By Mr. HUNTON: Papers relating to the claim of R. L. Rotchford, for the proceeds of the sale of property sold under the confiscation act—to the same committee.

Also, papers relating to the claim of John Q. Larman, Joseph L. Harley, and Thomas P. Sparks, for compensation for services rendered in the Bureau of Engraving and Printing of the Treasury Department of the United States—to the same committee.

By Mr. JORGENSEN: Papers relating to the war claim of B. W. Hunter—to the Committee on War Claims.

By Mr. KITCHIN: A paper relating to the war claim of Sophia B. Moore—to the same committee.

By Mr. KLOTZ: The petition of C. C. Mullin, for a pension—to the Committee on Invalid Pensions.

By Mr. LINDSEY: Papers relating to the claim of William Wood, for compensation for unwarranted imprisonment by United States authorities—to the Committee of Claims.

Also, papers relating to the petition of Joseph Brown, postmaster of New Castle, Maine, that he be credited with certain postage-stamps stolen from him, in the settlement of his accounts—to the same committee.

By Mr. LORING: The petition of Abbie M. Mudge, for a pension—to the Committee on Invalid Pensions.

Also, a paper relating to the pension claim of Thomas L. Peterson—to the same committee.

By Mr. MARTIN, of West Virginia: Papers relating to the claim of the Ammoniated Fertilizer Company of Washington, District of Columbia, for pay for fertilizers furnished at the Executive Mansion by order of General Babcock—to the Committee of Claims.

Also, a paper relating to the claim of Sweeny, Rittenhouse, Fant & Co.—to the same committee.

By Mr. NORCROSS: The petition of B. M. Reese, of Greenfield, Massachusetts, for legislation necessary to secure to him and others the bounty of $2 per month awarded private soldiers who were recommended for meritorious conduct in the battles in the valley of Mexico—to the Committee on Invalid Pensions.

By Mr. O'NEILL: Papers relating to the pension claim of Emma H. Young—to the same committee.

By Mr. OSMER: The petition of the Women's National Christian Temperance Union and 88 others, that no change be made in the internal-revenue laws that will promote the interest of dealers in spirituous liquors—to the Committee on the Judiciary.

Also, the petition of the Women's National Christian Temperance Union and 50 others, of similar import—to the same committee.

By Mr. POEHLER: Papers relating to the bounty claim of George M. Robbins—to the Committee on Military Affairs.

By Mr. SIMONTON: Memorial of citizens of Lauderdale County, Tennessee, asking aid for the improvement of Hatchie River, Tennessee—to the Committee on Commerce.

By Mr. STONE: The petition of A. C. Strachan and 48 others, citizens of Michigan, against the passage of any act extending the patent of John C. Birdsell—to the Committee on Patents.

By Mr. THOMPSON: Papers relating to the claim of Joshua S. Dye for compensation for giving information and aiding in the suppression of illicit distilleries—to the Committee of Claims.

By Mr. VANCE: The petition of Edward Kolb, that he be paid, out of any funds in the hands of the Secretary of the Interior belonging to the Western Cherokee Nation of Indians, a board bill contracted by Richard Field, a commissioner of said nation accredited to represent their interests before the Government of the United States—to the Committee on Indian Affairs.

By Mr. FERNANDO WOOD: The petition of Margaret Brewster, for a pension—to the Committee on Invalid Pensions.

IN SENATE.

WEDNESDAY, *April* 23, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

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

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter from the Second Auditor of the Treasury recommending legislation to place the claims of certain white and colored soldiers upon the same footing; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. DAWES. I present resolutions of the State of Massachusetts in favor of the establishment of a national bureau of labor. I ask that they may be printed, as they are resolutions of a State Legislature, and also printed in the RECORD and referred to the Committee on Education and Labor.

The resolutions were referred to the Committee on Education and Labor and ordered to be printed, as follows:

COMMONWEALTH OF MASSACHUSETTS,
In the year 1879.

Resolution concerning the establishment of a national bureau of labor.

Whereas labor and capital are so essentially dependent upon each other in the successful prosecution of business enterprises that comity and equity are among the primary requisites which mutual interests should seek to ingraft upon their associative relations; and

Whereas nothing can so effectually harmonize and unify existing divergencies between capital and labor as a comprehensive statement of all facts relative to the condition and necessities of the labor classes: Therefore,

Resolved, That the United States Congress should establish a national bureau of labor; and

Resolved, That a copy of this resolution be sent to each of our Senators and Representatives in Congress.

HOUSE OF REPRESENTATIVES, *March* 4, 1879.

Adopted. Sent up for concurrence.

GEO. A. MARDEN, *Clerk*.

SENATE, *March* 10, 1879.

Adopted in concurrence.

S. N. GIFFORD, *Clerk*.

Mr. SAUNDERS. I hold in my hand a petition from all the pastors of the leading churches, and indeed of all the churches, I believe, in Yankton, Dakota Territory, praying that some legislation may be had to secure permanent homes for the Ponca Indians. It will be remembered by the Senate, no doubt, that these Indians were removed two years ago from Dakota to the Indian Territory, contrary, as they say, to any agreement that they made. They are dissatisfied with their present home and want to return. They claim that they have not disposed of the title to their lands. This petition prays that some action may be taken to secure permanent homes for these Indians. As the petition is very short, and will be referred to the appropriate committee, and probably there will not be a report upon it at this session, I should like to have it read at length, so that the Senate may understand it.

The PRESIDENT *pro tempore*. The petition will be read.

The Secretary read the petition, as follows:

To the Senate and the House of Representatives in Congress assembled:

We would respectfully call your attention to the sad case of the Ponca Indians who two years ago were forcibly removed from their homes in Dakota Territory to the Indian Territory.

The change has been fatal. They have already lost one-fourth of their number by death. Those yet living are so thoroughly convinced that to stay there is death to them that they are wrought up almost to the point of desperation.

You have been informed of their recent attempt to get away. Thirty of them, under Standing Bear, one of their chiefs, reached the Omaha agency, and were then captured by the troops and returned to the south a few days ago. There is imminent danger of another Cheyenne horror.

They still own their old reservation lands in Dakota Territory; nor could these lands be taken from them by the Government, for their title is peculiar, these lands having once been sold by the tribe to the United States, and then sold back again to the tribe, "ceded and relinquished" by our Government to them. (Revised Treaties, page 665.)

These lands were taken for a time for the use of Spotted Tail's tribe, hence the removal of the Poncas; but Spotted Tail would not stay there, and the lands are now unoccupied.

It would be only justice to the Poncas to allow them to return to their old homes. It would also be for the general welfare. Not only would it avert the danger of another Indian war, but their former white neighbors on the border, who remonstrated against their removal, would feel safer if they were allowed to return, because they would stand between them and the Sioux. If allowed to return, they would virtually move themselves if rations were furnished them; but as they have lost most of their horses by going south, it would be only just to replace them.

We would therefore ask:

1. That they be allowed to return to their old homes in Dakota Territory.
2. If that cannot be allowed, that they be suffered to come north and join whichever of the tribes they may severally choose—the Omahas, the Santees, or the Yanktons.
3. Or if neither of these be done at once, that a commission be sent to investigate their case.

We respectfully urge that something be done at once, and that these Indians be assured immediately that they will be removed from the Indian Territory before another summer.

Mr. SAUNDERS. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

INTEROCEANIC CANAL SURVEYS.

Mr. ANTHONY, from the Committee on Printing, to which was referred the following resolution, reported it without amendment, and it was considered by unanimous consent and agreed to:

Resolved, That 200 additional copies of the report of the commissioners on an interoceanic route between the Atlantic and Pacific be printed for the use of the Navy Department.

BILLS INTRODUCED.

Mr. KELLOGG asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 481) for the better organization of the district court of the United States within the State of Louisiana; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PENDLETON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 482) to authorize the Secretary of the Treasury to repair and extend the public building owned by the Government at Cleveland, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GROVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 483) for the relief of William L. White; which was read twice by its title, and referred to the Committee on Public Lands.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JONAS, it was

Ordered, That the petition and papers relating to the claim of Joseph R. Shannon be taken from the files of the Senate and referred to the Committee on Claims.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

TRANSPORTATION OF THE MAILS.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate what balances, if any, have been audited and are due for the transporting of the mails prior to the 1st of July, 1878, and which are unprovided for by any appropriation by Congress.

APPOINTMENT AND REMOVAL OF SENATE EMPLOYÉS.

The PRESIDENT *pro tempore*. The next business in order is the resolution offered by the Senator from Pennsylvania [Mr. WALLACE] to amend the standing order of the Senate relating to the appointment and removal of the employés of the Senate. The pending question is on the amendment offered by the Senator from Ohio [Mr. PENDLETON] to the amendment offered by the Senator from Vermont, [Mr. EDMUNDS.]

Mr. EDMUNDS. Let it be reported, Mr. President.

The PRESIDENT *pro tempore*. The amendment of the Senator from Ohio [Mr. PENDLETON] will be reported.

The CHIEF CLERK. It is proposed to amend the amendment of the Senator from Vermont [Mr. EDMUNDS] by adding thereto these words:

And acceptable to a majority of the Senators. And inasmuch as the appointment of the subordinates and the power of dismissal should remain with those officers respectively, who must be responsible for all the service committed to their charge: Therefore,

Resolved, That the standing order of the Senate regulating the appointment and removal of clerks and other employés of the Senate be, and it is hereby, amended by striking out of the same all after the word "respectively," in the third line, so that the same shall read as follows:

"*Resolved*, That the several officers and others in the departments of the Secretary of the Senate and of the Sergeant-at-Arms shall be appointed and removed from office by those officers respectively."

Mr. EDMUNDS. I ask for the yeas and nays on the adoption of the amendment to the amendment.

The yeas and nays were ordered.

Mr. EDMUNDS. Mr. President, I am rather surprised at the language of the amendment to the amendment, the first part of it in particular. Of course the last part merely reaffirms the original resolution.

My proposition was taken from the report and the unanimous judgment of the Senate, both democrats and whigs, or republicans, whatever name they had at that time, in 1854, that efficiency, fidelity, capacity to discharge the duties, and permanence should be the true and honest test for the appointees in this body, and the exclusive one. That has stood for twenty-five years through all administrations of various parties, and it has been substantially lived up to.

The Senator from Ohio proposes to add to that the cumulative qualification that the appointees in the Senate are to be "acceptable to a majority of the Senators." What does that mean, Mr. President? How "acceptable?" Socially? In respect of drinks or the absence of drinks? In respect of snuff or tobacco, or Graham bread or white bread? In respect of religion, and if so which kind of religion? What sect are we to stand by as "acceptable" to the majority of the Senate? Or is it politics? If it comes to that—which I suppose is the complexion which we reach at last (that is what it means I suppose)—then I can understand it. I take it as meaning undoubtedly and intended to mean, in view of what has taken place, exactly that, that in addition to fidelity, to capacity, to honor, to good conduct, to everything which makes a good clerk, or a good deputy sergeant-at-arms, or a good page, whatever it may be, there shall also be acceptability in the political sense to a majority of the Senate. That is to be made into a standing order, so that when agreed to and the rectifying providence of the times shall bring around a majority of this body that does not think exactly as the present majority does, then there is a standing order of the Senate that none of the persons who the day before were acceptable to a majority of the Senate shall be acceptable any more; because that is what it necessarily means if you refer to politics, as this undoubtedly does.

Is that right, Mr. President? Is that according to what has been the usage and tradition of this body?

There is force in what the Senator from Georgia [Mr. HILL] said the other day—I believe it was he—that there is no use of crying for spilled milk when your bowl is turned over, and gentlemen on this side of the Chamber ought not to make wry faces because gentlemen on the other side prefer their own political associates. We do not. But if the Senator from Georgia would have the same patience that Senators who preceded us on this side of the Chamber had in old times, under exactly the same rule, they would find that, without kicking out a man because he differed on the true construction of some act of Congress, or thought the tariff ought to be 30 per cent. instead of 40, or whatever it might be, vacancies would happen by natural causes in a considerable body (as the body of our employés is) from day to day and from year to year. There are natural causes of change, resignation, illness, removal from town, death; everything that enters into the composition of a long period of time makes vacancies that are then naturally and properly filled up among gentlemen otherwise equally well qualified by those whose notions are agreeable to the majority. Very well; the consequence in such a case would be, in this change of affairs that has now occurred in the Senate, that in a very short time there would be, whenever vacancies occur in the way I have named, gentlemen introduced whose faith is of the democratic persuasion, to which nobody would object in the slightest degree. Then as time went on and a larger proportion of democrats occupied all these places under the Senate and there then came a change in political phases that should make what is now called the present democratic party in a minority and gentlemen of other views in the majority, the same slow process of change would go on, and the order and fitness of our doing business would be standing secure all the time, and everybody of all parties in the long run would get his equal rights and his equal representation, if you can use such a term in respect of these employments. All it wants is a little faith and a little patience.

We are told by gentlemen that this Government as it is is going to endure now; that there are not going to be any more efforts to overthrow it. If it does, here will always be the Senate; and if we can have self-control enough to let these natural causes operate to make the gradual changes that will be agreeable to gentlemen's political views, shall we not have done wisely? Shall we not have done what democrats and whigs and republicans twenty-five years ago after an experience under a rule just as you would now make it, found was necessary and wise, will continue to be necessary and wise? It seems so to me.

Therefore not out of any hostility to democratic gentlemen who would like these places—quite the reverse—but out of faith in the perpetuity of this body and faith in the justice that every man politically will get if you hold on to the rule as it stands by steady methods and slow processes an absolutely correct average in the end, I very much regret that this proposal is made. So regretting, Mr. President, I have asked for the yeas and nays upon it, and I ask a division of the question so as to take the vote first upon the first part of the amendment, about acceptability to Senators.

Mr. PENDLETON. Mr. President, I desire to inform the Senator from Vermont that the language of the amendment which I have offered, except that portion of it which relates to the acceptability of officers, is quoted from the report which received the commendation of that Senator and others upon the floor of the Senate the other day in discussion. I refer to that portion of my amendment which serves as a preamble to the resolution which I have introduced as a part of the amendment. Inasmuch as both the doctrine and the language of that report received such hearty commendation from the Senator from Vermont the other day I think he must have been unaware that this language was used in that report or it would not have met his criticism.

So far as the use of the term acceptable is concerned I do not care to follow the Senator into a very close examination as to the meaning of that term or the application that it may have, whether, as he has chosen to name the points, to taking a drink or using snuff, or religion, or even politics—I say it is as necessary to the comfort and convenience of Senators that the officers should be acceptable to Senators as it is that they should be faithful in the discharge of their duty. Does the Senator propose that the officers who are recommended and appointed here shall be not acceptable to Senators? Does he desire that no regard shall be paid to whether they are acceptable or unacceptable, provided an equal fidelity in the discharge of duty can be found in both?

I hold that an officer thoroughly fulfilling his duty might by reason of his manners, by reason of his conduct outside of the immediate discharge of his duty, by a course of comment upon the conduct of Senators upon the opinions they hold, upon their capacity in debate, upon their mode of conducting debate, upon a thousand other peculiarities of Senators, might become so unacceptable that it would be the duty of the majority to remove him, and I would be one who would take the lead in doing so.

I think it is easy to distinguish wherein the term "acceptable to a majority of the Senators" applies in this connection. Therefore I trust that the amendment to the amendment will be adopted.

Mr. EDMUNDS. Mr. President, I made no criticism upon that part of the Senator's preamble that he got out of the democratic report of a committee. I devoted all that I had to say to the part that he says is a new invention of his own. Therefore I trust I shall not be thought to be inconsistent, for it does not logically follow that because I am in favor of the democratic doctrine of 1854 I am in favor of the democratic doctrine of 1879. They may possibly be quite different things.

What the Senator has said about the preamble illustrates the whole case. The report of the committee in 1854, from which the Senator has quoted the paragraph and from which I did, the substance of the whole report, concluded as a consequence with a proposition which the Senate unanimously agreed to, to make the rule of the Senate as it now stands and as it has stood ever since. The Senator takes a fragment of the same report as the inducement to repealing and reversing that rule. That is rather a strange method of drawing conclusions, I must say. Either the conclusion that the committee of 1854 drew from the principles that they laid down was a radically erroneous one, or the conclusion exactly in the opposite direction that the Senator draws from the fragment he has taken must be an erroneous one,—one or the other. You cannot draw two opposite conclusions from the same premise; at least you could not until the present time. I do not know how it is now. The part of the preamble to which the Senator refers is unobjectionable in itself, but he cannot wrest it into the means of coming to a conclusion that this rule ought to be reversed and set aside from the same premise. That is plain enough.

My honorable friend says that an employé of this body may so conduct himself as to become unacceptable to Senators. So he may; but if he conducts himself in the way the Senator has described he would be removable under the existing rule, not for unacceptability to Senators but for misconduct unbecoming his place. There would be cause in the very language of the order of the Senate, upon which the Sergeant-at-Arms would report him for removal to the President of the Senate, be he who he may, whether the Vice-President or the President *pro tempore*, whichever the rule means, or if it means both—to the one who was in the chair at the time. There would be cause, just cause, I agree, and I should follow the lead that the Senator says he would take with entire satisfaction as a matter of duty, no matter who the employé might be.

You do not need, therefore, Mr. President, any change of this standing order which has come down to us for a quarter of a century in order to redress any grievance (for that is the popular term now) that Senators may have in respect of the misconduct of a clerk or a page in this body. The whole power exists already. The only difficulty with the order as it stands now is that there must be a cause stated to the President of the Senate, and it seems that gentlemen are unwilling to state the real cause, that the person proposed to be removed happens to believe in the Declaration of Independence instead of believing in something else. There is the difficulty. Probably it has been found somewhere and in some way that the President of the Senate, be he the Vice-President, who unfortunately, as we all feel, is absent on account of illness in his family, or be it our honored and respected President *pro tempore*, will construe that rule where it uses the word "cause" as being a cause that affects the demeanor and good conduct and capacity of the person employed, and not his abstract opinions upon questions of the Constitution of the United States or the by-laws. There is the rub, and we may just as well face it fairly.

If it is thought wise in the long run, if it is thought expedient in view of the means that I have suggested of making all this equal in the long run by the slow and gradual processes of what I might call nature, merely for political considerations, in order to give places that have salaries to gentlemen who very likely, when they have been here as long as those who are now here, may do the duties just as well, but who in the mean time cannot and will not, then let us say plainly and fairly that the whole point and object of this is to find places for political adherents, and find them faster than a rule adopted unanimously in democratic times and kept in force ever since will allow. That is all there is to it.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Ohio [Mr. PENDLETON] to the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. EDMUNDS. I ask for a division of the question.

The PRESIDENT *pro tempore*. A division is asked by the Senator from Vermont. It is the opinion of the Chair that the amendment to the amendment is divisible and that the question is to be put first upon adding to the amendment offered by the Senator from Vermont these words:

And acceptable to a majority of the Senators.

So that if that amendment be adopted it will read:

That in the opinion of the Senate the correct and safe transaction of the business of the Senate is materially dependent on retaining in its service a corps of experienced, well-trained, and diligent officers; and this can only be done by security in their respective positions so long as they continue faithful in the discharge of their duties and acceptable to a majority of the Senators.

On this question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. WALLACE, (when his name was called.) I am paired with my colleague [Mr. CAMERON, of Pennsylvania] on all political questions, and as the Senate seems to divide politically on this question I decline to vote. If my colleague were here, I should vote "yea."

The Secretary resumed and concluded the call of the roll.

Mr. ALLISON, (after having voted in the negative.) I for the moment forgot that I am paired with the Senator from Maryland, [Mr. WHYTE.] I desire to withdraw my vote.

Mr. BECK, (after having voted in the affirmative.) On all political questions I am paired with the Senator from Nevada, [Mr. JONES.] I withdraw my vote as I observe that this is a political question.

Mr. HEREFORD. I rise for the purpose of stating the fact that my colleague [Mr. DAVIS, of West Virginia] is paired with the Senator from Minnesota [Mr. WINDOM] upon this and upon all political questions. My colleague is not in his seat to-day, and will not be here for some days on account of a death in his family. If my colleague were present, he would have voted "yea" and the Senator from Minnesota would have voted "nay."

Mr. EATON, (after having voted in the affirmative.) I voted inadvertently, forgetting that I am paired on political questions with the Senator from Massachusetts, [Mr. HOAR.] I withdraw my vote.

Mr. McMILLAN. As has been announced by the Senator from West Virginia, [Mr. HEREFORD,] my colleague [Mr. WINDOM] is paired with the Senator from West Virginia, [Mr. DAVIS.] If my colleague were here, he would vote "nay."

The result was announced—yeas 36, nays 23; as follows:

YEAS—36.

Bailey,	Call,	Farley,	Groome,
Bayard,	Cockrell,	Garland,	Grover,
Butler,	Coke,	Gordon,	Hampton,
Harris,	Jones of Florida,	Pendleton,	Vance,
Hereford,	Kernan,	Randolph,	Vest,
Hill of Georgia,	Lamar,	Ransom,	Voorhees,
Houston,	McDonald,	Saulsbury,	Walker,
Johnston,	Maxey,	Slater,	Williams,
Jonas,	Morgan,	Thurman,	Withers.

NAYS—23.

Anthony,	Carpenter,	Hamlin,	Platt,
Bell,	Chandler,	Ingalls,	Plumb,
Blaine,	Conkling,	Kirkwood,	Rollins,
Booth,	Dawes,	Logan,	Saunders,
Burnside,	Edmunds,	McMillan,	Teller.
Cameron of Wis.,	Ferry,	Morrill,	

NOT VOTING—17.

Allison,	Davis of W. Va.,	Kellogg,	Whyte,
Beck,	Eaton,	McPherson,	Windom.
Bruce,	Hill of Colorado,	Paddock,	
Cameron of Pa.,	Hoar,	Sharon,	
Davis of Illinois,	Jones of Nevada,	Wallace,	

So the first branch of the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is upon the adoption of the remainder of the amendment offered by the Senator from Ohio [Mr. PENDLETON] to the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. EDMUNDS. Will the Chair please have the remainder reported.

The PRESIDENT *pro tempore*. It will be reported.

The Chief Clerk read as follows:

And inasmuch as the appointment of the subordinates and the power of dismissal should remain with those officers respectively, who must be responsible for all the service committed to their charge: Therefore,

Resolved, That the standing order of the Senate regulating the appointment and removal of clerks and other employés of the Senate be, and it is hereby, amended by striking out of the same all after the word "respectively," in the third line; so that the same shall read as follows:

"*Resolved*, That the several officers and others in the departments of the Secretary of the Senate and of the Sergeant-at-Arms shall be appointed and removed from office by those officers respectively."

The PRESIDENT *pro tempore*. On this question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DAWES, (when the name of Mr. HOAR was called.) My colleague [Mr. HOAR] is necessarily absent from his seat. This question has assumed such serious party proportions that the Senator from Connecticut [Mr. EATON] has kindly consented to pair with him.

Mr. WALLACE, (when his name was called.) I am paired as I have already stated.

The roll-call was concluded.

Mr. HEREFORD. I desire to state that my colleague [Mr. DAVIS, of West Virginia] is paired on this subject with the Senator from Minnesota, [Mr. WINDOM.] If my colleague were here, he would vote "yea."

Mr. RANDOLPH. I was paired on all political questions with the Senator from Kansas, [Mr. PLUMB.] As he has voted, I vote "yea."

The result was announced—yeas 35, nays 23; as follows:

YEAS—35.

Bailey,	Grover,	Kernan,	Slater,
Butler,	Hampton,	Lamar,	Thurman,
Call,	Harris,	McDonald,	Vance,
Cockrell,	Hereford,	Maxey,	Vest,
Coke,	Hill of Georgia,	Morgan,	Voorhees,
Farley,	Houston,	Pendleton,	Walker,
Garland,	Johnston,	Randolph,	Williams,
Gordon,	Jonas,	Ransom,	Withers.
Groome,	Jones of Florida,	Saulsbury,	

NAYS—23.

Anthony,	Carpenter,	Hamlin,	Morrill,
Bell,	Chandler,	Ingalls,	Platt,
Blaine,	Conkling,	Kellogg,	Plumb,
Booth,	Dawes,	Kirkwood,	Rollins,
Burnside,	Edmunds,	Logan,	Saunders.
Cameron of Wis.,	Ferry,	McMillan,	

ABSENT—18.

Allison,	Davis of Illinois,	Jones of Nevada,	Wallace,
Bayard,	Davis of W. Va.,	McPherson,	Whyte,
Beck,	Eaton,	Paddock,	Windom.
Bruce,	Hill of Colorado,	Sharon,	
Cameron of Pa.,	Hoar,	Teller,	

So the second branch of the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is, Shall the amendment of the Senator from Vermont, as amended, be adopted as a substitute for the original resolution? on which the Chair supposes that the order for the yeas and nays on the original amendment prevails, and that the vote must be taken by yeas and nays.

Mr. EDMUNDS. I should like to have the resolution part of it now read, merely the resolution, not the preamble.

The PRESIDENT *pro tempore*. The resolution offered by the Senator from Ohio, [Mr. PENDLETON?]

Mr. EDMUNDS. Yes, sir; the one that has just been agreed to.

The Chief Clerk read as follows:

Resolved, That the standing order of the Senate regulating the appointment and removal of clerks and other employés of the Senate be, and it is hereby, amended by striking out of the same all after the word "respectively," in the third line, so that the same shall read as follows:

"*Resolved*, That the several officers and others in the departments of the Secre-

tary of the Senate and of the Sergeant-at-Arms shall be appointed and removed from office by those officers respectively."

Mr. EDMUNDS. Mr. President, first I wish to call attention to the fact, as I understand it to be, that every assistant doorkeeper, our venerable friend who sits at your left, is an officer in the department of the Sergeant-at-Arms, and the Senate turns the fate of this gentleman who has been with us so long over to the Sergeant-at-Arms. I dare say the Sergeant-at-Arms will not abuse the power; but the principle we go upon is that every officer may be thus removed. The executive clerk and the Chief Clerk of the Senate are officers in the department of the Secretary of the Senate. The Secretary of the Senate therefore can dismiss those gentlemen to-morrow, although they were elected only a week ago.

But I did not rise to say anything about that in particular. I rose to move an amendment to be added at the end of the resolution as a qualification, in these words:

But no officer or employé of the Senate who served in the forces of the United States in suppressing the late rebellion shall be removed except for cause, stated in writing to the President of the Senate, and approved by him in writing.

Mr. WALLACE. I apprehend there need be no apprehension on the part of the Senator from Vermont that those who act on this apparently tender subject with him will make such removals. I speak for myself——

Mr. CONKLING. Then there is no objection to this amendment.

Mr. WALLACE. But a majority of this body may not see fit to accept as binding law what is really the wish of the majority of this body. It seems to me that has been the action of the Senator from New York, and those who acted with him in the past, and I assume that it will be in the future with those who are in the majority in this body. As to the assistant doorkeeper, he was put in his place by a vote of this body, and I assume that he will not be removed save by a vote of this body. The executive clerk also was put in his place in the same way, and I assume he will not be removed save by a vote of the body.

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

Mr. WALLACE. Certainly.

Mr. CONKLING. Did I understand him aright when I thought he said that the majority had not removed and did not intend to remove any Union soldier or wounded Union soldier?

Mr. WALLACE. The Senator heard me correctly. They have not removed and do not intend to remove such.

Mr. CONKLING. I understood the Senator with surprise; I understand him with surprise now, because I assert that they have already acted in violation of what the Senator says. I assert that they have already removed a Union soldier, a man who served in the armies of the Union and was discharged because of the injury he received; and yet the honorable Senator says it is not worth while to guard this because the majority may be trusted to abstain, much as the overseer may be trusted to abstain from the lash.

Mr. WALLACE. Will the Senator state the name of the party that has been removed? If there be such a case I do not know it.

Mr. CONKLING. I do not think I shall fail to indulge the Senator in the name. I refer to Mr. Fitz, who has been removed from a position in the office of the Secretary of the Senate, a position whose duties he never neglected or came short in, Mr. Fitz having served, I repeat, in the armies of the Union and having been discharged because of the injury and suffering that came upon him in that service.

Mr. KERNAN. Mr. President, I do not find that when our friends on the other side were in power they made any such rule. I for one acting here shall act and intend to act justly toward soldiers and particularly toward wounded soldiers; but I propose to do it from my own sense and not because the other side now seek to make a new rule tying us up in that respect. If we do it we should do it because we think it is right and proper to honor them, and I do not think we should be called upon to do it by their making a rule which they never adopted when they were in power themselves. [Applause in the galleries which was checked by the President *pro tempore*.]

Mr. CONKLING. My colleague seems to earn the applause of somebody in the galleries by strangely forgetting or strangely ignoring the truth of the matter to which he refers.

The PRESIDENT *pro tempore*. Will the Senator from New York permit the Chair to interrupt him for a moment? The Chair wishes to state that if there has been any such removal, he is wholly ignorant of it. The Chair has seen a statement in the newspapers that the present incumbent of the Chair signalized the first day of his service here by consenting to the removal of some employé of the Senate. The Chair wishes to say that no application whatever for leave to remove anybody has been made to the present incumbent of the chair, and therefore there is no foundation for any such statement.

Mr. CONKLING. Mr. President, before concluding the remark I designed to make in reply to my colleague, I pause to observe the statement which has fallen from the Chair, and I am glad to say that I did not suppose, I had not been informed, and if so informed I should not have supposed, that the presiding officer of the Senate had approved of the proceeding to which I referred. But I intended to state, and I do now repeat the statement, that the officer whose name I gave was some time ago, by his official superior notified that he must vacate his place and the day was fixed on which he must vacate, and my honorable friend by my side [Mr. HAMLIN] tells me that the successor of this officer to be removed is here on the spot to take his place.

Now, I turn back to what was said by my colleague. He is going to act upon his own judgment and he is not going to act with the other side, thereby meaning this side, for some new rule that they are to establish, and he says they never established any rule for the protection of officers, of this class of officers at all events. Why, Mr. President, does not my colleague know that this resolution is aimed at the rule which the republican party established by maintaining and affirming it for nearly twenty years? During all that time this side of the Chamber maintained a rule which said that no doorkeeper, no janizary, no police officer of this body should be driven away to make place for a favorite unless the presiding officer of the Senate could be acquainted with reasons for his dismissal which amounted to good cause and approved of them. That was the rule made on this side of the Chamber, made by being inherited from democrats, and maintained and preserved from session to session and year to year even unto this day, even when they came into power and found both wings of this Capitol swarming with men who were the enemies of the Republic——

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

Mr. CONKLING. Very well.

Mr. WITHERS. I call for the regular order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 4) to provide for the exchange of subsidiary coins for lawful money of the United States under certain circumstances, and to make such coins a legal tender in all sums not exceeding $20, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. No. 218) changing the name of the National Bank of Commerce of Cincinnati, Ohio, to the National Lafayette and Bank of Commerce of Cincinnati, Ohio.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the bill (H. R. No. 1) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes, the pending question being on the amendment offered by the Senator from Maine [Mr. BLAINE] to the sixth section.

Mr. BLAINE. If the Senator from Kentucky [Mr. WILLIAMS] who is expected to claim the floor will pardon me a moment, I ask leave, for the purposes of modification, to withdraw the amendment which I offered to the bill.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered, and it can be withdrawn only by consent.

Mr. BLAINE. I ask consent.

The PRESIDENT *pro tempore*. Is there objection to the withdrawal of the amendment offered by the Senator from Maine? The Chair hears none, and it is withdrawn.

Mr. BLAINE. The honorable Senator from Kentucky will pardon me for a moment longer. I see the honorable Senator from Connecticut [Mr. EATON] in his seat. On the day before yesterday the honorable Senator from Connecticut formally notified me, as appeared in the RECORD, to be in my seat yesterday morning, and I was here promptly and waited for the honorable Senator all the day. I do not appeal to him now for any other purpose than to learn when it will be his convenience to desire my presence.

Mr. EATON. Mr. President, I did not notify the honorable Senator at all. I said this, that I should on Thursday or on Friday last have asked permission of the Senate to make a few remarks, if the Senator from Maine had been in his seat; and I said further, that I should ask the Senate to hear me "to-morrow morning." That was yesterday morning. I did not notify the Senator from Maine. As a matter of courtesy, I did not go on because of his absence for two days. Yesterday morning gentlemen desired to press this discussion, and, as that was not a public matter, but a matter private to myself, I withheld asking the favor of the Senate to hear me yesterday. At the proper time, and as soon as may be, I shall ask the Senate to hear me on that matter.

Mr. BLAINE. All I desired from the Senator was that as he seemed in some form to attach some consequence to my being present, I might know in as public a manner as he has already given notice to the Senate. The RECORD of yesterday contains the following, as a part of the proceedings of Monday last:

Mr. EATON. Mr. President, I desire to give notice that I shall ask to be heard to-morrow morning, as soon as the morning business of the Senate is concluded. I should have asked the same privilege on Thursday or Friday of last week if the Senator from Maine [Mr. BLAINE] had been in his seat. As my friend from Delaware [Mr. BAYARD] will go on with his remarks on the Army appropriation bill this morning, I shall ask the Senate to hear me to-morrow morning immediately after the ordinary morning business of the Senate.

I took that as a very distinct notice to myself. The Senator had twice refrained from speaking because I was not in the Chamber. He notified the Senate that when I was present he would proceed the next morning. I sat in my seat all day waiting for the honorable Senator; and all I desired now was that I might have the hour assigned when the Senator would desire me to be present and not have to wait and to watch his movements and his pleasure. That was all.

Mr. EATON. Mr. President, it strikes me that the Senator from Maine is driving the matter unnecessarily. I withheld two days from asking the favor of the Senate because of his absence, and he ought to know that I shall not go on in his absence, and he need not sit here longer and be annoyed by hearing speeches that it is difficult for him to answer, to-day or any other day. I will give him notice whenever I shall call the matter up.

Mr. BLAINE. That is all.

Mr. WILLIAMS. Mr. President——

Mr. CONKLING. Mr. President, the Senator from Kentucky allows me to make an inquiry of the Senator from Virginia who has this bill in charge. I should like to inquire of the Senator from Virginia when it is his wish that the debate which now proceeds shall conclude?

Mr. WITHERS. I will state that about a week ago, or perhaps more, I gave notice in the Senate that I should ask for a vote upon this bill to-day. That is my purpose still. My desire was that ample time should be given for discussion. I think that the subject has been very thoroughly debated, and I now announce that it is my purpose, if a majority of the Senate shall concur with me in opinion, to endeavor to secure a vote on the bill to-day.

Mr. CONKLING. When does the Senator say he gave the notice to which he refers?

Mr. WITHERS. I think about a week ago, and I have repeated it since on one or two occasions.

Mr. CONKLING. I misunderstood the notice if the Senator's recollection is correct. I did not understand the notice to be for to-day. I am told there are several Senators who wish to-day to address the Senate. I should be sorry myself to prolong seriously the debate, and yet I should be glad for an opportunity to submit some observations of my own to the Senate; and therefore, as I think there has been some misunderstanding about this which led me to ask the question, it would be better for the Senator not to say that he will attempt to get a vote to-day.

Mr. WITHERS. I only wish to say that my recollection is very clear on the subject, and I certainly regret that the Senator from New York has misunderstood the matter, and thereby may possibly be embarrassed in his anticipated purpose of addressing the Senate. I do not desire to cut short the debate in any particular, further than directing attention to the passage of the bill.

Mr. CONKLING. I beg the Senator not to misunderstand me as disputing the statement about the notice he gave. I only said I did not so understand the notice. I thought it related to a later day; and on this day, without displacing several other Senators who have told me they wished to address the Senate, I cannot be heard, nor can anybody except those Senators, as three of them I believe have intimated to me that they intended to speak. So then if it be the pleasure of the Senator and of the Senate I shall ask that any Senator on this side who wishes to-morrow to address the Senate may be enabled to do so.

Mr. WITHERS. In view of the statement made by the Senator from New York, I wish to make a suggestion, if it meets with his approval and the approval of all the Senators present, that we fix an hour to-morrow, say four o'clock, at which the vote shall be taken on this question. If so, it will be perfectly agreeable to me.

Mr. CONKLING. That might be entirely convenient to me individually, and I answer as the Senator addresses me among others; but I suggest to him that we had better not do that now. It will be very awkward for any Senator on this side—I speak for myself—it would be awkward for me should the floor fall to me in the morning, to occupy so much of the time, an hour being fixed, that any other Senator might be cut off. Therefore I suggest to the Senator that he had better allow it to stand simply with the understanding that after to-day he will get a vote as soon as may be. I do not intend myself to occupy a very long time, and yet I should prefer not to know in advance that I was not at liberty to speak more than a certain length of time.

Mr. WITHERS. I should be perfectly willing to agree to a postponement of the vote on this question until to-morrow to meet the views of Senators who desire to address the Senate on the question. I had supposed that the debate was pretty well exhausted. I had no knowledge or information that more than one or two other Senators desired to submit their views to the Senate, and supposed that no difficulty would be had in securing a vote to-day. I think the long notice which I gave in advance indicated my unwillingness to place any obstruction or impediment in the way of such full discussion of the question as might be desired.

Mr. WILLIAMS. Mr. President, I gave way to a gentleman to ask simply a definite question and get a definite answer. I did not expect discussion would arise upon it. I suppose the preliminaries of closing the debate can be settled after I am done speaking. I hope gentlemen will now let me have the floor.

The PRESIDENT *pro tempore*. The Senator from Kentucky will proceed.

Mr. WILLIAMS. Mr. President, it is with extreme diffidence that I rise for the first time to speak in this august body; and nothing but the gravity of the great questions of liberty that lie at the bottom of this debate would justify me in asking this indulgence of the Senate.

Before coming to the merits of the discussion, I desire to say a few soothing words to those Senators over the way, who have manifested apprehension and alarm at seeing so many confederate brigadiers in the Congress of the United States. One would think from their speeches that they were still in doubt as to whether the war for the Union had been a success or not.

Upon this point we wish to assure them that in our deliberate opinion, and our experiences should give our opinion great weight upon this subject, that the war has been a complete success; and I regard the presence of these brigadiers as the best possible proof that the Union is restored.

I wish from the bottom of my heart that the people of the North had shown an equal disposition with the people of the South to honor their heroes, and had given us more Federal brigadiers in Congress. If the complications growing out of the war had been left for solution to the brave men who fought its battles, the country would have been at peace long ago. But the men who shared not its dangers and its hardships, but remained safely at home, and made money out of the blood and miseries of the people while the soldiers were fighting, these are the tongue-valiant warriors who have been a stumbling-block in the path of peace and reconciliation.

In common with the people of my State, I was opposed to secession. Mr. Clay had taught us all that secession was treason, and that liberty and property were safer in the Union than out of it. But when the war came my lineage, my affections, my property all conspired to carry me South, and I went in with a hearty good-will and fought it out to the end; but when the bonny-blue flag went down in the dust, overwhelmed by millions in arms, we buried it with the honors of war, accepted the situation, and renewed our allegiance to the Union of the States. We have no apologies to make, we feel no regret or remorse for the part we bore in the dreadful drama of the past, but we do feel that our own honor demands the faithful discharge and performance of every duty and every obligation imposed upon us by our restored relations to the old Government; and we have from the first been ready and willing to strike hands with all good and true men everywhere in a common patriotic effort to restore peace and prosperity to our common country. We have but one flag, one country, and one destiny. Why, sir, I regard these reconstructed brigadiers as the best Union men in Congress. Of all men they are the least inclined to coerce anybody or anything.

I know of but one possible occasion that would rouse them up with the spirit of conflict again. It is this: The great thinker and soothsayer of the republican party, Wendell Phillips, has made the prophecy that the next rebellion will come from New England. Now should this come to pass in our time, you will find all these confederate brigadiers rallying around the old flag to whip these seceded States back into the Union again. The whole South will be for coercion then.

Thirty years ago, when that flag was insulted and the country called for volunteers to avenge the insult, there are on our side of the Senate now several of these much-abused "confederate brigadiers," who in the prime of their young manhood responded to that call; they hired no substitutes, but rallied themselves around the old flag and followed it in a deadly climate upon many a bloody field. They bore it up at Monterey and Buena Vista; planted it on the castle of San Juan de Ulloa and the walls of Vera Cruz; upon the heights of Cerro Gordo, and finally waved it in triumph over the halls of the Montezumas. Which of you did as much for your country then? These flings at us are never made in society, and it is time to stop them here and not attempt to deceive the people by these mock-heroics longer.

Having said thus much to quiet the apprehensions of my friends on the left, I come to the questions before the Senate.

Mr. President, I have not the slightest difficulty in deciding as to my duty upon the questions before us. At the last session the House of Representatives passed the usual appropriation bills for the support of the Government. These bills came to the Senate, and two of them were amended by striking out several important sections and returned to the House, which refused concurrence in the Senate's amendments. Thereupon committees of conference were appointed, which committees did not agree, and Congress adjourned without providing the necessary means for carrying on the Government for the fiscal year beginning on the 1st of July next. This failure of Congress rendered it necessary for the President to call us together in this extraordinary session.

We are met to-day by the same issues, but under widely different circumstances; then the conflict was between a democratic House and a republican Senate, but there is complete harmony between both branches of Congress now. The reign of the carpet-bagger is ended, and the party of the Constitution and of the people, for the first time in twenty years, has a pronounced and harmonious majority in both branches of Congress; and you, sir, are the first democratic President of the Senate who has sat in that chair since the time of John C. Breckinridge.

And, sir, I can see no good reason why we may not accomplish in a few days all necessary legislation and return to our respective homes before the heated season, for I am sure there is no member of the dominant party in either House of Congress who wishes to withhold from any branch of the public service its necessary supplies but when we vote away the people's money we insist upon our right to say how it shall be used. In voting supplies to the Army we propose to say that none of them shall be used to employ soldiers at the polls. When we vote money to the Department of Justice and to the Executive we insist upon saying that none of it shall be used to

support judges and juries where fair and impartial trials may not be had, and that none of it shall be used to hire deputy marshals and special deputy marshals to interfere with the freedom of elections.

