is false.

So with the "copy of report of a grand jury lately in session in Oxford, Mississippi." That is a report of a grand jury, men who are sworn to do their duty, and I take it for granted that it is true; and, knowing the condition of affairs in that State, somewhat familiar with the election in Mississippi in 1875, I know the "ways that are dark" that are resorted to to carry elections in the South by our democratic friends; and I have no doubt about the truth of these documents.

I have referred to all the papers accompanying this message and all the papers that are proposed to be printed. The Senator from Delaware [Mr. SAULSBURY] on Saturday objected to the printing of those documents because they were *ex parte*. In my plain way, I have replied to that. But the Senator gave another reason for his objection to the printing of these documents. His other objection was the expense. Mr. President, the other branch of Congress this whole session has been engaged in investigating the doings and transactions of Federal officers. They have been on a grand and a wild hunt for republican thieves and they have caught some, and I am glad of it. If there is a thief in the republican party, I hope the democrats will find him and arrest him and punish him. I shall be the last man to attempt to protect republican thieves. There is not a republican Senator on this floor who has ever by implication or his vote attempted to protect republican thieves. But while they have been on this grand hunt for republican thieves, they have been so unfortunate as to catch a lot of democratic thieves. All the reports of those investigations are to be published to the world. It will cost thousands and thousands of dollars. Has any republican Senator risen in his place and objected to an appropriation to pay the expenses of the publication of the reports of those investigating committees? Never, that I have heard. I know I have not. I know I am prepared to vote to publish to the American people the evidence to convict the republican thieves whenever it is asked, I do not care what the amount is; the people are entitled to the information, no matter what it costs. But this resolution of the Senator from Indiana

calls upon the Senate to do what? To publish 10,000 extra copies of this message and the accompanying documents. It will cost probably \$300. The Senator from Delaware objects. Now, I ask the Senator from Delaware why he objects to an appropriation of \$300 to publish the evidence upon which we can convict democratic murderers? We have helped to expose the republican thieves, and you must not object when we ask you to publish evidence that will convict democratic murderers in South Carolina or elsewhere. No, Mr. President, let the truth be told. If the republican party is guilty of anything, let them be exposed; if the democratic party has been guilty of anything, let them be exposed. If there are members of the republican party who are thieves, let us expose them; if there are members of the democratic party who murder men for their opinion's sake and that alone—because the murders at Hamburg were for nothing else; they were murders for opinion's sake—I say let them be exposed. Let the people of this country know who are guilty in both parties and who are responsible for these crimes.

Mr. President, I have referred to the papers accompanying the message sent to the President by Governor Chamberlain; they contain his view from his stand-point. I hold in my hand an account of the bloody work at Hamburg, in the News and Courier of July 10, 1876. The News and Courier is a democratic newspaper, published in Charleston. It represents what is known in our politics in South Carolina as the fusion wing of the democratic party. As I remarked a few minutes ago, the democratic party in South Carolina is divided upon the question of accepting Mr. Chamberlain as their candidate or nominating a straight-out democratic candidate. This report does not vary from but confirms all the statements made by Governor Chamberlain.

I have here also an article from the Charleston Journal of Commerce, the other democratic paper published there representing what is known as the straight-out faction, and which considers itself democratic *par excellence*. The News and Courier calls it "the bloody work at Hamburg," while the Journal of Commerce heads its article "A hullabaloo," with the hope of turning this dreadful massacre into ridicule. These two papers represent the two factions into which the democratic party in the State is divided; and neither of them pretend to dispute the facts in the case, but assign different causes for the occurrence and give different reasons for their disapproval. The Journal of Commerce is edited by R. Barnwell Rhett, Jr., a national name well known in the history of the country, and represents what is understood to be the true chivalry of the State; the men of real worth and respectability in the democratic party, the men who believe in principle and will fight for it.