We will give liberally, but we propose, at the same time we give, to repeal all those sections of the Revised Statutes which authorize the presence of soldiers at the polls to keep the peace or for any other purpose, and which allow Federal judges to exclude from juries good and true men because they have served in the confederate army or sympathized with the rebellion.

We propose to repeal all those sections providing for the appointment of deputy marshals and special deputy marshals, to harass and vex the people on election day, and armed with power to prevent free men from voting and to arrest and imprison them without due process of law.

In these appropriation bills, we propose to repeal and wipe out forever this whole batch of iniquitous legislation, which is a standing reproach to the statute-book of a free people. They are the offspring of tyranny and hate, engendered in a military epoch, and it is amazing that they find apologists and defenders now.

I hold in my hand a statement of the proposed changes in the Revised Statutes, I will not read it now, but adopt it as part of my speech, so that the country may understand precisely what legislation we propose to repeal:

SEC. 820. The following shall be causes of disqualification and challenge of grand and petit jurors in the courts of the United States, in addition to the causes existing by virtue of section 812, namely: Without duress and coercion to have taken up arms or to have joined any insurrection or rebellion against the United States; to have adhered to any insurrection or rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever, to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States.

SEC. 821. At every term of any court of the United States the district attorney, or other person acting on behalf of the United States in said court, may move, and the court, in their discretion, may require the clerk to tender to every person summoned to serve as a grand or petit juror, or venireman or talesman, in said court, the following oath or affirmation, namely: "You do solemnly swear (or affirm) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money or any other thing, to any person or persons whom you knew, or had good ground to believe, to have joined, or to be about to join, said insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against, or to resist with force of arms, the laws of the United States." Any person declining to take said oath shall be discharged by the court from serving on the grand or petit jury, or venire, to which he may have been summoned.

SEC. 2016. The supervisors of election so appointed are authorized and required to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a Representative or Delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they may deem proper to be so marked; to make, when required, the lists, or either of them, provided for in section 2026, and verify the same; and upon any occasion, and at any time when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purposes of identification to affix their signature to each page of the original list, and of each copy of any such list of registered voters, at such times, upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, detect and expose the improper or wrongful removal therefrom or addition thereto of any name.

SEC. 2018. To the end that each candidate for the office of Representative or Delegate in Congress may obtain the benefit of every vote for him cast, the supervisors of elections are, and each of them is, required to personally scrutinize, count, and canvass each ballot in their election district or voting precinct cast, whatever may be the indorsement on the ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who, in accordance with the provisions of section 2025, has been designated as the chief supervisor of the judicial district in which the city or town wherein they may serve, acts, such certificates and returns of all such ballots as such officer may direct and require, and to attach to the registry list, and any and all copies thereof and to any certificate, statement, or return, whether the same, or any part or portion thereof, be required by any law of the United States, or of any State, territorial, or municipal law, any statement touching the truth or accuracy of the registry, or the truth or fairness of the election and canvass, which the supervisors of the election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts may become known.

SEC. 2020. When in any election district or voting precinct in any city or town, for which there have been appointed supervisors of election for any election at which a Representative or Delegate in Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report, under oath, within ten days after the day of election to the officer who, in accordance with the provisions of section 2025, has been designated as the chief supervisor of the judicial district in which the city or town wherein they served, acts, of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein. And upon receiving any such report, the chief supervisor, acting both in such capacity and officially as a commissioner of the circuit court, shall forthwith examine into all the facts; and he shall have power to subpœna and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and, prior to the assembling of the Congress for which any such Representative or Delegate was voted for, he shall file with the Clerk of the House of Representatives all the evidence by him taken, all information by him obtained, and all reports to him made.

SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of twenty thousand inhabitants or upward, the marshal for the district in which the city or town is situated shall on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times and places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.

SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration.

SEC. 2023. Whenever any arrest is made under any provision of this title, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

SEC. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him, in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this title, or shall, by violence, threats, or menances, be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid the bystanders or *posse comitatus* of his district.

SEC. 2025. The circuit courts of the United States for each judicial circuit shall name and appoint, on or before the 1st day of May, in the year 1871, and thereafter as vacancies may from any cause arise, from among the circuit court commissioners for each judicial district in each judicial circuit, one of such officers, who shall be known for the duties required of him under this title as the chief supervisor of elections of the judicial district for which he is a commissioner, and shall, so long as faithful and capable, discharge the duties in this title imposed.

SEC. 2026. The chief supervisor shall prepare and furnish all necessary books, forms, blanks, and instructions for the use and direction of the supervisors of election in the several cities and towns in their respective districts; he shall receive the applications of all parties for appointment to such positions; upon the opening, as contemplated in section 2012, of the circuit court for the judicial circuit in which the commissioner so designated acts, he shall present such applications to the judge thereof, and furnish information to him in respect to the appoint, ment by the court of such supervisors of election; he shall require of the supervisors of election, when necessary, lists of the persons who may register and vote, or either, in their respective election districts or voting precincts, and cause the names of those upon any such list whose right to register or vote is honestly doubted to be verified by proper inquiry and examination at the respective places by them assigned as their residences; and he shall receive, preserve, and file al- oaths of office of supervisors of election and of all special deputy marshals apl pointed under the provisions of this title, and all certificates, returns, reports, and records of evey kind and nature contemplated or made requisite by the provisions hereof, save where otherwise herein specially directed.

SEC. 2027. All United States marshals and commissioners who in any judicial district perform any duties under the preceding provisions relating to, concerning, or affecting the election of Representatives or Delegates in the Congress of the United States, from time to time, and with all due diligence, shall forward to the chief supervisor in and for their judicial district all complaints, examinations, and records pertaining thereto, and all oaths of office by them administered to any supervisor of election or special deputy marshal, in order that the same may be properly preserved and filed.

SEC. 5522. Every person, whether with or without any authority, power, or process, or pretended authority, power, or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise, interferes with or prevents the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders or prevents the free attendance and presence at such places of registration or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any room, where any such registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal, or his general or special deputies, or either of them; or who threatens, or attempts, or offers so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by a fine of not more than $3,000, or by both such fine and imprisonment, and shall pay the costs of the prosecution.

SEC. 5528. Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States or to keep the peace at the polls, shall be fined not more than $5,000, and suffer imprisonment at hard labor not less than three months nor more than five years.

In all free governments the majority is responsible to the country, and must be allowed to select its own subjects for legislation, and the mode of effecting such legislation. We have selected our subjects and our modes, and while we will gladly listen to the friendly suggestions of the minority, we do not propose to be governed by their dictation or frightened from our duty by the cry of revolution, nor all the ghosts and hobgoblins the great wizard from Maine can summon from the shades below; but will march straight on in the line of our duty, making liberal appropriations for the support of the

Government, and appending to our bills such legislation as we deem necessary and proper; and when these bills come to the President, if he refuses his assent to laws, the most wholesome and necessary for the public good, it will be he and his party who will have locked the wheels of Government and "starved it to death."

Why, sir, it is the man who puts on the breaks that stops the train, and not he who puts the machine in motion. But, sir, we have no right to presume in advance what will be the action of the President, and if we knew, it would be unparliamentary and a breach of privilege to proclaim it here; but we have a right to say what his duty is, and we unhesitatingly say that his duty will be to approve the bills we pass, and I believe he will do so.

Mr. President, it was a cardinal doctrine of the old whig party, of which the President and most of his constitutional advisers were honored members, that the veto was only to be used in cases of clear violation of the Constitution, or of manifestly hasty and inconsiderate legislation.

Now, I submit that there can be nothing violating the Constitution in an effort to repeal laws of doubtful constitutionality themselves, and utterly repugnant to the spirit of free institutions; nor can an act be called hasty and inconsiderate legislation which has been thoroughly discussed both in and out of Congress, through three congressional campaigns, and which discussions have resulted in reducing the republican party from a two-thirds majority in both branches of Congress down to a minority in each. There remains, then, but one possible reason for the veto, which is, that this repeal is not in the interest of the republican party.

But, sir, I have too much regard for the President to believe that he will prostitute his great office to such partisan purposes and service. On more than one occasion he has shown himself capable of resisting the extreme demands of his own party, and of rising to a higher and purer atmosphere of patriotism and public duty. I do not believe, sir, that the President will veto these bills, but a knowledge of that fact would not change my convictions or my conduct. We have no warrant for saying that he will veto them, except loose and passionate threats made here and elsewhere. These measures are in perfect accordance with his early political teachings and with his letter accepting the nomination made at Cincinnati; they are in complete harmony with the doctrines of his inaugural address, and with the policy he has indicated for the government of his administration, and they are right in themselves and demanded by the voice of the country.

The Army is the creature of Congress, and is kept alive by annual appropriations made for its support. When these cease, the Army itself will cease to exist.

Will the President disband the Army unless he is allowed to use it at the polls? Will he permit all our forts, arsenals, and coast defenses to be dismantled and fall into decay? Will he abandon the women and children of our northwestern frontier to the tomahawk and scalping-knife of Indian savages? Will he leave our whole Mexican border open to murder and pillage, merely because he is not allowed to use his soldiers to keep the peace on election day? Will he allow the temples of justice to be closed and the execution of the law to cease because his supervisors and deputy marshals are not allowed to conduct popular elections? He cannot, he will not do it.

But suppose he should veto them, what then? I think the country will survive even that shock. But should such a calamity befall us, no man has authority to say what the majority will do; it will be time enough to decide that when the President refuses to assent to the passage of laws demanded by the will of the people.

Why all this rhetorical flourish and clatter about coercion and revolution? Is there anything irregular, unparliamentary, coercive, or revolutionary in passing general laws in appropriation bills? Has it not been the practice from the beginning of the Government? An examination of the Journals of Congress from 1862 to 1875 will show that this has been the usual mode of legislating. I hold in my hand a carefully prepared tabulated statement of the precedents for this mode of legislation, and from this it will appear that in these thirteen years of republican rule no less than three hundred and eighty-seven different and substantive items of general legislation were passed in appropriation bills. These laws so passed embraced every possible subject of legislation, from the act depriving President Johnson of the command of the Army down to the act providing Parson Newman with a ship of war and a salary of $5,000 a year, with all expenses paid, for a voyage around the world to spread at our foreign missions the moral ideas of his august and most Christian court. These objections do not come with a good grace from a party which has given us precedents enough to establish this mode as a fixed principle of American parliamentary law.

I hold, sir, that the President is not a part of the law-making power. He has a qualified veto upon legislation, but there are several modes by which a measure may become a law without his consent. Shall we hesitate in the discharge of our duty until we are advised of the President's views? Must we send a committee to ascertain his will and pleasure before we dare to legislate at all?

Sir, the President bears to the legislative power about the same relation that the Senate does to the appointing power. He sends nominations daily to the Senate, and we approve them as a matter of course, unless there are very special reasons for rejection.

Now, suppose the Senate were to conclude that the fair thing required the President to send in for confirmation the names of as many democrats as republicans, and we stubbornly refused to confirm any of his nominations unless he did so, what would be said of the democratic Senate? We should then hear a real howl of revolution throughout the length and breadth of the whole land.

Only think of the republican party talking of coercion now—a party whose vital principle has from the beginning been coercion; a party which has governed by force throughout all the long years of its glory, blunders, and crimes! No wonder it clings to laws which are the very essence of force. It knows full well that with fair and free elections it will be rejected by the people.

The republicans have possession of all the strongholds of power; they have the collection and disbursement annually of three hundred millons of revenue; they have all the great corporations and monopolies, and the whole money power on their side; they have an army of more than one hundred thousand office-holders ready to contribute a million a year to a corruption fund. Now give them this election machinery with the Army and Navy to run it, and they will spit upon the people who want honest government.

They now complain of a solid South, as if that was a crime. Who made it solid, sir? Your injustice and oppression drove all the respectable white people from you, and your false promises and dishonest transactions with the negroes have driven a large number of them also into the democratic party, the only party that has ever treated either the white or the black men of the South with justice and humanity.

These are the reasons why the South is solid for the democratic party; and I warn gentlemen that they must mend their ways and take their feet off the necks of the people or the North will soon be solid too; solid against the republican party.

The bloody shirt has had its day and the people of the North will not rally again upon that color line; they want peace and business, and not commotion.

But, sir, the real question in this whole matter is whether the legislation proposed is right and proper or not; there can be no doubt as to its constitutionality or of the regularity of the mode chosen to effect it. Is it necessary or right to have armed men at the polls on election days?

There is nothing more repugnant to freemen than the presence of soldiers at the polls. We inherit this feeling of aversion from our English ancestry.

There are numerous English statutes forbidding the presence of soldiers at the polls. That of George II requires that all soldiers shall be withdrawn to their barracks for three days, and forbids their coming within two miles of the voting place on the election day; and yet here in free America it is proposed to bring them on the ground beforehand and have them there ready when the voters assemble, under pretense of keeping the peace, but really to intimidate and browbeat the people and to co-operate with supervisors and marshals to suppress the freedom of elections.

The President has no power to keep the peace at the polls. Congress cannot give it to him. A breach of the peace is an offense against the common law and the statutes of the States, and not against the dignity of the nation, and is punishable only by State authorities. Congress cannot create a constabulary force either of soldiers or deputy marshals to keep the peace in the States. This whole business belongs to that mass of rights reserved to the States.

What would the great men who framed our matchless form of government have said if one had told them that the time would come when armed soldiers would be brought to the hustings to prick freemen from the polls with their bayonets? It will not do to say that nobody proposes to use this power now or that there are but few soldiers east of the Mississippi. This argument is too transparent to deceive the people and is unworthy the great talents of the Senator who employed it. Everybody understands how easy it is to transport troops from the most distant parts to any desired point. If they do not intend to use this power, why not surrender it and stop all this discussion and agitation?

We want to take away the power to use them at all, many or few; and while we are glad to say that the present incumbent of the executive office has shown great moderation in the employment of troops, yet we are not willing to trust him or any other President longer with this dangerous power. We have seen it used in a merciless manner by his immediate predecessor. We have seen it used in all the border States to suppress the freedom of elections. We have seen governors deposed and governors installed and State legislators dispersed by the bayonet; and we are resolute in our purpose to put a stop to these outrages upon public liberty. We intend to take away the power to employ the Army at the polls, whether it be to keep the peace or to count the vote and determine who is elected. We will resort to every means known to the Constitution to secure free elections and impartial trials by jury—the two chief bulwarks of our freedom.

For these heroes have poured out their blood upon the battle-field and martyrs have died upon the scaffold and the block, and we cannot surrender them without disgrace and slavery. When we have banished the Army from the polls we will repeal the law authorizing Federal judges to apply the test oath to juries. Why, sir, shall a good and true man be excluded from the jury-box because he sympathized with the rebellion? The highest offices in the country are

now open to all alike, and we find confederate soldiers in nearly every branch of the Government service. We find them in the consulate and diplomatic service; we find them Cabinet ministers as well as foreign ministers; we find them in the House of Representatives and upon the floor of the Senate; then why exclude them from juries? No good reason can be given why this obnoxious law should not be at once repealed.

We next propose to repeal all those sections of the Revised Statutes which authorize the appointment of supervisors of elections and the employment of deputy marshals to arrest and imprison freemen at the polls, without process of law, and deny them the right to vote. The practical workings of this piece of election machinery has been that the very worst class of men have been selected and paid $5 per day not to protect the purity of the ballot but to corrupt it. The proof taken by the committees of the House shows that roughs and rowdies, jail-birds and penitentiary convicts, the very cankers of city populations, have been selected to do this dirty work. What freedom and purity of ballot could be expected with such guardian angels as these protecting the sacred right of suffrage? The fact is established that they prevented from voting many thousand naturalized citizens who had been voting for ten years, upon the pretense that their naturalization papers had not been recorded in a proper manner. The courts overruled these decisions of the supervisors, but the election was over and their votes were lost. Many elections for Congress have been carried in this way.

The friends of this election scheme say that it is necessary to protect the negro voter against intimidation from his old master; but there is not a word of truth in this, for the real object is to control the elections in the great cities of the North—for nine-tenths of all the money expended upon supervisors and deputy marshals has been expended in the Northern States.

The people do not want these Federal officers at the polls, whether they be soldiers, supervisors, or deputy marshals. They want no interference with their State elections, and elections for Congress are State elections, and Congressmen themselves are State officers and not Federal officers.

The Legislatures of the States and the people of the several districts are the constituency of Senators and Representatives in Congress. They receive their commissions from the governor, and when they resign (which is very seldom) they send their resignations to the governor and not to the President. They are State officers and not Federal officers. This has been authoritatively settled in the case of William Blount, United States Senator from Tennessee, who was impeached by the House of Representatives in 1798, and the impeachment was dismissed upon the ground that a United States Senator was not an officer of the Federal Government.

Section 4, article 1, of the Constitution reads:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Under this power Congress by the act of February, 1872, fixed the time of holding the elections on the Tuesday after the first Monday in November of each alternate year, the place in convenient districts of contiguous territory, and the manner by ballot. This exhausted the power of Congress over the subject, and left to the local authorities the entire business of conducting the elections.

The appointment of judges, clerks, and sheriffs, the keeping of the peace at the polls, the challenging of votes, and the punishment of perjury and fraudulent voting, and indeed the entire machinery for conducting elections, was left by the Constitution to the local authorities.

The second section of the first article of the Constitution provides that—

> The electors—
>
> For Representatives—
>
> in each State shall have the qualification requisite for electors of the most numerous branch of the State Legislature.

Now, I submit that the power to prescribe the qualifications of voters includes the power to judge of these qualifications, and therefore the officers who are to conduct the elections and determine who are and who are not legal voters must be appointed by the States.

Section 4 of the same article applies to Senators as well as Representatives; and if supervisors and deputy marshals are to conduct the elections for Representatives in Congress, why may they not preside over Legislatures of the States when they come to elect their Senators. But all these odious laws should be repealed, even if they were clearly constitutional, because they are hateful to the people. All this machinery of test oaths, of bayonets and deputy marshals at the polls was designed to control the elections in the interest of the republican party.

Suppose one of these deputy marshals arrests a democratic voter on suspicion that he is about to cast a fraudulent vote; who is to try him for this political offense, and what chance has he for justice when he is arraigned by a partisan attorney before a partisan judge and tried by a packed jury and his liberty sworn away by hired witnesses? He has no more chance for justice or mercy than a Spanish heretic before one of the courts of Torquemada. Hundreds of exactly such cases are to be found upon the dockets to-day in Louisiana and South Carolina. We got along well enough under the old system for eighty years, and why not return to it? Why shall the people be harassed and bedeviled by this everlasting intermeddling and interference of Federal officials in their local affairs? It has become positively oppressive to them.

Under republican rule the tendency of the Government has been constantly toward centralization and imperialism. This spirit of encroachment has marked the movement of every branch of the Government. Presidents, Congress, and judges have all invaded the functions of the State governments and attempted to make everything hinge and turn upon central influence. In the earlier and better days of the Republic the people looked to their State governments for everything. The hand of Federal power rested so gently upon them that they were reminded only of its existence by the occurrence of the presidential election once in four years. They looked upon the flag of the common country as the symbol of a great and invisible power, created to defend them against foreign invasion, to protect their commerce upon the high seas, and to attend to a few general duties which could not be so well done by the States in their separate capacities; but now they see this power pervading every branch of business and life.

I can remember, sir, when the governor of a State was a great dignitary in the land, but I have lived to see him so shorn of his power and consequence by Federal usurpation that his office is only coveted now as a stepping-stone to some higher position.

In the olden times State Legislatures were august assemblies, where the greatest political problems were solved and where genius, eloquence, and patriotism were trained for the highest walks of statesmanship; but they too have been dwarfed by the blighting influence of central power until they have become mere debating societies and spend their time in passing private bills.

The judge of a State circuit court was once an official of great consequence and conducted his courts with dignity and decorum; but now he is so overshadowed by the judge of his Federal district that he is treated with less respect than was once shown a Virginia justice of the peace; and a deputy United States marshal snubs the sheriff of a county.

All this has followed from the practical assertion of that most pernicious political heresy, that the Federal Government is one of absolute supremacy. The Constitution is supreme, but the Government founded by it is not absolute, but subject to it.

Mr. President, this eternal intermeddling with their local affairs has a most chilling effect upon the sentiments of patriotism and loyalty in the breasts of the people. Will they love a Government that sends its pimps and spies and detectives into every nook and corner of the land to watch them in their private affairs? Can any man feel like a freeman when he knows that all his movements are watched by the *gendarmes* of a government that treats him as a suspected felon? Are such circumstances favorable to the development and growth of that manly spirit of independence which distinguishes a freeman from a serf? No, sir, they are utterly destructive of manhood among men and will sink the citizen into the subject—the freeman into the slave.

Mr. President, the high mission of the democratic party is to assert the supremacy of the Constitution; to subordinate the military to the civil power; to bring the Federal Government back to its constitutional limits and to restore to the States and people their rights and liberties; to make a new procession of the boundary-lines between Federal and State authority and set up again the ancient cornerstones of freedom that have been thrown down by the violence of war and party passion.

Men often talk about the legislation of war. There is no such thing; the decrees of war are written in blood; its laws are the laws of force and find no place in the statute-book of a free people.

The war established some facts but no new theories of government. It freed the negro and established the fact that the people were determined that the union of the States should be perpetual. Even the three amendments made no fundamental changes in the principles of our Government. They all relate to one and the same subject, the negro. The first makes him a freeman, the second makes him a citizen, and the third a voter. That is all. The Federal Government has acquired no new powers and the States have lost none of their rights nor the people any of their liberties by the war; but they all stand under the Constitution equal and free just as they did before the war.

To re-establish this Constitution and to reassure these rights and liberties is the great mission of the democratic party. All this we propose to accomplish not by revolution or coercion but by the peaceful and constitutional arms of the voice and the ballot, which must be free and fair. It has a herculean labor before it, but it will prove equal to the occasion. This grand old party existed before the birth of the Republic and has been fighting the battles of the people for more than one hundred years, and it is to-day stronger than ever before. It has survived all the great parties that have existed in the country since the Government began. It has lived to drop a tear upon the grave of the old whig party, the greatest of all its rivals and foes, and it will yet live to strew with flowers the green grave of the great party founded by Seward, Sumner, and Lincoln. Look at it! It stands to-day, like a mighty oak, deep-rooted in the rock of the Constitution and lifting on high its scarred and majestic trunk, its

branches greener and fresher than when planted by the hand of God in the affections of the people.

Mr. JONES, of Florida. Mr. President, this discussion has taken such a wide range that I hardly know where to begin, and I shall be fortunate if I know where to end.

The resolution that was introduced sometime ago by the Senator from Massachusetts [Mr. HOAR] who is not now in his seat was the first step in the discussion. It was followed by a very able discourse by that Senator, and when that question was pending I had intended to make some observations to the Senate upon it. It was called up and put aside to suit the wishes of gentlemen who desired to speak upon it, and we have had some very able and interesting speeches upon the subject which is presented to the Senate.

Then the Senator from Maine [Mr. BLAINE] in his discourse the other day referred to a bill which is not now before us, which is still pending in the other House, and he said with great truth that the subject-matter of that bill was so connected with the one under debate that he was compelled from necessity to allude to it. So, too, in speaking upon this subject I shall not consider myself as departing from any rule of propriety or of order if I shall review or at least refer to the several topics that have been brought into this discussion by the Army bill, the resolution of the Senator from Massachusetts, and the bill which is now pending in the other House.

It seems to me, Mr. President, that this resolution violates one of the cardinal principles of parliamentary law. Although it attempts to disguise its true object by the use of the words "one House of Congress," it must be clear that it means to arraign the House of Representatives for a refusal to make appropriations except upon conditions offensive to this body and the Executive. Sir, nothing has happened at the last session, or is anything likely to happen at the present one, to justify the passage of this resolution. The House of Representatives has at no time since I have been a member of this body imposed any such conditions on this House or on the Executive as are mentioned in this resolution. It is true that before the late adjournment of the Forty-fifth Congress appropriation bills were sent here containing provisions which failed to receive the concurrence of the Senate and for that reason did not become laws. Still, sir, no man has a right to say in his place in Congress, that when these bills were before the other House it was the duty of that body to anticipate the sense of the Senate or the Executive in regard to any of the provisions of said bills. There is no way known to the Constitution in which one House can get the sense of the other except the regular parliamentary way—by transmitting its acts and resolutions in conformity with the joint rules of the Houses, and having them voted on by a quorum of either body.

The resolution speaks of the refusal of the House to make appropriati ns except upon condition that this body and the President give their consent to legislation which they disapprove. Where is the evidence of this? If the House of Representatives, following the many examples of the past and in strict conformity to its own rules, should put a proviso repealing a statute on an appropriation bill, how is the sense of this body or the Executive to be ascertained before the bill reaches them in the constitutional and parliamentary way? Is the House to rely upon idle rumors, the exaggerations of the press, or the gossip of the lobby in a matter of this kind. And can the House have no other object than the coercion of the Senate and the President in taking such a step? Who can say that it was not its purpose to avoid the delays which obstruct ordinary legislation when opposed by a strong minority? But, sir, the Senate has no right to draw in question the motives of the other House respecting a matter which is within its exclusive jurisdiction. Each House of Congress under the Constitution has the right to determine the rules of its proceedings, and no power on earth can legally or rightfully invade that right.

The House of Representatives in one of its rules, as I understand, has made it proper for general legislation to be ingrafted on appropriation bills if it tends in the direction of retrenchment and is germane to the bill. Now, who can question the right of the people's Representatives to adopt that rule under the Constitution, or the conclusive force of the decision of their Speaker when he decides that a provision falling within it is germane to the bill. How is it possible, sir, for a compliance with such a rule to amount to revolution? By revolution I understand the subversion of legal authority and regular government; the overturning of established laws and institutions and the displacement of the sovereign power in the state. We have become so accustomed to dwell upon the subject of revolution that we have lost all just conception of its real character and import. If the exercise of a clear and undisputed power, conferred by the Constitution the better to secure the independence and efficiency of Congress, be revolution, then the case which I have been considering and which is denounced by the resolution of the Senator from Massachusetts amounts to revolution. Say what we will, sir, the Congress in which we are now sitting is an American Congress deliberating under the authority of the Constitution of the United States, and the people of this great country must know and feel that their rights and interests can never be seriously affected by a compliance on the part of their representatives with the laws under which they live.

The exclusive power conferred on the House of Representatives to originate money bills was put into the Constitution after the most careful consideration and the fullest debate. It has been said that the example of the British constitution in respect to such bills is not applicable to our system; but, sir, I affirm that it was that example and the struggles for human liberty with which it is associated that led to its imitation by the framers of the Constitution.

When this subject was under consideration in the convention at Philadelphia the very objections that were mentioned by the Senator from Iowa [Mr. ALLISON] last evening in his speech were presented. What said Mr. Randolph?

He argued, first, that he had not wished for this privilege while a proportional representation in the Senate was in contemplation, but since an equality had been fixed in that House the large States would require this compensation at least. Secondly, that it would make the plan more acceptable to the people, because they will consider the Senate as the more aristocratic body and will expect that the usual guards against its influence will be provided, according to the example of Great Britain. Thirdly, the privilege will give some advantage to the House of Representatives if it extends to the originating only; but still more if it restrains the Senate from amending. Fourthly, he called on the smaller States to concur in the measure as the condition by which alone the compromise had entitled them to an equality in the Senate.

And it is astonishing to me that many of the Representatives from the large States of this Union at the present day should be found acting in opposition to this provision, which was a concession on the part of the small States to them in exchange for the concession of equality of representation in this body to the smaller ones. That is the true history of the provision. Mr. Wilson said he—

Was himself directly opposed to the equality of votes granted to the Senate by its present constitution. At the same time he wished not to multiply the vices of the system. He did not mean to enlarge on a subject which had been so much canvassed, but would remark, as an insuperable objection against the proposed restriction of money bills to the House of Representatives, that it would be a source of perpetual contentions where there was no mediator to decide them. The President here could not, like the executive magistrate in England, interpose by a prorogation or dissolution. This restriction had been found pregnant with altercation in every State where the Constitution had established it. The House of Representatives will insert other things in money bills, and by making them conditions of each other destroy the deliberate liberty of the Senate. (The Madison Papers, volume 3, page 1309.)

That argument was made, as I said to the Senator from Iowa yesterday evening, against the adoption of this provision, and it was stated in debate that the very results which we have now before us would follow from its adoption, but still the argument carried no weight. It was distinctly avowed by the advocates of this provision in the convention of 1787 that their purpose was to give the people of the United States all the security which the free constitution of the House of Commons had thrown around the liberties of Great Britain. Mr. Randolph, as I said, compared the Senate to the House of Lords, and insisted that the same safeguards against its influence should be adopted which had proved so healthful in the mother country.

The enemies of the power argued that it would be used to support general legislation, and no one denied that the House would have authority to so employ it. We have been told that in Great Britain since 1688 no attempt has been made to ingraft legislation on appropriation bills. But why was this? During that time the King has not employed his negative. The Lords have not opposed the will of the nation as expressed in the House of Commons. There is another reason. In 1693, for the first time, a new element was infused into the British constitution, which since that day has been a great popular lever, and has controlled the whole system. I refer to the organization of the ministry. Before 1688 this institution was unknown. Since 1696 nothing has been necessary to enable the House of Commons to carry out any policy or measure but a majority against the ministry.

It can readily be seen why no House of Commons since 1688 has found it necessary to coerce the Lords or the monarch by legislation on appropriation bills. The doctrine, sir, that the House of Representatives is under constitutional obligations to provide money to maintain all existing establishments, and cannot in a money bill provide for the destruction of an expensive, unnecessary, and unconstitutional power, is to my mind something worse than revolutionary.

I do not intend to weary the Senate by the long reading of documents, but this question arose I think for the first time in the Congress of 1796, and came to the consideration of those men who were familiar with the adoption of the Constitution, and who had very enlightened opinions in regard to the meaning of its provisions. No more useful man I suppose ever lived in this country than Albert Gallatin; no man more devoted to the Government and the Constitution than he ever held high public office under it, and what did he say as early as 1796, when this question was brought up for the first time in Congress?

Mr. Gallatin felt alarmed at the principle advanced by Mr. Sedgwick, for if admitted it might be applied in future on some other and important occasion. The motion made by the member from New York ought not, perhaps, to be adopted, but there was certainly a discretionary power in the House to appropriate or not to appropriate for any object whatever, whether that object was authorized by law or not. It was a power which, however inexpedient on the present occasion, was vested in this House for the purpose of checking the other branches of Government whenever necessary.

"Checking" them! That is now called revolution.

That such a right was reserved by this body appeared from their making only yearly appropriations for the support of the civil list and of the military establishment. Had they meant to give up the right they would have such appropriations permanent. There was one instance in which this House had thought it proper to abandon the right. In order to strengthen public credit they had consented that the payment of interest on the debt should not depend on their sole will, and they

had rendered the appropriation for that object not a yearly but a permanent one. Whenever that was not the case, and the right had been reserved, it was contradictory to suppose that the House were bound to do a certain act at the same time that they were exercising the discretionary power of voting upon it.—*Abridgment of the Debates of Congress*, volume 1, page 626.

That was the doctrine announced and successfully carried out in that very case in the Congress of 1796, and I imagine that if any man had got up at that day and charged Albert Gallatin with being a revolutionist because he was contending for the constitutional privileges of the body of which he was a member, the cry would have received little attention from the American people.

Of what avail would the power to originate money bills be to the House of Representatives or to the people whom it represents, if it is only to be used in providing means to nourish and continue every rotten and oppressive system which it finds in existence? This House, unlike the human body, undergoes a change every two years; the latter I believe every seven. This is the longest time which the Constitution gives that body to live away from the people. Every two years it must go back to the fountain of all power for a new supply of authority. The Senate is a permanent body but receives from the States every two years a partial infusion of new life, but always retains a majority accustomed to its duties and to support its character and dignity as a permanent establishment. The House of Representatives is intended to speak the voice of the American people as nearly as it is possible to do so under our Federal system.

The Senate, as we know, does not represent the people, but the States in their political character, without regard to wealth or numbers. Representation and taxation are twins of the Constitution and were born amid the throes of revolution; so it is all-important to the overtaxed people of this country who are represented in the other House that they shall have the power to protect their liberties and property from extravagance and oppression.

A majority of the people of the United States have declared in favor of impartial juries and free elections, and their Representatives at the late session, the better to secure these objects, repealed certain obnoxious laws, which they believed to be unconstitutional, authorizing the use of the Army at the polls and the employment of hordes of Federal officials to terrorize over their constituents. The repeal of these laws was effected by provisions on two appropriation bills. The House said to the Senate, Congress and the President enacted these laws when one-half of the country was represented in it by men who floated into power by the help of Federal authority. The intelligence and property of the South had, with a few exceptions, no Representatives here to speak for them. The Army had been used to set up governments there which were presided over by men who had no interests or feelings with the people whom they governed. In the course of time the influence of intelligence and the power of justice corrected these evils, and one by one the States of the South have been restored to their true position in the Union. The genius of true representation has come back to them, and, forgetting the asperities and the differences of the past, they are anxious to co-operate with you to restore complete peace and prosperity to the country.

Having been admitted to a participation in the administration of the Government upon terms of equality with the rest of the Union, the people of the South, through their representatives, have from time to time manifested great interest in the affairs of the country, and after a long night of estrangement have come to regard themselves once more as an integral part of the Republic. But since this change has occurred, and national representation has been something more than a mockery, it seldom happens that any important measure of legislation is discussed here or elsewhere without giving rise to the most bitter sectional criminations. Sir, it is melancholy to contemplate the folly and tendencies of this. Party differences I fear not, because heated and rancorous as are such conflicts they are never attended with the evils which flow from sectional or race antagonisms. Since the question brought before the Senate by the resolutions of the Senator from Massachusetts has been before the country every organ of the great party to which he belongs has labored to convince the people of the North that the legislation referred to originated in an unfriendly if not a hostile feeling on the part of the representatives from the South toward the Government of the Union.

When the veteran soldier from Missouri, covered all over with wounds which he received in defense of the country, and without consultation with southern men, tried to secure pensions for the brave old soldiers who fought with him to uphold your glory and conquer for you a continent, the occasion was used to pour out the vials of sectional wrath upon the men of the South, whose patriotism and chivalry led them into companionship of peril in planting your flag on the halls of Montezuma. And now, sir, when the democratic party of the country, animated by the consciousness of its right to speak for a majority of American people, without regard to race or sections, comes forward to reform those laws which were conceived in a spirit of revenge and are executed for the purpose of oppression, the country is told that this is a new war prosecuted by new means by the men of the South in order to subvert and revolutionize the Government. Sir, it would be uncandid to deny that the South, in common with the rest of the country, has an interest in the repeal of those laws which have been referred to in this debate, but that her people, or those who speak for them here, desire anything more than to live in peace with you under a common government is unsupported by a single fact or circumstance in their recent history.

And why should we not desire the repeal of these laws? Is it not notorious that they were mainly directed against the white population of the South and enacted at a time when that population, by the operation of the harshest policy ever put in practice, had no right to be heard here or in the other House of Congress. You divided the eleven States of the South into five military districts and placed the lives and property of a liberty-loving though subjugated people at the mercy of military commanders. These commanders and their soldiers set on foot civil governments by directing elections for conventions to frame constitutions already made and decided upon in other parts of the country; and worse than all, the white population, representing all there was of intelligence and property in the section and the only material in it out of which a government could be composed, were systematically excluded from all participation in the work of rehabilitation. To the black population, with the scales of slavery hardly removed from their eyes, without instruction or preparation of any kind for the business of government, was confided the important task of setting on foot local government for States which had ever been governed by men of the highest abilities and character. Then came Senators and members of Congress who were off-shoots of the local establishments, and sent here only to represent the prejudices and bitterness of that race which had just emerged from bondage and which was carefully cultivated by white leaders to preserve race domination.

The substantial interests of the South and its people received no attention except what we find indicated in the severest part of your criminal code. It was to maintain these vicious systems thus inauspiciously inaugurated by the Army, the colored race, and a few white political leaders, that those severe laws were enacted which have disgraced your statute-book. It never was the purpose of the party in power, from the day it became evident that the arms of the Union would prevail to the present hour, to conciliate the white element in the South. There never was a finer opportunity offered in the world for a great statesman than in the state and circumstances of that people at the end of the civil war. The mad scheme of trampling down the dominant race with an inferior one has met with the fate it deserved, and the men of your own blood, with the traditions of freedom before them for which their fathers and your fathers fought and bled, would have been false to everything which gives them a title to renown had they tamely permitted their liberties to be torn from them forever by the rude hands of their former slaves. Sir, he is a poor philosopher or statesman who can imagine that in a community where two races the most distinctly marked by nature, by feelings, associations, and traditions, make up the population, and are nearly equal in numbers, it is possible that their contests for power can be similar to the struggles of a homogeneous people. When you quarrel with the men of my section for the impassioned energy they display in their efforts to control public affairs you ought to remember that they are engaged not only in a political but in a race contest, and that the same feelings which animate and support them lie dormant and undeveloped in your own breasts. It is not all love for one party or hatred of another, nor is it, as you too often imagine, disloyalty to your flag or sectional hatred which inspires them to labor for success; but it is that higher and stronger feeling which no party or sect can appropriate, which God himself, for His own wise purpose, has implanted in every human heart—it is the law of self-defense.

In speaking thus plainly upon this great subject I would not be understood as manifesting the least unkindness toward the colored race of the South, upon which the republican party still relies for success. They are all poor laborers depending upon their daily toil for support, and probably I am the last man that would favor any system of oppression against such a class. Although I thought and now think that their premature entry into the field of politics was unfortunate for them and the country, still the rights which they have will be maintained; but it is to be regretted that the Government of the United States did not abstain from all interference with elections in the States after placing these people upon a footing of equality as respects freedom and civil rights with the white population among which they live. How often has it been said here that the only place for the black man is in the republican party, and that he could not with safety or consistency go elsewhere. The Government was not satisfied in making him a citizen and a voter, and then leave him to work out his own fortunes like other people, but it undertook to establish and did establish a harsh and expensive system of laws professedly to prevent but really to foment and intensify the natural and traditional antagonism of the two races.

It was often said that the word slavery was not used in the Constitution while many of its provisions recognized it as a living institution. If there was anything in this omission the example ought to have been followed by the wise law-makers of the republican party who, in the enactment of numerous and severe laws, have never failed to indicate to the world that they were intended to operate in favor of one class or race in the community and against another. Hence we find all over your criminal code the words "race," "color," "previous condition of servitude," "men of African descent," &c., as if it was necessary to divide the country into classes in order to protect the rights of all. These laws are based upon a principle of legislation which never ought to be recognized by a popular government. Such is the state of your laws at the present

day that the power and authority of your Government are stretched to immeasurable limits for the benefit of a particular class, and we have seen that your highest court has decided that an indictment could not be maintained unless it alleged that the offense charged was against a person of that class.

It matters not what offense a black man may commit on a white man; your laws take no notice of it except to shield him from punishment; but if the fact is reversed the whole power of this Government is set in motion against the white citizen, and he is deprived of the security of a trial by the courts of his State, and he must plead at the bar of a Federal tribunal. It is said that equality is the genius of the republican party, and these laws are intended to enforce it; but notwithstanding this claim it will be found that the laws which are now on the statute-book, and which are said to have been passed in pursuance of the fourteenth and fifteenth amendments to the Constitution, have a very unequal operation when applied to the classes which are expressly named in one at least of these amendments. The fourteenth amendment declares that all persons born and naturalized in the United States are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges of citizens of the United States.

The fifteenth amendment declares the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. These two short provisions of organic law have given existence to more unwarranted legislation than all the rest of the Constitution put together. From these two sources all the laws on your statute-book which are now the subject of complaint have sprung, and it is believed that a majority of the people regard them as palpable violations of the Constitution. "Liberty," says Mr. Burke, "is in danger of becoming unpopular to Englishmen in the midst of the American war," and it is to be feared that this is true to a great extent at the present day. Never since the days of the alien and sedition laws has there been anything to equal the oppressions which have taken place under your new election system. In one part of the country we find four thousand naturalized citizens arrested on the eve of an election in violation of all law and given the option of abandoning the right guaranteed to them in the fourteenth amendment or being consigned to a prison pen to await the pleasure of their master.

That this proceeding was begun and consummated with the purpose of preventing the four thousand men from voting there can be no doubt, and it was only by one of those accidents which sometimes baffle the best schemes of oppression that an opportunity was had to test its legality. Most of those men were poor and were dragged from their vocations; the prospect of lengthy confinement filled them with dismay. They were given the privilege of waiving an examination and going at large on their personal recognizances on the condition—great God! I hate to utter it—that they would give up their right to vote. One poor wretch, it seems, more ignorant and indifferent to his fate than the rest, in the confusion of the proceedings drifted into Ludlow-street jail. There he remained among the sweepings of the prison until his accidental discovery afforded the occasion (long sought for in vain) of testing the legality of all the arrests. The writ of *habeas corpus* will not reach constructive duress—there must be actual confinement. This man's case called for the great writ of liberty, and it was issued. His trial involved the rights of thousands of his fellow-men and his liberation admonished their oppressors that the spirit of justice was yet a living principle in the land. These men had violated no law, State or Federal. They simply registered their names as qualified voters in the State records, and for this they were marked out for vengeance and their arrest postponed until the very moment when they were going to exercise the right of suffrage. In another part of the country, under the same law and on a similar occasion, ten thousand warrants were issued, and many of them against the very best people in the community, charging them with illegal registration, but in reality to prevent them from going to the polls to exercise their rights as citizens.

I am reminded by my friend from Delaware, [Mr. BAYARD,] who very well remembers this statement of Judge Campbell, that eight thousand men were deliberately disfranchised by the officers of the Federal Government on that occasion in executing that law in the city of New Orleans.

These abuses of law are notorious. That they were inspired by party feeling and interest I have no doubt, and they constitute in my judgment as full a chapter of grievances as ever called for redress. Now, a word as to the authority of Congress to enact these laws, and in speaking on this branch of the subject I would remind our republican friends that if ever there was a party which took high ground on the doctrine of State rights it was their party. It had its origin, like the whig party in England, in resistance to established authority. The cardinal principles of its early creed went as far to limit and restrict the powers of this Government as anything ever written or said by Mr. Calhoun.

Massachusetts, now so ably represented in part by the Senator who introduced this resolution, as usual took the lead in promulgating the doctrines of the Jefferson democracy. Mr. Sumner in 1852, representing as he did the sentiment of his State, indorsed in one of the ablest arguments of his life the most extreme doctrines of the State-rights school. He then held and the republican party held that section 2 of article 4 of the Constitution, although regarded by a majority of the country as a positive grant of power, did not confer any authority on Congress to legislate in regard to fugitives from labor; and he felt himself justified, and his action was applauded by his whole party, in trying to effect the repeal of the act of Congress passed in pursuance of that section, and that, too, by an amendment to an appropriation bill.

We heard a little said here the other day on the subject of compacts; but, sir, there was a time in the history of this Government when Massachusetts took high ground with regard to compacts. Mr. Webster, it is true, used the expression, I think, once; but it was used frequently afterward by very distinguished men from that State. Mr. Sumner in his great speech referred to it. He said:

> The Constitution contains powers granted to Congress, compacts between the States, and prohibitions addressed to the nation and to the States. A compact or prohibition may be accompanied by a power; but not necessarily, for it is essentially distinct in its nature. And here the single question arises, whether the Constitution, by grant, general or special, confers upon Congress any power to legislate on the subject of fugitives from service.
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> * * * * * * *
>
> When this clause, being in form merely a compact, came up for consideration in the convention, various efforts were made to graft upon it a power.
>
> * * * * * * *
>
> The compact—

Again he says—

> regarding the public records, together with these various propositions, was referred to a committee, on which were Mr. Randolph and Mr. Wilson, with John Rutledge, of South Carolina, as chairman.
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> * * * * * * *
>
> A discussion ensued, in which Mr. Randolph complained that the "definition of the powers of the Government was so loose as to give it opportunities of usurping all the State powers. He was for not going further than the report, which enables the Legislature to provide for the effect of judgments."
>
> The clause of compact—

Adds Mr. Sumner—

> with the power attached, was then adopted, and is now a part of the Constitution.
>
> * * * * * * *
>
> Here another change was made. The clause relating to public records, with the power attached, was taken from its original place at the bottom of the clauses of compact, and promoted to stand first in the article as a distinct section.—*Sumner's Speeches*, (edition 1856,) pages 125, 129.

Here he comes down and he gives us from his high republican standpoint a clear and unequivocal statement of his views in regard to the nature of the Federal Government. It cannot be forgotten that in the overdesire of Mr. Webster to stand by the old whig party and its great national principles he was swept from power, and Mr. Sumner came here representing the sentiment of Massachusetts, as I said, as much as any Senator whom she ever sent to these halls.

Mr. Sumner again says:

> The integrity of our political system depends upon harmony in the operations of the nation and of the States. While the nation within its wide orbit is supreme, the States move with equal supremacy in their own. But from the necessity of the case the supremacy of each in its proper place excludes the other. The nation cannot exercise rights reserved to the States, nor can the States interfere with the powers of the nation. Any such action on either side is a usurpation. These principles were distinctly declared by Mr. Jefferson, in 1798, in words often adopted since, and which must find acceptance from all parties.

And here he quotes Mr. Jefferson's language with approbation:

> That the several States composing the United States of America are not united upon the principle of unlimited submission to the General Government; but that by compact, under the style and title of the Constitution of the United States and of the amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving each State to itself the residuary mass of right to their own self-government, and that wheresoever the General Government assumes undelegated powers its acts are unauthorized, void, and of no force.—*Sumner's Speeches*, (edition 1856,) pages 133, 134.

Mr. Sumner, I say, announced this doctrine in 1852 as the doctrine of all parties in this country, taking it from the works of Mr. Jefferson, and I read it now without comment to the Senate.

Mr. DAWES. Would it interrupt the Senator if I should make a remark?

Mr. JONES, of Florida. Oh, no.

Mr. DAWES. I do not quite understand whether the Senator from Florida means to be understood as saying that Mr. Webster was swept from power in Massachusetts and Mr. Sumner and the doctrine he represented installed in his place there because Mr. Webster differed from Mr. Sumner in the statement that the General Government and the States were each sovereign in their sphere. If the Senator means to make any such statement as that, it will be new in Massachusetts. I had supposed that that was the dividing line, and that Mr. Webster and Mr. Sumner were on one side and those were on the other side who believed that the States were sovereign each within its sphere, and that each with the powers granted or reserved under the Constitution was supreme. The United States derives its powers by grant from the Constitution. The State powers are reserved. Those granted to the United States, wherever they conflict with any power in the States, are supreme and must control. Those reserved to the States and not granted to the United States are equally supreme. That was the doctrine of Mr. Webster. That I understand to have been the doctrine of Mr. Sumner. I do not care whether Mr. Sumner, in attempting to express that idea, used the word "compact" or not; he intended to make that statement. The other doctrine Mr. Webster himself, here in the Senate Chamber forty years ago, ground into impalpable powder, and no statesman has ever been able to gather up from the dust of it enough to make an argument to refute his

argument upon that ground, and the ghost of it has been seen flying from a hundred battle-fields since and never found a foothold in this Government until within the last two years. It never found an advocate under the dome of this Capitol until the restoration in part to power of those persons who went out to establish it upon the field of battle.

Mr. JONES, of Florida. The Senator from Massachusetts of course is at liberty to draw his own inferences from the words I have read. I have not added a syllable to them. I read them for the purpose of illustrating the views entertained by that distinguished man when he cited the words of Mr. Jefferson.

Mr. DAWES. Mr. President——

Mr. JONES, of Florida. Hold on one moment; the Senator has made a speech pretty long already. I was going on to try to show that the best men and the most honest men might rationally differ in forming their opinions in regard to this subject, and they have differed. The Senator says, of course, that the State is supreme within the limits of her reserved power, and that the Government of the Union is supreme within the sphere of its delegated power. That is all true; and that is what those gentlemen have said in their works. The difficulty has been in practice. The difficulty has been in drawing the line between the power of the General Government and that of the States; but in regard to the principle itself there never has been any difference, I say, among leading public men in this country.

Mr. DAWES. Mr. President, I probably was led into a mistake in supposing that the Senator——

Mr. JONES, of Florida. If the Senator will allow me, I will state that I did not mean at all to insinuate for one moment that Mr. Webster was driven from power in Massachusetts because he entertained any different opinions respecting the powers of the Constitution from those entertained by Mr. Sumner.

Mr. DAWES. I understood the Senator to say that he was driven from power and Mr. Sumner who represented more truely the sentiment in Massachusetts came into power just at that point.

Mr. JONES, of Florida. I remember, Mr. President——

Mr. DAWES. The Senator will allow me; I do not want to misunderstand him. I suppose the Senator has some notion wherein the difference between Mr. Sumner and Mr. Webster existed. He certainly said that for some reason Mr. Webster was driven from power in Massachusetts and Mr. Sumner installed, and he said it in connection with expounding the Constitution upon the question whether the States were supreme or the United States was supreme.

Of course I do not want to misunderstand or misrepresent the Senator. I was desirous of ascertaining whether the Senator meant to intimate that there was any difference between Mr. Webster and Mr. Sumner upon that point or that Mr. Webster by using the term "compact" or "confederacy of States," if he used that, ever meant to inculcate the idea that this was an association or confederacy of States distinct from the idea of a nation. He always held that the powers of the General Government were supreme, and that the States, I am glad to say and to believe and to affirm, in the exercise of those powers that were reserved to them, were also supreme. There never could have been any doubt upon the subject. There never stood out in the arguments that have immortalized the one side or the other anything so clear, so unanswerable as the very argument of Mr. Webster that there never could exist such a thing as the right of a State peaceably to secede from the Union; you may call it a confederacy or what you please.

Mr. JONES, of Florida, Mr. President, my time is very short, the evening is growing late, and the Senator will have an abundant opportunity to reply.

Mr. DAWES. The Senator will allow me to read a paragraph from Mr. Webster, which a friend near me has been kind enough to hand me, and which I now read:

> That a national government ought to be established, consisting of a supreme legislature, judiciary, and executive.

These words are taken from the journal of the convention itself which adopted the Constitution. Mr. Webster, commenting on this language said:

> This itself completely negatives all idea of league, and compact, and confederation. Terms could not be chosen more fit to express an intention to establish a national government, and to banish forever all notion of a compact between sovereign States.

Mr. JONES, of Florida. The Senator seems to have misapprehended entirely my purpose in alluding to this matter. I merely read to show how little importance can be attached to the mere use of words. The word "compact" runs throughout the whole speech made by this great man, Mr. Sumner, at that time. He cites article 4 of the Constitution as containing nothing but compacts between the Government of the United States and the States. I do not pretend to assert that he said the whole Government was a compact, but he cited this paragraph, for instance:

> A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

He gave that as an illustration of a compact between the General Government and the States which did not authorize the Government to legislate on the subject. That is the whole of it. I am speaking now of an authority in the Government to enact certain legislation. I cite instances here of express provisions in the Constitution which a distinguished republican said gave no power to legislate or to carry them out because they were compacts, as he stated, between the General Government and the States. That is the doctrine he stated, not that the Government itself for the purpose of secession was a compact, but that certain provisions in it which were relied upon as the authority for legislation were compacts and did not authorize legislation as against the States or people.

Mr. DAWES. Will the Senator just tell us what he did mean when he said Mr. Webster was driven from power and Mr. Sumner brought into power in Massachusetts?

Mr. JONES, of Florida. He was not in accord, as I understand, with public sentiment in Massachusetts at that time upon the question that was agitating that section.

Mr. DAWES. It had no reference to their different views upon the construction of the Constitution itself?

Mr. JONES, of Florida. Not at all.

Mr. BLAINE. When, in the history of Massachusetts, did Mr. Webster and Mr. Sumner come into competition?

Mr. JONES, of Florida. In what?

Mr. BLAINE. In anything. When did they ever appear as rivals?

Mr. JONES, of Florida. I think they came in conflict on the question of the repeal of the fugitive slave law.

Mr. BLAINE. When, before or after the time stated, was Mr. Webster driven from power by Mr. Sumner?

Mr. JONES, of Florida. When Mr. Webster left the Senate, was not returned.

Mr. BLAINE. The Senator forgets the history of his country. Mr. Webster had gone out of the Senate and taken the State Department under Mr. Fillmore. He retired with all the honors of that State upon his head. Mr. Robert C. Winthrop, who was appointed *pro tempore*, was beaten by Mr. Sumner, and Mr. Robert C. Winthrop was a different man.

Mr. JONES, of Florida. Mr. Webster was not returned to the Senate after 1850.

Mr. BLAINE. Not returned! He was not a candidate. When the Senator speaks about Mr. Webster being defeated in the Massachusetts Legislature for the Senate, he is talking of his imagination and not of history.

Mr. JONES, of Florida. I remember to have read somewhere about Mr. Webster at that time; I do not remember particularly——

Mr. DAWES. Mr. Webster died——

Mr. JONES, of Florida. I do not wish to be interrupted so repeatedly.

Mr. DAWES. Let me correct the Senator.

Mr. BLAINE. Mr. Webster died while he was Secretary of State.

The PRESIDING OFFICER, (Mr. EATON in the chair.) The Senate will be in order.

Mr. DAWES. Mr. Webster died when he was Secretary of State. There never was an hour since I was a boy when Mr. Webster was not in office that I know of. There never was an hour when he was driven from power for any cause whatever; and I was curious to have the Senator make the statement what it was that drove Mr. Webster from power and brought Mr. Sumner into power. Mr. Sumner came into power in Massachusetts at a subsequent period and upon clear and distinct grounds, where Massachusetts stands to-day——

Mr. JONES, of Florida. How long subsequent?

Mr. DAWES. Where Massachusetts stands to-day and where she will stand in this coming contest.

Mr. JONES, of Florida. I would prefer, Mr. President, that the Senator from Massachusetts should make his own speech, and I will try to get along with mine.

Mr. DAWES. Mr. President, I beg the Senator——

Mr. JONES, of Florida. No man living, I imagine, has greater respect for Mr. Webster's memory than I have, and I would not do him the least injustice before the people; but I remember to have read somewhere—I think I read it as coming from Mr. Phillips—that when he when to Faneuil Hall, in that very memorable place, the words which I shall repeat were uttered by him. He was making a great appeal, as we know, to the whig party, and said he: "I am a whig, a Massachusetts whig, a constitutional whig. If you break up the whig party, where shall I go?" This appeal was not listened to and the whig party was broken up, and it was the last he belonged to. It is known that he went from here, I think, and made that appeal to his own whig friends. All I meant by the remark was that while Mr. Webster and Mr. Sumner did not differ, as I understand, in reference to the provisions of the Constitution, they differed in regard to the question of slavery that was then agitating the country, and differed materially. That is the whole of it.

Mr. DAWES. Mr. President, I want to apologize to the Senator for having interrupted him. The Senator intimated to me that it would not trouble him at all to be interrupted, but if I have done so I ask his pardon. There is great impropriety in disturbing a Senator in making a speech, and I owe him an apology. I certainly should not have been led into it if he had not indicated that I was at perfect liberty to do so.

Mr. JONES, of Florida. But, sir, the other day my friend from Connecticut [Mr. EATON] happened to use the word "confederacy." I do not know in what sense he employed it; he can better explain that himself. A great deal has been said about the word "compact;"

but it was employed here twenty different times in this great speech of Mr. Sumner, and I read it for the purpose of showing that there were certain powers in the Constitution that this Congress could not carry out by legislation.

Mr. EDMUNDS. What are those powers, if I may ask the Senator?

Mr. JONES, of Florida. I will come to them after awhile. Mr. Sumner instanced this as one of them:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

That he writes down as a compact.

Mr. EDMUNDS. That Congress cannot enforce?

Mr. JONES, of Florida. And these paragraphs:

A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

He went all through these provisions, and he went on to try to prove that they gave no authority to legislate. This I say affords subject of discussion about which lawyers might differ. I do not pretend to say that Mr. Sumner was correct in all the positions he took in that matter; I do not defend his judgment at all; but I have quoted from his speech in order to show that the Constitution is full of debatable ground upon which and about which men who are equally honest may differ, and that it is not a subject for passion, for crimination, or for denunciation because they do.

The section which I referred to, instead of a grant of power to Congress, was held to be a compact between the General Government and the States, the fulfillment of which rested with the good faith of the sovereign bodies who had entered into it. The Constitution was always held to be an instrument of delegated powers, establishing a government of limited authority though supreme to the extent of that authority. It is made up of direct and positive grants of power to the Congress, the Executive, and the judiciary of the United States; second, restrictions upon the powers of all departments of the General Government; third, of inhibitions upon the States to prevent them from exercising powers which would clash with those delegated to the Union; and fourthly, a class of powers which Mr. Sumner called compacts, to be found in section 1, article 4 of the Constitution.

Now, sir, if there was anything better settled than another in regard to our Federal system it was that the inhibitions contained in section 10, article 1 of the Constitution never were intended to confer any power on the Congress of the United States. From the time of the adoption of the Constitution to the period of the ratification of the recent amendments, it was well settled that an inhibition in the Constitution of the United States on the power of the States gave to Congress no additional power, but that when rights became affected by the disregard of such inhibitions they could only be vindicated by an appeal to the judicial department. No one ever pretended that when the Constitution declared that no State should impair the obligation of contracts, make any *ex post facto* law, or grant any title of nobility, that power was thereby given to Congress to carry the authority of this Government into the local concerns of the States.

Mr. EDMUNDS. Would it interrupt the Senator if I asked him a question, not to make an argument, on that point?

Mr. JONES, of Florida. I yield.

Mr. EDMUNDS. Mr. President, on that point I should like to ask my honorable friend a question, as I know he can answer it if anybody can. If under this very tenth section of article 1, which says that no State shall pass any bill of attainder, &c., or coin money, grant letters of marque and reprisal, make anything but gold and silver a legal tender, Congress should pass a law which should say that any person who should undertake to coin money in a State without the authority of Congress should be punished, would not that be a constitutional law?

Mr. JONES, of Florida. I am not here as a judicial authority or oracle. I can only give a horseback opinion about it; but I would question very greatly the constitutionality of such a law under that provision of the Constitution. It might or it might not be sustained by the judiciary; but I say that Congress has never attempted, as far as I can understand, to infer any authority from these negative provisions. There is another provision in the Constitution, as is suggested to me by my friend from Georgia, [Mr. HILL,] under which they might have that power; but these are inhibitions on the State. No State shall do these things. No State shall pass any law affecting contracts. No State shall grant a title of nobility. No State shall pass an *ex post facto* law. The inhibition is against a State, a sovereign member of the Union, so to speak, and was intended to operate upon the State in her sovereign or in her law-making character.

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

Mr. JONES, of Florida. If I yield further I do not know when I shall be able to get through. The gentleman who has this bill in charge has given notice that he desired an early vote, and the Senator from Vermont has indicated a disposition to reach the same end, from what I heard him say the other day. If I thought I had time I would be very glad to hear the Senator, because I know he never speaks without affording us all instruction.

Mr. EDMUNDS. I should certainly afford instruction on this occasion, because I was only to ask a question which my honorable friend was to answer and we should get instruction in that way, indirectly through my means. I do not wish to interrupt my honorable friend unless it is perfectly agreeable to him.

Mr. JONES, of Florida. I am not making such a speech as Senators usually interrupt.

Mr. EDMUNDS. Then I beg my honorable friend's pardon. I will certainly not interfere with him if it is in the slightest degree disagreeable to him.

Mr. JONES, of Florida. It was early known that cases would arise which would call for the application of the principle of these provisions, but the fathers of the Constitution knew full well that it would endanger the safety of the whole system if Congress should attempt to legislate directly against the authority of the States or its officers.

I will say here, Mr. President, that when this question was discussed in the convention at Philadelphia, and in the Federalist, Mr. Hamilton said, in the clearest and strongest terms, that if you retain the old idea of a confederation you will retain a form of government which of necessity will involve coercion on the part of the General Government to make the States comply with its provisions; it is not the intention of our new system to have a government other than one which will operate upon individuals. One of the strong arguments he made was that a government of States would involve war and bloodshed and trouble, because there was no method left but compulsory methods directed by one government against another in order to compel the delinquent member to enforce the stipulations of the compact; hence the necessity for a constitutional system which would enable the Government of the Union to enforce its authority against the people, but not against the authorities of the States.

With respect to all claims of power between the States and Federal Government, and the enforcement of the provisions of the Federal Constitution restraining the powers of the States, no remedy or appeal was ever thought of except what was given by the judiciary act of 1789, which enables any person whose rights are affected by State laws unwarranted by the Constitution of the United States to have them reviewed by the highest judicial authority of the Union.

That was the doctrine of the great expounder from Massachusetts. It was his great argument on that subject which distinguished him more than any he ever made in his life when he took the ground that in all cases of conflicting powers between the States and the General Government the Constitution of the Union had established an umpire in the judicial arm of this Government which should pass upon and settle the question. That was his idea, not that Congress by positive legislation nor by the enactment of laws should undertake to settle it as against the officers of the State, but that when private rights became involved or affected by State legislation which was unconstitutional under the laws and Constitution of the Union the citizen whose rights were affected by it had the peaceful remedy of appealing to the highest tribunal in the Union to have his rights vindicated and restored. That was the constitutional remedy.

Sir, the absurd doctrine that the officer of one government acting in obedience to the authority of its laws can be punished by penalties and tribunals created and established by another never until a recent day received the sanction of any authority in this country. About whatever else parties differed, whether the tariff or slavery, sectional or national issues, they all were agreed that this is a Government of delegated powers, supreme, it is true, to the extent of its delegated authority; and operating with other governments over the same population, it was not competent to settle disputed questions of jurisdiction between the two, or enforce the authority of either by pains and penalties directed against the officers who were intrusted with the execution of the laws. Mr. Sumner in 1852 stated the true doctrine on this subject. "While the nation," said he, "within its wide orbit is supreme, the States move with equal supremacy in their own." But from the necessity of the case the supremacy of each in its own proper place excludes the other. The difficulty ever has been and is now not only in drawing the line which separates State from Federal power, but in determining the authority which should fix it. If it be said that one government ought to have the power to decide upon the limitation of its own authority, how shall it decide so delicate a question when it must affect the rights and powers of another government whose supremacy within the sphere of its just authority is acknowledged? The laws of the United States, it is said, passed in pursuance of the Constitution are the supreme law of the land. But laws not warranted by the Constitution are void. When the statutes of either government are directed only against its citizens, any usurpation of power can be curbed by the high judicial authority of the Union.

But, sir, when the laws of either undertake to punish the officers or agents of the other for acts or omissions in the line of their duty it is a subversion of our whole Federal system, and sooner or later will prove ruinous to it. Why is it that the officers of the States are bound by oath to support the laws and Constitution of the United States and the officers of the United States are not bound in like manner to support the laws of the States? It was expected that State officers would have an agency in administering United States laws,

but it never was intended that United States officers should administer State laws, or that punishment of any kind should be prescribed by this Government against officers of the States for any violation of duty imposed by the statutes of the States.

The democratic party, not of the South alone, but of the country, has uniformly held that the whole election code prescribed by this Government is unconstitutional. Its leading public men have made no concealments before the people on this subject, and have always avowed the intention of repealing it if their party came into power. When the Constitution was before the people for adoption grave fears were entertained that the Government proposed to be established would overstep the bounds of its authority and invade the local concerns of the States, and it was seriously asked what would be the remedy for such an evil. At that time the Virginia resolutions were not thought of, but the friends of the new Government were not wanting for an argument which put at rest the doubts and misgivings of the people. And what was the argument? It was that whenever the law-making power of the Union went outside of the Constitution and usurped power which was not delegated to it the people and the States could send to Congress new men who would repeal the obnoxious laws and restore the just equilibrium of the Constitution. No one ever imagined that in a case of that kind the veto of the President would ever be interposed. He occupies his office to execute, not to make laws, and, as General Grant once said, the best way to get rid of a bad law is to show up its defects in its execution, so that the people may demand its repeal by their representatives. Would it have been tolerated in the days of the alien and sedition laws, after the storm of indignation which they excited had swept over the land, that the President by his veto might have arrested their repeal? What would have been thought of the presumptuous functionary who, forgetting the wishes and sufferings of the people, should have attempted to prevent them from obtaining relief according to the forms of the Constitution? But we have been told that this is revolution. Revolution forsooth! Why, sir, this is one of the safeguards against revolution. You cannot make a revolution with rose water. You must have a little genuine human blood. All legislative power, not a part of it, is vested by the Constitution in the two Houses of Congress. How that power shall be exercised is a matter with which the Executive has nothing to do. Now, sir, we have been told that the number of troops all over the country is so small that it is worse than ridiculous to imagine any danger to the rights of the people from them. It is not pretended that the Army is too large. No one asks for its reduction; but, sir, I would consider the people more safe and secure with an army of two hundred thousand men and this law repealed than with one of ten thousand while it remains in force. It is not the force of numbers which we fear, but the ingrafting of a dangerous principle into the Constitution.

The payment of twenty shillings—

Said John Hampden—

would not be missed from my fortune, but by acceding to the principle upon which it is demanded will make me a slave.

We do not measure the enormity or injustice of an outrage by the number of the perpetrators. The greatest crimes against the life of society and law may be committed by a single wrong-doer. The argument of the Senator from Maine would lead us to the conclusion that the moral qualities of an act are to be tested by the number concerned in its commission, and not by its effect upon the rights of the party affected by it. Sir, there are some things in life which to touch them is to destroy them. It has been said a woman cannot be liberal with her virtue, a soldier with his honor, or a nation with its liberty. The presence of an infidel at the altars of the living God would cast a shadow over the cause of the crucifix. No one would think of selecting a Mormon prophet as a guardian for his daughter whom he wished to have instructed and guided by the law of Christian marriage. Sir, the Army is small, it is patriotic and useful, but it is large enough, under the direction of a bad man, to trample on your Constitution. No soldier can be quartered on the citizen in time of peace, and this great principle of individual security could be violated as well by one soldier as by a thousand.

Now if there existed a law authorizing the quartering of troops on the citizens in time of peace, what answer would it be to a demand for its repeal that the Army was small and scattered over a large area of country? Would not the principle be violated and the Constitution endangered just so long as the law continued? And so it is in cases of election. I have seen soldiers of the United States marched and counter-marched over my State, and if the Senator from Maine wants to look into the records of the War Department he can find evidences there showing that the troops in my State as late as 1876 were ordered from the forts on the seaboard hundreds of miles in the interior, to be present at the elections of the people. I assert the fact here that at the election of 1876 nearly a company of troops were ordered from Fort Barancas, Florida, to Marianna, Florida, and were present in that little town during the election of that year. I met them on the way there, and never shall I forget the feelings of humiliation that came over me when I learned the true object of their mission.

But military interference did not end with the election at the polls. Well do I remember the scenes in my own State. After the election I saw an officer in full uniform, with his side arms on, remain in the presence of the State officers until they had canvassed the returns from the various voting places in my own county, where there was not the slightest reason to apprehend trouble of any kind. And when the time came for the enactment of the drama of fraud, when the courage of the faithless officers who had determined to falsify the voice of the people of the State had to be supported in some way, when the consciousness of the great wrong they were about to commit filled the air around them with imaginary dangers and their souls stood aghast at the terrors of the great crime, a large part of the Army, with a general officer, was sent to sustain them and give a reluctant sanction to those proceedings which ended in robbing the whole American people of their highest and dearest right. In the course of a week it was easy to concentrate at the capital of my little State an armed force of three hundred men to shield the preconcerted villainy of a returning board and strike down the vital principles of popular freedom.

We have been told that our reputation is suffering in the estimation of foreigners from the exaggerations of the democratic party respecting the use of the Army. It is a pity that this sensibility for our republican character was not earlier manifested. Some good might have been done if at the time the popular voice of America was crying out for recognition, when 19 majority of the electoral college and 300,000 majority of the people had elected a President, and all Europe stood on tip-toe to see if he would be seated—if at that time the Senator from Maine, with half the eloquence he displayed the other day, had warned his party friends of the danger which was in store for our reputation on the other side of the Atlantic, he would have performed a service worthy of his great talents and his standing and consideration in the country. For my part I attach but little consequence to European opinions of what we do here; but if ever there was an event in our history which shocked the public sentiment of Europe it was the disregard of the voice of the majority in 1876 by the Senator's own party. The South, as usual, is brought to the foreground of this great contest. Every political anatomist in the republican party has been turned loose upon this half-living body. For years tortured and butchered by the most inhuman treatment, she sank down to the lowest degree of exhaustion, mangled and bleeding.

After surviving the cruel experiments of the republican dissecting-table and the hacks and scars of the rude operators who, without either feeling or science, cut to pieces limb after limb, it was to be hoped that time at least would be given her to recover from the wounds already inflicted before being subjected to a series of new operations from the same death-dealing hands. To say nothing of what has taken place in the other House, of which I cannot speak, here at least the performance has been remarkable. First came the Senator from Maine, with his fine, sharp instrument, which, with the grace of an O'Trigger, he used to the delight of his friends. One could hardly help feeling that if he had to die by the hand of another the skill of such a performer would relieve death of some of its horrors. He conjured all the living powers of wrath with the dexterity of a magician, went down to the lowest depths of passion and hatred, and like Mark Antony of old held aloft the blood-stained garment to incite his countrymen to deeds of violence and revenge. And what is the justification of all this? He complained of the power of one section of his country in this and the other body.

Sir, is the time never to come when sectional feeling shall cease? Can there be found no other issue to divide parties than that which is taken from the bloody conflicts of the past, which must always endanger the best interests of the country so long as they are relied upon to control public sentiment? An impartial man listening to the debates here of late might well have supposed that we were the representatives of two distinct countries or people, and that we had nothing in common but the privilege of abusing or misrepresenting each other. Instead of the public being attracted here by the discussion of some great question affecting the interests of the suffering people of a common country, your galleries are filled with excited multitudes who find something like the same kind of entertainment here that the populace of Rome once enjoyed in witnessing the feats of foreign gladiators. Why is it not possible for us to discuss the measures of legislation now pending in a calm and dignified manner? Why should the unhappy South, which has suffered so much and which is part and parcel of your country, be the object of attack and vituperation? It ought to be the desire of every true statesman to serve with equal devotion every part of his country.

If the Senator from Maine could only be induced to employ his great powers in cementing the ties of union and fraternity between the sections of this great country instead of reopening the wounds of the past, his name would live in the grateful memories of millions as a benefactor of his race. However much you may quarrel with the tastes and opinions of the South, it is no part of the business of legislation to make them conform to your own. God for His own wise purposes has diversified this continent with a variety of His best gifts. In soil, in climate, in population He shows you that you cannot hope for uniformity in all His great works. Why should you then "bite the chains of nature?" If you cannot govern a free and ardent people after the fashion of feudal times, and bend their proud spirits by severe penal laws, take wisdom from experience and govern as you can. Depend upon it that no law which is opposed by the moral sense or the public voice of the community can be of any value except to irritate and oppress, and irritation and oppression

will not add to your power or dignity or glory. There was a time when even law-abiding and Union-loving Massachusetts did not conceive it to be incompatible with loyalty and allegiance to this Government to oppose and denounce laws of the United States which bore hardly on her people. Sir, the laws which you have enacted for the South, and which her people complain of, are just as offensive to the people there as were the fugitive-slave law and the embargo law to Massachusetts.

You may say that the people of the South have not the same right to complain. This I deny; and I will not acknowledge that because by the power of your Constitution and the resources of the country you re-established over them the authority of your Government you thereby acquired the right to keep them in perpetual bondage. They are to-day part and parcel of the great community of American freemen. Twelve millions of people would not be lightly treated in any body but this. Now that you have grappled them to you with hooks of steel and are embarked for weal or woe on a common voyage of life and liberty in the old ship of the Constitution, they intend to do their duty and help keep her afloat. Many of them concur with a large portion of the people of the North and believe that the interests of the whole country require the repeal of these obnoxious laws.

I have said but little in regard to the method of the present repeal, because I do not doubt the right of the House to send us this bill. British precedents were read to show the great injustice of allowing the House of Commons to tack legislation on appropriation bills. But, sir, these precedents do not apply. In the first place the royal negative has been practically abandoned in Great Britain for more than two hundred years. And secondly, the Lords in England not having the right to negative money bills, if legislation could be put on such bills it would take away absolutely the right of the Lords to reject such legislation if standing alone. Here the Senate has a negative on all money bills as well as the right to amend them; and when legislation is put on a money bill the right of the Senate is not thereby taken away, as it would be in England under the same circumstances. We have been told that the Commons of England did not refuse supplies except when the Crown withheld the concession of some right which belonged to the people under the constitution, and that such refusal never extended to a change of the laws of the kingdom.

The early contests in that country between the people and the fierce princes of the Plantagenet and Tudor lines turned mainly on the right of the monarch to obtain money without appeal to Parliament. As regards a standing army the great contest over its establishment did not begin before the seventeenth century. The most despotic princes of all the early lines of kings were utterly powerless to oppress the people by military force. They had nothing to rely upon but a militia, which was occasionally brought into service as much to gratify their own warlike ardor as the ambition of the King. During the Middle Ages the check chiefly relied upon by the people of England to restrain the prince was the check of physical force. It is true that he was often permitted to indulge his cruelty upon individual victims, but the oppression of masses never failed to meet with resistance. Henry VIII, powerful as he was, was not interfered with when he sent the noble and accomplished Buckingham to the block, but when he attempted to levy one-sixth of the goods of his subjects without the authority of Parliament, the people rushed to arms and crushed his power. No fair precedent can be drawn from those rude days which will apply to a refined state of society, when wealth and power have become so much more important than ever before. With the advance of society and the increasing inclination of the people to pursue the peaceful vocations of life, the historian tells us that the time at last arrived when the profession of arms had to be made a distinct calling in the state.

Then it was, sir, that the real work for constitutional freedom began. Then it was that the Puritan fathers, losing all hope in the success of the people against their oppressors, sought an asylum here among rocks and savages from the excesses of that power which some of their descendants seem inclined to uphold. From the time that James I ascended the throne to the day when James II threw the great seal of England into the river Thames the contest over the right of the King to keep on foot a standing army, without the authority or permission of Parliament, was the all-absorbing subject of dispute. This darling object descended from the first to the last of the Stuarts, and never was abandoned until, after two revolutions, a deluge of blood, and the establishment of a new dynasty, it passed away with the last heir of the ill-fated house which had staked its fortunes upon its accomplishment. For years a dark conspiracy was on foot, unknown to the people, which had for its object the destruction of all public freedom in Great Britain.

The scheme was nearly complete and the chains were already forged for the tender limbs of liberty when one of those providential occurrences took place which the vulgar call accident, that frustrated the dark design of the tyrant and aroused the sleeping people to a realization of their danger and the necessity of exertion. Eleven years had been permitted to elapse without the meeting of a Parliament, and the interval was employed in perfecting the details of oppression. The star chamber, the high commission, the council of York were all completely reorganized and put in the highest state of efficiency for still bloodier and darker work than they were ever before called to perform. The regular courts of justice at Westminster, which were religiously confided in as the most sacred depositories of freedom and personal security, were packed with corrupt judges to perform their allotted parts in the hellish plot of destroying forever the liberties of their country. And, worse than all, the ministers of religion, (false and perfidious,) and with them altars of the living God, were enlisted in the work of infamy, and, abandoning the service of Heaven, lent all the authority and force of their high calling to the machinations and powers of hell. Such was the confidence of the tyrant in the completeness of his preparations and the success of his designs that he departed from the original plan of operations and, fatally for him, but fortunately for us and all mankind, determined to begin the work of enslaving the people in that high-spirited land on whose soil my friend from Kentucky [Mr. BECK] first saw the light of day.

No more parliaments were to be called until the spirit of the people was broken, and then only to record the will of the King. The judges had already decided that taxes might be levied by the Crown. The star chamber and high commission were ready for the work of blood, and the people were paralyzed in the presence of these terrible preparations, when Charles the First decided to destroy the religious freedom of Scotland by compelling her people to give up their own system of worship for the forms and ritual of Henry the Eighth. It was not supposed for a moment that the demands sent to Edinburgh, which was then farther from London (calculating by the facilities of travel) than Berlin is now, would produce the least discontent or interfere for a moment with the execution of the plan of Strafford and Charles in creating a standing army without the authority of Parliament.

But they little knew the temper of those bold Highlanders in whose bosoms were mingled the fiercest passion for battle and the warmest feelings of devotion for the memory and teachings of John Knox. As Macaulay tells us:

> They had butchered their first James in his bed-chamber; they had slain James the Third on the field of battle; their disobedience had broken the heart of James the Fifth; they had deposed Queen Mary and led forth her son a captive.

And they swore by the covenant that they never would give up their religious freedom at the bidding of Charles the First. It was the invasion of England by a Scotch army at this time that saved British liberty. The King had enough of mercenaries to enable him to carry out his purpose in time of peace and make himself absolute; but he had no army to meet the Scots, and he was thus forced by necessity, after eleven years, to reassemble the House of Commons in order to get a sufficient force to defend the kingdom. Parliament was assembled; the people were safe. And from that time to the present—except for a time during the Commonwealth—the people of England, through the House of Commons, have controlled the army. Their right to destroy or increase it has never been questioned, by their power over the supplies. And it was the preservation of this great right, after submitting to two revolutions, which saved them from absolute monarchy, such as you now see in the fairest portions of Europe. If ever the time comes that the Executive can employ the Army in defiance of the wishes of the people's Representatives, all freedom is at an end.

This is not simply a question of legislation on an appropriation bill. It lies deeper than that. The question is whether Congress has the power in making provision for the support of the Army to couple any conditions with the grant. If it has not, then surely the citadel of freedom has been left in a very unguarded state, and the lesson of the great English struggle against arbitrary power has been lost upon us. The Constitution does not permit us to make provision for our Army for a longer period than two years. The practice is to vote supplies only for one year. Why was the limit of two years fixed? In order to make the fate of the Army depend upon the will of each Congress. A new House of Representatives comes into life every two years fresh from the people, and no military force, even in time of war, can be continued without its consent. Authority is given to support a navy, and an appropriation for that purpose might be made for ten years in advance. Why? Because all experience teaches us that liberty never was destroyed by naval power. The Constitution, therefore, has placed the security of the public liberty in the hands of the people's Representatives. Have they not the right to say when called upon to exercise the trust imposed upon them by the Constitution with respect to the Army whether or not it shall be employed for any purpose connected with the election of members of their body? Can anything be more appropriate than for the House of Representatives to say, when required to give their consent to the continuance of the Army, that it shall not interfere with the election of members of that House? The power of the House of Commons in England has often been carried to the extent of punishing returning officers for making false returns, a power never claimed here.

It has been said that the President is threatened and that his veto power is in danger. These topics are out of place here. It will be a sad day for this Government when the two Houses of Congress hesitate to do what they regard as their duty for fear of encountering the hostility or opposition of the President. And when did this tenderness for executive feeling and power come over the hearts of our republican friends? You brought to this bar for the first time in our history a President of the United States for no other crime than the exercise of a power which every President from Washington had exerted as a lawful one. You took from him the command of the Army,

which is given to him by the express words of the Constitution, and lodged it in the hands of his subordinate.

And now, because Congress proposes to repeal the law which gives him power to employ the mailed hand of the military in the elections of the people it is revolutionary. One, sir, would suppose from what we have heard that the democratic party of the country has never been engaged in any work except the work of revolution and destruction. No credit is ever given to the illustrious services of its long line of illustrious followers in all the high places of Government, but no occasion is permitted to pass which offers an opportunity for impeaching its loyalty and devotion to the Government. As one of its humblest advocates, against this injustice I solemnly protest. The democratic party, like every other human organization, has its faults, God knows it has, "but they are redeemed by splendid virtues." And when I speak of that party I do not refer to an excrescence which has drifted into life by the waves of sectional passion, and which has fed and prospered upon the discords of the people. I mean a party whose principles came into life with the dawn of liberty on this continent, which has withstood the assaults of time like the promontory that is lashed in vain by the billows of the ocean; which, with a Jefferson and a Jackson at its head, has engraven its achievements on the hearts of succeeding generations; and which will yet add to the list of its victories by the destruction of everything which impairs the enjoyment of constitutional freedom. Controlling, as it now does, both Houses of Congress, it resumes the mantle of power by repealing those laws which infringe the liberty of the people.

In this we make no war upon what you call the results of the great civil struggle. You told the world that upon your part it was waged to preserve and perpetuate the Union according to the intent of the Constitution. The business of coercion and blood is now over. The great armies have been dispersed and are now mixed into civil life. The maxims of war are no longer applicable, and having at such heavy cost restored the authority of the Government over the whole country, the business of statesmanship is to make it secure for all time by a wise American policy. Depend upon it the free spirit of this country will never tolerate the arbitrary, repressive system of Europe. However much you may disparage your countrymen of the South, they have rooted in their natures the same love of liberty and hatred of oppression which everywhere distinguishes the Anglo-Saxon race. And this spirit, which for narrow ends and purposes many may undervalue or decry, is the very best safeguard of our noble institutions. So long as it lives the sanctuary of the Constitution will not be profaned by sacrilegious hands. At times it is true, it may wander away a little from the bounds of its elevated orbit, and with jealous eagerness to guard the citadel of freedom seek to confine the arm of authority to too limited a sphere; but such little irregularities cannot impair its value or utility. It is the quality of freedom to be outspoken and bold. With the passing mischiefs of its extravagance compare the inestimable blessings it has bestowed upon man.

It was this bold spirit of freedom which aroused the human mind from the torpor of ages, shook the foundations of oppression and tyranny, dispelled the darkness of ignorance, and filled the world with rays of eternal truth. The grand inquiries it has created have revealed the true foundation of all human rights. What is it that enables the eastern despot to hold with unquestioned power the life and property of his miserable slave? The instincts of liberty will at times arouse the tyrant's tranquillity and warn him that the day of vengeance may be nigh; but the security of despotism and the danger to freedom are always to be found in the despair and inactivity of the people. Compare not the sullen and inaudible murmurs of the oppressed with the manly remonstrances and the defiant tone which springs from freedom and the consciousness of its power. This very agitation which you have miscalled revolution is the natural outgrowth of your free republican system. In proportion to the mildness of government and the intelligence and virtue of the people will be the jealousy and apprehension of all invasions of their reserved rights. Blame not, therefore, this watchful and anxious regard for the public liberties. The best security you can have for the purity and duration of your Government is in the disposition of the people to confine its power within just bounds. The genius of your institutions is unfavorable to the operation of harsh laws. It is a mistake to suppose that the security of liberty is in proportion to the weight of the penalties they impose. It has been well said that in England, where torture was unknown, robbery was seldom followed by murder, but in France when the highwayman was broken on the wheel the traveler seldom escaped with his life. What was it but the mildness of the English law that prevented murder in all cases following robbery? The authority of Mr. Burke has been invoked. How happy would it be for mankind if the teachings of this great statesman were followed as much as they are admired. He pointed out in vain to Great Britain the remedy for American discontent. It was not followed and an empire was lost because the pride of power could not be made to yield to the demands of justice. His remedy was peace. "Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord fomented from principle in all parts of the empire; not peace to depend upon the juridical decisions of perplexing questions or the precise marking the shadow of boundaries of a complex government. It is simple peace sought in its natural haunts; peace sought in the spirit of peace by restoring the former unsuspecting confidence of the colonies in the mother country."