#### THE PARTIES IN THE HAMBURGH RIOT.

Mr. President, I come to a part of my remarks which I regret my duty compels me to make. Who is implicated in this Hamburg massacre? The other day, in answer to the Senator from Texas, I had the names of the parties that are returned by the coroner's jury as implicated in these murders read; and I say here publicly before the Senate, as I will say in South Carolina when I go home from every stump where I expect to speak, that I am sorry to see in this list the names of certain gentlemen. I find here the names of over eighty persons, citizens of South Carolina and Georgia. I know some of these parties. The Georgians I do not know. The other day, in answer to the Senator from Texas, I said that these gentlemen represented the best families in South Carolina. I say so to-day; and I say for them, I say for their friends, that I regret to find them in this position. General M. C. Butler, who is charged in the coroner's return as being implicated in these murders before the fact, is the nephew of Senator Butler, who formerly represented South Carolina upon this floor. I have no hesitation at all in saying here that General M. C. Butler in South Carolina is considered a high-toned, honorable gentleman. He bears that reputation wherever he is known. He was a gallant soldier. No braver, no truer man ever drew a sword in the confederate army. His blade shone the brightest upon every battle-field, and he proved his devotion to the cause that he believed was right by leaving a leg upon the field. He always has been honored and respected by that portion of the people of South Carolina who desired to be considered the ruling class. In 1870 he was the reform candidate for lieutenant-governor. There has never been a convention of the democratic party in South Carolina since the war that he has not been a delegate. I see that he is a delegate to the democratic convention that meets in Columbia on the 15th of this month; yet he is included in the report of this coroner's inquest as one of the parties implicated. I have known General Butler ever since I have been in South Carolina. I have known him personally and favorably. I have received acts of kindness from him, and would be the last man to do him injustice. I respect him as a gentleman, and I pray God that he may be able to exonerate himself before the court and before a jury of his countrymen. If General Butler is guilty of the charge that is laid against him, let him be punished; but I shall rejoice as much as the wife of his bosom would rejoice if it shall be proven that he is innocent.

But somebody is guilty, Mr. President, of these murders at Hamburg. The fact that the people were murdered, the fact that ten American citizens without cause or provocation were murdered in cold blood cannot be denied, and somebody is responsible; it is not

for me to say who. Here is the list that has been returned by the coroner's inquest upon the testimony sworn to. I am not like the Senator from Connecticut, and I will not say everything is "false." I know it is *ex parte* testimony, but it is the usual course. We have the same laws in South Carolina that you have in New York, Pennsylvania, or Connecticut, and other well-regulated States. We have our coroner's inquests, and we call before them such witnesses as the coroner thinks necessary and proper to give evidence, and that is the evidence upon which this return has been made.

Mr. LOGAN. Will the Senator allow me to interrupt him right there?

Mr. PATTERSON. Certainly.

Mr. LOGAN. I do so because I do not exactly understand a statement he has made. He speaks of General Butler as a high-minded honorable gentleman. That I have no right to controvert, and I do not desire to do so. He says he hopes he will be proved innocent. I hope everybody is innocent, but I want to ask the Senator if he believes the statements that are sworn to in reference to his conduct and the conduct of these others in regard to the murder of these negroes?

Mr. PATTERSON. Of course I believe them. I have no right to suppose that the persons that went before that coroner's inquest swore falsely. Of course I believe them; I have no right to disbelieve them; but I am sorry for the parties implicated, and when the trial comes off in the Aiken Court House I shall rejoice if General Butler and the other gentlemen named here, whom I know and for whom I have always had respect, and whose families I respect, can exonerate themselves. If the testimony should establish their guilt, then I say, while I regret it, yet like a good citizen I of course hope that they will be punished. That is what I say.

Mr. WEST. As it suits the convenience of the Senator from South Carolina and there are some matters of executive business that require attention, I move that the Senate proceed to the consideration of executive business.

Mr. DAVIS. Does the Senator from South Carolina desire an adjournment?

Mr. WEST. The Senator from South Carolina yielded the floor temporarily.

Mr. PATTERSON. I will go on to-morrow morning.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were re-opened, and (at five o'clock and seven minutes p. m.) the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, August 8, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. L. L. TOWNSEND.

The Journal of yesterday was read and approved.

#### RESUMPTION OF SPECIE PAYMENTS.

Mr. HAMILTON, of Indiana. I rise to a question of privilege. I am reported in this morning's RECORD in reference to the vote on the passage of the bill to repeal the resumption-day clause of the act of January 14, 1875, as saying: "I desire to state that, if permitted, I should vote 'no.'" On the contrary, I stated most distinctly that if permitted I would vote "ay."

The SPEAKER *pro tempore*. The correction will be made accordingly.

#### DEATH OF GENERAL CUSTER.

Mr. MILLS. I ask unanimous consent to spread upon the records of the House of Representatives a joint resolution passed by the Legislature of Texas in reference to the death of General Custer.

There was no objection, and the resolution was read, as follows:

Joint resolution H. R. No. 395.

Whereas General G. A. Custer has endeared himself to the people of the frontier of Texas and elsewhere by his bold and dashing operations against the Indians; and whereas the news of his late sudden death while in discharge of his dangerous duties is received: Therefore,

SECTION 1. *Be it resolved by the Legislature of the State of Texas*. That we tender our sincere condolence to the family of the deceased and to the people of our suffering frontier, and that the governor be requested to forward a copy of this joint resolution to our Senators and Members of Congress, with the request that the same be spread upon the Journals of Congress, and a copy of the same be forwarded to the family of the deceased.

Approved July 28, 1876.

The joint resolution was laid on the table, and ordered to be printed.

#### AMENDMENT TO THE CONSTITUTION.

Mr. LAWRENCE, by unanimous consent, introduced a joint resolution (H. R. No. 163) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.