Sir, we have been told on the floor of the Senate that the South has come back to these halls to disintegrate and destroy; that having failed by arms she now resorts to strategy to accomplish the same end. And where is the evidence of this? Is it to be found in the desire which is shown by liberty-loving men all over the North to repeal those terrible laws which you framed against us in the hour of our weakness, our suffering—I nearly said despair? Sir, it was expected that the spirit of justice would for a time be overridden by the spirit of revenge. It was expected that great harshness and suffering would follow the overthrow of the arms of the South; that families would be left desolate who were once independent; that tender women upon whom the winds of heaven had not been permitted to blow severely would have to toil in the open fields for their daily bread. These things were expected, and they were borne with a patience and a fortitude which would have done honor to Roman virtue in Rome's best days. The whole South a few years ago presented nothing but one vast scene of desolation and of suffering. Such distress and humiliation never before followed an unsuccessful struggle except that produced by the sword of Cromwell in unhappy Ireland.

Property, credit, government, everything which goes to make up individual and general prosperity, I might say ordinary comfort, was swept away. A few thousand bales of cotton, which had escaped the torch and the blockade, and the lands were all that was left. The "smartness of debate" will say that all this was penalty of secession, but I have no argument to address to him who has no heart to feel for human misfortunes or sufferings when they follow from the mistakes and errors of humanity. The devoted and self-sacrificing Christians who live amid the perpetual snows of the Alps to extend the hand of kindness and safety to the imperiled traveler never stop to ask him whether curiosity or error made him an object of relief. All must admit that the condition of the South after the war was most deplorable and required the nicest hand to adjust the affairs of the people. And how was this important interest then dealt with? Nearly one of the first laws passed after the peace was one to levy an export tax of $60,000,000 on the little cotton which was there, and barely enough to procure food and clothing for a starving people. Local governments were set on foot on the most economical scale to preserve order. The black and white population was beginning to accommodate themselves to the new order of things, and the best feeling existed between them.

And here, sir, I wish I could draw the veil of oblivion over what followed. General Grant, with a fairness which did him much credit, declared that such was the peaceful state of the South at that time that a single soldier of the United States was sufficient to keep order in a district where a regiment of confederate volunteers wearing the scars of a hundred battle-fields could be found. Why was this opportunity for lasting peace and unity neglected? You might have profited even by the examples of pagan nations in the adoption of an enlightened policy. I quote the words of a great orator, "Look at the warlike Roman, with the sword in one hand and the constitution in the other, carrying into subdued provinces all the rights and privileges of the imperial city. And look at his great rival, the noble Carthagenian, at the foot of the Alps ranging his prisoners around him and by the politic option of captivity or arms recruiting his legions from the very men whom he had literally conquered into gratitude." Pagan as they were, these rude masters of ancient polity laid the foundations of government in the immutable principles of honesty, truth, and justice which are planted in the human heart.

We have been told in the air of triumphant prophecy that the South has been for a time trusted with the business of self-government, and has failed to come up to the expectations of her judges. She has been, it seems, since the advent of the present executive government on trial for her life: and one would suppose from what was said here the other day that the short relaxation she has enjoyed from the grasp of military power was due to the voluntary and disinterested counsels of the Senator from Massachusetts and his friends. It was expected, it seems, that when the bayonet was taken from her throat, instead of using her liberty to prevent the return of oppression, she ought to have rushed into the arms of her enemies and repaid by the basest ingratitude and desertion the life-long devotion of her friends.

No fair man can contemplate the state of the South at present and compare it with its condition under the republican local rule without feeling the great change for the better which has taken place, not only for one race but for both. It is seen, sir, in public credit, in the thrift and enterprise of the people, in the character of the public officers, in the administration of the laws, and especially, sir, in the new-born zeal for public liberty and the determination to preserve it. For what ends are governments instituted among men? To protect life, liberty, and property, and enable every man to pursue his own road to individual happiness. But it is said that such is not the kind of government we have at the South, and the management of our local affairs has been severely criticised by those who know nothing of our condition beyond what they have learned from misrepresentation and the calumny of partisan witnesses.

Sir, I care not what may be said to the contrary, the establishment of democratic rule at the South and the overthrow of the rotten governments which so long existed there did more for the prosperity,

peace, and happiness of that section than anything which could have happened. Why, then, should any one quarrel with the local condition of affairs there who is not affected by it, and when it is so satisfactory to the people who are directly concerned in the maintenance of good local government? The framers of our Constitution thought they had provided sufficient safeguards against the officious, intermeddling propagandist spirit which, not satisfied with what it best understands and in abiding where it is best known, must obtrude itself always where it is least wanted, to create discord, dissension, and ruin.

The harmonious action of this Government must depend very greatly upon our honest observance of its principles. I feel, sir, that I have no right to question or criticise the domestic policy of Massachusetts. She has vast interests which are tender and peculiar, all lying within the scope of her local authority, and I am very sure that I would not feel justified in raising any alarm if she were to return to any of her errors of by-gone days. Looking at what she is and what she was, I am profoundly impressed with the wisdom of our twofold system of government; for in my judgment she owes much of her wealth and power to her local institutions and laws. I cannot permit this occasion to go by without expressing my regret at the tone and manner of some Senators toward the people of the South. It is to me most remarkable that an American statesman, anxious to extend the fame and to uphold the character of his whole country, should try to parade before the world what he regards as the shortcomings and errors of his own people.

The eye of the foreigner does not measure the national character by States and sections. He looks at the country as a whole, and those who are anxious for good reputations abroad ought to reflect upon what will be thought of us when the authority of an American Senator is cited to blacken the American name. For my part, sir, I know not what kind of service may be before me during the period I shall remain here. I know how inadequate my poor powers are to the performance of the high duties of this body; but, sir, if ever the time comes when for want of better employment I shall attempt to use the little ability with which I am gifted in casting reproaches upon any part of the people of this great country, I hope that my tongue may cleave to the roof of my mouth.

Sir, there is really no substantial ground for sectional differences at this time. Fourteen years have elapsed since the cause of the South went down in the flame of battle. We cannot destroy the past for that is beyond the power of the Almighty, but the future is yet within our control. How long it shall be in our power to control it depends upon ourselves. Depend upon it, you cannot keep up this sectional warfare with safety to the future interests of the country. No man lives who desires more than I do the perpetuity of our great Republic; but, sir, if parties and public leaders can find nothing else to divide upon except the memoirs of the late civil war and the prejudices it has engendered, the battles for the Union were fought in vain. I say it in all the sincerity of a heart anxious for real national amity. If you cannot accept the South as she is, and permit her to act and speak in these Halls as her interests and feelings prompt her, for what purpose has representation been given her?

The superior powers—

Says Mr. Burke—

may concede peace with honor and with safety, but the concessions of the weak are the concessions of fear.

You cannot break down all the barriers which nature has erected between the remote parts of a great country. The genius of our Government is distinguished for its flexibility rather than the uniformity with which it expands itself. It was intended more for detached than connected empire. It never was supposed that its powers would be great enough to unify and assimilate all the various shades and phases of human life and character which are to be found living under it. On the contrary it was expected that its temper would be suited to all sections and climates, and that while it could withstand the cold and freezing elements of the North it would also be suited to the melting and dissolving warmth of the South. And this adaptability to the varied interests and conditions of life is what distinguishes it from all other governments on earth. Day by day the tide of emigration is closing up the vast area which separates us from the Pacific Ocean, and the time is not far distant when numerous new States will be demanding admission into the Union. Who can tell what will be the state of your politics fifty years hence? Depend upon it, this southern question cannot live forever. A time will come when it must be closed. Why not close it now?

The whole country is suffering from distress, and the fairest portion of the land invites capital to go there, but politicians proclaim it to be in a state of siege, and intercourse and settlement are interdicted. You say that the black population of the South is not represented in the other House because men of color are not elected to Congress. I know of no provision in the laws or Constitution which entitles that class of persons to distinct representation. You increased the number of members from the South after you gave the ballot to the black man, but surely this was not done from any motive of kindness toward the white population. The concession did not have the effect intended, but this is not the first instance where the result of a measure disappointed the calculation of the lawgiver. A great benefit has ensued to the section, and you are entitled to the same credit that would be due to a person who administers a poison to destroy his victim and it happens to cure him of a terrible disease.

The misfortune of all your laws relating to the unhappy South is that they attempt to break down the landmarks of nature and arrogate to human power what God himself has never attempted to appropriate. There are limits to the range of human wisdom and arrogance in the political as well as in the natural world. Science and art have done much to improve and elevate the condition of man, but there are barriers to their labors which the wisdom of Providence will not permit them to pass. And so it is in the political world. Congregated here beneath the lofty dome of this grand Capitol, with the sovereign power of a great people lodged in our hands, we may vainly imagine that the authority of our laws can uproot the foundation of our social system.

As man preceded society, so society preceded government, and as the one must conform to the impulses and tendencies of individual life the other can never for any great length of time set itself above the wants, feelings, or interests of society. The people who ask the repeal of these laws are your own fellow-citizens. Whatever may have been the differences of the past it is your duty to forget them here. Much has been accomplished in the work of restoring harmony to the country and much remains to be done. Be assured that the memory of harsh laws will greatly overbalance any temporary advantage which may flow from them. Do not, I beseech you, proceed upon the false notion that it is wise to foment and perpetuate sectional strife. Even though you be the stronger party in the end it will not avail you, for it was the observation of a great statesman that conciliation was the true policy of nations whatever be their weakness or their strength, and that occasions might arise in the history of the most powerful State when those who are too weak to resist its authority might prove strong enough to compass its ruin.

Mr. BLAINE. Mr. President, I wish to give notice now that I shall offer the amendment I hold in my hand, which is just the amendment that, by the leave of the Senate, I withdrew this morning; and I do not offer it now to be pending; I simply give notice of my intention to offer it. I withdrew it in deference to the opinion of Senators who desired first to have a vote taken on striking out the sixth section unembarrassed by any amendment, and with that view I merely submit it to be offered at the appropriate time.

The PRESIDENT *pro tempore*. Does the Senator wish it printed?

Mr. BLAINE. I desire to have it printed.

The PRESIDENT *pro tempore*. The order to print will be entered.

Mr. BLAINE. My intention in offering this amendment——

The PRESIDENT *pro tempore*. Does the Senator wish to have the amendment reported to the Senate?

Mr. BLAINE. I should be glad to have it reported, though I suppose it is familiar to the Senate.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. At the end of section 6 it is proposed to insert:

And any military, naval, or civil officer, or any other person, who shall, except for the purpose herein named, appear armed with a deadly weapon of any description, either concealed or displayed, within a mile of any polling place where a general or special election for Representative to Congress is being held, shall, on conviction, be punished with a fine not less than $500 nor more than $5,000, or with imprisonment for a period not less than six months nor more than five years, or with both fine and imprisonment, at the discretion of the court.

Mr. BLAINE. My design in offering this amendment was to test the sincerity of those Senators who are desirous of having no coercion used at the polls at the time of electing Representatives to Congress. It occurred to me, as I endeavored to state to the Senate a few days since, that the Senators who express alarm at the overriding of liberty by the Army of the United States are fighting a mere chimera; they are alarmed at an enemy that does not exist; they are speaking of a peril that is not present or possible; and they are entirely neglecting a frightful and ever-present source of danger to the ballot throughout the Southern States. In this case I speak of "the Southern States" because I do not believe that the remarks which I am going to make apply to the Northern States, whether they be under democratic control or under republican control.

I hold in my hand a report of a committee of this body. I might detain the Senate for a long time in reading testimony, of which I shall only give one or two specimens. Edgar J. Douglas testifies——

Mr. BUTLER. Where?

Mr. BLAINE. He resides at Statesburgh precinct, Sumter County, South Carolina, and I quote the following from his testimony:

Question. State what you saw at that place in the way of armed men, interference with voters, &c.?

Answer. On the night before the election I saw white men, members of the democratic party, coming in from all parts of the county to Statesburgh. They came in wagons, buggies, and on horseback. During the night they kept up a great firing, in volleys and single shots. On the morning of the election I was making my way to the polls very early, when I was overtaken by a large crowd of white men behaving themselves very disorderly. I was to act as supervisor of election. I took my place in the building where the election was to be conducted. A while afterward J. J. Dargan, after seeing a large crowd of colored men come up to vote, asked his men to close up around the polls. They staid there for two hours, playing drunk and hollering and pulling everybody around there, and threatening, and one white man in the crowd cut two colored men with knives.

That was at one poll. I find here——

Mr. BUTLER. Will the honorable Senator give me the page from which he read that?

Mr. BLAINE. The testimony I read at that moment was at page

312 of the report. On page 423 I find the testimony of H. W. G. Wilson. He testified that he noticed some men rather backward about coming up to vote. The Senator from Wisconsin whom I do not see in his seat, the senior Senator, [Mr. CAMERON,] said in an interrogative way: "Colored men?" and the answer is:

Yes, sir; well, there were some told me that there were several standing around that were afraid to come on account of the guns that were there. There were a great many guns.

Q. State where these guns were.

A. In the hands of white men.

Q. How many?

A. I do not know, but it varied from fifteen to twenty during the day, sometimes more and sometimes less.

At the precinct of Kingstree—the Senate will pardon me for reading these extracts, because they are an illustration of the necessity of my amendment—

Some of the men stopped and got scared. Then they marched down and came by the court-house and hollered, "File left," and they filed left. I was in front of them. They marched up the steps, and as they got up there Mr. Hanna was sitting on a box, and they said, "Get away from here, God damn you; what business you got here?"

And then followed a scene of very great disorder, a regular series of violent acts, in which a large number of men were taken out and threatened in this form:

Now form a line and we will shoot you pretty quick.

This was at various and divers polls throughout the State of South Carolina, at which there was no more freedom of election than there would be in a mob anywhere. I understood the honorable Senator from Kentucky, [Mr. WILLIAMS,] whom I regret I do not see in his seat at this moment, to say this morning that it was part of the liberty of elections to have an old-fashioned shindy and a drunk.

Mr. BUTLER. Will the honorable Senator——

The PRESIDENT *pro tempore*. Will the Senator from South Carolina address the Chair? Does the Senator from Maine yield?

Mr. BLAINE. Certainly.

Mr. BUTLER. I simply arose for the purpose of asking the Senator from Maine if he does not know that within the last three days an acquittal has been ordered in the United States court at Charleston, by the presiding judge, upon just such testimony as that?

Mr. BLAINE. I believe owing to a technical defect in the indictment.

Mr. BUTLER. No, sir.

Mr. BLAINE. I think so entirely. Nothing whatever has transpired in the court in the least degree conflicting with this testimony, in my judgment.

Mr. BUTLER. The Senator is entirely mistaken.

Mr. BLAINE. That is a question of fact upon which of course the honorable Senator has a right to have his judgment, and I mine.

Mr. BUTLER. It was upon precisely such testimony as that which the honorable Senator has read, which was given to a jury consisting of a majority of republicans, that an acquittal was ordered.

Mr. BLAINE. We shall see about that fact in due time. However, I merely state what I believe to be the case. The honorable Senator from Delaware [Mr. BAYARD] said he was ready to vote on this amendment immediately, and the honorable Senator from Texas [Mr. MAXEY] said that the amendment is in conflict with the Constitution, and that the Constitution forbids it because one of the articles of amendment says that the right to bear arms shall not be infringed, and therefore I understand the Senator from Texas to maintain that at all times a citizen of the United States has the right to bear arms.

Mr. MAXEY. Mr. President——

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

Mr. BLAINE. I do.

Mr. MAXEY. Did the Senator from Delaware state that he would vote for the Senator's amendment?

Mr. BLAINE. No; he said he was ready to vote against it without any argument whatever. He did not dignify it with an argument. I understood the Senator from Texas to say that this was in conflict with the amendment to the Constitution, and that Congress had no right whatever to say that any man should not go armed.

Mr. MAXEY. Yes, sir.

Mr. BLAINE. I understand the Senator to maintain that the Congress of the United States has no right to say that a juryman in a Federal court shall not take his arms into the jury-box, that a Senator here shall not bring his arms into this Chamber, that a judge on the bench shall not take his shot-gun into court. I understand the Senator to maintain that.

Mr. MAXEY. Mr. President——

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

Mr. BLAINE. I do.

Mr. MAXEY. I was not aware before that a jury in a Federal court was under State law. I said that elections were under State laws.

Mr. BLAINE. But these are United States elections for United States officers. These are United States elections. We are not pretending to talk about what you may do in State elections; and we are enlightened to-day, for the first time I believe in the history of this country, by the honorable Senator from Kentucky, with the information that Representatives in Congress are officers of the States. Does the honorable Senator from Texas maintain that a Representative in Congress is an officer of the State from which he comes? That is the ground laid down by the Senator from Kentucky to-day. I undertake to say that there is no pretense in any law in the statute-book of the United States, placed there by the republican party, of interfering with an election of a State. What we ask is that Representatives in Congress shall be elected by the free vote of the people of the respective districts, and there has never been such a travesty on truth, there has never been such a satire on fact, there has never been such a pretense to righteousness so utterly confounded by fact and so utterly ridiculed by history as for the Senators on that side to stand up here and demand a free election. Why, that is what we have been struggling for—a free election. There has not been a free election in five Southern States that I can name since the democrats have had power. There was no more a free election in South Carolina for the Congress now in session than there would be in a mob of violent roughs that had undisputed possession of a poll in the lower wards of the city of New York—not a particle more.

Mr. BUTLER. Mr. President, will the honorable Senator permit me to suggest one thing to him? How long have these laws been upon the statute-book? I ask the Senator how long these laws have been on the statute-book of the United States?

Mr. BLAINE. Different periods. Twelve or fourteen years, some of them.

Mr. BUTLER. I should like to ask, then, if they were not upon the statute-book when these "travesties," these mockeries of election, took place in South Carolina?

Mr. BLAINE. Since the democratic party came into power and trampled them under foot and overawed supervisors and drove them from the polls and defied the authority of the United States, certainly.

Mr. BUTLER. The Senator may make these statements——

Mr. BLAINE. I make this statement on the sworn testimony of witnesses whose veracity was not questioned where they testified.

Mr. BUTLER. The Senator may make these statements as much as he pleases, but, without intending to be disrespectful personally to him, I say that they are absolutely false as to South Carolina.

Mr. BLAINE. I do not make any solitary statement upon my individual authority. I assert that when the Senator says they are false he is confronting the sworn testimony of numerous citizens of his own State whose veracity was not questioned before the tribunal where the testimony was delivered.

Mr. BUTLER. Yes, Mr. President, but——

Mr. BLAINE. That is what I state.

Mr. BUTLER. A jury in South Carolina has recently sustained what I say.

Mr. BLAINE. That is the case down in Louisiana, a jury has done something or other there. I observe there was a perfectly peaceful election in Louisiana, only forty or fifty men were slaughtered; that was all, and a jury, I believe, has acquitted some of the murderers there and wiped all that out.

Mr. JONAS. Will the Senator permit me to make a statement?

Mr. BLAINE. Certainly.

Mr. JONAS. Mr. President, the trials in Louisiana were conducted upon the very identical testimony in that report, and the witnesses who testified before the committee were produced before a jury selected by the exclusion of those who could not take the test oath. That trial was conducted by a district attorney who had as his text-book the report of the Teller committee, which he examined as he put the witnesses on the stand to try to get from them the same evidence which they had given to that committee, and it was shown that he had sent that text-book, an advance copy of which he had, to the witnesses beforehand to refresh their memory. The parties accused were tried on the testimony of all these witnesses and before a jury upon which probably was not one democrat, upon which was not one man who could not take the test oath, and that jury acquitted those prisoners, and found that that evidence was false. And I state further, so far as the State of Louisiana is concerned, as to every investigation which has taken place before the courts, that the people of Louisiana have come to that pitch now, Mr. President, that they prefer to have these questions investigated before a packed jury in a Federal court rather than before a committee such as has been sent out recently, a partisan committee by the two Houses of Congress.

Mr. BLAINE. While the honorable Senator is on the floor——

Mr. JONAS. I think the fact is demonstrated that every charge made by the witnesses before that committee was false.

Mr. BLAINE. While the honorable Senator is on the floor, and is so ready to give information, will he please state what became of the witnesses who were mobbed and taken from a boat when on the way to court to testify?

Mr. JONAS. I saw that statement in a paper, but it was never substantiated.

Mr. BLAINE. I never knew before that it was denied.

Mr. JONAS. Those witnesses were supposed to come from the parish of Caddo——

Mr. BLAINE. I am perfectly willing to yield to the Senator for a question. I do not yield my time for a speech.

Mr. JONAS. I thought the Senator asked me a question, and I am giving an explanation. I saw that it was stated that those witnesses were brought from the parish of Caddo; that there were two colored men brought down who were taken from a boat. I say that the cases which were on trial from the parish of Caddo were cases of law only;

cases of the construction of a State law as to whether the commissioners, who were the only people indicted from the parish of Caddo, had properly interpreted the State election law or not, and there was no occasion for colored witnesses, and no occasion for witnesses at all, except those who were to interpret that law; and there has been no substantiation whatever of the report that two witnesses were taken from a steamboat and made away with.

Mr. TELLER. With the consent of the Senator from Maine——

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

Mr. BLAINE. I yield to the Senator from Colorado.

Mr. TELLER. The honorable Senator from Louisiana [Mr. JONAS] must have carelessly read the testimony before the committee, and probably did not hear the testimony before the jury at all. The facts with reference to those two witnesses were that they were subpœnaed by the United States court for the purpose of giving testimony with reference to the Caledonia affair, an occurrence that took place on the eve of the election at Caledonia, commencing before the election had closed. That is one of the cases in Louisiana where armed men appeared at the polls. There was some conflict of testimony as to the time when they came there. There is no conflict of testimony as to the fact that a large number of white men had arms in their hands before the polls closed. There is testimony, unquestioned and uncontradicted, that a number of persons were killed before the polls were closed, and the testimony shows that they hunted those people not only all that night but all the next day, and a deputy sheriff testified that he had made a report in which he estimated that twenty persons had been killed.

Mr. President, that is not the only case. There are a great many more cases in Louisiana where the testimony is unquestioned and uncontradicted that there were armed men at the polls and that men were slaughtered, and the governor in his message says that the troubles in Tensas Parish grew out of political matters. He makes that statement.

Mr. BLAINE. The logic of the honorable Senator from Louisiana, and I think to a large extent of the honorable Senator from South Carolina, amounts to this: here were ten or twelve or fifteen or twenty men murdered, their mangled remains found; testimony was adduced before a congressional committee showing the fact; six months after the Senator from Louisiana gets up and says Mr. A B was entirely cleared of that murder. He might have been, but that does not show that C D or E F or G H did not commit the murder. The whole of the logic of the Senator is like unto that by which the man was cleared from the charge of stealing a purse. There was only one man who saw him take the purse, and he produced a hundred who did not see him take it. That is the logic of the Senator. Bringing up some miscreant and clearing him of this crime does not show that the crime was not committed. And the governor acknowledged it, the governor of your choice acknowledged that great outrages had been committed in this parish and that murders had been committed by the wholesale.

Mr. JONAS. Mr. President——

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

Mr. BLAINE. I will for a question from the Senator. I do not yield for a speech.

Mr. JONAS. I only wanted to correct the Senator and to ask him to produce the evidence that the governor says anything of the kind.

Mr. BLAINE. Governor Nicholls.

Mr. JONAS. The governor said troubles had occurred in some of the parishes.

Mr. BLAINE. Does not Governor Nicholls acknowledge that there were men murdered in the parish of Tensas?

Mr. JONAS. Not for political reasons.

Mr. BLAINE. There is another qualification the Senator gets in.

Mr. JONAS. I deny that any one was murdered for political purposes.

Mr. BLAINE. The honorable Senator from South Carolina yesterday, in reference to the elections in Charleston County, advanced the novel theory—as I think he himself will conclude upon reflection—that the polling places had been made very far apart and very few in number in order that repeating might be prevented. Every other State in this country that has striven to prevent repeating has adopted the plan of having numerous polling places with a small area, with a strict registry, where every man entitled to vote at that particular poll should be personally known to the officers. That prevents repeating. That prevents it in the city of New York to a large extent.

Mr. BUTLER. Will my friend permit an interruption once more?

Mr. BLAINE. I yield to the Senator.

Mr. BUTLER. I want to say for his information when he refers to the laws of other States, the registration laws, &c., that in the constitution adopted by the republican convention on the reconstruction of South Carolina, in 1868, there was a provision that the Legislature should provide for the registration of the qualified voters of the State. I desire to inform the honorable Senator that the republican Legislatures of South Carolina from that time up to 1878 studiously avoided providing for that registration, for the express purpose of preventing that registration which the honorable Senator says is so common in other States.

Mr. BLAINE. Now, before I read, I wish to ask if the honorable Senator knows one James B. Campbell?

Mr. BUTLER. I know him very well.

Mr. BLAINE. Is he a reputable man?

Mr. BUTLER. Well, he is.

Mr. BLAINE. That is all I desired to know. Mr. Campbell says upon his oath, referring to the democratic Legislature:

> They reduced the number of precincts so that the voters (most of them poor and having to walk) would, in many instances, have to go twenty or forty miles to get to the polls.

Mr. BUTLER. Does Mr. Campbell state that?

Mr. BLAINE. He does state that under oath.

Mr. BUTLER. What Mr. Campbell?

Mr. BLAINE. Mr. James B. Campbell. I am reading his testimony *verbatim et literatim et punctuatim*. I will read it again:

> They reduced the number of precincts so that the voters (most of them poor and having to walk) would, in many instances, have to go twenty or forty miles to get to the polls.

Now, I will give you some more of Mr. Campbell's testimony:

> In my own county there was a very flagrant instance of that near Charleston, in one of the divisions of the county formerly known as Saint Andrew's Parish, which consisted of mainland and James Island, that is opposite Charleston. There were six precincts in the parish. They reduced them to one. They left one voting precinct on James Island, at Dill's Bluff, where there had been less votes taken than at any other of the precincts, showing that it was not populated very much, and could not be easily approached.

Mr. Campbell goes on to say:

> Well, I denounced this in the senate when I discovered it, (I discovered it accidentally,) and they immediately restored every one of the precincts on my motion, without any opposition.

Now I beg the attention of the honorable Senator from South Carolina:

> They immediately restored every one of the precincts on my motion, without any opposition.

Mr. Campbell proceeds further:

> Nobody said a word. A day or two afterward the bill came back from the house with these amendments rejected, and then it appeared that it was a part of the machinery. General Gary, representing the democratic committee at Charleston, appeared before the senate and announced that they desired to have the bill passed, whereupon they did pass it. I said I would go before the community and denounce the fraud, and I did that. General Gary said he did it at the instance of the chairman of the democratic committee of Charleston, a member of the house of representatives.
>
> Q. Was that Mr. Buist?
> A. Yes, sir.
> Q. Did you hear any discussion in the house on the bill?
> A. No, sir.
> Q. Do you know what reasons were given there for its support?
> A. I knew what reasons were given in the senate, and Mr. Buist stated them to me in person, saying that if they would pass that bill and Governor HAMPTON would appoint men as commissioners that they would name, that they would carry Charleston County. That was the reason.

Governor HAMPTON did appoint the commissioners that they named. I regret that he is not in his seat when I make that statement. I believe he did appoint the commissioners, and under the law of South Carolina, which required an impartial division between the two parties of the overseers of elections, or whatever their title may be, the republicans were not permitted to have a representation of a fair character on that board.

Mr. McDONALD and Mr. BUTLER addressed the Chair.

The PRESIDENT *pro tempore*. Does the Senator from Maine yield; and if so, to which Senator?

Mr. BLAINE. I yield to either or both of the Senators.

Mr. McDONALD. I say there is no such provision in the law of South Carolina.

Mr. BLAINE. There is not? I have got it here and I will read it for the honorable Senator's edification.

Mr. BUTLER. Mr. President——

Mr. BLAINE. In one moment; one at a time:

> It shall be the duty of the governor, and he is hereby authorized and empowered, at least sixty days prior to any such election, to appoint two boards of commissioners of election, consisting of three members each for each county; both political parties shall be represented. One shall be appointed and designated as commissioners of election for members of Congress and presidential electors; the other as commissioners of election for State and county officers.

That appears in evidence.

Mr. McDONALD. The boards of commissioners only are required by the statute of South Carolina to be so constituted.

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

Mr. BLAINE. Yes, sir.

Mr. McDONALD. The statute of South Carolina does not require the two parties to be represented in the judges of election.

Mr. BLAINE. It says that both political parties shall be represented.

Mr. McDONALD. Not in the judges of election.

Mr. BLAINE. Then I have the admission of the honorable Senator from Indiana that Governor HAMPTON did not appoint any except of one party. Is that what I understand? That he was not obliged to appoint from the other party?

Mr. McDONALD. In appointing the commissioners of the counties he did in every instance appoint one republican and two democrats.

Mr. TELLER. Oh, no!

Mr. BLAINE. The testimony is directly in the teeth of that statement.

Mr. BUTLER. Mr. President, that is another one of the Senator's statements.

Mr. BLAINE. That is the point the Senator from Indiana raised. If he is through I will hear the Senator from South Carolina.

Mr. BUTLER. I simply want to relieve the honorable Senator of some little trouble. I know personally the commissioners of election in Charleston County, and I undertake to say that one of them was a republican.

Mr. BLAINE. How many were there in all?

Mr. BUTLER. Three.

Mr. BLAINE. The testimony goes on to show here that a great many men who professed to be republicans, and were democrats in disguise, were appointed.

Mr. BUTLER. Mr. President——

Mr. BLAINE. That in that way nominal republicans were appointed, and that they thus got the whole of them on the democratic side.

Mr. BUTLER. Will the honorable Senator permit me to interrupt him?

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

Mr. BLAINE. Yes, sir.

Mr. BUTLER. I merely want to give the honorable Senator a little more information. One of the commissioners of election was Colonel Montgomery who was for four years—I think I state correctly, certainly for two years—the presiding officer of the republican senate of South Carolina under the reconstruction laws. That man was one of the commissioners of election appointed by Governor HAMPTON at the last election.

Mr. BLAINE. Now I will give the honorable Senator some more information in regard to his own State. I will read some testimony on that point.

Mr. BUTLER. In reference to Mr. Montgomery?

Mr. BLAINE. No, not about him. I do not know anything about Mr. Montgomery?

Mr. BUTLER. But I do.

Mr. TELLER. Mr. President——

Mr. BLAINE. Nor do I know what particular point he has to do with this matter.

Mr. BUTLER. Mr. President——

The PRESIDENT *pro tempore*. Senators will cease. This dialogue is getting to be entirely disorderly. Does the Senator from Maine yield?

Mr. BLAINE. Does the honorable President mean that the Senator from Maine is in disorder?

The PRESIDENT *pro tempore*. No, sir; but I mean that this dialogue is not in order. If the Senator from Maine yields to the Senator from South Carolina he will let the Senator from South Carolina make his remarks and conclude. We have three Senators here on the floor at one moment.

Mr. BUTLER. I beg pardon if I have offended against any order of the Senate.

Mr. BLAINE. I was not doing it, I am very sure.

The PRESIDENT *pro tempore*. Does the Senator from Maine yield to the Senator from South Carolina.

Mr. BLAINE. As long as he chooses.

The PRESIDENT *pro tempore*. The Senator from South Carolina.

Mr. BUTLER. The honorable Senator I understand to charge that the statute law of South Carolina required that the commissioners should be appointed by the governor from each political party, and that Governor HAMPTON had not done that. That is what I understand to be the charge against Governor HAMPTON.

Mr. BLAINE. I did not charge anything against Governor HAMPTON. I charged that this testimony said that was so.

Mr. BUTLER. Ah!

Mr. BLAINE. Now, what does the Senator object to by that? Did I not state that the testimony in this book charged it? Do I profess any personal knowledge except the sworn testimony? Does the Senator understand me to profess any personal knowledge other than what I derive from this official report?

Mr. BUTLER. Mr. President, I did not understand the Senator to state that he got his information from that testimony.

Mr. BLAINE. I think I shall satisfy the Senator before I get through that I got it from this testimony.

Mr. BUTLER. I merely desired to satisfy the Senator on one point and to record the statement that one of the commissioners was a pronounced republican.

Mr. TELLER. Mr. President——

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

Mr. BLAINE. I yield to the Senator from Colorado.

Mr. TELLER. I should like to call attention——

The PRESIDENT *pro tempore*. The Chair will wait until he gets an answer.

Mr. BLAINE. I have three times advised the honorable President that I yielded to the Senator from Colorado.

The PRESIDENT *pro tempore*. The Chair had not heard it before.

Mr. TELLER. I desire to call the attention of the Senate to the character of republicans who were appointed on this commission or board. The honorable Senator from South Carolina says that Mr. Montgomery was a republican. At one time in his history he had acted with the republican party. At the last election he was not in sympathy with the republican party; it was understood that he did not vote their ticket; and he had no connection or sympathy with the party at all. It is in evidence by a democratic member of the board, Mr. White, who was chairman of the board, if I recollect, that this commission, composed as they say of two democrats and a republican, met and solemnly resolved that no republican manager of elections should be appointed at all. If that is not pretty good evidence that Mr. Montgomery was not a republican at that election, then I do not need any.

Mr. BUTLER. Mr. President——

Mr. BLAINE. One moment. I will just enlighten the Senator from South Carolina with a little more testimony.

Mr. BUTLER. I cannot be responsible for the character of the republicans in South Carolina.

Mr. BLAINE. I will just give a little testimony and I am only speaking from the testimony. I am not asked for my personal knowledge of the question. Here is the answer made by John L. West, a witness:

Question. Did you make any application in behalf of the republicans for an appointment of commissioners of election in the various counties? If so, state what you did, and the result of your application.

Answer—

Under oath—

I did make such application. By direction of the republican State executive committee, I corresponded with the county republican chairmen of each county in the State, requesting them to send to the State committee their choice as commissioners to represent them at the election. On the 4th day of September, I think that is the date, we had the list completed, and I took it down to the executive office to present it to Governor HAMPTON, through his private secretary. I was informed by his private secretary that the governor was absent, I think, at Cash's Valley. I was referred by him to General Kennedy, chairman of the democratic State executive committee. He said the appointments were discretionary with General Kennedy. I asked, "Does not the law require the governor to make these appointments?" He repeated that the matter was left discretionary with General Kennedy.

Q. Did you understand him to say that General Kennedy was to make the appointments, or was to recommend the appointments to the governor?

A. He said the appointments were discretionary with General Kennedy. I remember his exact words. Prior to seeing the secretary I had gone into the office of the secretary of state, and learned that during his absence they received and forwarded his mail; and I learned from the secretary's clerk that most of the commissions, if not all, had been made out for the commissioners. He showed me the list. I saw the list of republicans. I remonstrated against those appointments, stating that they were not representatives of our party. I told him that I held the only list. He said he had no voice in the matter. Subsequently, on asking of the private secretary from what source these recommendations came, I was told they came from the democratic committee.

Mr. BUTLER. Who testified that?

Mr. BLAINE. That is John L. West, testifying that the democratic committee recommended the appointment of republican commissioners. I will give the Senator a little more of the testimony.

Mr. BUTLER. Very good.

Mr. BLAINE. The question is asked:

The recommendations as to who should be the republican commissioners came from the democratic executive committee?

I do not know who asked this question. It might have been my honorable friend from Indiana, [Mr. MCDONALD,] who was surprised at that kind of performance. At any rate the question was asked, and the answer was:

Yes, sir. Of the thirty-two recommended by the republican executive committee there were but six or seven appointed. The others were appointed first, because HAMPTON had promised to appoint them before the list presented by us had been submitted.

Q. What was the character of the republican commissioners appointed, so far as you know?

A. So far as I could learn from correspondence with the chairmen of the different county committees, many were not republicans at all, were democrats; many who were not professed democrats were under democratic influence; many who were acknowledged republicans were illiterate.

There has been a great deal of talk about republicans having illiterate men to take charge of affairs in the South. In this case the few the democrats took who were unquestioned republicans, this colored man himself testifies, were so illiterate in many instances as to be unable to read or write, and consequently they were entirely unfit to represent any party in such a position.

Mr. BUTLER. Mr. President——

Mr. BLAINE. Wait a moment. I maintain that so far as the testimony goes it shows a deliberate and willful and systematic fraud upon the right of suffrage. On top of that, when these commissioners were entirely in the hands of one party, when the other party went to the polls those polls were surrounded. I have heard a good deal of talk on the democratic side about the cordon of bayonets around the polls. Up to this time testimony is lacking on the part of Senators who have seen those cordons of bayonets. The honorable Senator from Delaware [Mr. BAYARD] voted I think he said once between a line of bayonets, but I think he will remember that it was during the war, *flagrante bello*, when Delaware was at least a little under suspicion.

Mr. SAULSBURY. I beg the Senator's pardon, with permission of the Chair.

Mr. BLAINE. I was not referring to the honorable Senator now on the floor.

The PRESIDENT *pro tempore*. Will the Senator from Maine yield to the Senator from Delaware?

Mr. SAULSBURY. I know the Senator from Maine was not referring to me; but he made a reference to my State, and, as I understand, intimated that we were a little disloyal.

Mr. BLAINE. I did not say "a little."

Mr. SAULSBURY. I understood the Senator to make that accusa-

tion. I say that, so far as the people of Delaware were concerned, there was no obligation which they owed to this Government of the United States that they did not perform as cheerfully and as freely as any people in the United States. We paid every tax that was assessed upon us, we met every draft for troops——

Mr. BLAINE. I am not questioning the loyalty of Delaware. All I know is that Abraham Lincoln regarded it as a place where it would be safe at least to have a little watching done.

Mr. SAULSBURY. I do not know whether Abraham Lincoln or the Senator from Maine——

Mr. BLAINE. The Senator from Maine has nothing to do with it.

Mr. SAULSBURY. When imputations or accusations of disloyalty are made against my State, I repel them now. I know that the people of that State met every obligation. I lived in the State; I drew the resolution myself repelling the idea of secession from the Legislature of the State. I know as a citizen of the State what took place in that State, and I know that every accusation, emanate from where it may, which charges disloyalty upon the people of Delaware or unfaithfulness in her State organization to the Government under which they lived is neither true in fact nor in theory, I do not care where it emanates.

Mr. BLAINE. I do not desire any issue with the honorable Senator on that point. His colleague spoke of marching up through a cordon of bayonets to deposit his vote. All I desired to call attention to was that I think the honorable Senator will not state that he has done that since the war closed.

Mr. BUTLER. I have seen it done, if the honorable Senator will permit me to say so.

The PRESIDENT *pro tempore*. Does the Senator from Maine yield? The Chair begs to say to Senators that the rule is very explicit, that if a Senator desires to interrupt the Senator who is on the floor he must request the Chair to ask leave to do so, and the Chair submits the request to the Senator who has the floor whether he will be interrupted or not.

Mr. BLAINE. I will say once for all to the honorable President that Senators may interrupt me just as much as they please.

The PRESIDENT *pro tempore*. The Senator will suspend a moment. If the Senator who has the floor yields the floor to a Senator to make a remark he has no more right to interrupt that Senator than the Senator had to interrupt him, without that Senator's leave. If he yields to a mere question, that is another thing; but if he yields the floor to a Senator to make a speech in the midst of his own speech he has no more right to interrupt him without the leave of that Senator than the latter had to interrupt him without his leave.

Mr. BLAINE. The honorable President, however, will permit me to say that with some little observation in regard to presiding over deliberative assemblies, for a slight interruption the whole series of questions as, "Does the Senator yield" and "If the Senator does not yield does the other Senator yield" sometimes rather obstructs than facilitates the order of the body.

The PRESIDENT *pro tempore*. It certainly interrupts a spicy dialogue, but it does not interrupt the regular order of proceeding.

Mr. BLAINE. The rules do not contemplate that the presiding officer shall take part in a spicy dialogue.

Mr. President, there has been a great deal of chassezing, if I may use the phrase, around one particular historic fact about the use of the troops at the polls. There is my honorable friend from New Jersey [Mr. RANDOLPH] who delivered an elaborate speech the other day and summoned us to all the precedents of the past in the history of his patriotic and honored State. There was the honorable Senator from Maryland, I do not know whether he is in his seat, the junior Senator—yes, I see he is—who invoked the spirit of Charles Carroll in his eloquent remarks. Neither the Senator from New Jersey nor the Senator from Maryland, although they are the two of all others who should have called attention to this fact, ever thought of reading altogether the most flagrant violation of civil rights, if violation you choose to term it, that ever was attempted by soldiery. It was an order issued by a major-general of the United States Army to a general under his command. He is now the governor of New Jersey; and the Legislature that was dispersed under that order was the Legislature of Maryland. In citing the precedents both the Senator from New Jersey and the Senator from Maryland forgot to remember, or remembered to forget, that General George B. McClellan was the hero of that achievement.

Mr. RANDOLPH. May I answer the Senator?

Mr. BLAINE. Certainly, if the President will permit me.

Mr. RANDOLPH. The Senator from New Jersey, speaking for himself and not for the Senator from Maryland, has this to say: that he presumed that this enlightened body of Senators did not want to have repeated to them what had been already iterated and reiterated elsewhere upon this very subject. That was one reason.

Mr. BLAINE. That principle of exclusion might have taken a great deal more out of the Senator's speech.

Mr. RANDOLPH. There is another reason. When Governor McClellan, then General McClellan, issued the order that the Senator from Maine now speaks of, he was acting under the orders of a republican administration, and as a faithful and loyal soldier he did that which he was directed to do. It is only another evidence, Mr. President, of the necessity for having the military subordinated to the civil power, in my judgment. The fact that so good, and so faithful, and so loyal a man as Governor McClellan now is, and was then, so law-abiding a man as he, should have been constrained to the issue of that order, which I certainly never have indorsed, is only an illustration of the necessity of prescribing by law the proper rule which none shall be at liberty to violate.

Mr. BLAINE. On what authority does the Senator from New Jersey state that General McClellan issued this order by direction of any man superior to him?

Mr. RANDOLPH. Because he was under the direction, as the Senator from Maine knows, of the Commander-in-Chief of the Army.

Mr. BLAINE. Of course he was. He was under the direction of the Commander-in-Chief of the Army, and in that sense he never fought a battle, if the Senator carries out his logic. Upon what authority does the Senator from New Jersey state that in issuing that order General McClellan any more acted by specific direction of President Lincoln than when he fought the battle of Antietam?

Mr. RANDOLPH. I have stated that he did it under authority. Does the Senator from Maine deny that?

Mr. BLAINE. It is not for me to deny; it is for the Senator to substantiate.

Mr. RANDOLPH. I have asserted it.

Mr. BLAINE. It is for the Senator to substantiate a great public fact, and no private opinion of that kind will weigh against a public record.

Mr. RANDOLPH. I deny the right of the Senator from Maine or any other Senator on this floor to put in question my assertion.

Mr. BLAINE. Ah! the Senator cannot drift it off in that way. I asked him in regard to a great public act which he states was done by the authority of President Lincoln directing his commanding general. I ask him his authority, and then he asks me if I am questioning his veracity. The Senator cannot escape in that way. The question of personal veracity is not here; it is a question of great historic truth, and the Senator has no right to obtrude a question of personal veracity. That is not in the case.

Mr. RANDOLPH. I have made my statement.

Mr. BLAINE. Show the public record.

Mr. GROOME. Mr. President——

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

Mr. BLAINE. I do.

Mr. GROOME. When I was summing up the outrages committed on the people of Maryland by the military arm of the General Government during the war I mentioned among the chief of them the arrest of the Maryland Legislature in 1861, an act which was utterly unjustifiable and for which there was no possible pretext, because before the arrest of that Legislature it had been proposed, upon a petition from Prince George's County, that an ordinance of secession should be passed by that Legislature, and upon the very day that the proposition came into the Legislature the committee on Federal relations reported against it, and by a vote of 53 to 13 it was decided that they had no authority to pass such an ordinance, indicating thereby in the plainest manner that there was no danger from any action of the Maryland Legislature looking to an attempt to sever the relations of the State of Maryland to our Union.

Mr. BLAINE. May I, with the permission of the Senator, ask him a question now?

Mr. GROOME. One single moment till I finish, sir. I want to say that so far as I am concerned (and I hope it is the view of every Senator on this floor) I denounce military usurpation just as strongly, just as firmly, just as determinedly, whether the usurper be a democrat or a republican. I stand upon the principle, and I stop not for one moment to inquire whether my blow, when I make my denunciation, falls on the head of an honored democrat or upon the head of a republican.

Mr. BLAINE. The Senator need not take up the afternoon. I yielded for a question.

Mr. GROOME. Well, I am done, sir.

Mr. BLAINE. Now, if the Senator will answer my question, can he state whether General McClellan knew that the Legislature had decided by 53 to 13 to remain loyal when he ordered its arrest and disbandment?

Mr. GROOME. I can only answer that it was a matter of public notoriety and general knowledge.

Mr. BLAINE. I noticed the other day in looking over the honorable Senator's speech—I may have done him injustice in not seeing that he referred to this—that he omitted to quote this while he quoted a great many other documents. I do not think he quoted the letter of General McClellan; I do not think any democratic Senator on this floor has quoted it, and lest injustice might be done to the honorable governor of New Jersey, of whom certainly I would not speak in any other than respectful terms, for personally our relations have always been kindly, I will read his letter:

HEADQUARTERS ARMY OF THE POTOMAC,
Washington, September 12, 1861.

GENERAL: After full consultation with the President, Secretaries of State, War, &c., it has been decided to effect the operation proposed for the 17th—

That rather looks as though General McClellan had "proposed it" in advance and entered subsequently into council with the Secretaries of War and State and the President. He goes on to say:

Arrangements have been made to have a Government steamer at Annapolis to receive the prisoners and carry them to their destination.

Some four or five of the chief men in the affair are to be arrested to-day. When they meet on the 17th you will please have everything prepared to arrest the whole party, and be sure that none escape.

How well General McClellan happened to know the democrats of the Maryland Legislature at that time; he was not going to trust one of them outside and at large.

It is understood that you arrange with General Dix and Governor Seward the *modus operandi*. It has been intimated to me that the meeting might take place on the 14th; please be prepared. I would be glad to have you advise me frequently of your arrangements in regard to this very important matter.

If it is successfully carried out it will go far toward breaking the back-bone of the rebellion. It would probably be well to have a special train quietly prepared to take prisoners to Annapolis.

The Legislature was then in session at Frederick.

I leave this exceedingly important affair to your tact and discretion and have but one thing to impress upon you—the absolute necessity of secrecy and success.

With the highest regard, I am, my dear general, your sincere friend,

GEO. B. McCLELLAN,
Major-General United States Army.

Mr. MORGAN. Mr. President——

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

Mr. BLAINE. Certainly.

Mr. MORGAN. The date of the order the Senator has just read is September 12, 1861. I ask him to glance a few lines immediately above, on the same page of the same book, and see whether he will not find the following:

Secretary of War to General Banks.

WAR DEPARTMENT, *September* 11, 1861.

GENERAL: The passage of any act of secession by the Legislature of Maryland must be prevented. If necessary, all or any part of the members must be arrested. Exercise your own judgment as to the time and manner, but do the work effectually.

Very respectfully, your obedient servant,

SIMON CAMERON,
Secretary of War.

Mr. BLAINE. To whom was that addressed?

Mr. MORGAN. General Banks.

Mr. BLAINE. Not to General McClellan?

Mr. MORGAN. No.

Mr. BLAINE. You do not show any order to General McClellan.

Mr. MORGAN. It was an order to General Banks.

Mr. BLAINE. He was a subordinate. General McClellan seemed so anxious then to have a finger in the pie that he stepped in. This order went from the Secretary of War to General Banks. If General McClellan had not heartily approved and been anxious to get into it, he would not have stated what he did in his order. Does not the honorable Senator from Alabama see that?

Mr. MORGAN. I really do not.

Mr. BLAINE. He is the only Senator, then, who does not.

Mr. MORGAN. I think there are a great many who see it as I do, a great many who see it as the Senator from Maine refuses to see it, when he knew perfectly well that this was the authority under which General McClellan acted.

Mr. BLAINE. Will the honorable Senator from Alabama state that a private communication from the Secretary of War to a subordinate brigadier was the authority on which the major-general commanding the Army acted?

Mr. MORGAN. In the letter the Senator from Maine read General McClellan says that after full consultation with the President, the Secretaries of State, War, &c., it had been "decided to effect the operation proposed for the 17th?"

Mr. BLAINE. Yes.

Mr. RANDOLPH. Now, may I ask the Senator from Maine a question?

Mr. BLAINE. Of course.

Mr. RANDOLPH. I should like to know whether the Senator from Maine cannot find in the opening sentence of the letter of General McClellan a full answer to the question he asked me a little while ago as to where this authority came from?

Mr. BLAINE. I cannot.

Mr. RANDOLPH. You cannot?

Mr. BLAINE. No, and I will read it again to show why you cannot. He says:

After full consultation with the President, Secretaries of State, War, &c., it has been decided to effect the operation proposed for the 17th.

He is writing to General Banks. Perhaps he and General McClellan had been talking about it, and General McClellan, probably wanting his back stiffened a little, carried the question to the White House, and there had the consultation. But the honorable Senator from New Jersey will not say that that proves that McClellan received the order or that he did not originate it.

But I do not intend to be further diverted. The question I rose to discuss was this: If Senators intend in good faith that the bayonet shall not be present at the ballot-box, that the bowie-knife shall not be present at the ballot-box, that the revolver and shot-gun shall not be present at the ballot-box, let them say so. If you do not say so, the people of the United States will understand that you want to warn the Government of the United States off the ground where a Federal election is being held, and that the power of the United States being warned off, you will take care, as was taken care last year in South Carolina, by violence and threats and weapons and blood, to see that the democratic party carries the election. If you mean to have a peaceful election, say that no man shall go near those polls with shot-gun, revolver, or bowie-knife. Do not say that the United States alone, the party alone competent to keep the peace, shall not be there, but that every bloody-minded ruffian who wishes to assault an innocent and honest voter shall have free and absolute liberty to do as he chooses.

Mr. President, I was struck yesterday with the speech of the honorable Senator from Illinois, [Mr. DAVIS,] whom I do not now see in his seat. I was struck by the graceful manner in which he poised first on one side and then on the other, and at the very remarkable exactness with which he finally lighted on the democratic side of the fence. I sincerely wish the honorable Senator were here, I should like to ask him a question. He says that we should stop all this agitation—that, I suppose, was addressed to the democrats, for the republicans did not begin it. He says we should stop all this and attend to something for the relief of the country. The honorable Senator has been here now for over two years; this is his third year. What bill has he proposed for the relief of the country? What Senator is listened to with more respect than he is? What Senator can command the attention of the Senate more than he? And when he tells us to stop all this and go to work legislating for the good of the country, we are waiting to hear what the honorable Senator proposes. But I deny to him—I again sincerely regret he is not here that I could deny it before him—I deny to him the right to carry the traditions and the fame and the glory and the grandeur of Abraham Lincoln into the democratic camp. He may go there himself; he may sit on the side of the Chamber where he is the only man who gave Mr. Lincoln a support, but he cannot carry Mr. Lincoln's principles, or his great fame, with him. Had Mr. Lincoln lived, as the honorable Senator was saying yesterday, some things might have happened and other things might not have happened. But I can tell him of the things that might have happened that would most have surprised Mr. Lincoln would have been a Senator on this floor elected by the democratic party of Illinois over a Union general who was a republican and coming here with that record behind him to represent the principles of Abraham Lincoln! No, sir, the honorable Senator has the right to go where he pleases and when he pleases; he has the right to address to the living what arguments he chooses and whatever he may think proper; but he has no right, with the record of the great man of these last ten centuries made up into history, to drag him into the mire of the party to which, in all the mutations of American politics, Abraham Lincoln was opposed to the death.

COMMITTEE SERVICE.

Mr. WALLACE. I ask that the vacancies upon the Committees on Military Affairs, Mines and Mining, and Transportation Routes to the Seaboard, be filled by the Chair.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks leave to submit a motion at this time that the vacancies in the committees he has designated may be filled by the Chair. Is there objection? The Chair hears none. The Senate has heard the motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Chair appoints the Senator from South Carolina [Mr. HAMPTON] to fill the vacancies on the several committees named.

Mr. HAMLIN. Mr. President, I move that the Senate do now adjourn.

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

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 23, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

SMOKING IN THE HALL.

The SPEAKER. The Chair desires to have read the latter clause of Rule 65.

The Clerk read as follows:

Smoking is prohibited within the bar of the House or gallery.

The SPEAKER. The Chair has thus far refrained from directing the attention of members of the House to this subject, in the hope that without being reminded of the rule they would see the necessity of abstaining from smoking in the Hall of the House; but to-day the Chair has been requested not to delay any longer to remind members of the existence of this rule. Those who do not smoke complain that members smoke in their seats on the floor. The Sergeant-at-Arms and his deputies will hereafter notify gentlemen who are seen smoking in the Hall that it is in violation of the rules.

PERSONAL EXPLANATION.

Mr. OSCAR TURNER. Mr. Speaker, in the New York Herald of the 19th of April last, there appears a letter from their correspondent dated 18th of April, purporting to give an account of the debate in the House of Representatives on that day, in which he says "Mr. TURNER, a Kentucky democrat, arose several times and shook his fist at Mr. McKINLEY and Mr. BURROWS," and makes still further severe

comments upon the action of "Mr. TURNER" in interrupting Mr. McKINLEY and Mr. BURROWS, members of this House, which I do not care to repeat and make part of the record. Now, I desire to say that I was not present during the remarks of either Mr. McKINLEY or Mr. BURROWS, being in a committee-room, and I did not interrupt either of them in any way whatever, as both of these gentlemen know. My relations with members of this House have always been pleasant during the short time I have been here. I have never violated parliamentary usage and that courtesy which exists among gentlemen, in my life, and I do not wish to be placed in a false position before the country. I should not have noticed the letter, but it was shown to me by some friends, who thought it referred to me. If the correspondent alluded to my colleague, Mr. THOMAS TURNER, who is in his seat and who is a "democrat from Kentucky," he ought to have said so; and I hope he will correct his reference. I hope that hereafter he and other reporters will remember that there are two "TURNERS" from Kentucky, both democrats, and will do me the favor to designate which they refer to by name. [Laughter.] Mr. Speaker, I should not have referred to this matter at all but for the fact that the article to which I have referred has been copied in Saint Louis papers, which are papers of importance, and circulate all over my district and State. These papers have been sent to me by friends, inquiring what circumstances of an unusual character had occurred to so excite me. I owe an apology to the House for thus consuming its time.

Mr. THOMAS TURNER. Mr. Speaker, the action of my respected colleague and kinsman makes it incumbent on me to rise to a question of personal privilege for the first time, which otherwise I should not have done. Let me assure him that nothing that such correspondents say of us can injure us where we or they are known.

I am the "Mr. TURNER" alluded to in the correspondence to which my colleague has referred. It reads thus:

The House was tolerably disorderly to-day; but it was noticed that Mr. CONGER, the eminent Michigander, was refreshingly quiet. Mr. TURNER, a Kentucky democrat, took his place, but could not fill it. He arose several times and shook his fist at Mr. McKINLEY and Mr. BURROWS, and howled.

I also find in the Saint Louis Globe-Democrat of the 19th instant that the special correspondent of that paper uses this language:

Mr. TURNER, of Kentucky, who had been shaking his long arm and brawny fist, shouted, "You are a damned liar," in response to something uttered by Mr. BURROWS, of Michigan.

And the same issue of the Globe-Democrat contains a lying editorial based on the communication of its correspondent, written I suppose by its shaved-head culprit editor fresh from the jail where he was recently confined for defrauding the Government. [Laughter and applause.]

Mr. Speaker, it is utterly untrue that I shook my fist at either Mr. McKINLEY, of Ohio, or Mr. BURROWS, of Michigan, or any one else at any time.

The plain unvarnished facts are these: The member from Ohio, [Mr. McKINLEY,] in quoting from a speech of my colleague, Mr. BLACKBURN, stopped in the middle of a sentence, and when asked by Mr. BLACKBURN, who was presiding over the committee, to read the balance of the sentence, so as to show its true meaning, declined to do so, saying he had not the speech before him. Mr. BLACKBURN then proposed to furnish the speech, and sent it by a page to the member from Ohio, with pencil-marks indicating the part of the sentence omitted, and the member from Ohio declined to read the balance of the sentence, and afterward, when castigated by Mr. BLACKBURN for his unfairness, attempted to exonerate himself by saying he had read all that was in the printed extract before him; and at this point I, in that earnest and emphatic manner which is a part of my nature and which I cannot repress, [laughter,] asked him, if he meant fairness, why, when he made and printed the extract, he had not excerpted the whole sentence.

I understood the member from Michigan [Mr. BURROWS] to say in his speech that all the democratic members were traitors and conspiring to overturn the Government. I hope that in the noise and confusion I misheard him. I was a Union man in a section where to be such was not the road to Government contracts or political preferment, but entailed poverty and the sacrifice of public position. When, shortly after, the member from Michigan asked the unanimous consent of the House to continue his remarks beyond his allotted time I objected, and supported that objection by a statement that one who had indulged in such language was not entitled to the courtesy of the democrats of the House or of the country. I stand by what I said and am responsible for it here or elsewhere. [Laughter.] I did not say the member from Michigan was a "liar" or a "damned liar." I have too high a regard for personal and parliamentary amenities and decorum to indulge in such language. The correspondent who wrote this was trying to promote the member from Michigan, and had not honor and moral sense enough to understand that he was placing that member in a more unenviable light than he was me—in the position of having been publicly denounced as a "damned liar" and tamely submitting to it. I would rather have been the denouncer than the poltroon who would submit to it—if it had occurred. [Laughter.]

Besides this, during the last session the correspondent of the New York Tribune stated that I was intoxicated on the floor of the House. No correspondent, or man, or woman ever saw me intoxicated on the floor of the House or elsewhere. At the time that charge was made I had not seen or tasted a drop of spirits for three days, [laughter,] and was not aware that any could be obtained within the walls of the Capitol. [Renewed laughter.] Some other correspondent charged me with shaking my fist in the face of the member from Pennsylvania, [General WHITE.] This was not true. In the midst of an exciting debate, when many members were addressing the Chair at once and the presiding officer had ordered them all to take their seats, and the member from Pennsylvania and others did not obey the order, but kept on speaking, although not entitled to the floor, I advanced near to the Speaker's stand and General WHITE, and in an emphatic manner demanded that the Speaker restore order; that he should call the Sergeant-at-Arms and cause him to compel those out of order to obey him and take their seats. And I succeeded in having this done. The gentleman from Pennsylvania and I are and were good friends; and he will bear witness that I did not shake my fist at him or menace him, [laughter,] but was in a perfectly good humor, though determined to have order restored.

It perhaps would have been better if the framers of the Constitution had confided the selection of members of Congress to these correspondents and to the owners of the venal sheets they represent than to the people; but as that has not been done these correspondents and their employers must "accept the situation." [Laughter.]

None of these correspondents have any personal motives to slander me; and if they have erred unintentionally and are gentlemen, they will make the *amende*. But if the force of habit disables them from refraining from falsehood, [laughter,] or if they are required by their employers to lie and their pay is graduated and increased according to the scale of their mendacity, [renewed laughter,] it may become necessary in order to protect the members and the respectable correspondents, and most of them are gentlemen of culture, intelligence, and veracity, that we should deny the privilege of the reporters' gallery to these hired political Hessians and slanderers who have thus attacked the members of this House without regard to truth. [Laughter and applause.]

REVOLUTIONARY PENSIONS COMMITTEE.

Mr. WHITEAKER, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts;

Resolved, That the Committee on Revolutionary Pensions and the War of 1812 be allowed a clerk during the sessions of this Congress to be paid out of the contingent fund of the House at the same rate paid other committee clerks.

COMMITTEE ON MANUFACTURES.

Mr. WISE, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Whereas the chairman of the Committee on Agriculture certifies that his committee will require the services of the clerk appointed by him all the time and that he will have no time to devote to the Committees on Manufactures and Militia; Therefore,

Resolved, That the House authorize the chairman of said committee to select a clerk and that he receive the same per diem pay as the clerks allowed by the Committee of Accounts out of the contingent fund of the House.

NEGRO EXODUS.

Mr. HASKELL. Mr. Speaker, I hold in my hand a communication from the governor of my State in reference to the late negro exodus from the South, giving a few facts as to their condition, and I ask unanimous consent of the House that it be read at the Clerk's desk and be referred for the information of the Committee on Appropriations to be taken into consideration in connection with the bill on that subject presented the other day by the gentleman from Ohio, [Mr. GARFIELD.]

The SPEAKER. Is there objection?

Mr. COX. Yes; I object.

CLAIMS BEFORE 1861.

Mr. VANCE. Mr. Speaker, I was unable to be present on Monday last on account of illness, and I now ask by unanimous consent to present some bills for reference.

There was no objection.

Mr. VANCE, by unanimous consent, introduced a bill (H. R. No. 1344) to repeal section 3480 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ILLICIT DISTILLATION.

Mr. VANCE also, by unanimous consent, introduced a bill (H. R. No. 1345) to authorize the circuit and district judges of the United States courts to fine and imprison at discretion in case of conviction for illicit distillation in lieu of the punishment now required by law, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TAX ON STATE BANKS.

Mr. VANCE also, by unanimous consent, introduced a bill (H. R. No. 1346) to repeal so much of the internal-revenue law as requires persons in State banking associations to pay a tax of 10 per cent. on the circulating issue of any State bank, and to punish national banks for accepting a usurious rate of interest; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

EDWARD KOLB.

Mr. VANCE also, by unanimous consent, introduced a bill (H. R. No. 1347) for the relief of Edward Kolb, of Washington City, Dis-

trict of Columbia; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SIOUX CITY AND PEMBINA RAILROAD COMPANY.

Mr. BENNETT, by unanimous consent, introduced a bill (H. R. No. 1348) granting right of way and depot grounds to the Sioux City and Pembina Railroad Company through the public lands of the United States from Beloit, in the State of Iowa, to the Missouri River, in the Territory of Dakota, at or near the mouth of White River; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ADMISSION TO THE FLOOR.

Mr. FARR. Mr. Speaker, I ask by unanimous consent that the speaker of the house of representatives of the State of New Hampshire be admitted to the floor during the remainder of this week.

There was no objection, and it was ordered accordingly.

MORNING HOUR.

Mr. DUNNELL. I now demand the regular order of business.

The SPEAKER. The regular order of business is the morning hour, which begins at thirty minutes after twelve o'clock m., and the call of committees for reports rests with the Committee on Appropriations.

NATIONAL LAFAYETTE AND BANK OF COMMERCE OF CINCINNATI, OHIO.

Mr. BUCKNER, from the Committee on Banking and Currency, reported back a bill (S. No. 218) changing the name of the National Bank of Commerce of Cincinnati, Ohio, to the National Lafayette and Bank of Commerce of Cincinnati, Ohio, with the recommendation that it do pass.

The bill, which was read, provides that the name of the National Bank of Commerce of Cincinnati, Ohio, located in the city of Cincinnati, in the county of Hamilton and State of Ohio, shall be changed to the National Lafayette and Bank of Commerce of Cincinnati, Ohio, whenever the board of directors of said bank shall accept the new name by resolution of the board, and cause a copy of said resolution, duly authenticated, to be filed with the Comptroller of the Currency, provided that such acceptance be made within nine months after the passage of the act, and that all expenses incident to such change, including engraving, shall be borne and paid by said bank.

The second section provides that all the debts, demands, liabilities, rights, privileges, and powers of the National Bank of Commerce of Cincinnati, Ohio, shall devolve upon and inure to the National Lafayette and Bank of Commerce of Cincinnati, Ohio, whenever such change of name is effected.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CRAVENS. If the call of committees has been gone through with, then I desire to offer a resolution in reference to civil-service reform.

The SPEAKER. The call of committees has not been concluded.

Mr. CRAVENS. I ask unanimous consent at this time, then, to submit some resolutions.

The SPEAKER. That cannot be done at the present time.

DEPOSIT OF COIN IN THE TREASURY.

Mr. WARNER, from the Committee on Coinage, Weights, and Measures, reported back a bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States relating to coinage and the deposit of coin and bullion in the Treasury for certificates, with the recommendation that the bill be printed so as to show the words intended to be stricken out and the words intended to be added, and then that the bill be recommitted.

The SPEAKER. The Chair hears no objection, and the bill will be reprinted as indicated by the gentleman from Ohio and recommitted to the Committee on Coinage, Weights, and Measures, not to come back on a motion to reconsider.

DEPRESSED CONDITION OF LABOR COMMITTEE.

Mr. WRIGHT. Mr. Speaker, I have been directed by the select committee to inquire into the causes of the present depression of labor to submit the following resolution.

The Clerk read as follows:

Resolved, That the select committee to inquire into the causes of the present depression of labor be permitted to sit during the recess of Congress, and that they be allowed to subpœna and examine witnesses; and that to defray necessary expenses incurred, the sum of $3,000, or so much thereof as may be necessary, is hereby appropriated out of the contingent fund of the House of Representatives.

Mr. CONGER. That should go to the Committee of the Whole.

The SPEAKER. The gentleman from Michigan submits a point of order that this makes an appropriation and should have its first consideration in the Committee of the Whole.

Mr. WRIGHT. Mr. Speaker, it is an ordinary resolution from the committee having charge of this special subject.

The SPEAKER. The proposition then is to pay out of the contingent fund of the House. The resolution does not appropriate the money, as the money is already appropriated subject to the order of the House.

Mr. CONGER. It gives this committee leave to sit during the vacation and confers upon that committee additional power. I suppose it is open to objection.

The SPEAKER. It comes in here properly as a report from the committee on the regular call of committees. Does the gentleman make further objection?

Mr. CONGER. I have nothing further to say.

The SPEAKER. This comes regularly as a report from the committee and the question is on the adoption of the resolution.

Mr. WILSON. Let the resolution be read again.

The resolution was again read.

Mr. CONGER. I thought this was a simple resolution and when it was read I was misled as it did not appear that it came in as a report from any committee.

The SPEAKER. The Chair suggests that the resolution should state "to be paid out of the contingent fund of the House."

Mr. WRIGHT. Let it be so modified.

Mr. McCOOK. Let me ask, Mr. Speaker, whether an appropriation was made to pay the expenses of such an investigation in a former House?

The SPEAKER. The expenses of that committee were provided for in the appropriation bill.

Mr. McCOOK. Perhaps the Chair is correct.

The SPEAKER. The Chair is under the impression that the payment of witnesses and other expenses of that committee were provided for in the sundry civil appropriation bill.

Mr. McCOOK. If so, I see no necessity, then, for an appropriation now.

The SPEAKER. The probability is that amount has been exhausted.

Mr. RICE. I think there was no appropriation made.

Mr. COX. Has any report been made by that committee?

Mr. RICE. I think there was no appropriation made, but the committee was authorized to sit during the recess.

The SPEAKER. The Clerk estimated for the expenses of that committee, and the amount was embraced in the appropriation for the contingent fund of the House. The contingent fund was increased to an amount necessary to cover the expenses of that committee.

Mr. CONGER. I ask the gentleman from Pennsylvania whether the testimony taken by the previous committee has yet been printed?

Mr. RICE. The testimony taken before the last committee has been printed.

Mr. CONGER. Has any report been made by that committee?

The SPEAKER. The Chair is advised that the testimony has been printed. The gentleman from New York [Mr. Hewitt] of the last Congress was allowed the privilege of filing the report. Whether it has been filed or not the Chair is unable to say.

Mr. BAKER. I desire to ask the gentleman from Pennsylvania a question.

Mr. COX. Was any appropriation made for printing that report?

The SPEAKER. It came out of the general appropriation for printing.

Mr. BAKER. If the gentleman will permit me I should like to know what necessity exists at this time to authorize this committee to sit during the recess. It seems to me that question had better come up at the close of the session rather than now. Then the House will be able to determine whether or not there is any occasion for it.

Mr. WRIGHT. I can answer the gentleman. If there has been a committee appointed by this House intrusted with the consideration of any subject worthy of investigation that is the one provided for in the pending resolution. In order to examine into the whole matter it becomes necessary there should be witnesses called and the opinions of men taken with regard to the causes of the distress and depression of labor in this country at this time. This is a very small sum, not much larger than we pay a clerk appointed to a committee or a man in the employment of the House. It is always the case whenever there is a motion made here or an offer to do something in the way of inquiry in regard to the distress of the country, opposition is made to it. This morning you could pass a bill to change the name of a national bank; that is sacred; but when we follow that with a resolution to bring witnesses before my committee to make examination into the subject of the distress and depression of labor in the country it is met at the threshold with opposition. I tell you, sir, t is wrong, that there is an attempt to suppress an inquiry into the business affairs of this country as far as they affect this question. If it does not take the $3,000 I can tell the gentleman that fund will be carefully taken care of. There is no speculation in it, but it is for an honest purpose. It is right and proper that the inquiry into that important matter should be made, and I insist upon the passage of the resolution.

Mr. BAKER. Will the gentleman allow me to ask him another question?

Mr. WRIGHT. Yes, sir.

Mr. BAKER. My question is whether or not if the House authorizes this committee like the wandering Jew to travel all over this land this sum of $3,000 will be sufficient, or whether it is just the first drop in the bucket that they will be holding out to the Treasury to be filled in order to meet their wants.

Mr. WRIGHT. Well sir, if we have a wandering Jew who can fer-

ret out this great and important question in a way that will have a tendency to relieve the sufferings of the laboring-men of the country, the time has come to commission that wandering Jew to see if it cannot be ascertained how it is and why it is the laboring-men of this country are undergoing the trials and tribulations they are undergoing at this moment.

Mr. BAKER. I wish to say I have no objection to the gentleman going on his wanderings, but I should regret very much that we should miss the genial countenance of my friend from Pennsylvania and those of the other members of his committee during the session of Congress. I trust they will remain with us and prosecute their labors, and when we are near the close of this session of Congress——

Mr. WILSON. What objection have you to giving this authority now?

Mr. BAKER. We do not know it may be necessary. The committee may accomplish all they desire without traveling over the country. And if when the session is near its close we find it is necessary to send this committee over the country, I trust I will be found as willing as any one that the light of their countenances should beam over all parts of the country.

Mr. WRIGHT. I desire to ask the gentleman from Indiana a question. When does he suppose that the present session of this Congress will end? And let me ask him another question.

Mr. BAKER. One at a time. Let me answer your first question.

Mr. WRIGHT. I ask him if he supposes there will be in this session a single act passed that will benefit the country?

Mr. FORT. The gentleman from Pennsylvania asks when this session will end. As soon as this House passes the appropriation bills it can adjourn.

Mr. BAKER. I believe there is no need of our being in session more than forty-eight hours if that side of the House will attend to the business for which they were brought here. But if they go on as they have been going on, I apprehend the period during which under the Constitution we can sit here will expire before we disperse without anything being accomplished to relieve the depression of labor.

Mr. WRIGHT. Let me say to the gentleman that this session of Congress should never have been called; and since it has been it is merely for the passage of laws that benefit a class, and a class only.

Mr. BAKER. Does the gentleman from Pennsylvania believe there is no need of appropriations to carry on the great Departments of the Government? Is that what he means?

Mr. WRIGHT. To carry on the Departments of the Government?

Mr. BAKER. I understood the gentleman to say there was no need of our being called together. And yet the last Congress left the Government in a condition that, if this Congress had not been called together and if the necessary laws are not enacted by the present Congress, it would perish for means of support. And yet he says there was no need of the extra session of Congress.

Mr. HEILMAN. It seems to me that this is a proposition to rob the Government of $3,000. I hope my friend from Pennsylvania will have the good sense to let the financial question alone. The thing is regulating itself very fast. I can say that the business of the West, manufacturing interests and all, is improving rapidly; and if Congress will let the financial question alone it will regulate itself. [Applause.]

Mr. DUNNELL. I hope there will be no serious objection to the passage of the resolution reported by the gentleman from Pennsylvania. The amount of money asked for is very small. The depression of labor in this country has been serious and long-continued. I am not very certain that any light will be discovered by the committee; but I certainly hope that this side of the House will not object to the appropriation of that small sum of money, and that we will have a report. Let me express the hope that this committee, when thus authorized to investigate, will have force enough in itself to give us a written report. The committee of last year did not do itself or the House justice, by failing to report the result of its investigations. The gentleman from Pennsylvania will assure this House, I have no doubt, that he will give a report.

Mr. WRIGHT. Certainly I will.

Mr. DUNNELL. That is what I want, and I hope there will be no objection to the resolution.

Mr. WRIGHT. I demand the previous question.

The previous question was seconded and the main question ordered.

Mr. MONEY. I ask that the resolution may be again read.

The resolution was again read.

Mr. RICE. I desire to make a brief explanation in response to the remarks of the gentleman from Minnesota.

The SPEAKER. The previous question has been ordered. But if there be no objection the gentleman from Massachusetts will be permitted to make a brief explanation.

There was no objection.

Mr. RICE. I was a member of the committee of the last Congress to inquire into the causes of the depression of labor, of which Mr. Hewitt, of New York, was chairman. I think there was no appropriation made for the expenses of that committee. They were paid, however, from the contingent fund of the House the expenses actually incurred. The testimony was reported to the House. The chairman of the committee had so many other engagements on the Committee on Appropriations that he was unable to complete the very thorough report which was under preparation. He obtained permission to complete that report and have it printed with the testimony; and when that report is finished I believe that the member from Minnesota will have no occasion to complain that the duty of the committee has not been faithfully and fully performed.

Mr. DUNNELL. I am glad the gentleman from Massachusetts has had the opportunity of saying this much. I was, perhaps, too severe in my language, not remembering for a moment that the gentleman from New York [Mr. Hewitt] who was chairman of this committee in the last Congress had great labors imposed upon him as a member of the Committee on Appropriations.

The SPEAKER. The Chair will state that the expenses of the committee were paid out of the contingent fund of the House.

Mr. COX. The House refused to pay the expenses of the committee when the matter was brought before the House; and I wish that the whole matter could be stopped. It does not do any good.

Mr. PRICE. Not a bit of good.

The SPEAKER. Nevertheless, the witnesses were paid out of the contingent fund.

The question was put upon the adoption of the resolution; and on a division there were—ayes 95, noes 54.

Mr. VAN VOORHIS. I ask for the yeas and nays.

The yeas and nays were not ordered, only fifteen members voting therefor.

The resolution was agreed to.

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

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The call of committees for reports having now been concluded, the unfinished business pending before the House will be taken up. The Clerk will read the first resolution pending.

DISTRIBUTION OF DOCUMENTS.

The Clerk read the resolution presented by Mr. GARFIELD on the 19th of March, as follows:

Resolved, That the House documents of the Forty-fifth Congress not yet distributed be delivered to members of the present House.

Mr. DUNNELL. I offer the following as a substitute for the pending resolution:

Resolved, That the books and documents hereafter received in the folding-room of the House of Representatives be placed to the credit of the present members of the House with the following exceptions: One book or document of each kind shall be subject to the order of the members of the last House, and all bound volumes of the CONGRESSIONAL RECORD of the Forty-fifth Congress, all the memorial addresses except one on the life and character of the late members of the Forty-fifth Congress, and also those except one on the life and character of Professor Henry, shall be subject to the order of the members of the last House.

I trust that the substitute which I have just presented will meet the views of the House. I have shown it to some gentlemen who objected to it when it was first introduced, and on a more careful reading they are satisfied that it does justice to members of the last House while it substantially gives all books hereafter to be put into the folding-room of the House of Representatives to be subject to the order of members of the present Congress. I hope there will be no objection to it, and I ask for its adoption.

Mr. THOMPSON. The gentleman from Minnesota [Mr. DUNNELL] submitted this amendment to several gentlemen on this side of the House, and after a consultation among members those interested in this matter have agreed to accept it. We think that the retired members ought to have some of the books, and this resolution will give them only what is their right; therefore we accept it, and I hope there will be no opposition to the amendment.

Mr. VOORHIS. I would suggest to the gentleman that the books which have been given to those members who have gone out of office have been put into the market, and it appears to me that the proposition of the gentleman from Minnesota [Mr. DUNNELL] is to put all the documents now in the folding-room of the House of Representatives into the market instead of giving them to the people of those districts to which the members belonged.

Mr. DUNNELL. It is hardly fair to assume that the last Congress was less virtuous than this House, or that this Congress will be better than its predecessors.

The question was taken; and on a division there were—ayes 96, noes not counted.

So the amendment was agreed to.

The resolution, as amended, was then adopted.

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

The latter motion was agreed to.

PRINTING OF A DOCUMENT.

The Clerk read the next resolution, offered by Mr. PRICE on the 27th of March, as follows:

Resolved, That there be printed 5,000 copies of public act No. 90, third session, Forty-fifth Congress, entitled "An act making appropriations for the payment of arrears of pensions," approved January 25, 1879.

The question was taken, and the resolution was agreed to.

Mr. PRICE moved to reconsider the vote by which the resolution

was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The next business in order during the morning hour is the call of States and Territories for resolutions under Rule 52.

TREATY WITH FRANCE.

Mr. FERNANDO WOOD. I offer the following resolution:

Resolved, That the President be respectfully requested to consider the expediency of entering into a convention with the government of France for the negotiation of a treaty which shall secure a more equal interchange of the products and manufactures of each country and serve to cement closer relations of amity, trade, and commerce.

Unless some one desires to discuss the resolution, I call the previous question.

The previous question was seconded and the main question ordered, and under the operation thereof the resolution was agreed to—ayes 82, noes not counted.

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

The latter motion was agreed to.

NAVAL ACADEMY.

Mr. WILSON submitted the following resolution, upon which he called the previous question:

Resolved, That the Secretary of the Navy be requested to report to this House the condition of the Naval Academy as it regards the probable number of midshipmen who will enter the Navy during the present year; the entire number of midshipmen in the Navy, whether or not the number is sufficient for the service; and his opinion as to whether or not the presidential power of appointment of cadets should be restored.

The question was taken upon seconding the previous question; and upon a division there were—ayes 34, noes 15.

No further count being called for, the previous question was seconded and the main question ordered.

Mr. WILSON. By unanimous consent I will strike out so much of the resolution as calls for the opinion of the Secretary of the Navy as to whether the presidential power of appointment should be restored. I desire simply to ascertain the condition of the Naval Academy.

There was no objection, and the resolution was modified accordingly.

The question was taken upon agreeing to the resolution as modified; and upon a division there were—ayes 31, noes 66.

No further count being called for, the resolution was not agreed to.

Mr. WILSON. I do not know whether it is in order, but if it is I desire to offer another resolution.

The SPEAKER. That is not in order. The Chair will read the proviso to Rule 52:

Provided, That no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject, until all the States and Territories shall have been called.

The Chair is advised that the practice which has heretofore prevailed has been to allow a member the privilege of offering but one resolution at a time, as this call is rarely ever reached.

Mr. WILSON. That is very acceptable to me. I will ask unanimous consent that the resolution I offered be referred to the Committee on Naval Affairs.

There was no objection, and the resolution was referred accordingly.

ROBERT T. BLAYLOCK.

Mr. VANCE submitted the following resolution; which was referred to the Committee on Reform in the Civil Service:

Resolved, That the Clerk of the House of Representatives be directed to pay out of the contingent fund of the House of Representatives one month's pay to Robert T. Blaylock, a page in the House in the Forty-fifth Congress.

AN ADDITIONAL PAGE OF THE HOUSE.

Mr. STEPHENS submitted the following resolution:

Resolved, That the Doorkeeper of the House be authorized to employ an additional House page on the floor to be paid out of the contingent fund of the House for this session, making the number of pages twenty-nine instead of twenty-eight.

The question was upon the adoption of the resolution.

Mr. STEPHENS. Allow me one word in regard to this resolution. During the last Congress the Doorkeeper of the House was authorized to employ one additional page. The number allowed by law is twenty-eight. In the appropriation bill for the next fiscal year the number is fixed at twenty-nine. This little boy is now on the floor of the House serving as a page, and I ask that during this session he may be paid out of the contingent fund of the House. Hereafter the number of pages will be twenty-nine.

Mr. BAKER. With all respect for the gentleman from Georgia, I would suggest that this resolution should go to the Committee of Accounts.

Mr. STEPHENS. I have no objection to that if the House desires it; but I think the resolution had better be passed now.

Mr. BAKER. No harm will come of sending the resolution to the Committee of Accounts.

Mr. STEPHENS. I would rather that question would be submitted to the House.

Mr. BAKER. It would have to go over if I desired to debate it.

The SPEAKER. Not necessarily, if the gentleman from Georgia demands the previous question.

Mr. BAKER. As I was on the floor objecting to the resolution, I have a right to debate it, as I understand the rule.

The SPEAKER. Did the gentleman from Georgia [Mr. STEPHENS] yield?

Mr. STEPHENS. I had not yielded the floor. But I want no question upon the matter; I will let it go the Committee of Accounts.

Mr. BAKER. As I understand the rules——

The SPEAKER. The gentleman from Georgia had the right to demand the previous question.

Mr. BAKER. I do not understand the rule to be that by demanding the previous question the privilege of any member to have the resolution put over by rising to debate it can be cut off.

The SPEAKER. The rule will be read, and the gentleman will then see whether he has that right or not.

Mr. BAKER. I simply speak from recollection.

The Clerk read as follows:

It is a common practice, when a resolution is submitted, for the mover to immediately demand the previous question, which, if ordered, will prevent debate and bring the House to a direct vote on the resolution, thus avoiding the necessity of its lying over, as would be the case if debate should arise.

The SPEAKER. That is the practice under the rule.

Mr. BAKER. I desire to have Rule 52 read.

The Clerk read as follows:

Reports from committees having been presented and disposed of, the Speaker shall call for resolutions from the members of each State and Delegate from each Territory, beginning with Maine and the Territory last organized, alternately; and they shall not be debated on the very day of their being presented, nor on any day assigned by the House for the receipt of resolutions, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented; and if on any day the whole of the States and Territories shall not be called, the Speaker shall begin on the next day where he left off the previous day: *Provided*, That no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject, until all the States and Territories shall have been called.

The SPEAKER. The first branch of the rule relates to reports from committees. In regard to the second branch the practice has been uniform, so far as the Chair is advised, to allow the member presenting a resolution to call the previous question. If the House desires debate upon it, it will vote down the previous question.

Some time subsequently,

Mr. BAKER said: I withdraw my objection to the resolution offered by the gentleman from Georgia, [Mr. STEPHENS.]

The question was upon adopting the resolution.

Mr. STEPHENS. I will state again the object of the resolution.

Mr. FORT. I hope that the gentleman will allow the resolution to be referred to the Committee of Accounts. If that committee reports favorably, there certainly will be no objection to it.

Mr. STEPHENS. That is just what the gentleman from Indiana [Mr. BAKER] desired, and afterward withdrew his objection to the resolution.

Mr. FORT. I know that, but I think the resolution should be referred.

Mr. STEPHENS. Let it go to the Committee of Accounts, then.

The resolution was accordingly referred to the Committee of Accounts.

EXECUTIVE INFORMATION.

Mr. DAVIS, of North Carolina, submitted the following resolution:

Resolved, That it shall be in order, immediately after the reading of the Journal every morning, for any member of the House to offer a resolution calling on the Executive or any of the heads of Departments for information, and said resolution shall be acted upon by the House at once without debate.

Mr. CALKINS. I make the point of order that under the rules this resolution must lie over one day.

The SPEAKER. The Committee on Rules already have this subject under consideration.

Mr. BAKER. I move that the resolution be referred to the Committee on Rules.

The SPEAKER. The Chair understands that the gentleman from North Carolina [Mr. DAVIS] does not object to the reference.

Mr. DAVIS, of North Carolina. Let it be referred.

There being no objection, the resolution was referred to the Committee on Rules.

CALL OF THE ROLL.

Mr. WILLIAMS, of Wisconsin. I offer the following resolution, on which I call the previous question:

Resolved, That in calling the roll of the House the Clerk shall call only the surname of members, with the prefix of "Mr.," except where there are two or more of the same surname, in which case the full name of such members shall be called.

Mr. FORT. Does not this go to the Committee on Rules?

Mr. CONGER. I object to the consideration of this resolution today.

Mr. WILLIAMS, of Wisconsin. I insist on my right to demand the previous question.

The SPEAKER. The Chair recognizes the gentleman's right.

Mr. WILLIAMS, of Wisconsin. But if it is the desire of members, I will consent that the resolution be referred to the Committee on Rules.

Several MEMBERS. That is right.

The SPEAKER. The resolution will be referred to the Committee on Rules.

Mr. FORT. I would have no objection to considering it now, but

I think the resolution ought to be modified by striking out the words, "with the prefix of Mr." I do not see the necessity of that.

The resolution was referred to the Committee on Rules.

CLAIMS AGAINST NICARAGUA.

Mr. ACKLEN. I offer the resolution which I send to the desk, and on its adoption demand the previous question.

The Clerk read as follows:

Resolved, That a select committee of five members of this House be appointed by the Speaker, which committee shall have power to sit during the recess, to inquire into all claims of citizens of the United States against the government of Nicaragua for indemnity for lives of relatives taken, wounds and other personal injuries inflicted, and property taken, injured, or destroyed, which claims have heretofore been filed in the Department of State and now remain pending and unsatisfied; and said committee shall ascertain and determine what amounts and to what persons the government of Nicaragua is liable to make compensation on account thereof, and report the same, with the evidence in reference thereto, to Congress at its next session; and said committee shall give such public notice as it may deem necessary of the times and places when and where it will sit to hear said claims and testimony in support of the same, and shall have power to send for persons and papers, and administer oaths. It shall also obtain and use all proofs relative thereto on file in the Department of State, and such other evidence as any party in interest may produce and offer that it may deem pertinent thereto. It shall have power to employ a clerk and a stenographer, and the necessary expenses of said committee shall be paid out of the contingent fund of the House on the vouchers of the chairman of said committee.

Mr. BAKER. Mr. Speaker, has not the morning hour expired?

The SPEAKER. The morning hour has expired, and this resolution will go over.

Mr. ACKLEN. I merely ask that the resolution be printed and that its consideration go over until to-morrow.

The SPEAKER. It will go over until this class of business may be again reached.

Mr. ACKLEN. As I understand, it will come up as unfinished business in the next morning hour.

Mr. CONGER. Let it come up when this class of business is again reached.

The SPEAKER. That is the only proper time.

Mr. ACKLEN. I understand that if the resolution goes over it will come up as unfinished business in the next morning hour.

The SPEAKER. The rules regulate when the resolution will again come up.

THOMAS J. WHARTON.

Mr. HOOKER, by unanimous consent, introduced a bill (H. R. No. 1349) for the relief of Thomas J. Wharton, of Jackson, Mississippi; which was read a first and second time, and referred to the Committee of Claims.

WILEY BRITTON.

Mr. HASKELL, by unanimous consent, introduced a bill (H. R. No. 1350) granting a pension to Wiley Britton; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM M'GOVERN.

Mr. COX, by unanimous consent, introduced a bill (H. R. No. 1351) directing the issue of an honorable discharge to William McGovern; which was read a first and second time, and referred to the Committee on Military Affairs.

MERCHANT SEAMEN.

Mr. COX also, by unanimous consent, introduced a bill (H. R. No. 1352) to amend title 53 of the Revised Statutes, relating to merchant seamen; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAPANESE INDEMNITY FUND.

Mr. COX also, by unanimous consent, introduced a bill (H. R. No. 1353) in relation to the Japanese indemnity fund; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ACCOUNTS OF LABORERS, ETC.

Mr. COX also, by unanimous consent, introduced a bill (H. R. No. 1354) to settle the accounts of laborers, &c.; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

PROPAGATION OF SALT-WATER FISH.

Mr. COX also, by unanimous consent, introduced a bill (H. R. No. 1355) to protect the propagation of salt-water fish; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

J. H. MERRILL.

Mr. COX also, by unanimous consent, introduced a bill (H. R. No. 1356) for the relief of J. H. Merrill; which was read a first and second time, and referred to the Committee on War Claims.

COMMERCIAL INTERCOURSE WITH CANADA.

Mr. COX also, by unanimous consent, introduced a bill (H. R. No. 1357) to regulate commerce between the United States and the Dominion of Canada in articles the growth, production, or manufacture of said countries, and to provide for reciprocal navigation; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

REUBEN H. PLASS.

Mr. COX also, by unanimous consent, introduced a bill (H. R. No. 1358) for the relief of Reuben H. Plass; which was read a first and second time, and referred to the Committee of Claims.

LOUIS P. DI CESNOLA.

Mr. COX also, by unanimous consent, introduced a bill (H. R. No. 1359) for the relief of Louis P. Di Cesnola, late consul at Cypress; which was read a first and second time, and referred to the Committee on Foreign Affairs.

P. H. DOYLE.

Mr. COX also, by unanimous consent, introduced a bill (H. R. No. 1360) for the relief of P. H. Doyle; which was read a first and second time, and referred to the Committee on Indian Affairs.

ARMY OF THE UNITED STATES.

Mr. COX also, by unanimous consent, introduced a bill (H. R. No. 1361) to repeal section 1218 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN COLLISTER.

Mr. COX also, by unanimous consent, introduced a bill (H. R. No. 1362) for the relief of John Collister, injured by the falling in of the New York post-office in May, 1877; which was read a first and second time, and referred to the Committee on Invalid Pensions.

E. E. RICE.

Mr. COX also, by unanimous consent, introduced a bill (H. R. No. 1363) providing compensation to E. E. Rice for property transferred by him to the Government of the United States for the use of the diplomatic and consular representatives at Hakodadi, in Japan; which was read a first and second time, and referred to the Committee on Foreign Affairs.

RETIREMENT OF NATIONAL-BANK NOTES.

Mr. COX also, by unanimous consent, introduced a bill (H. R. No. 1364) to retire national-bank notes, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

EIGHT-HOUR LAW.

Mr. COX also, by unanimous consent, introduced a joint resolution (H. R. No. 30) to provide for the enforcement of the eight-hour law; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

NATURALIZATION TREATY.

Mr. COX also, by unanimous consent, introduced a joint resolution (H. R. No. 31) providing for the termination of the naturalization treaty between the United States and Prussia; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. HENRY. I was unable to be present on Monday, and I ask unanimous consent to introduce some bills for reference at this time.

Mr. CLYMER. There are a great many other members upon the floor who desire to introduce bills, and if the presentation of bills is to be general I should not object.

The SPEAKER. Objection is made.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CLYMER. I move the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of proceeding with the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The CHAIRMAN. The gentleman from Maine is entitled to the floor.

Mr. FRYE Mr. Chairman, is there any foundation for these wholesale charges against Federal officers in their conduct of elections in the city of New York? Was there a condition of affairs in that city which rendered the intervention of the United States necessary? Has there been a wasteful expenditure of money in the attempt to correct election abuses there? Do the facts demand, as the other side insists, the repeal of the laws known as election laws, or do they fully justify their retention? These and kindred questions should be answered, not in any spirit of partisanship, but in truth and fairness. The safety of the Republic depends upon the purity of the ballot. Let us, then, view the great city, its condition, its population; glance hastily at its political record, and examine the remedies resorted to for its cure from political disease.

New York City has a population of about 1,100,000. It is sixteen and one-half miles long by an average of two and a half in width. Sixteen States only have a larger population than this city. About 45 per cent. is of foreign birth. Nearly one-half of the population reside between the Battery and Fourteenth street, on an area of 2,408 acres. About 55 per cent. of the people reside in 25,000 tenement houses, containing each four families and upward—605,000 in 25,000 houses. The Seventeenth ward in 1875, with an area of fifty-two one-hundredths of a square mile, contained more inhabitants than Louis-

ville, Kentucky, or Cleveland, Ohio. Fourteen cities only in the United States contained more. The Eleventh, Thirteenth, and Seventeenth wards, with an area, including streets, of a little less than one square mile, had a population of 200,000, which, leaving out streets, would make 1,000 to the acre. Only seventeen States in the last presidential election cast more votes than this city. It polled more votes than Vermont, New Hampshire, and Rhode Island.

There were lodged at station houses in 1871, 136,743 persons; in 1872, 147,215 persons; in 1873, 183,854 persons; in 1874, 221,968 persons; in 1875, 217,552 persons; in 1876, 186,876 persons. There were arrested in 1871, 83,672; in 1872, 82,589; in 1873, 88,538; in 1874, 92,112; in 1875, 91,363; in 1876, 92,830.

With this great army of vagrants, criminals, depraved and desperate men; with a foreign population of males over the age of twenty-one, according to the census of 1875, of naturalized citizens, 141,179, aliens, 48,305, very many of whom know absolutely nothing of our institutions or the principles of our Government, are the mere dupes of designing, wicked politicians, in a city two-thirds of the time under the absolute dominion of the democratic party, that party which here to-day, by its demands for legislation on these two appropriation bills, allies itself with and indorses ku-klux, white-leaguers, tissue ballots, repeaters, false and fraudulent naturalization, ballot stuffing, and every other device for the destruction of all purity of the ballot, what may we expect? Let the past briefly speak.

ELECTION FRAUDS.

1837: A committee of the assembly in their report declare that "they were a disgrace to the State and a manifest wrong to the country."

1844: Through them alone the State was lost to Henry Clay.

1856: Another committee declare that the election is not at all the will of the people.

1858: Another committee declare "of late years fraud and simulating at the ballot-box have become extensive and enormous."

1860: In one election district, for 63 names registered no person could be found to represent them. Two Irish boys, sons of a widow, one six and the other eight, were registered. In the Twelfth ward 500 out of 3,500 names were fraudulent; Seventh ward, 935 names fraudulent, and so on.

1862: General Wadsworth, the Union candidate for governor, was defeated by Horatio Seymour, and it can be safely asserted that false registration, repeating, and an unscrupulous count in the city gave him more votes than he had majority in the whole State.

1863: The notorious Judge McCunn was elected by a deliberate manipulation of the votes.

1864: In the campaign of Lincoln and McClellan marvelous frauds had been set on foot by forged soldiers' names, officers' certificates, false papers bearing names of sick, disabled, and dead soldiers. Some of the parties concerned were arrested and tried before a military commission in Washington. The city was full of southern sympathizers, deserters, bounty-jumpers, thieves, and other desperate characters. The agents of the confederacy were in strong force on the Canadian border and in constant communication with their spies and allies in the city. Application was made to the authorities at Washington for protection, and General Butler with six thousand troops was sent forward. The election was peaceable.

1866: Tweed ring in full power, and its will law. Every form of fraud and violence was resorted to. And this in spite of the fact that Kennedy was at the head of the police. Careful examination of the registry lists disclosed over fifteen thousand names not to be found at the places they claimed to register from. This was the time when the republicans endeavored to hold a meeting in the City Park to be addressed by General Butler, Horace Greeley, and Governor Curtin. That attempt is historical. Such a scene was never before witnessed in New York. A howling, raving mob of democrats ruled the hour.

NATURALIZATION, 1866.

Up to this time naturalization had been reasonably legitimate, confined to two courts, the superior and the court of common pleas. Prior to this year the average number naturalized annually in these courts from 1857 to 1865, both inclusive, was fifty-six hundred and eighty-two—many more in the common pleas than in the superior; but Judge McCunn was to preside in the latter this year, with James M. Sweeney, clerk, and Judge Cardozo could be used in the former. Cardozo made citizens at the rate of eight hundred a day on some days—swore them in in squads; a single runner brought before him in one day nine squads, aggregating fifty-two, and swore them all through; at another time this same man brought in twenty, vouched for them all. The result was that these two courts made 13,023 citizens, the average before having been, as I said, less than six thousand. Let it in this connection be remembered that in 1844 in Louisiana—Judge Elliot presiding—four hundred certificates were granted in one day; that the attention of Congress was called to this glaring abuse of power; that a committee investigated and reported that it was impossible such a number could have been legally naturalized in a day. On their report the judge was impeached, convicted, and removed.

1867.

Frauds were stupendous; illegal registration and repeating seemed almost to be the rule. A careful revision of the lists was made, and thousands of names were found fraudulently entered—in the Eighth ward alone over fifteen hundred. Companies of men from New Jersey and Pennsylvania voted. Rum ran in streams; and riot, assaults, and murders were the order. The courts were started, and, as the Tribune said, they ground out citizens "at the rate of one thousand a day, with no more solemnity than and quite as much celerity as is displayed in converting swine into pork in a Cincinnati packing house." In the superior court alone nearly eleven thousand persons received their certificates.

1868—CAMPAIGN OF GRANT AND SEYMOUR—HOFFMAN DEMOCRATIC CANDIDATE FOR GOVERNOR.

False registration, forgery, fraudulent naturalization, repeating, and every fraud and crime against the elective franchise culminated. The courts were in league with the democrats to destroy the last vestige of purity at the ballot-box.

JUDICIAL CONDITION.

The court of common pleas, with honest judges, went out of business practically. The superior court, for this business, practically went into the control of Judge McCunn, fraudulently elected, now a candidate for re-election. The supreme court, never before having anything to do with naturalization, was presided over by Judge Barnard, also a candidate for re-election. These two judicial scoundrels stripped off their coats and prepared for business. Barnard, on the 6th of October, declared that he would attend to no other business than this until the next term. The ready courts must be provided with blanks, so that there should be no hitch in proceedings. The following table will show no neglect in this direction:

Superior court, October 2, received 10,000 certificates; October 3, received 10,000 applications; October 8, received 10,000 certificates; October 15, received 10,000 certificates; October 16, received 20,000 applications. Total applications, 30,000; total certificates, 30,000.

Supreme court.

Date.	Number of applications.	Certificates.
September 16	10,000	9,000
September 19	10,000	
October 6	25,000	
October 12	5,000	5,000
October 13	10,000	5,000
October 15		
October 16	5,000	10,000
October 19	5,000	
October 20		10,000
October 22	5,000	
Total	75,000	39,000

Tammany's headquarters for naturalization were at No. 1 Center street, in a lager-beer saloon. They were provided with a red ticket, forty thousand in number, reading thus:

No. ——.

Please naturalize the bearer.

M. D. GALE,
Chairman Naturalization Committee, Tammany Hall.

And this, presented to the clerk of court, was an order on Tammany for the fees.

PROCEEDINGS IN COURT.

I call your attention to the testimony of M. R. Leverson, a member of the United States bar, an intelligent man, (Reports of committees, third session, Fortieth Congress, volume 3, pages 120 to 140, inclusive;) and allow me to read portions of his graphic description:

Question. You were in the courts witnessing the naturalization of persons desiring to be naturalized?

Answer. Yes; I first went into a room in the basement of the old city-hall building, which used to be the sheriff's office. When I first went into it in the day-time there were about four gangs of four clerks to each gang, one of whom acted in what may be termed the capacity of foreman to each gang.

The foreman had before him a list of names and addresses, and he would keep the other three at work, giving to each man a name and address which that man would fill into one of the forms before him. There were on the table two or three piles of papers. One of them was a pile of blank forms, affidavits, &c. The first form was one in which the applicant is required to swear that he has arrived at the age of twenty-one years; that he has resided in the United States three years next preceding his arrival at that age, and has continued to reside therein to the present time; and that he has resided five years within the United States, &c.

The three clerks would fill in each the name furnished to him as that of the applicant. It would be filled in as that of the applicant in three places, and the clerk would then sign the name of the applicant in each instance. In every case which I saw each of the clerks filled in the name of Patrick Goff as that of attesting witness for the applicant, without a single exception. The name of "Patrick Goff" was inserted as the witness by each of the three clerks, inserted as the name of the person who was well acquainted with the applicant, &c. The clerks did not sign the name of "Patrick Goff," but put it "Patrick Goff—his mark." The clerks wrote the name of Patrick Goff and made the mark also.

Q. Without his being there?

A. Yes. Whether Patrick Goff exists or not I do not know; at any rate he was not there, nor any one of the applicants whose names were signed. This was common to nearly every case. The mode in which the process was gone through in Judge Barnard's court was this: as the men came up they would hand in their papers—this form of affidavit—and it would be handed to the clerk by the usher, who would call out the names. It is a presumption on my part that they call the names of the persons who in that paper are represented as applicants and witnesses, because of course I could not tell that of my own knowledge. All I can tell with certainty is that the clerk purported to call out the names from the paper. On one occasion a man named Lush, or Lusk, was called forward while Judge Barnard was in court, and the clerk said to him, "Get your witness to sign his affidavit." The man looked about the court. I was at that time at the extreme end of the court, and I heard him say in a voice which I supposed was

heard by the judge and the clerk, "I don't know who he is, your Honor." The clerk would call out the names of persons so rapidly that I could not take them down. I commenced to do so at first, but it was performed too rapidly for me to follow it, but I made a mark on some papers which I had with me for each name called.

I do not think that while I was there there was any one occasion when the number was less than one hundred and ten, the lowest number mentioned in my report, in a batch. The average was about one hundred and forty to one hundred and fifty in a batch. When they came up they would be divided in groups around four or five Bibles; each Bible would be held up by four, five, or six men in the center, and the others would either touch it or stretch out their hands toward it on being directed so to do by the clerk or the judge, I am unable to say which. While they were being called up to touch the Bible, or in effect to stretch out their hands toward it, the clerk would call out the names. There was a double calling of the names: the first time to get them within the bar and the second for the purpose of getting them to touch the Bible. As the clerk called out the names he would hand the paper, being the affidavits before mentioned, to the judge, turning each paper over as he handed it, so that the place for the judge's signature might be presented at once to him to save time. The judge would make some mark, which I have no doubt you will find on the records when you have them produced, as his signature to the indorsement, being in fact the fiat for the naturalization. No evidence of any kind was taken by the judge, nor was any oath of any kind administered to the applicants prior to the judge's signing the papers in this way, which he did as fast as the clerk could hand the papers over to him. When they were all through in this way the judge then administered the oath in words which I took down at the time and which I will adopt from this report: "You, the several applicants, swear that you are twenty-one years of age; that you arrived in this country three years before attaining that age and have resided five years in the United States, and for the last year in the State of New York." He swore them in a batch to that form. He would then say, "And you, the several witnesses, swear that the contents of your several affidavits are true."

The judge repeated this form of oath, and every man was supposed to kiss the book. The batch ran from one hundred and up to two hundred; and I remember on one occasion when I counted over one hundred and eighty in a batch. A clerk at the gate of entrance for the bar called the names of the applicants and witnesses in the order in which the papers came to his hands, and on the persons called coming forward they were arranged within the bar, often one witness for four or five applicants at a time. When a number were thus arranged their papers were handed to the clerk, who stood at the judge's left hand, who, as he finished off the lot already in hand, took up the fresh batch. An applicant and a witness being now called by this clerk, and answering to their names, the judge would direct them to hold up their right hands. Very frequently the left would be held up, and the usher would have to help the man to put up his right hand instead of his left. The judge then proceeded to swear the parties in the following words: "You solemnly swear, in the presence of the ever-living God, that the affidavits which you have severally subscribed are true: so help you God."

The testimony of Colonel George Bliss, jr., found in the same volume, page 185, fully corroborates this witness. Colonel Bliss has since been United States district attorney. He timed the Judge and found that in one five-minute space he made thirteen American citizens, full-fledged, "all residents for five years, all men of good moral character," all well disposed, &c., and in another five-minute space he accomplished the marvelous task of turning out fifteen! Allow me also to read from the testimony of Henry Lyle commencing on page 460, same volume:

Question. State what you know of certificates of naturalization being issued by Judge McCunn, of the superior court, and in the supreme court by Judge Barnard.

Answer. I was engaged in that business during the months of September and October, 1868. I saw that everybody almost was going into it and I took a hand at it. I had an office at 33 Chatham street in this city. I staid there most of the time during the day and at night would go up town to Thirty-second street at a liquor store there where parties would send me names of persons to be naturalized. The next day I would fill up the applications, go before the judges, and put the men through. During the month of October I came down in the evening and put the men through before Judge Barnard, of the supreme court, who held the night sessions. I would sign the names of the applicants to the blanks; sometimes I would sign the applicant's name and sometimes he would himself, or if anybody else happened to be around he would sign it. I would take the papers down to the court and give them to the clerk. He would call my name and I would then go around and swear to the truth of the affidavits before the judge. After that I would go around to the clerk's desk; if the man was not there I would take the oath of allegiance, or if the man was too old to go through, otherwise the man himself would go around.

Q. How many certificates of naturalization did you procure during these two months?

A. I cannot tell, but I judge from six hundred to one thousand; that I would swear to. Sometimes I would swear to twenty or thirty, and sometimes fifty a day. I signed different names, just as it happened to come into my head. Sometimes I would sign my own name; at others that of Henry Laurence, or Lines, or any name.

Q. Do you know of any others engaged in the same business?

A. Yes, sir. One was Patrick McCaffrey; another was John Gallagher—he is in the street department, I believe; a man at 189 King street, and also John Verway, conductor on a Ninth avenue railroad car; he resides at 439 West Thirty-sixth street. I know William Thurben, who is also engaged in that business; he is a conductor on the Bleeker street line and resides somewhere in the Nineteenth ward. There is also John Moran, who resides in the Twenty-first ward. Also Chauncy Gray, who resides at the Putnam Country House, corner Twenty-sixth street and Fourth avenue.

Henry Lyle is simply a sample—one of a hundred.

I call your attention now to another representative case, one of many, as detailed in the testimony of Robert Murray:

Question. State your residence and official position.

Answer. I reside in the city of New York. I am marshal for the United States for the southern district of New York, and have occupied that position since the 20th of April, 1861.

Q. State if you have any knowledge of the issuing and sale of fraudulent naturalization certificates in the month of October, 1868.

A. In the early part of October there was a rumor in town that naturalization papers could be purchased at certain localities in this city for $2 apiece. I directed two of my deputies, named Jarvis and Dwyer, to ascertain if that rumor had any foundation in fact. They reported to me, in a few days afterwards, that those papers could be purchased from a man named Rosenberg, at No. 6 Centre street, and also that they could be purchased at No. 13 Centre street. He and I sat down and made out a list of four or five or half a dozen fictitious names. He went over to Rosenberg, at No. 6 Centre street, (witness subsequently employed Major Simms, his deputies being too well known.) Major Simms reported to me that he called on Rosenberg and represented to him that he resided in Yonkers, Westchester County; that he had some four or five friends there who wanted to become citizens of the United States; that they were poor men and could not spare the time to come to the city to go through the courts of law, and he inquired of Rosenberg if there was not any way by which he could fix it for him. Rosenberg replied, "Yes, give me the names, and I will have the papers for you to-morrow morning." Simms replied that he might want quite a large number, but that the list was imperfect at that time, and that he would call and see him again. He called there the second time and handed him this list of six or eight names, and he was told to call in the morning, and that the papers would be ready for him. He did call in the morning, and the naturalization certificates were handed to him. Simms paid Rosenberg $2 apiece for them. They were brought to me, and I made Simms mark them with his initials, and I think I marked them myself. The next day I sent a young man by the name of Butts with a list of three or four names—fictitious names—and I directed him to go there to No. 6 Centre street and purchase naturalization papers there. He reported to me that he had had an interview with Rosenberg, and that Rosenberg agreed to furnish him the papers the next morning. The next morning Butts handed me the certificates. I compared them with the list of names which I had furnished to him the day previously, and I found that they corresponded. I made Butts put his initials on the certificates, together with the date of them, and I put my initials on them also. The day after I made out another list of names of four or five or perhaps more, and sent a man by the name of Livingston, with instructions to go over and see Rosenberg and inquire if he could purchase naturalization papers. He reported back to me that the papers would be ready the following morning. The following morning Livingston handed to me these naturalization certificates. I compared them with the list of names which I had handed to him the previous morning, and found they corresponded. I made Livingston put his initials on them, together with the date, and I think I also put my initials on them. The next day I sent a man by the name of Reynolds over there to inquire whether he could purchase naturalization papers, and we made out a list of them together of fifteen or twenty names. I simply sent Reynolds there to have corroborating proof, for I meant to arrest Rosenberg that day; and I directed Reynolds to have no conversation with Rosenberg; to state to him that perhaps he might want four or five hundred of the certificates; that perhaps he could not furnish the list of names, as time was very short, and to inquire whether he could have certificates in blank. Reynolds reported back to me that he had had an extended conversation with Rosenberg, and that Rosenberg agreed to furnish him with five hundred of the certificates the next morning, at a dollar and a half apiece; that by taking a large quantity of them he would make a reduction of fifty cents; then he made a counter proposition, that anything else than one hundred would be charged $2 apiece, and over one hundred a dollar and a half apiece. He had quite a long conversation with him, and went into the details of the business. After Reynolds came back and reported to me, I sent another man over there by the name of McDonald, and directed him to do the same thing as Reynolds. He reported back to me substantially the same conversation that Reynolds had reported, that these men would furnish any quantity of these papers—one hundred for a dollar and a half apiece, but any quantity less than one hundred at $2 apiece. I considered then that I had the whole case complete. I went to the district attorney and made necessary affidavit and information, and then got out the warrant and arrested Rosenberg that afternoon at three o'clock.

HOW MANY WERE NATURALIZED?

In the supreme court there were filed in the clerk's office as sworn to certificates as follows:

Date.	Number.	Date.	Number.
October 6	6	October 16	721
October 7	8	October 17	633
October 8	379	October 19	955
October 9	668	October 20	944
October 10	717	October 21	773
October 12	723	October 22	675
October 13	901	October 23	587
October 14	523		
October 15	857	Total	10,070

But 75,000 blank applications had been obtained in this court from time to time. An examination by the congressional committee and the testimony of the clerk of the court proved conclusively that there were issued 27,068 certificates when no application was on file. Thus the number naturalized in this court was 37,178.

SUPERIOR COURT.

One of the clerks, Westlake, swore to the number naturalized each day; there being in twenty days in October the enormous number of 26,226, or a daily average of 1,311. Meeks, a deputy clerk, testified that Westlake had given the above from actual count; and Gillespie, assistant naturalization clerk, certified under oath to the correctness of the statement.

From these two courts in the month of October, 1868, there were undoubtedly issued at least 63,000 certificates.

STANDING WITNESSES.

In the supreme court twenty-one witnesses appeared for 2,749 applicants; and the same witnesses also acted their part in the superior court. Take these specimens: Patrick McCaffrey in the month of October, in the supreme court, swore to the good moral character, length of residence, &c., of 251 persons; and in the superior court of 252 persons; in all, 503. John Ward performed like duty in the supreme court for 324 persons; in the superior court for 195 persons; in all, 519. John Moran was witness in the supreme court for 455 persons; in the superior court for 299 persons; in all, 754. James Goff, and Patrick, his brother, certify to 666 in both courts.

Patrick McCaffrey was one of James O'Brien's deputies, and by him discharged for extortion. John Moran had served a term in State prison. The Goff brothers were notorious thieves, and both Barnard and McCunn, as criminal judges, must have known them well. As soon as the business of the court was over James stole a watch, chain, and two diamond rings. It was testified that one of these Goffs had four thousand of these certificates for sale.

Now, under the act of Congress of 1802 applications for naturalization must be made in open court, and the court must be satisfied that the person applying had during his residence "behaved as a man of good moral character, attached to the principles of the Constitu-

tion of the United States, and well disposed to the good order and happiness of the same;" and in no case could proof of residence be made by oath of applicant.

WHO ARE ENTITLED TO BECOME CITIZENS.

First. Those who came here over eighteen years of age and had resided here five or more years, and had made previous declaration of intention.

Second. Those who came under eighteen years of age and had resided here five years. These were not required to make previous declaration of intentions.

Third. Honorably discharged soldiers twenty-one years of age and residents of the United States for one year.

How shall all this be shown? By affidavit? Not at all. The common-law oath must be administered to both applicant and witnesses. "You solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God." Then should follow an oral examination of applicant and witnesses as to residence, character, attachment to the principles of the Constitution, as to disposition to the good order and happiness of the country, &c.

In 7 Hill, New York Reports, page 137, Judge Dean held that under the statute the residence of the applicant must be proved by the oath of some party other than the one applying, and that affidavits were inadmissible and could not be received.

In The People *vs.* Sweetman, (3 Parke's Criminal Cases,) Judge Pratt held:

The laws of Congress require the application to be made to the court and the proof of five years' previous residence must be taken in open court. It must also be common-law evidence, taken by the oral examination of the witnesses; previously prepared affidavits are not competent.

Now, in both the superior and the supreme courts the applications were previously prepared out of court, subscribed and sworn to in court, and before Judge Barnard no oral examination was had at all and both applicants and witnesses were sworn in squads to the truth of printed forms of blank affidavits. In Judge McCunn's court the only oath administered was:

You solemnly swear that these affidavits by you subscribed are true.

The answers to the few questions put were not under oath. Right here, again, I wish to call your attention to the case of Judge Elliot, who was impeached and found guilty for naturalizing four hundred persons in one day. Notice the language of the congressional committee:

It was physically impossible, involving as it must the administering of twelve hundred oaths and the examination of eight hundred witnesses as to age, qualifications, residence, and moral character of the applicants.

And yet each of these judges must have averaged three thousand oaths and examined two thousand witnesses daily! *Mirabile dictu!* The army in Flanders could not have beaten this swearing.

This terrible picture would not be complete without brief references to "false registration," "repeating," and "ballot-box stuffing." A few instances of each must suffice. William H. Hendrick, with the sanction of Colonel Bliss, district attorney, was employed by a captain of repeaters, headquarters Peter Mitchell's liquor store. There was a gang of about fifty men, divided into squads of four, six, eight, and twelve. Each man received a card giving him his name and residence; on this he registered at one registry, then returned to headquarters, received a new name and residence, and so on. These men registered and voted, each from five to thirty times. It may be well to remark that Peter Mitchell was a candidate for the assembly.

Alexander Ostander, an attorney at law, investigated on election day; saw squads of men; thin slips with names and residences; saw them vote at one polling-place, then go to another and repeat, then to another, and so on.

William H. Greene, a patrolman, saw a gang of men, known to him personally, register from William M. Tweed's house, from Patrick Kernan's, the coroner's, and from Edward Shandley's, police justice. Some of them were challenged, but promptly took the necessary oaths. Most of these men were thieves; the leader, who registered from Kernan's house, was one Lawrence, alias "Wilson," alias "Nibbs" or "Nibbsey." This gang of eight was followed up, and it was found that they had registered one hundred and sixty on fictitious names. They were arrested, their books seized, revealing the fact that they had registered in two hundred and twenty places. On the evening of their arrest a writ of *habeas corpus* was served on the officers in charge, directing their bodies to be brought before Judge Barnard, no time being allowed for return, none being made. They were taken to Barnard's residence. They remaining on the side-walk, Mr. Howe, an attorney, took the writ, wrote on it, "The prisoners being charged with no offense on the annexed return, I order them discharged," gave it to a servant girl, who passed it to the judge, then in bed, obtained his signature, and the prisoners were discharged.

And lest there might not even then be votes enough to overcome the honest voters of the country portions of the State, "counting and canvassing" was indulged in to an unlimited extent. This was William M. Tweed's favorite method, less expensive, less liable to detection, and more certain of success. Under its operations the only thing necessary to know was the number of votes required. Hence the famous Tilden circular. Mr. Tweed, in his last confession, Report of Special Committee of the Board of Aldermen, pages 133 and 134, throws light upon this:

Question. Now, Mr. Tweed, when you were in office did the ring control the elections in this city?

Answer. They did absolutely.

Q. How did you control the election?

A. Well, each ward had a representative man who would control matters in his own ward, and whom the various members of the general committee were to look up to for advice how to control elections.

Q. What were they to do in case you wanted one man elected over another?

A. Count the ballots in bulk, or without counting them announce the result in bulk, or change from one to the other, as the case may have been.

Q. Then these elections were really no elections at all?

A. The ballots made no result. The counters made the result.

Again, he was asked if he ever gave any directions in any ward to falsify the results, and frankly said he had in every ward in the city. On pages 225 and 226 he is inquired of especially as to this election of 1868, whether the inspectors of election lumped the votes and declared them without counting, and replied that he thought they did; that means were taken to overcome the vote of the rest of the State by that of the city.

But time fails, and these incidents must serve merely as illustrations of a record perfectly appalling. False registration and repeating seemed almost to be the rule; hundreds registered from houses where only two lived; scores from buildings having no existence; an army from vacant lots, stables, beer-gardens, and houses of prostitution. What a picture! This a republic? This self-government? When the disgraceful story was published our whole nation trembled; its ruin was predicted in the English Parliament, and this election was the evidence. New York City was a reproach, and her best citizens of both parties fully appreciated it. These election frauds, increasing year by year, had not been quietly acquiesced in. The New York Assembly had enacted laws to prevent and to punish again and again, but corrupt courts, packed grand juries, bribed sheriffs, subservient policemen, the almost unlimited power of Tammany, the despotism of Tweed, the entire lack of conscience or moral sense in the democracy of the city, their intimate copartnership with grog-shops, gambling-hells, houses of prostitution, and all other dens of vice; their adoption of thieves, perjurers, assassins, State-prison convicts, and all the criminal classes, had rendered every such attempt futile. But this immunity had made them reckless, and their crime of 1868 was so gigantic, so full of peril to the Republic, that the whole country was aroused. The Union League Club appointed a committee to investigate—William E. Dodge, Horace Greeley, Moses H. Grinnell, Isaac Sherman, Marshall O. Roberts, Isaac H. Bailey, and John H. White, names sufficiently well known. They, November 13, 1868, issued an address, from which I will make a few selections.

To the people:

* * * * * * *

By these, among other measures yet to be developed, the plot to change by fraud the vote of the State was carried to completion. Commenced under color of law, with the connivance of courts of justice, by the issue of fraudulent certificates which were used for a fraudulent registry, furthered by the illegal voting of tens of thousands, and by gangs of industrious repeaters, and then by delayed returns and counts based upon reports obtained by secret circulars. The plot was also indebted for its accomplishment to the encouragement afforded by the proclamation of the mayor and to the deputies of the sheriff with void warrants, illegal arrests, threats, and violence. It is perhaps possible that we are without a remedy against the stupendous fraud thus perpetrated against the people of this city, of this State, and, as regards the electoral vote, against the nation. It may be that our State and congressional legislation, anticipating no such crime, has proceeded upon the supposition that our judges and other officials would be uniformly the protectors of the franchise, and never the tools of conspirators against its purity. It may be that for two years we must submit to the wrongful rule of usurpers who have effected a temporary triumph over the men honestly chosen by the people, and this in the face of proofs that compel the belief that the democratic majorities were obtained by fraud. But if this be so, and we find ourselves without redress or indemnity for the past, it is due to ourselves and our children, to the nation and the world, that we enter our protest against the wrong, and that we obtain by all proper means ample security for the future. It has been our acquiescence in the lesser and partial frauds of the Tammany ring in former years and the impunity with which that ring has plundered and disgraced our city, that has emboldened the preparation of this gigantic conspiracy to control the government of the State and nation. Nothing can be more clear than that a similar acquiescence on our part, now that the conspiracy has succeeded, would tend to make fraud in elections a disease chronic in the body-politic, spreading from city to city and from State to State, until our Republic should have become as rotten as the municipal government of this metropolis. When a fraudulent election is engineered by party conspirators, under the assistance and protection of convenient judges, the returned vote no longer indicates the will of the people, but simply the audacious designs of a desperate faction who regard politics as a game where truth and honor have no place.

Indeed, the success of the rebellion would not necessarily have dealt a more deadly blow at the honor and prestige of the Republic, and of republican institutions throughout the world, than a general debasement of the franchise similar to that which now confronts us, subjecting the entire State to the control of a local ring unparalleled in infamy. Already is the fear forcing itself upon honest men of all creeds and parties that, with individual local judges ready to abet or afraid to resist the most flagrant plot against the purity of elections and the sovereignty of the people, appeal to our court for protection to life and liberty and property may soon become as idle as those of the victims of the secret tribunal to the masked judges of the Inquisition.

This recital of the inception, growth, and ultimate strength of "fraud upon the ballot," of the attempts and complete failure of a well-disposed State to destroy or even restrain it, it seems to me ought to satisfy every intelligent lover of the Republic of the absolute, imperative necessity for interference by the United States, both by legislation and by a rigid enforcement of its laws. The perpetuity of republican institutions demanded both.

In December, 1868, Congress passed a resolution to investigate the alleged frauds in New York, by a vote of 134 ayes to 35 noes; and Hon. William Lawrence, of Ohio, was made chairman of a very efficient committee for that purpose. The investigation was thorough and exhaustive; the evidence taken is accessible to you all in the Congressional Libraries, and is terribly convincing. The committee recommended legislation, in consequence of which and of suggestions

of Mr. Davenport, made from time to time—the results of his experience in the enforcement of the earlier acts passed—Congress enacted the laws of May 31 and July 14, 1870, February 28, 1871, and June 10, 1872, making certain necessary amendments to the naturalization laws, providing for the appointment of a chief supervisor of elections in each judicial district of the United States; also for two supervisors in each election precinct, one from each party, in cities of twenty thousand inhabitants and upward, on application of two or more citizens, and of two supervisors for each county or parish in any congressional district, on application of ten citizens. Nearly all of this legislation is now found under title 26 of the Revised Statutes of the United States, entitled "the elective franchise," sections 2002 to 2131 inclusive, a vital portion of which it is now proposed by gentlemen on the other side to repeal.

Is the demanded repeal in the interest of free and pure elections, or is the law as it stands calculated to give every citizen entitled to it a right to vote, and does it insure to him that his vote shall be counted as it was cast? It seems to me the inquiry need go no further; and as these questions are answered our action on this bill, or rather on any bill properly and legitimately before us proposing the repeal of these statutes, should be determined. Surely gentlemen will not seriously undertake to raise and discuss the constitutionality of these laws now. That question was thoroughly considered when they were enacted. Besides they have stood the test of years of trial in the presence of bitter hostility, with all the courts open to the settlement of the question. Can any gentleman point to any decision against them in that regard?

In the case of the United States *vs.* Quinn, (Blatchford's C. C. Reports, volume 8, page 48,) Judge Woodruff, one of the most accomplished and learned judges in the country, held "that the section of the act in question, (act of May 31, 1870,) which assumes the power of Congress to make it an offense against the laws of the United States to fraudulently register, is a constitutional enactment." I should judge, from the frequent use made on this floor of the recent decisions of Judges Fruidman and Blatchford, that they went to the root of the whole matter and overturned all the law and all the facts, but they go only to the sufficiency of the record in naturalization. They overrule only that one point, so inconsequential that I have not even alluded to it in showing the utter falsity and fraud of the naturalization of 1868. The papers and the facts hereafter to be offered in evidence in the "Coleman" case will conclusively show that his registration was illegal.

Again, in the last Congress, in the case of Dean *vs.* Field, the democratic side planted itself squarely on the count of the supervisors of election, and on the strength of it gave Dean his seat. No, gentlemen, these laws must be weighed in the balance of experience, and to that I now ask your attention. In May, 1871, John I. Davenport was appointed chief supervisor in that judicial district including the city of New York, and at once entered upon the great work assigned him. Against him was arrayed the most powerful and unscrupulous combination ever known to the politics of this or any other country, but Davenport could not be terrified, cajoled, bribed, or driven. Bright, active, intelligent, vigilant, from investigations made, thoroughly acquainted with the ways of Tammany, he went into the fight *con amore* and came off conqueror; and now the vanquished foe to decent, well-ordered, and pure elections demands his decapitation and the repeal of the laws he succeeded in enforcing. Is this suggestive of the thought that history repeats itself? The task set before the supervisor was—

1. To obtain possession of from twenty-five to thirty thousand false and fraudulent certificates of naturalization issued from the supreme and superior courts in the month of October, A. D. 1868, then in use in the city, the balance having been sold in packages in New Jersey, Connecticut, and other sections of the State of New York.

2. To discover and prevent false registration whereby thousands claimed to reside in dwellings which were in fact brick-yards, vacant lots, parks, stables, gambling-houses, houses of prostitution and assignation.

3. To break up gangs of repeaters, numbered by the hundreds, each of whom was registering and voting from ten to thirty times.

4. To discover the immense number of living men voting upon the names of the dead.

5. To make a correct roll of the unpardoned criminals and convicts.

6. To prevent false counting and canvassing.

The work was herculean, but the workman was, too. Davenport commenced his operations with enthusiasm, prosecuted them with great earnestness and unflagging zeal. He encountered opposition but always triumphed over it. He was prosecuted before the courts in 1874. The presiding judge not only acquitted him but commended his ability, integrity, and decision in the administration of the duties of his office. In 1876 a congressional committee known as "the Caulfield committee" investigated him, and in the end were delighted to have him called off. Subsequent to the election of 1876, another committee, Hon. SAMUEL S. COX, chairman, made an investigation which resulted in his entire vindication. During the last Congress another was ordered, Hon. William P. Lynde, chairman, on which I had the honor to represent the minority. Witnesses were examined for two or three weeks to so little effect that no report was ever made. Two days before final adjournment of that Congress Mr. Lynde read to me his views, an argument in favor of the repeal of the election laws, but they were never submitted to the Judiciary Committee nor to the House. The only action had was, leave "to print and recommit." I shall have occasion to refer to these investigations again. All these obstacles had no more effect than the *débris* floating on its surface has upon the ocean.

There were from forty to sixty thousand false and fraudulent naturalization certificates to be followed up and destroyed. It was very difficult to determine how many of these were in use in the city, thousands of them having been sent into Connecticut, thousands into New Jersey and the river counties of New York, ten thousand having been delivered to Jim Fisk for distribution along the line of the Erie road; but the registration was carefully scrutinized, compared year by year; certificates of 1868 to be indexed; records of courts examined; holders of papers personally interrogated; threats, arguments, and entreaties used with the voters, until in 1876 there were registered under certificates issued from the supreme and superior courts for October, 1868, less than ten thousand persons. In the accomplishment of this no complaint had ever been made against Mr. Davenport's processes, and, comparatively speaking, no obstacles had been thrown in his way. Prior to the election of 1878, the supervisor having become thoroughly master of the situation, knowing every holder of these papers, all the facts touching their falsity, determined to close them out. There was no secrecy about it, no disguise; his purpose was published in the daily press; he notified a committee of Tammany of it and sought their co-operation, which at first they seemed inclined to give, but subsequently refused and on the contrary bitterly opposed. In the month of August he caused notices to be served upon these holders personally, also published them, informing them of the fraudulent character of their papers, that they would not be permitted to register under them; that if they would surrender, whenever they were entitled to naturalization they should receive their certificates free of cost; again served a like notice in September and again in October. Before registration was over, from three to four thousand of these papers had been surrendered, with affidavits that the surrender had been freely made; that the certificates were fraudulent, and each affidavit signed by the party affiant. Undoubtedly thousands more would have been freely given up had it not been for the violent and persistent opposition of Tammany. Just before the election some thirty-two hundred warrants were issued against parties who had registered under these papers. On election-day six hundred and six were arrested, and only twelve hundred and forty succeeded in voting. These arrests were made for illegal registration on warrants. Immediate examination was had before the commissioners. All expedition was used; as little trouble, delay, and vexation was caused to the arrested as was possible. Nearly all were discharged on their own recognizance, and very few if any were prosecuted to judgment before the courts, the authorities regarding them rather as dupes of Tammany than willful violators of the law.

A memorial was presented to the last Congress by the gentleman from New York [Mr. WOOD] complaining of arbitrary arrests, cruel treatment, confinement in filthy pens, intimidation, partiality of supervisors in administering the law, and wholesale arrests of innocent men. The Judiciary Committee, through Messrs. Lynde, FORNEY, and FRYE, investigated, as I said before. Tammany was represented by two able lawyers, Davenport by himself. Tammany had the subpœna of the United States, the largest liberty in its use, all free of cost; brought before us seventy or eighty witnesses, of course about all, and of course the very best samples of the injustice of the law. There were sixty-three of these memorialists, setting forth in words that burn their grievances. Their persons and residences were well known, and yet only eleven of them were put upon the stand. Where were the others? Why did not the able counsel call them? Surely they knew and could swear to the blistering facts presented to the House by the honorable gentleman from New York, [Mr. WOOD.] The papers of forty-two of these men on their face would have convicted them of illegal registration. Does this account for the absence of all but eleven? Davenport insisted that they should all be sworn as witnesses for the complainant.

I have no hesitation in saying, and I do it with the evidence and Mr. Lynde's views before me, that as to intimidation of honest voters, cruelty, partiality, vexatious delays, there is not sufficient evidence on which to convict a man of the theft of a farthing, not sufficient to awaken a decent suspicion in an unpartisan mind. On comparing the statements of these witnesses with their papers, I am satisfied that not more than a score were entitled to vote. Did not Tammany find the best specimens of the six hundred and six arrested men? And for this offense against the liberty of the citizen must this law be repealed? Why, you cannot enforce the law against burglary, theft, murder, or any other crime *without* arresting some innocent men. Must, then, these laws be repealed? I call your attention to this: from twenty-five thousand to thirty thousand fraudulent certificates on which men had registered in 1868 and voted, in 1878 thirty-two hundred only registered, twelve hundred and forty voted; and all this accomplished with no more complaint or cause for complaint than is found in the evidence taken by our committee. I submit to any candid, fair-minded man, is not a success like this marvelous, and its accomplishment with so little friction, so slight individual, personal injustice without parallel in the history of law and its enforcement?

And now I come to the second great crime against the right of suffrage, "false registration and repeating." Its extent I have already

indicated; its remedy was hard to find, and made especially so, first for the reason that the city authorities changed election districts every year, and sometimes twice a year, cutting frequently single blocks, single squares, in half, thus rendering impossible any comparison of registries and poll-lists of any one year with any preceding year; second, for the reason that registration under the law then closed only two days before election, thus giving no time for examination and comparison. To overcome these difficulties Davenport took a copy of the census, all males over the age of eleven—three hundred and thirty-three thousand—under the number of the houses, by election districts, assorted, wrote them on slips, boxed the slips, then sorted them alphabetically by the inside letters down to the last letter, so that it became a directory, an alphabetical list in addition to the house list; then copied the inspectors' books, the registers, and poll-lists, brought them into block books, so as to keep each block by itself; then made maps of every house, building, and lot in the city; also in blocks; corrected them every thirty days. Says Mr. COX in his report:

You cannot build a wing to your house, or change its number or add to its stories or rooms, or change the character or quality of the dwelling, without its being registered by the supervisor.

All vacant lots, parks, stables, houses of bad character, public buildings, &c., appear. So perfect was the machinery that Mr. Davenport says:

I did not care how often they changed the election districts, I could take one block and another block and make my election districts as fast as they could change theirs, and have it within twenty-four hours.

Then the law was changed giving ten days between final registration and election. Every supervisor was required to keep a copy of the registration in his district and return at once to the chief supervisor. False registration and repeating without detection became impossible.

The third and fourth classes of crimes against the ballot were, voting on the names of dead men, the registering and voting of unpardoned convicts. To prevent these the supervisor prepared books containing a record of every State-prison conviction in the county of New York for twenty-five years, with an accurate description of the man, his height, complexion, age, married or single, occupation, crime charged, trial, plea, verdict, sentence, whether pardoned or not; and this record was corrected every thirty days. Also for the same time records of all deaths, with street, number, name, age, nativity, color, occupation, time, place, and cause of death. And these crimes were effectually stopped.

False counting and canvassing was pretty thoroughly checkmated by the law and its enforcement by Mr. Davenport, as the following evidence shows:

By Mr. COCHRANE:

Question. Who has the custody of the records showing these several votes?

Answer. That is published in what is called the City Record, the official paper of the city.

Q. Who has the custody of the original returns?

A. The original canvass of the State officers—the State inspectors send their original canvass to the county clerk, one copy to the county clerk and one copy to the bureau of elections. The supervisors of elections send their canvass to me, and I have the returns from every election precinct, showing not only the supervisors' count, but also showing the inspectors' count; and in that way I have a check on any alteration of the returns thereafter, because I made them take down the count of the State officers, and then take their own count, and wherever there was a variance the man got into difficulty.

Q. You have no personal knowledge, however, as to the correctness of those returns, have you?

A. I have the official returns made under the law. The supervisors are sworn. I did not personally canvass the vote.

Q. Therefore you have no personal knowledge as to the correctness of these returns?

A. No, sir; I had the official reports certified by the county clerk and published in the official paper of the city. That I have here in Washington. That paper is made by law the place for publishing the official canvass.—*Davenport's testimony.*

But time will not allow me to specify further the means adopted by Davenport to secure pure elections. It does not seem to me that man could devise machinery more perfect, complete, and more certain to secure the desired end. How did it operate in New York? It must be remembered that Davenport commenced under the first election law in 1870; that both law and man were silent and powerless in the odd years and in the election of all officers except Representatives to Congress. Of the election of 1872 the New York Tribune, then good democratic authority, declared it "to have been most thoroughly honest and to have been nearer a pure election than the city of New York had had in years."

Allow me to give a few extracts from the testimony of a leading democrat and prominent official of the city, Mr. William C. Whitney, taken before the investigating committee of 1876, of which the honorable gentleman from New York [Mr. COX] was chairman:

When Mr. Davenport comes to explain to you the elaborate machinery for detecting frauds upon the franchise in New York City which he has devised and set in motion, you will see plainly that the security against frauds of this character is greater than anywhere else in the United States.

Again:

Of course you must understand that this system undoubtedly has the effect of preventing fraudulent voting.

Again:

From what I have seen of the preparation made to prevent fraudulent voting, with which Mr. Davenport is justly to be credited, I do not believe there is as honest an election in the United States as is held in New York City.

Again:

I am entirely familiar with the system that he has put in operation. I think it is very thorough, and if a man succeeds * * * in voting when he has no title to vote he is pretty smart.

Again:

Question. You think that the supervision of the election, under the system of Mr. Davenport, has had the tendency to prevent illegal voting and to give a fair election?

Answer. I think it has. Yes, sir.

Again:

I have heard him (Kelly) express the same opinion * * * that Mr. Davenport has been a very important accessory in preventing fraudulent voting in New York City.

The chairman of this committee, Mr. COX, says:

Whatever may be said about the United States law as to elections or their supervision by United States authority, &c., this must be said, that the administration of the law by Commissioners Davenport, Muirhead, and Allen, the United States functionaries, and their subordinates was eminently just, wise, and conducive to a fair public expression in a presidential year of unusual excitement, &c.

Again:

From the moment the supervisors are appointed, from the moment that the lists are purged, from the moment that the applications are examined, to the very last return of the popular expression, this election shows the calm mastery of prudence. For this due credit should be given to men of both parties, and especially to the corporation counsel, Mr. Whitney, and the United States supervisors.

Now, sir, examine some figures from which correct conclusions are inevitable:

Sixth ward statistics.—For President, 1860, 3,224; for governor, 1864, 3,781; for President, 1868, 5,401; for secretary of state, 1869, 6,286; in May, 1870, for judges of the court of appeals, 6,350. Refer to the census and you will find this ward during this time steadily decreasing in number of inhabitants, but increasing in votes, as the above shows.

The national act of 1870 was enforced at the November election in this ward, and what was the result? For governor, November, 1870, 3,903; for Congress, November, 1870, 2,865. Supervision had affected some the governor's vote and reduced that for members of Congress more than one-half! Now look at the following year, 1871, an odd year, with which United States officers had nothing to do: For secretary of state, 1871, 4,104.

In February, 1871, the United States laws had been made more efficient. Now see the result in the same ward: For President, 1872, 2,485; for Congress, 1872, 2,414.

Eighth ward.—For several years, inhabitants decreasing, vote increasing under the fostering care of Tammany: For President, 1868, 6,803; for Congress, 1868, 6,587; in May, 1870, for judges of court of appeals, 9,512; for governor, November, 1870,* 5,412; for Congress, November, 1870,* 5,067; for secretary of state, 1871, 5,912; for President, 1872,* 5,311; for Congress, 1872,* 5,011.

Wards.	Population.		Registration.		Vote.	
	June, '70.	June, '75.	May, '70.	May, '76.	May, '70.	May, '76.
First ward	14,463	14,209	3,559	2,539	3,051	2,387
Third ward	3,715	2,878	1,606	904	1,382	819
Fourth ward	23,748	20,843	5,748	3,559	5,804	3,251
Fifth ward	17,150	15,966	5,880	3,263	4,374	2,947
Sixth ward	21,[illegible]53	19,880	6,802	2,939	6,350	2,674
Eighth ward	34,913	32,488	10,162	6,414	9,512	5,932
Total	115,142	106,264	33,817	19,618	30,473	18,010

Observe that while the population decreased less than 9,000, the vote decreased more than 14,000; and yet the vote of 1876 was one of the largest ever thrown. Observe further that the decreasing vote is found in the democratic nurseries.

Please examine the party vote in the same wards, the scattering being excluded:

Wards.	Republican vote.		Democratic vote.	
	May, '70.	Nov., '76.	May, '70.	Nov., '76.
First ward	629	394	2,422	1,993
Third ward	203	235	933	584
Fourth ward	657	448	5,147	2,803
Fifth ward	627	842	3,747	2,105
Sixth ward	260	524	6,090	2,150
Eighth ward	1,038	2,244	8,474	3,688
Total	3,414	4,687	26,813	13,323

Total poll 1870	110,000
Total poll 1876	171,000

A democratic decrease of more than one half! Is this because the number of democrats has actually been reduced? Not at all. It is only this and nothing more: under these election laws his power of voting has been restricted. One democrat under the old *régime* was

* United States law enforced.

worth as much as two to-day. Of course such an interference with prolific democracy must be unconstitutional.

WHAT DO FACTS AND FIGURES SHOW?

Now, do not these facts and figures conclusively prove that there were no fair elections in New York City for many years, up to and including that of 1868; that false registration, repeating, corrupt naturalization, and fraud of every kind utterly overcame "the will of the people;" that interference by Federal authority was a necessity so far as it could constitutionally be had; that the election laws of 1870 and 1871, and their enforcement by United States officers, has purified elections? Why, then, this sudden democratic "hue and cry" against those laws? Why this determination to repeal the law or destroy the Government? Is it because of their cost? Are they, as the democrats insist, "heaping burdens upon the poor?"

The election of 1868 cost the city of New York $550,000, and what was it this money purchased? A farce! a fraud! That of 1870 cost $450,000; 1871, $375,000. Now the election costs the State only about $150,000. Add to that amount paid by the United States, even years, since the law went into effect, averaging, including all expenditures, chief supervisor and all, not over $100,000 a year, and the result is: Pure election, 1878, costs the United States and State $250,000; bastard election, 1868, costs the State $550,000.

Where are the burdens? No, my democratic friends, lovers of your kind, your cards are not good.

Is it because, as Mr. Lynde says, there were arbitrary arrests in 1878; because too much power is placed in the hands of a partisan supervisor? Why, gentlemen, there were fifteen hundred warrants issued in 1876 and three hundred arrests, all under the supervision of the autocrat Davenport; and yet there was no complaint, according to Mr. Cox. Everything was serene and lovely. Is it because a score of men entitled to vote were arrested in 1878 and thus deprived of their rights? Mr. Cox says such mistakes must inevitably happen, and they did occur in 1876; and yet everything worked together for good then. Is it because the enforcement of this law operates against the democratic party rather than against the republican? Of course it does. So does the enforcement of any law against crime. Repeal the whole criminal code; open the doors of every prison, jail, and penitentiary in this country; and the republican party would be shortly in a hopeless minority.

One illustration will serve to show in what soil this party of "reform" flourishes.

1862: General Wadsworth, the Union nominee for governor; Horatio Seymour, the democratic. The county of Saint Lawrence, made up of substantial, intelligent, and well-behaved farmers, cast a vote of 13,321. Wadsworth had 9,698; Seymour had 3,623. Thirty-nine election districts in the city, containing a little less population than Saint Lawrence, polled 14,345 votes. Wadsworth, 1,681; Seymour, 12,654.

The inhabitants of these districts were degraded, intemperate, ignorant, and criminal. These districts, as appeared by the police records, contained 2,743 groggeries, 279 brothels, 170 resorts of thieves, 105 policy shops, and gambling-houses and dance-houses in great numbers. They gave Seymour a greater majority than he had in the whole vote of the State of 602,546.

Right here, sir, I wish to call the attention of the committee to the testimony of a man of great experience, Mr. Ottarson, given before the Cox committee in 1876. Mr. Ottarson had been a journalist in New York City for twenty-five years, connected with the Tribune from 1841 to 1865, subsequently with the Times and the Herald, the compiler of the Whig or Tribune Almanac, a careful student of social and political statistics:

> I do not believe nor do I charge that all democrats are dishonest. But I do mean to say that every dishonest man, every vagabond, gambler, illegal rumseller, tramp, loafer, and bad citizen, in whatever line of business, from burglary down to French pools, is instinctively and practically in favor of Tammany democracy.

Again:

> More than thirty years ago the whig and native American majority in the Legislature got up a bill to purify elections. Tammany opposed it. It was enacted. Tammany defied it. As soon as the democrats got a majority the law was repealed. When it was proposed to substitute glass ballot-boxes for the dark sepulchers, so easily packed before the polls opened, Tammany opposed it. When it was proposed to give each party an equal representation in the boards of election officers, Tammany opposed it. When it was proposed to close liquor shops during voting hours to prevent fighting and general disorder, Tammany opposed it. When it was proposed to remove ticket booths far enough from the polling places to avoid crowds and confusion, Tammany opposed it. When minority representation was proposed, Tammany opposed it. When the people found that the democratic leaders had been granting enormous donations or privileges to certain religious organizations and proposed an amendment to the constitution of the State forbidding appropriations to any sect whatever, Tammany opposed it. Whenever and wherever there has been proposed the least possible restriction of liquor selling, or the least attempt toward the enforcement of a regard for Sunday, Tammany has opposed it.

Words of mine would have failed in any attempt to describe Tammany democracy. This witness does justice to the subject. What a spectacle do we behold to-day—a union between the confederate democracy of the South and this Tammany democracy of the North! Have they forgotten history, and that it repeats itself? They have worked together before, worked for slavery and against the rights of man, worked for a despotism and against a republic; the one finally made a mad attempt to destroy the Government, the other cheered it on; the one fought for years to achieve its terrible purpose, the other sympathized, but, coward-like, dared not help. The one sowed the wind and reaped the whirlwind; the other cringed and shivered before the blast. The one mourned over blasted hopes, broken families, ruined fortunes, and a devastated country; the other lamented only the loss of political power. And now once more they clasp hands. The confederacy demands that all protection to the voter shall be withdrawn; that no civil or military officer shall, with armed men, secure to the trembling black citizen his right to the ballot; that kuklux and white-leaguers shall reorganize; that scourgings, beatings, and assassinations shall go unwhipped of justice; and Tammany as before shouts "Amen and amen." Tammany demands that "thieves, vagabonds, gamblers, tramps, loafers, and bad citizens" shall again control elections in the city of New York; that corrupt judges, false witnesses, and perjured applicants shall again swell their majorities; that false registration, repeating, simulating voters, and manipulating votes shall once more overcome the will of the people, and the confederate democracy shout back their amen. Together they demand that their wicked will shall prevail or the Army shall be starved and all the functions of Government shall perish. But the old ship of state sails calmly on. She has encountered in her voyage deeper seas, fiercer waves, angrier storms, more dangerous shores, and has found safety from them all. The Great Pilot is at her helm, and, freighted as she is with the hopes of man, all the powers of darkness cannot prevail against her.

Mr. ROBESON. Mr. Chairman, when I had the honor to speak to this committee on the Army bill, I endeavored in the few remarks which I then had occasion to make to illustrate the fact that that bill was not really designed as a limitation in any way upon the use of the United States Army; and I supported that proposition by the statement that during the last Congress a provision had been put into the Army bill then passed, which effectually restrained the power of the military officers to be present at or take any control of any popular election, and that therefore the words "naval and military" in this bill were nothing but a cover, a specious and thin cover, to the real design of this enactment, which is not to restrain the Army, for that is already done, but to strip from the officers of the courts, the civil representatives of the United States power, their authority for executing the laws of the General Government by summoning to their aid, if need be, the good citizens of their districts, to help them "keep the peace" at the polls.

It has been said that we were willing on our side of this Chamber to vote for the repeal of this law of 1865, provided it was presented in an independent section. And that declaration has, without authority, been perverted to mean that we were willing to vote for the amendment in the Army bill, if it was presented as a separate provision. Mr. Chairman, that is not only a different proposition, but exactly an opposite proposition. That amendment does nothing more than repeal an exception to a restricting law, and the repealing of an exception to a restricting law, so far from repealing the law itself, actually enlarges and increases its scope. I have thought it proper to make these remarks in order that our position might not be longer misunderstood. For myself I say that I am willing, if the gentlemen on the other side choose to present the proposition, to vote for the repeal of the whole restricting enactment of 1865, but I should not dare to go home to my constituents if I said that I was willing to take from the civil officers of the Government, from the civil instruments of the law, their power to maintain good order, quiet, and peace while they were in the exercise of their duties as free American citizens and voters.

With these remarks, Mr Chairman, I dismiss all the discussion that I care to make of the subject-matter of the last bill, and shall now confine myself entirely, as far as I may be able to confine my remarks made in this desultory manner, to the discussion of those legal and constitutional propositions which have been so fully, so ably, so boldly, and I am willing to say so fairly presented on the other side by the distinguished gentleman from Kentucky and his associates. The real question between the gentlemen on the other side and myself is a difficulty which arises on the main propositions of this case; not a difficulty in logic or in argument, not even in verbal propositions; but we differ about our premises, about the principles from which we start. And if it were otherwise I should hesitate myself before I arrived at a different conclusion from the distinguished gentlemen who have so clearly and ably presented the other side of this case. But the difference between us is found in our ideas of the organic principles of our Government, about the design of the men who established it, and the purposes for which it was constituted. These gentlemen seem to argue, and I believe—for such is the influence of early education and habit of thought—they honestly and habitually think that we are living, not under the Constitution of the United States, but under a confederacy of separate sovereignties; whereas I think that we are members of a *government* established for the government of the people and not of the States, a government which has all the attributes of a government, including sovereignty—a government which acts directly upon the people, upon their rights, and upon their property. It seems to me, if I have read aright the principles and history of our Government, that it was for this very purpose that our fathers abandoned the original idea of the confederation, and appealing again to the people, not to the States, drew from that rich and natural source the powers with which they endowed the Government under the Constitution. And when they turned to that source and took from that natural well their powers of government they took them pure and unalloyed by any intervening element which could impair or weaken; they drew them direct and pure, not

through the doubtful vehicle of intervening government or State sovereignty.

If I have read history aright, sir, our fathers found that a confederation of States where the central power was dependent upon the several States for the execution of its laws, the enforcement of its decrees, and the protection of its people was insufficient for the purposes of government; and therefore these men, learned in all the principles of government and law, elevated to a loftier mood by their contact with great principles and the great sacrifices they had made, turned again to the people of the country and from them sought anew the authority upon which this Government was founded, and, clothed with full powers by the people whom they directly represented, they proceeded to establish and ordain a new government with far different, broader, and better-established duties and powers.

Mr. Chairman, the spirit of these earlier leaders of thought and action who, severing with heroic energy the ties which bound them to the Old World, led their adventurous bands to new and hostile shores has not been lost to the nation which they founded. The children of every European race, they were the representatives of every system of European government and religion, and united in themselves much of what was vital and affirmative in them all. They came, as has been most eloquently said, "from the worn and broken crew of the Mayflower, from the ruined bands of Raleigh, from the free communities of the 'hollow land,' from the heavenly companionship of William Penn."

The qualities which dared the dangers of the winter seas and conquered the forests of the New World they transmitted to their descendants with the principles for which they had abandoned the old, and these were not unworthy to receive and maintain them. Themselves the giants of a new creation, their sons were the heroes of a new heroic age, when their day of trial came they were true to their inheritance of power, confirmed in their fathers' faith, and elevated to a higher mood by closer contact with the great principles involved in their struggle for liberty. When they came to settle forever the foundation principle of the government which they established, inspired by a noble ambition of good, they looked far beyond the present, and scorning alike the minor considerations of personal dignity or party policy they admitted the world to a share of their triumph and expanded their earlier idea of mere colonial independence to a broad assertion of the rights of man.

All circumstances combined to inspire, instruct, and aid the founders of our Government. Themselves successful rebels against the wrongs of the most liberal and advanced of European governments, they were so far imbued with its principles, yet so separated from its influences, that they could adopt the good which remained without prejudice or danger. The simple occupations and habits of pioneer life had produced a simplicity of tastes and manners which had not yet been wholly lost under like conditions, and the mighty ocean which rolled between separated them from the landmarks and associations of the Old World, its conventions and its forms, its statecraft and its priestcraft, "its grandeur and its gold."

Acting under His direction "who is the Ruler and Architect of all," and in the fulfillment of their and our destiny, our fathers established a government liberal indeed in its tendencies, simple in its operations, moderate in its requirements, and lenient in its decrees, but firm in its principles, clear in its purposes, and ample in its powers, not only for the wise and beneficent ends for which it was formed, but ample also for its own dignity, action, and preservation. This is the Government which they left to their children for their own benefit and for the benefit of mankind. A nation born of such ideas and established upon these principles, gathered from the vitality of every land, uniting in one community the enterprise and progressive energies of every race, and inspiring it with the kindling associations of every people, with a continent as a heritage and freedom as a birthright, it is fit that we should be as a nation the champion as well as the exponent of the world's advance for ourselves not only, but for all the peoples of the earth.

Let us look at the objects which the founders sought in establishing the Government, as it is expressed in the preamble of the Constitution itself.

What did they mean to do?

To form a more perfect union, establish justice, insure domestic tranquillity—

Not by the power of State laws or the interference of State officers, but by the force and action of the Government itself. And to—

secure the blessings of liberty to ourselves and our posterity, we—

Who?—

we, the people of the United States—

Do what? Do we enter into an agreement between parties? No. Do we join in a league between States? No. Do we make a confederation between governments? No. Is this a compact between sovereignties? No.

We do *ordain* and *establish*—

What?—

this Constitution—

For what?—

for the United States of America

This, then, is not a confederation of powers, not a league between States, not an agreement between sovereignties, but a Government established and ordained, constituted by this written Constitution, established and restrained, empowered and restricted by this written Constitution thus ordained.

I admit, Mr. Chairman, that all the powers of this Government are and must be found within the written Constitution. Here is the source from which the river of our power must flow or else run dry. Nothing is to be claimed, nothing is to be exercised except what flows from the powers there declared, the rights there guaranteed.

And if there be any power in these laws which cannot be rationally, legitimately, and logically inferred from the provisions and powers of this written Constitution of the country it should be swept from the statute-book in disdain and dishonor. But, my friends, if there be powers that are necessary for the maintenance of the Government itself, if there be powers that are necessary for its security and preservation, and if these powers be clearly derivable by right and proper reasoning from the Constitution itself or its proper inferences, it is just as much a violation of the Constitution to misconstrue them or deny their force as if you sought to ingraft some foreign power on the Constitution to the injury of the people for whose government and protection it was established.

Now, Mr. Chairman, the first conclusion which I endeavor to deduce from these general propositions is, that the Government established by the Constitution of the United States was a government with all the qualities, powers, and attributes of a government, a government which has citizens, and which acts directly upon those citizens though living in the States, for except those in the Territories or in this District all must live in the States. That it is a government established for the direct purposes of government, clothed with the powers and armed with the weapons of a government, with strength and power for its own action, preservation, and continuance; a fit organization for a people who were to be the leaders and champions of free principles of government and law for themselves not only but for all the peoples of the earth.

If ours is a government established by a free people for the purposes I have recited, and looking to the ends I have suggested, it must have all the inherent qualities of government, including that most necessary, though supreme power, which we call sovereignty, and my first proposition is that our Government is sovereign and supreme upon all subjects upon which it acts. It is a limited government, it is true, a government of limited powers, gentlemen are fond of saying; but let there be no confusion of ideas about this between the gentlemen on the other side and myself. It is a government of limited powers indeed, but limited how? Limited in the number, but not in quality of its powers. It is a government whose powers are limited to certain subjects and acts on certain specific objects with which it deals, but wherever it does deal with a subject, wherever it does act upon an object, there it is a government of sovereign and supreme power. Not only is this declared by the Constitution itself, but it follows from its very nature as a government. No government can be worthy of the name if it does not *govern* upon the subjects in regard to which it is clothed with power. Let there be no mistake about this proposition. Let it be either admitted or denied. This is a limited government, but limited only in the number of its powers and unlimited in its governmental power over the subjects to which it is legitimately directed. As it is then a sovereignty with sovereign powers upon these subjects, let me make another proposition which cannot be denied; it is this, that whenever it does act upon those subjects its sovereignty is not only unlimited, but exclusive. There can be no sovereignty other than that. If need be I could refer to many decisions of our highest court on this subject. I will, however, detain the committee a moment only to allude to a single case of which we have been speaking so much during the course of this debate. I read from the decision of the Supreme Court in the case referred to:

A government thus established and defined 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.

I know that the opinions and decisions of the Supreme Court of this country are not binding authority here; but I know that they are deserving of great weight in the highest legislative body of the country though they are binding upon no man's constitutional ideas, nor do they control his governmental action. I admit this, and I have cited these words only to show that the highest tribunal of this country, entitled to the respect of all thinking men, has so decided this question.

Now, Mr. Chairman, this Government of ours has, under the direction of the Supreme Court of the United States, and by its sanction, exercised the highest attributes of government wherever its necessities required it. It has as a government, and without special delegation for the purpose, exercised the right of eminent domain, the highest exercise of governmental power, the right to take the property of the citizen against his will and appropriate it to government uses. In the city of Cincinnati, after the case had been contested through all the courts and decided by the Supreme Court of the United States, the United States took private property for the purpose of a post-office under the general power to "establish post-offices and post-roads."

Our Government has citizens of its own entitled to and enjoying all the rights of citizenship under the Constitution itself. Under the

Dred Scott decision it was held by many that the United States had no citizens except those who were such through their quality as citizens of the several States; but now, under the fourteenth amendment to the Constitution of the United States, which has been accepted and promulgated and which the orators and leaders on this floor have declared they meant to accept, the citizens of the United States now are citizens of the United States by virtue of its Constitution, and citizens of the States because they are citizens of the United States. They are no longer citizens of the United States because they are citizens of the States, but they are now citizens of the United States by virtue of the organic law declared in this Constitution, which makes them citizens of this country wherever they are, and citizens of a State when they happen to reside in a State, because they are citizens of the United States. I read from the fourteenth amendment:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States—

All persons coming within that described class are citizens of the United States. And what else?—

and of the State wherein they reside.

They are citizens of the United States wherever they are, and citizens of the States, by virtue of their citizenship of the United States wherever they reside in a State.

Then these United States have a government sovereign, supreme and exclusive in its powers wherever those powers act, a government with laws, with citizens, and with property, and with the power to act directly upon its citizens and directly upon their property. These make a State, citizens, and laws; they make a State.

Men, high-minded men
* * * *
Men who their duties know,
But know their rights, and, knowing, dare maintain;
* * * *
And sovereign law, that state's collected will,
O'er thrones and globes elate,
Sits empress crowning good, repressing ill.

These constitute a state, and these the United States of America has. This country has a government, powerful, sovereign, and, thank God, permanent and enduring. It has a people, free, thoughtful, conservative, and, thank God, I believe, loyal. It has all the powers of a government, not only for its own establishment and its own perpetuity, but all the powers of a government to secure to every citizen every right which that government gives him.

The gentleman from Kentucky [Mr. CARLISLE] has said, and he will please correct me if I misquote the sense of his proposition, that all the powers of this Government are to be found in the Constitution itself, and that nothing can be enforced by the General Government unless the power to *enforce* it is specially delegated.

Mr. CARLISLE. Unless the power be expressly delegated or fairly implied from some power which is delegated in the Constitution.

Mr. ROBESON. I will read what the gentleman says:

Whenever it attempts to exercise an authority over any subject it must find a warrant for it either in some express grant or some reasonable implication from some express grant in the Constitution itself.

And my friend has elucidated that subject by mentioning the right to bear arms, the right of liberty of conscience, the right of liberty for the press, the right of the people to assemble peaceably, &c., but all these are negative rights, which the Constitution simply says shall not be abridged. But when you come to a right which is a part of the government of the country, when you come to a right which is to be exercised as an important and affirmative function of the government itself, if there be no right to carry out and execute it, then there is no government. The distinction will be clear to the mind of my distinguished friend, the difference between a right merely guaranteed by negative provision, either in express language or in general statement, and a right which makes a part of the organization and movement of the Government itself.

Can such a right be established in the Government without the necessary implication to enforce and protect it? Do you make wheels to a wagon that are not to turn round? Do you put steam to an engine or motive power to any machinery which is not to be moved? When it is done, do you not find it a reasonable and fair implication from that fact that its movement and its exercise are contemplated?

The gentleman will pardon me a single moment if upon this question I turn again to a decision to which I have once before alluded, the decision of Justice Story in the celebrated case of Prigg against the Commonwealth of Pennsylvania. To the objection that the power there exercised did not fall within the scope of the enumerated powers of legislation confided to Congress, Justice Story answers:

Stripped of its technical and artificial structure the argument comes to this, that although rights are exclusively secured by or duties are exclusively imposed upon the National Government, yet unless the power to enforce these rights or to execute these duties can be found among the express powers of legislation enumerated in the Constitution, they remain without any means of giving them effect by any act of Congress, and they must operate solely *proprio vigore*, however defective may be their operation; nay, even although in a practical sense they may become a nullity from the want of a proper remedy to enforce them or to provide against their violation. If this be the true interpretation of the Constitution, it must in a great measure fail to attain many of its avowed and positive objects as a security of rights and a recognition of duties. Such a limited construction of the Constitution has never yet been adopted as correct, either in theory or in practice.

In the case of United States *vs.* Cruikshank, 1 Wood's Reports, which was afterward confirmed by the Supreme Court of the United States, the court says:

It seems to be firmly established by the unanimous opinion of the judges in the above-quoted case that Congress has power to enforce by appropriate legislation every right and privilege given or guaranteed by the Constitution. The method of enforcement, or the legislation appropriate to that end, will depend upon the character of the right conferred.

One other citation which, though not from the Supreme Court, ought to have weight, for it is a citation from one of the founders of our Government, a man whose authority will be recognized at least by gentlemen on the other side of the House. I read from No. 43 of the Federalist an article written by James Madison upon this very subject. Citing the clause of the Constitution which gives Congress the power to make laws to carry out its provisions, he says:

Had the Constitution been silent on this head there can be no doubt that all the particular powers requisite as means of executing the general powers would have resulted to the Government from unavoidable implication. No maxim is more clearly established in law or in reason than that whenever the end is required the means are authorized; whenever a general power to do a thing is given every particular power necessary for doing it is included.

Now, sir, I appeal from the constitutional arguments of the gentleman from Virginia [Mr. TUCKER] to-day to the constitutional exposition of these sound principles by James Madison at the time of the foundation of our Government. Again, is there anything to be found in the Constitution of the United States which establishes and confirms the proposition I have made? Yes; and let me read it in the hearing of the committee, for I fear we are apt in the heat of discussion——

Mr. TUCKER. Will the gentleman allow me a moment? Was he not mistaken in saying that he appealed from "the gentleman from Virginia" to the authority of James Madison? Did the gentleman mean to refer to me?

Mr. ROBESON. I appeal from what I understood to be the natural and necessary implication of the gentleman's position to the position established and declared by James Madison. If I have misstated any position of the gentleman, I beg he will correct me.

Mr. TUCKER. I did not desire to interrupt the gentleman. I only wished to say that nothing I have said in this debate conflicts at all with the views which the gentleman has read from the essay by James Madison.

Mr. ROBESON. That would probably be a matter of argument.

Mr. TUCKER. I supposed that the gentleman by mistake said "the gentleman from Virginia" when he meant to say that he was appealing from the gentleman from Kentucky [Mr. CARLISLE] to the authority of Mr. Madison.

Mr. CARLISLE. I have said nothing inconsistent with the view expressed by Mr. Madison.

Mr. ROBESON. The difference in all arguments between people who deal with subjects fairly is usually a difference in verbal propositions. We quarrel not usually about principles, but ordinarily about our method of stating them. We are not accurate in our definitions nor always fair in our deductions. If the gentleman does not mean the opposite of what Mr. Madison says, then I hold him up as a bright and shining example of justice, reason, and right on the other side of this Chamber—a gentleman who takes his stand here and says that when a general power is given or a general right guaranteed in the Constitution, the particular powers necessary to enforce that right follow by natural and necessary implication.

Mr. CARLISLE and Mr. McLANE. Madison does not say that.

Mr. TUCKER. The honorable gentleman from New Jersey must not take me as sanctioning his own statement of Mr. Madison's proposition. I sanction and indorse what Mr. Madison himself has said.

Mr. ROBESON. I was about to read, from the Constitution of the country itself, exactly what the men who made it said when they declared these powers and conferred these rights. It is said here, (or if it be not said it is implied, such is the natural and necessary implication from the propositions and arguments of the gentlemen,) that we are dependent upon the States for the security of some of the privileges and rights of our citizens. This Constitution in article 4 declares:

This Constitution and the laws of the United States which shall be made in pursuance thereof shall be—

What? Submitted to the States for their revision and execution? No—

shall be the supreme law of the land.

"The supreme law of the land!" Not of the Territories only, not of the District of Columbia alone, but the supreme law of this broad land, stretching from ocean to ocean and from the frigid to the torrid zone. *Suprema lex!* What is supreme law? It is a law which has the power to execute itself upon citizens and property. This is no Dogberry law that our fathers gave us. To George Seacoal that most eminent legal authority says:

You are thought here to be the most senseless and fit man for the constable of the watch; therefore bear you the lanthorn. This is your charge; you shall comprehend all vagrom men.

There is the power given.

You are to bid any man stand in the Prince's name

That is the law.

Second Watchman. How, if he will not stand?

Dogberry. Why then, take no note of him, but let him go; and presently call the rest of the watch together, and thank God you are rid of a knave.

[Laughter.]

Is that the Constitution which our fathers gave for the purposes I have stated? Is that the Government which they established to insure domestic tranquillity throughout the land, and perpetuate the blessings of civil liberty for themselves and for their children? Those who attribute to them such contracted ideas and propositions do injustice and injury to their grateful memories before the world. What more does the Constitution say?

And the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

Not that the United States Government shall be bound by the action and tied up to the operations of a State government, but that the judges and the courts of every State shall be bound by the United States Constitution, anything in the constitution or laws of any State to the contrary notwithstanding.

One clause more.

The Senators and Representatives before mentioned—

That is, ourselves—

and the members of the several Legislatures, and judicial officers, both of the United States and of *the several States*, shall be bound by oath or affirmation to support this Constitution.

We, when we stand up before the Speaker's desk and raise our hands to Heaven and bind our governmental duty by the solemnity of an oath fast to the throne of the eternal God, swear to do what? Not to sustain the constitution and laws of any State, but the Constitution and laws of the United States. And every legislator, and every judge, and every executive of every State swears to maintain the Constitution of the United States. The United States representative or officer does not swear to maintain the constitution of any one of the several States, but all the officers of the States swear to maintain the Constitution of the United States.

These, Mr. Chairman, are general propositions I make. We come now more directly to the consideration of the authority which is to be found in this Constitution for the enactment of the laws now under consideration; for, as I have said, if they are unconstitutional let them be swept from the statute-book; but if they be constitutional, although in your wisdom, acting as a majority, you may see fit to repeal them, do not put it on the ground of their unconstitutionality, or else your judgment may remain a false precedent for future action, a landmark and guide-post to error and to wrong.

The gentleman from Kentucky, [Mr. CARLISLE,] who has so ably presented his side of the case, has said that the power derived from the second section of the first article of this Constitution was a power which I had the honor to discover. I should be proud if that were so, but it is a power which is as old as the Constitution itself, as old as the principles which are there set forth, a power which I do not believe has ever before been denied by any one.

Mr. CARLISLE. Was it ever asserted?

Mr. ROBESON. It would have been asserted if it had been denied. There are many things which are so self-evident when written upon the face of laws that they assert themselves to the understanding of all; and this has been so plainly written that it needed no reassertion by the feeble language of men like myself, for there it is, written on pages of the Constitution of our country, a self-existing, self-standing, self-asserting proposition which has challenged denial since the Constitution was formed:

The electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State Legislature.

Electors for what? For the House of Representatives. The House of Representatives of what? Of the National Legislature, of the Congress of the United States.

All legislative powers granted shall be vested in a Congress—

What of?—

of the United States, which shall consist of a Senate and House of Representatives.

Not the Legislature of a State, not a governmental body to make laws for a State, but a legislature of the United States, deriving its powers directly from the people and not from the States; a legislature that makes laws for the United States, the members of which swear to *maintain* the Constitution of the United States and not the constitution of any State.

They may not be civil officers such as come within the list of those enumerated as subject to impeachment. I know it has been held in the case of Senator Blount that he, for acts which he did as a private citizen or as governor of Tennessee, was not such an officer, and did not do acts which made him liable to impeachment as one of the civil officers of the Government under that clause of the Constitution. But the decision of that case goes to this extent, and no more. I care not whether you call Representatives in this House officers or not; I care not whether they are civil officers or not, it is a quarrel about words and names; they hold no commission, but they are members of the United States Government, to whom are committed important legislative functions. They discharge United States duties; they are amenable to the rules and government of this House, call them what you will.

I have said that this clause which I have read, though it confers no right of suffrage, yet adopts to its suffrage that class of voters which are here described. The doctrine of conveying rights by decription is not unknown to any of my friends. Laws even may be made by adoption. I may convey to my friend a lot in this city; if I choose I may describe it by proper metes and bounds, or I may say "lot numbered 1 in subdivision of square numbered 1, as surveyed and recorded in the clerk's office by the surveyor of the city," and when my friend takes the title for that lot does he take it from me or does he take it from the surveyor who describes it? Again, "all persons," says the fourteenth amendment, "born and naturalized in the United States are citizens of the United States." Do they take that title——

The CHAIRMAN, (Mr. GOODE in the chair.) The gentleman's time has expired.

Mr. CARLISLE. I hope unanimous consent may be given to enable the gentleman to complete his argument.

There was no objection, and it was ordered accordingly.

Mr. ROBESON. Let me pause to thank the gentlemen on all sides for their courtesy.

I was about to say, Mr. Chairman, that the fourteenth amendment of the Constitution of the United States declares that all persons born or naturalized in the United States are citizens of the United States and citizens of the State in which they reside. Do they take their title of citizenship from the mothers who bore them or the court which naturalized them, or from the Constitution of the United States which describes and adopts them? The Speaker of this House under certain contingencies may become the President of the United States, because he had been elected by the citizens of Philadelphia, and afterward selected by our votes to be Speaker. Does he derive that title from the Constitution of the United States or from the votes of the Fourth ward of the city of Philadelphia? It seems to me to be too clear for argument. There are some propositions which in their statement are so conclusive that you confuse them by illustration or argument.

Now, then, if this be a United States election for members of the United States Government, who are to have United States qualifications and to execute United States laws, is it not a right guaranteed to every citizen that that election shall be fair? Gentlemen will say there are no citizens; or would have said in the old time, there are no citizens except the citizens of a State, and therefore it is the State which must protect the rights which are guaranteed to citizens. Since the adoption of the fourteenth amendment, as I have said, we are citizens of the United States independent of and above the States; and by that Constitution we are as citizens entitled to every right which is there guaranteed and secured. More than that, this House, this national Legislature, is the judge of the election, qualification, and returns of its own members. Is that a State function or a United States function? And may it not be reasonably said, may it not be irresistibly argued, that the Congress of the United States has the right, if it chooses to exercise it, to make all laws and all rules which are necessary to give them all the information which it is proper and necessary they should have in order to decide upon these questions?

But it is not necessary to argue from general propositions upon this subject. By the eighth section of the first article of the Constitution it is provided that Congress shall have power—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

In the very section of the Constitution which gives this right and declares this qualification and establishes this election, and which also gives the right to Congress, when they choose, to make all needed regulations with regard to the time, place, and manner of holding it—in the very concluding section of that article the power to make these laws is expressly and explicitly given. Now, then, Mr. Chairman, what does that mean? If there is any remark to be made about this Constitution it is that it was the work of master hands, and that, dealing in general statements and general terms, there is nothing within it which is unnecessary to its operation.

Mr. SAMFORD. Will the gentleman yield to me for a moment?

Mr. ROBESON. Yes, sir.

Mr. SAMFORD. I would like to ask whether or not the same provision with reference to the election of Senators is not made in the section which provides for the election of Representatives?

Mr. ROBESON. I will answer that before I close. If I do not, I trust the gentleman will call my attention to it. I mean to be entirely fair in my discussion of this case, and I shrink from no logical conclusion from the propositions on which I stand. When I declare a principle I am willing that the reasoning of every fair man shall carry it to its legitimate conclusion.

I was about to say, Mr. Chairman, that this was an express authority to make these laws. Let us see whether it covers the whole of this case. The distinguished gentleman from Alabama, [Mr. LEWIS,] who opened this debate in a speech which seemed to me to be as fair, as compendious, and as logical as any that I have heard, put this proposition on what seemed to me to be its strongest ground, if strong ground it has. He said that this was an ultimate power of the United States Government, which resided originally in the States, and could not be exercised by the United States unless the State refused or neglected properly to exercise it. If I have misstated the proposition, I see the gentleman in his seat and I hope he will correct me. He founded that assertion on the language of some of the

writers of that time, and also on the debates on the Constitution in various of the States, and in the protests which some of the States made against its adoption. But it seems to me that the very argument on which he founded it avails for its overthrow. It was an objection made by the States. Why? Because it was not an ultimate power, but because it was an original power. It was an objectionable clause to which they proposed amendments, but those amendments after consideration were not adopted, and the original Constitution remained as it was.

It seems to me that that argument, on general principles and on the language of the section itself, which says that Congress may at any time have power to make or alter such regulations, embodies a proposition of such breadth and such compass that it cannot be restricted by any suggestion that it is merely an ultimate power. Upon this subject there is authority to which I commend the gentleman. Mr. George Ticknor Curtis, a distinguished lawyer, and a democrat of the State-rights school I believe, a Hebrew of the Hebrews if I do not mistake his political position, declares in his treatise upon the Constitution that the language is so broad that that proposition cannot be maintained. Still, I state it as an argument which is founded in broad consideration of the subject, and is worthy of the attention of statesmen and legislators.

Now what is left? The argument is that the words "times, places, and manner of holding elections" are not sufficiently broad to cover the subject; that there is something in the conditions of that language which restricts the power of the General Government. Let us see. We have a Representative to be elected. We have declared the qualifications of the person who is to be elected. They are specified in the Constitution. We have declared the qualifications of the persons who are to elect. These are specified in the Constitution. We have declared the power by which the election, qualifications, and returns of that elected Representative shall be decided. That also is specified in the Constitution. What remains? Why, "time, place, and manner" of holding the election; the qualifications of the elector; the qualifications of the elected; the qualifications, elections, and returns to be decided by this House; regulation of "time, place, and manner"—do not these include all the categories of the election? Is there anything else in that proposition which the ingenuity of man or the suggestion of lawyers can draw out or illustrate? And if it be so, what answer has my friend to make to the question? If the power be not all there, where is it? All that is given to the States is given also to the United States except the mere power to declare the place of the election of the Senators.

This was not a part of original State sovereignty. All powers which are not delegated are reserved to the States or the people. That is not denied; but nobody will contend that this is a part of original State sovereignty which is reserved to the States and results to them if it is not given to the United States; for it did not exist until the Constitution was formed. It was a right which was founded on and grew out of the Constitution of the United States, and lives there or nowhere. If that power be not in the United States Government, where is it? Who can control it? Again, the language of the Constitution is "shall regulate," make regulations. Gentlemen will not disagree with me when I say that in the words "to regulate," as a technical word used in laws and constitutions, is the broadest power known to the law. The power to make regulations, the power to make rules and regulations, is the broadest power ever given to a legislative body. Under the power to make rules and regulations for the government of the Territory the whole system of our territorial governments is built up. Under the power to regulate commerce the whole subject of our interstate and foreign commerce is controlled. The power to regulate, the power to make rules, is the power to make all the laws necessary to control the whole subject.

I refer gentlemen to the tax cases. I think it was the case of Hamilton against Dillon, in one of Otto's reports, I have forgotten which volume, in which it was expressly declared by the court that this power "to regulate" is a power which covers the whole subject, and I will also read a line or two, if the gentleman will pardon me, from Mr. Justice Story's Commentaries upon the Constitution of the United States:

> The power to regulate is a general and unlimited one; the power to regulate a particular subject implies the whole power, and leaves no *residuum*.

Mr. CARLISLE. I will not question the correctness of the proposition the gentleman makes as to the force and effect of the words "to regulate" or the words "to make regulations," but here the power is to make regulations concerning what? Not the times, places, and manner of electing or the elective franchise itself, but simply the manner and time of holding the election.

Mr. ROBESON. It is not the power to regulate the elective franchise, I admit, but it is the power to regulate the election and I claim that that power is only exercised fully when every man, who has the elective franchise has the full, fair, and free opportunity as an American citizen under the Constitution of his country to exercise the right not to vote merely but the right of voting, and it is just as important to him to be secured the full effect of that right as it is to exercise it; it is just as important to him that that right shall not be nullified by two fraudulent votes which are thrown to nullify his vote as it is that he shall exercise the right primarily himself. It is of just as much importance that the votes shall be properly counted and their result properly registered as it is that he shall have a right to cast his vote in the first instance. Can any reasoning man deny that proposition? If he is entitled to any rights under that clause he is entitled to all the rights which the clause gives him, and therefore I say that the only logical, rational, and reasonable argument is the argument of the gentleman from Alabama, [Mr. LEWIS.] You must deny it *in toto* or not at all. For all that there is of it is given to the United States, and if not in them, then it is nowhere.

There is another proposition which I desire to discuss, but I am conscious that I am trespassing on the patience of the committee. [Several members. "Go on!"] Before I leave the subject upon which I have been talking I must answer the proposition originally made by the gentleman from Kentucky, [Mr. CARLISLE,] and repeated by the gentleman [Mr. SAMFORD] who just rose to interrupt me. He says if we have a right to regulate the election of members of the House of Representatives, as the power of the Legislature of a State to elect Senators is given in almost the same words and that the same power of regulation must exist as to that.

Mr. SAMFORD. Exactly the same.

Mr. ROBESON. One word in reply. You say that the words are the same in the clause—not so. There can be no quarrel between us about verbal propositions or slips of the tongue. I read the clause from the third section of the first article of the Constitution of the United States:

> The Senate of the United States shall be composed of two Senators from each State chosen by the Legislature thereof.

Then we come to the fourth section of the first article:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.
>
> The Senate of the United States shall be composed of two Senators from each State chosen by the Legislature thereof.

We must construe these two clauses together; the gentleman will not deny that, but he asks: "Have you adopted Legislatures as your voters by that description, and will you regulate them?" Sir, I shrink from no logical conclusion in my proposition. We have adopted the Legislature of a State, who are made voters for this purpose, but we have adopted them as the Legislature of a State, as an organized body, with its own laws, its own rules of action, its own officers, its own right of determining the validity of the election of its own members.

We have adopted the Legislature of the State as such, and we cannot by the Constitution so interfere with it as to destroy its character as a Legislature. We have adopted an organized body, an organized machine, full-armed and equipped with all its functions. We have adopted that Legislature by the virtue of the United States Constitution, and that Legislature holds its right and exercises its power by the force of that Constitution and not by the force of State constitutions and State laws. That has been held by a democratic Senate in the Indiana case, if I mistake not. It was held that this power was derived from the Constitution of the United States and could not be interfered with by State regulations or State laws. And it was so held in effect in the Stockton case.

Mr. SAMFORD. Does the gentleman then concede that Congress has no power to send deputy marshals and supervisors into a State Legislature?

Mr. ROBESON. I concede that the Congress of the United States has no power to send *supervisors* into the Legislatures of the various States. I say the Constitution has adopted the Legislature of the State, and Congress cannot appoint new officers for it. In regard to the election of Representatives, the United States has power if it chooses to take the whole subject in its own hands, to establish its own polls, to fix its own times, to appoint its own officers, to make its own elections, and to prescribe its own methods of certifying and returning them. But in regard to the Legislature, that Legislature is adopted as a whole, and must act according to its constitution as a Legislature. The United States Government has no right to question the title of its members or to send officers in to make a part of that body to govern and control it. But I will say one other thing, and the gentleman will understand that I have limited my answer to his question. I have said that the United States had no power to send *supervisors* to make part of the officers of a Legislature and to control its proceedings; but if the authority of that Legislature, in the discharge of its functions derived from the Constitution of the United States, is interfered with by riot or disturbance, by State laws or State authorities, then I hold it to be not only the right of the United States, but its bounden duty to send its marshals to preserve the peace and to see that that Legislature has a right to exercise that United States function against anything which may come in to interfere with it. [Applause on the republican side.]

Mr. CARLISLE. Will the gentleman allow me——

Mr. ROBESON. Certainly.

Mr. CARLISLE. I desire to call the attention of the gentleman to the fourth section of the first article of the Constitution, which reads as follows:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators.

I desire to ask the gentleman what, in his opinion, is the extent of the power of Congress over the State Legislature from this clause while engaged in the act of electing a United States Senator? In other words, if the laws now under consideration are authorized in their application to elections of members of this House, would not the same identical laws or similar laws be authorized in their application to a Legislature when electing Senators? If not, why not?

Mr. ROBESON. Whatever power the United States Government finds it necessary to employ in order that that Legislature, acting as an organized body, with its own officers and its own members, shall exercise its United States functions, that authority and power the United States has the right to apply, and it is its duty to apply.

I especially deny and disclaim the right of the United States to appoint officers of that Legislature who shall take part in its deliberations and actions. I expressly disclaim and deny the power of the United States to look to the qualifications of the members of that Legislature or to decide whether they are proper members of the Legislature or not. I say that by the Constitution we have accepted it as the State Legislature, and every member of it might be false and fraudulent, yet we would have no power to control it. But when that Legislature is organized, and acts, I say that no outside authority, neither individual nor the power of citizens, nor the power of a State, has the right to interfere with it, and that the United States, if need be, with all its power should protect and defend it in the exercise of its functions.

Do I state my propositions clearly? Do they meet the assent of right-minded men who believe that the United States has the power to preserve this Government and to maintain the organization which our fathers gave for that Government? Why, sir, for ten years, yes, for thirteen years, there has been a law upon the statute-book which regulates the election of United States Senators. Every Senator who now sits in the other end of this Capitol was elected under that law, which declares the time, which declares the manner, which declares how the election of Senators shall be made, and how recorded, and how returned. Has it ever been questioned as unconstitutional? Has the right of any Senator been denied under it? Does it not assume to control and regulate this subject?

But—said the gentleman in illustration the other day—the United States undertook to exercise this power for the purpose of districting the various States; and when certain States refused, their refusal was recognized in this House in a report made by Mr. Douglas and sustained by a vote of this House.

The gentleman has understated the proposition. Those members were seated here upon what ground? Not upon the ground that the United States had no power to act in districting the States, but that in acting they had not gone far enough; that they had not districted the States, but had merely directed the State governments to district them, and that the United States had no power by any process to make the States do this. It was said that if the United States wanted the States districted they ought to have gone into the States and districted them themselves; so that the case referred to by the gentleman is an argument in favor of the authority of the United States instead of against it.

But there is one other doctrine which has been advanced in this debate; and gentlemen will pardon me if I pause to discuss it, for I consider that it lies at the foundation of all the arguments on the other side and is the most dangerous of them all. The gentleman from Kentucky, [Mr. CARLISLE,] the gentleman from Maryland, [Mr. McLANE,] and other gentlemen on this floor have suggested that these laws cannot be put in force. Why? Because they produce riot and disturbance, and that the United States Government has no "peace" in the States that it can keep. Do I fairly state the proposition? It is that we ought not to make these laws; that they are unconstitutional, because they may be resisted by force; and when forcible resistance comes, that makes a breach of the peace which the United States and its officers ought not to interfere with, but which should be left entirely to the States. Do I fairly state the proposition?

Mr. McLANE. So far as I am concerned, I will say to the gentleman that in any remarks which I have addressed to the House I have never made any allusion to the supervisors or marshals as producing a riot. I made the simple point that a riot or a disturbance anywhere within a State is a breach of the peace of the State, and that the Federal Government can only interfere in the manner provided for in the Constitution when called on by the governor or the Legislature of a State, or when supporting a marshal in the execution of a process, or when the marshal is engaged in the execution of a law; but I never made the slightest allusion to the deputy marshals or the supervisors being the occasion of a riot.

Mr. ROBESON. I read the language of the gentleman from Maryland:

> The question I desire to put to the gentleman is with reference to the part of his discussion preceding that point. Do I understand him to say that the Government of the United States has the right to keep the peace anywhere within a State? Do I understand him to say that there is any "peace of the United States" at all recognized by the Supreme Court of the United States?

Mr. McLANE. That was my inquiry; and it has never yet been answered.

Mr. ROBESON. I desire to answer it now. The proposition reduced to understandable words is applied to these laws (for if appropriate and germane to this debate it must be applied to these laws) and it affirms that these laws are unconstitutional or improper.

Mr. McLANE. I dislike to interrupt the gentleman, but I fear that he will embarrass himself if he assumes that my inquiry which he has just read had any reference to these laws at all. I made no reference to these laws. We were then discussing the Army bill, and the question before the committee was whether the troops could be used to keep the peace at the polls. That is a question which has no reference to the present bill or the present amendment. I might or might not be of the gentleman's opinion as to the power of Congress to provide for the appointment of supervisors and marshals. That is a question upon which as yet I have expressed no opinion. I am very sure the gentleman from New Jersey can appreciate the distinction I make.

Mr. ROBESON. We were at that time discussing the Army bill; and I had just asserted broadly the proposition that the bill did not affect the Army but was an attack on the civil officers of the Government; that it took away their right to summon the *posse* to put down riots at the polls. We were discussing then the proposition that a marshal of the United States had no power at the polls to see that the laws were executed by the force at his command; and the gentleman took the position that there was no "peace" of the United States which could be there maintained by the civil officers of the Government. If his remark did not go to that extent I am not able to see how it was appropriate or germane to the question.

Mr. McLANE. As my friend from New Jersey is not limited as to time, I have no hesitation in seeking to have this point well defined. I say again that the point at issue between the gentleman from New Jersey and myself had no reference at all to this bill, and can have no reference to it. The gentleman from New Jersey on that occasion, in his effort to deduce from this law relating to marshals and supervisors the right to use the Army at the polls, addressed to the gentleman from Kentucky, as well as myself, the question whether, if a riot occurred at the polls, the provision of the Army bill would not prevent the President from using the Army there at all? My reply was, certainly not, if he used the Army in the manner provided for by the Constitution; that if the President waited until the governor or the Legislature of the State called upon him he could then use the Army anywhere. That was my reply; and when the gentleman from New Jersey came to respond he said distinctly that he did not know of any authority of any court in this country which authorizes the President to use the Army to keep the peace.

Mr. ROBESON. I said so then, and I say so now; but I want to say (and I shall not pause any further, but shall go right through with my argument) that I consider a proposition, in whatever language clothed, which conveys to the mind of the people of this country that the Government of the United States has no "peace" for the operation and effect of its laws, the most dangerous that can be maintained by any man—the most destructive to the perpetuity of the Government and the liberty which that Government was framed to secure. That is what I mean to say. It is an argument against the supreme law of the land, declaring it unconstitutional because it may be resisted. Why, it seems to me that it is an argument conclusive against resistance, that it is the supreme law of the land; but I will not pause to argue that subject, but will turn to the first printed statutes of the United States and refer to the law made by the founders of our Government when the men who made this Constitution were in cabinet and council and in the Legislatures of the United States, and of the various States, when Washington was President and Madison was upon this floor. I read from a statute enacted February 28, 1795:

> *And be it enacted*, That the marshals of the several districts and their deputies shall have the same power in executing the laws of the United States—

Not only in executing the process, but in executing the laws of the United States—

> in executing the laws of the United States as the sheriffs and their deputies in the several States have by law in executing the laws of the several States.

The right to see that the laws are executed. And besides, the Executive of this great Government, the President of the United States, is enjoined by the Constitution specifically to see that the laws are enforced, and not that they give way when resisted; not that, when a man will not stand, you shall let him go and "thank God you are free of a false knave," [laughter;] but that you shall execute the laws with all the powers of the Government.

I would not allude to subjects which I may not state with candor and may not discuss with fairness; but let me in all honesty and good faith ask you whether this was not the very question which was settled by the war? Let me ask you, gentlemen, whether or not the question of whether the laws of the United States should be enforced against whatever resistance might be offered was not the very question which was submitted to the arbitrament of battle; and whether its decision is not written in letters of fire and blood on pages as grand and as splendid as any in the history of the world? [Applause on the republican side.] And do you not understand it? Is it so inherent in the nature of man that he cannot escape from the circumstances and feelings which surround him? Is it so difficult to realize a changed condition that you cannot, when you come back honestly meaning to live under our Government, adapt yourselves to the established principles of the Government? Do you not understand when you take

this position that there is no "peace of the United States" which is to be maintained, while its laws are to be enforced, that you are reopening, I fear, the old question?

Mr. DAVIS, of North Carolina. Will the gentleman allow me to ask him a question?

Mr. ROBESON. With pleasure.

Mr. DAVIS, of North Carolina. Do I understand the gentleman from New Jersey to say that when power is given to the President of the United States to see that the laws are enforced the President has under that provision of the Constitution power to send the Army into any one of the States of the Union?

Mr. ROBESON. I am not discussing that power, but I do declare, however, that all the laws of the United States made rightfully in pursuance of the powers given by the Constitution are to be enforced by the President of the United States against every resistance and over every obstruction. [Applause on the republican side of the House.]

Mr. DAVIS, of North Carolina. But that is not the question I asked the gentleman. I will again put the question, and hope he will answer. Do I understand him to say that the President of the United States has power to send the Army into any of the States to enforce any law?

Mr. ROBESON. There is already, as I have said, a law upon the statute-book which was passed by the last Congress which says that the Army shall not be employed unless specially authorized by law.

Mr. DAVIS, of North Carolina. Let me call the attention of the gentleman to another provision of the Constitution that Congress shall provide for calling forth militia to execute the laws and to repel invasion; which declares also that it shall be the duty of Congress to organize the militia, and which further provides that when any officer of the Federal Government calls for a *posse*, whoever may be present shall be at the command of that officer. Now, I want to know of the gentleman whether I understand him as drawing from that provision of the Constitution that the President shall see to the execution of the laws the right of the President to send troops into any of the States.

Mr. ROBESON. I say when there is a law authorized by the Constitution of the United States and passed by the Congress of the United States to be executed, that it is the duty of the President of the United States to see that the law is enforced and executed, as I said before, over every obstruction and despite every resistance; and I say that when that time comes, when acting under the express language or a clear deduction from the powers and duties of this Constitution, Congress has passed a law, that there will be ready at the call of the Executive, from every section, a million of men if need be, to maintain the integrity and power of the laws of the United States. [Applause on the republican side.] And I believe that my friends on the other side of this House, many of them, who entered into resistance to the laws before, would be found now ranging themselves on the side of constitutional government and the powers of the National Government and authority.

May I refer again for a single moment to another democratic authority? To leave their impress upon the times in which they live, to give to the destinies of their country a direction which they will retain for ages, has been said to be the rare prerogative of a few imperial spirits, but since the time of our Revolution there never has been a man whose character and whose conduct has so indelibly impressed itself upon the government and policy of this country as Andrew Jackson. He came from the Southwest, a man of commanding character, of clear conceptions of duty, of high purpose, of warm patriotism; and when the time came for his trial, he was true not only to his own character, but to the spirit of our Government and the destinies of our people. And when resistance was made by a gallant but erring Commonwealth, claiming to act as an independent sovereignty, he recommended to Congress and obtained from them this law; and it is a direct answer to the gentleman who has last questioned me:

> That whenever the President of the United States shall be officially informed by the authorities of any State or by a judge of any circuit or district court of the United States in the State that within the limits of such State any law or laws of the United States, or the execution thereof, or of any process from the courts of the United States, is obstructed by the employment of military force or by any other unlawful means too great to be overcome by the ordinary course of judicial proceeding or by the powers vested in the marshal by existing laws—

Then it should be lawful for him, as President of the United States, to issue his proclamation, and, if that were not obeyed, to use the whole force of the United States, its militia, its Army and Navy—to do what? To enforce the laws of the United States.

Louisiana and the Southwest are found upon this floor opposing the spirit of these laws. I had hoped that the name and influence of Edward Livingstone would have lived at the mouth of the Mississippi after the refinements of modern theorists had been dissipated and lost; that the spirit of Andrew Jackson would still rule in the Southwest. Maryland, also, is on the other side in this great controversy. But among her Pinkneys, her Carrolls, her Wirts, and her Martins, the name of Roger Taney, the Attorney-General and adviser of Andrew Jackson in this great emergency, shines the most brilliant in that bright galaxy of her sons. And there is another name familiar to students of his country's history associated with the great events of which I speak. The name of a man of whom the little Commonwealth that produced him may well be proud, for he stood midway between her Dickinsons and her Reeds, her Claytons and her Bayards, the representative of the gallant little Commonwealth of Delaware in the counsels of Andrew Jackson, his friend and his adviser, and, if there be a career of pride to a family well worthy of the study and imitation of those who come after him, it is the career which Lewis McLane fulfilled in the history of his country. I trust it will remain as a shining star, guide, and monument for the direction and guidance of those who come after and represent him. With the assent and approval of these his distinguished advisers, President Jackson declared the true principles of government in the following language, which I quote from his message to Congress:

> The duties of the Government become the measure of its power, and whenever it fails to exert a power necessary and proper to the discharge of the duties prescribed by the Constitution it violates the public trust not less than it would in transcending its proper bounds.
>
> * * * * * * *
>
> To refrain from executing the high and solemn duty thus imposed would neither comport with its own safety nor the rights of the great body of American citizens.
>
> If these measures cannot be defeated and overcome by the powers conferred by the Constitution on the Federal Government, the Constitution must be considered as incompetent to its own defense, the supremacy of the law is at an end, and the liberties and rights of the citizen can no longer receive protection from the Government of the Union.

Gentlemen of the other side, I have already appealed to you upon this question of resistance to United States laws; permit me to repeat and enforce it. You are here the leaders and representatives of the opinions of your section; communities are acted upon in masses; men are controlled by the spirit of organized society and in association together; and we all know how often in this world's history reason is dethroned by feeling and passion usurps the province of judgment. But you are better armed, you are better informed, you are better instructed, you deal more with the outside world than the people of the section you represent. Ought you not to be leaders and not followers of their ideas and opinions? Ought they not to take instruction from you, and ought you not so to teach and control them so that not only individual men but organized masses may learn to look to justice as a teacher and to strive for the right as for a victory? It may be asking much, but you have among you statesmen who in other days have made these halls vocal with their advocacy of great principles and rights; you have orators in whose blood the ardent currents of youth still flow with vehemence and power, men whose lips seem to be touched with the rod of Hermes, whose voices in hall and hustings ring out like "the silver clarion's sound." You have soldiers as brave as any that ever wore a sword; who have commanded armies greater than those with which Napoleon swept the continent of Europe, on fields more deadly than those where were decided the destinies of empires. You have statesmen fit to stand by any in the governments of the world. Will you not listen to the voice of reason and what I believe to be the teachings of your own hearts? Will you not understand that you are needlessly and unnecessarily, I think, forcing upon us a proposition which, stated broadly, is the old question whether the laws of the United States can be enforced when they are opposed; whether or not the United States has any peace which it may and can maintain. I ask you to pause upon the threshold of this question, and endeavor to take away your own minds from the impress of natural associations and natural feelings, and let your unbiased reasons and judgments have fair play.

You may be opposed here and at home. Men may revile you. Regard them not. It is but the scream of the vulture that you scare from his prey. You may, some of you, be called upon to make sacrifice for the right. Remember that the highest offering of a citizen to his country or a soldier to his cause is not always valor, but sometimes sacrifice. Remember that when the earth gaped in the Forum it was not fruits nor wine, not gold, nor precious stones, nor offerings of the forest or the field, not the gladiator, slave, nor rude barbarian, not client nor freedman, not even child nor wife that could avert the threatened danger, but the Roman citizen himself, patrician, soldier, knight, clad with the regalia and armed with the weapons of the highest type of citizen, soldier, and leader.

Mr. Chairman, I have done with the argument of this side of my proposition, and I thank the House for the attention which they have accorded me and for the patience with which they have listened while I have trespassed upon their time.

I repeat my propositions: The United States is a government of limited powers delegated to it by the Constitution, but limited only in numbers, and not in quality. Wherever they are clothed with power by the Constitution they are sovereign and supreme. Those powers are the supreme law of the land when organized in the form of law by the National Legislature, and when they are so organized they must be enforced by all the powers of the Government, or the Government will be destroyed or will remain only an object of derisive scorn for the enemies of free government throughout the world. [Great applause.]

Mr. FINLEY. Mr. Chairman, I have listened with close attention to the able argument of the gentleman from New Jersey [Mr. ROBESON] for two hours, certainly a very plausible argument, indeed. The gentleman from New Jersey has, in an ingenious manner, attempted to show to this House that members of Congress and Senators of the United States are officers of the Government. I did not wish to inter-

rupt the gentleman, or I would have called his attention to the decision of the Supreme Court of the United States in the caseof the United States *vs.* Blount, decided in the Supreme Court years ago, where it was expressly held by the court that a United States Senator was not an officer of the Government. The gentleman alluded to that decision, claiming, as I understood him, that the question was not fully made; but if I am not mistaken you will find upon reading it that the court there made the decision fairly, going into the very question which the gentleman has argued, and decided that a Senator of the United States was not an officer of the Government, but that he was an officer of the State which he represented.

Is a member of this House an officer of the Government? By whom was the gentleman sent here as a member upon the floor of this House? Was he elected by the Government? No; he and all the members here were elected by their constituents—by the people of their districts. From whom did the gentleman receive his certificate of election by which he was authorized to take his seat upon the floor of the House? From the Government of the United States? No; he received it from the governor of his State, and if he were to resign and a vacancy should occur, to whom would he tender his resignation? To the United States Government? No, sir; he would tender it to the governor of his State.

Congress has the power under the Constitution to prescribe the time for the election of Representatives. It has done that. It has the power under the Constitution to prescribe the places where such elections shall be held also. It has done that. It has the power of prescribing the manner of holding elections. It has done that in providing that the election shall be by ballot, but when Congress did that it exhausted its powers under the Constitution. A member of Congress is an officer of his State and a Senator is an officer of his State, as was decided in the case to which I have referred. The argument of the gentleman in favor of the power of Congress to supervise and control the election of members of Congress, and to send supervisors of election and deputy marshals to the polls for that purpose, is based upon the assumption that members of Congress are officers of the Government. If his proposition is not a correct one, his argument falls to the ground. Does the gentlemen claim that Congress can send supervisors and deputy United States marshals into the several Legislatures where an election of United States Senator is taking place, with power to arrest members of the Legislatures? If a member of Congress is an officer of the Government so is a Senator according to the gentleman's argument, and if you can control the election of the one because he is an officer of the Government you can control the election of the other. Again, the officers conducting an election of member of Congress are officers of the State, appointed under a State law, and executing a law of the State. Are they to be arrested by United States officials for failing to execute a law of the State? That power, however, is given to deputy marshals and supervisors under the law now under consideration.

Now, Mr. Chairman, that is all I desire to say upon that subject. I propose in the time I have to speak to call attention to the manner in which these marshals have been appointed and used, the places where they have been used, and the character of the men that served as marshals at recent elections.

At the opening of this debate at the commencement of the session my colleague from Ohio [Mr. GARFIELD] came to the front and made an ingenious and able speech for his party, and I heard gentlemen on this side of the House express surprise that the ablest man upon that side of the House should come to the front, or, as it was termed, upon the skirmish line.

I am not surprised, Mr. Chairman, that he was put forward to open the debate; for in doing so my colleague coined an argument for his party. He coined an excuse for the factious opposition which his party is making to the repeal of these measures, and having done that all the republican newspapers of the country have joined in the refrain, and the arguments upon that side of the House have all been of the same nature and character.

What was the excuse that was coined by my colleague? Was it that the law was just and should be retained upon the statute-book? No; for he himself declared that it should be repealed, and that he was willing to vote for its repeal. Was it because it was put on an appropriation bill and was objectionable for that reason alone? No; because it has been shown in argument in this House that the republican party in the past twelve years have put riders upon appropriation bills in the nature of new legislation to the number of more than two hundred, embracing some of the most important legislation we have had.

The argument and excuse was that putting a rider upon an appropriation bill repealing certain sections of the statutes, coupled with the implied threat that unless the President approved the bill we would stop supplies, was coercing one branch of the Government and was therefore revolutionary, a threat to starve the Government, as the gentleman put it, and not to be submitted to by the minority. Now, the gentleman had no right to speak for this side of the House. The democrats in Congress as a party have not announced their intention to do anything of that kind any more than the President of the United States has announced that unless we repeal these laws in some other way than by tacking them on appropriation bills he will veto them. Individuals on both sides have expressed their opinion as to what would be done by Congress and the President. We have as much right to say that the President of the United States has threatened Congress and undertaken by the threat of his veto to coerce Congress as to the manner of its legislation as the gentlemen have to say that Congress is seeking to coerce the Executive.

This doctrine of parliamentary revolution is not a new one with my colleague. Not more than seven years ago he declared in this House that it was revolutionary for a minority of this House to obstruct legislation, or to prevent the majority from enacting laws in the ordinary and usual way. I read from the RECORD what he said on that occasion. Then as now Congress had under consideration an appropriation bill. Then as now a minority sought to prevent the passage of the bill. Then the majority was republican—now it is democratic. He said:

> Mr. Speaker, a question has therefore arisen in its importance far above any item in this bill, and even above the whole bill. It is simply this: shall the majority of the members of this House have the right to consider and act upon great appropriation bills in the mode provided in the rules? The moment a minority, however large, deny that proposition, that moment we are in the midst of a parliamentary revolution.

What is the majority of this House attempting to do but the very thing which the gentleman describes so aptly in his remarks? "Consider and act upon an appropriation bill in the mode provided by the rules." What is it that the minority are now seeking to do but that which he described in his remarks? Yet he said then, that in denying to the majority the right to consider and act upon appropriation bills in the usual way under the rules was revolutionary. He says now, that the majority is revolutionary in its proceedings, when we in the usual mode, pointed out by the rules, are considering and acting upon an appropriation bill. This is not a new question. This question has been discussed and very elaborately argued as far back as 1819. In 1819, during the second session of the Fifteenth Congress, this identical question came before the House, and was discussed by Clay, by Barbour of Virginia, by Smith, by Harrison, and by a large number of other gentlemen upon the floor of this House.

It arose in this manner: the President of the United States in a message to Congress at the first session of the Fifteenth Congress said that he believed Congress had not the right to appropriate money nor the General Government the power to construct military roads throughout the country, and intimated in his message to Congress that he would veto an appropriation or bill for that purpose. What was done? A rider was put on an appropriation bill appropriating $10,000 for the construction of a military road, and when that question came up Henry Clay, who was Speaker of the House, came upon the floor and used this language:

> It was proper to pass the bill and present it to the President, and if he refused to sanction it, then, Mr. Clay declared, he had no hesitation in avowing that he should be ready to proceed to hostilities with the President on this point, and withhold every appropriation until he conceded the point.

That was revolutionary in Henry Clay, if we are to believe the doctrine of gentlemen on the other side of the House.

But I desire to hasten on to my remarks which refer more especially to the manner in which marshals have been used in this country. In the election of 1876, notwithstanding the provisions of section 2021 of the Revised Statutes, which provides that special marshals shall only be used in cities of twenty thousand inhabitants or upward, Attorney-General Taft issued a general order in which he announced the opinion, that notwithstanding under the provisions of that law special marshals could only be employed in cities of twenty thousand inhabitants and upward, yet under section 2022 which provided that the marshals of the United States and deputy marshals shall keep the peace, they had power to appoint an unlimited number of deputy marshals all over the country. My colleague [Mr. MCKINLEY] in discussing this question the other day on the floor of the House used language which I will ask the Clerk to read.

The Clerk read as follows:

> This power, I admit, should be most carefully exercised and only reposed in discreet and honest hands. The appointment of deputy marshals is confined to cities of twenty thousand inhabitants or upward. They cannot be appointed in any congressional district where there is no city of that population or greater. The country districts are not immediately interested in this provision. In Ohio not more than one-fourth of the congressional districts can invoke this provision of law. In the country and smaller towns deputy marshals are not needed; here an honest election is secured by the watchful interest of a large body of fair-minded citizens. Fraud is difficult to commit where everybody is acquainted with his neighbors and where the legal voters are known to every citizen. Yet the voter in the country districts, indeed every voter throughout the land, is interested in free and honest elections everywhere, for without them his vote loses its legitimate force. An honest election in the *country is of little* significance if its true force is to be overcome by fraud in the large cities. Herein the interest becomes personal and immediate. In large cities the great bulk of the population are strangers to each other; few citizens know their fellow-voters, and from necessity this is the case. Fraud is easily accomplished, and is inevitable, I may say, without the most rigorous safeguards and the firm enforcement of law.

Mr. FINLEY. The gentleman announced on the floor of this House, and I notice that it has gone all over the country, that under the election laws in the country districts these special marshals cannot be employed. That is true, if a strict construction of the law was given. But under the construction put upon the statute by the Attorney-General in 1876, deputy marshals were appointed to the number of 11,615 in no less than twenty-two hundred and forty-four precincts, more than eleven thousand deputy marshals armed with

the power of special marshals. I desire the Clerk to read the instructions given to the marshals by the Attorney-General, so that gentlemen may fully understand that when it became necessary to employ more than the number prescribed by the statute, which was limited to cities of twenty thousand inhabitants and upward, he found a ready means to employ an unlimited number of deputy marshals, who surrounded polling places all through the country districts.

The Clerk read as follows:

You will observe that the "special" deputies mentioned in section 2021 of the Revised Statutes have peculiar duties assigned to them, duties which otherwise do not belong to deputy marshals. Such "special" deputies can be appointed only in cities of twenty thousand inhabitants or upward.

But the duties assigned to marshals and their deputies by section 2022, or other like statute, belong to all duly appointed deputies, whether they be general or be "special" within the meaning of that and the preceding section. Deputies to discharge this latter class of duties may be appointed to any number whatever, according to the discretion of the marshal, in all States in which sheriffs have a similar power. Section 2030 has no practical bearing upon this point in States where no limit is imposed upon the appointment of deputies by sheriffs, because in such States the laws of the United States "prior to the 10th of June, 1872," left marshals also unlimited as to the number of their deputies.

In this connection I advise that you and each of your deputies, general and "special," have a right to summon to your assistance, in preventing and quelling disorder, "every person in the district above fifteen years of age, whatever may be their occupation, whether civilians or not, and including the military of all denominations, militia, soldiers, marines, all of whom are alike bound to obey you. The fact that they are organized as military bodies, (whether of the State or of the United States,) under the immediate command of their own officers, does not in any wise affect their legal character. They are still the *posse comitatus*."

I need hardly add that there can be no State law or State official in this country who has jurisdiction to oppose you in discharging your official duties under the laws of the United States. If such interference shall take place—a thing not anticipated—you are to disregard it entirely. The laws of the United States are supreme, and so, consequently, is the action of officials of the United States in enforcing them. There is, as virtually you have already been told, no officer of a State whom you may not by summons embody into your own *posse*; and any State *posse* already embodied by a sheriff will, with such sheriff, be obliged, upon your summons, to become part of a United States *posse*, and obey you or your deputy acting *virtute officii*.

Mr. FINLEY. Now, under that construction of the statute what was done? There were appointed, as I have said, 11,615 marshals, who were distributed in twenty-two hundred and forty-four precincts all over the country. Now, let us see where these marshals were placed and what they did. I have before me a statement showing that of these 11,615 marshals 10,874 were placed either in strong democratic precincts or in doubtful ones, at an expense to the Government of $232,034.52; that of the remaining marshals, 396 were stationed in Philadelphia, 115 in Chicago, which has since gone democratic and was then a doubtful city, and 117 in Mr. Dean's district in Massachusetts, which returned him, a democrat, to Congress that year. Let us look at the places where those deputies were stationed. In Alabama there were 586. They were stationed at one hundred and twenty-five voting precincts. How long were they employed? I have it from the report of the Attorney-General himself that they were employed fifteen days or thereabouts. Their instructions were "to preserve the peace at all meetings held to discuss political questions and to attend the different polling places at and preceding the presidential election." Their duties were "to repress all attempts to disturb the peace, and where such disturbance actually occurred to arrest the parties guilty of any offense against any law of the United States." In Florida, northern district, there were 745 deputies, stationed at every voting precinct in nineteen counties, as appears from the report of the Attorney-General, as follows:

FLORIDA—NORTHERN DISTRICT.

The marshal reports that in addition to his regular force he appointed 745 general deputies, as follows: In the county of Escambia, 75 deputies, and in the county of Santa Rosa, 25 deputies, under the charge of a chief deputy for those counties; in the county of Washington, 25 deputies, under a chief deputy for that county; in Jackson County, 50, under a chief deputy; in Gadsden County, 50, under a chief deputy; in Leon County, 50, under a chief deputy; in Jefferson County, 50, under a chief deputy; in Madison County, 50, under a chief deputy; in Hamilton County, 6, under a chief deputy; in Lafayette County, 6, under a chief deputy; in Columbia County, 50, under a chief deputy; in Baker County, 10, under a chief deputy; in Nassau County, 30, under a chief deputy; in Alachua County, 50, under a chief deputy; in Orange and Volusia Counties, 25, under a chief deputy; in Clay, Saint John's, and in Putnam Counties, 6 each, 18.

All the voting precincts in these counties or nearly, were attended by deputies in greater or less number, as it seemed probable that their services were required.

The time of service of these additional general deputies was from date of appointment in October last until the 15th day of November, 1876.

It would appear that the results flowing from the appointment of these seven hundred and forty-five deputies stationed in every voting precinct in nineteen counties in this district were highly satisfactory to the party in whose interests they labored. The Attorney-General says:

The object of the appointment of these deputies was that a rigorous enforcement of the laws of the United States governing the elective franchise might be secured.

Each deputy appointed was furnished with printed copies of the statutes of the United States relating to the elective franchise and prescribing the duties of the marshal and his deputies in connection with elections, and with a printed copy of the letter of instructions from the Department of Justice, dated September 4, 1876, and was instructed to perform in full the duties of his office as therein directed.

The most satisfactory results accrued in nearly every part of the district from these precautionary measures which were taken to secure the peace and to protect voters.

In this connection I herewith append and make part of my remarks a table, compiled from official reports, showing the disposition of marshals in voting precincts in that election, as follows:

Statement of the number of deputy and special marshals employed in the election of 1876 *and the number of polling places attended by them, together with the amount paid out of the public Treasury for their compensation.*

States.		Polling places.	Marshals.	Amounts paid.
Alabama	Democratic	139	586	$523 83
Arkansas	Democratic	381	999	
California	Doubtful	56	244	11,023 99
Delaware	Democratic	10	135	
Florida	Doubtful		745	
Georgia	Democratic	2	207	1,977 50
Louisiana	Democratic	120	840	14,283 33
Maryland	Democratic	115	1,222	12,012 55
Mississippi	Democratic	71	248	50 50
Missouri	Democratic	95	1,033	17,902 40
New Jersey	Democratic	66	249	12,276 19
New York	Doubtful	905	3,565	152,717 28
North Carolina	Democratic	166	166	591 84
Oregon	Doubtful	7	13	
South Carolina	Doubtful	17	338	1,274 14
Tennessee	Democratic	10	30	279 00
Texas	Democratic	49	49	2,949 92
Virginia	Democratic	35	201	4,172 05
Kentucky	Democratic.			
West Virginia	Democratic		4	
Twenty States		2,444	10,874	232,034 52
Iowa	Republican.			
Maine	Republican.			
Michigan	Republican.			
Minnesota	Republican.			
Nebraska	Republican.			
New Hampshire	Republican.			
Rhode Island	Republican.			
Vermont	Republican.			
Wisconsin	Republican.			
Kansas	Republican		3	
Colorado	Republican.			
Ohio	Doubtful.			
Connecticut	Republican	1	1	$2,083 20
Indiana	Democratic.			43,784 40
Pennsylvania	Republican	348	396	
Illinois	Republican	161	115	
Nevada	Republican	9	9	
Massachusetts	Republican	25	117	
Eighteen States		544	641	45,867 60

In the State of Iowa, which was republican, there were none; in the State of Maine, republican, there were none; in the republican State of Michigan, none; in Minnesota, a republican State, none; in Nebraska, a republican State, none; in New Hampshire, in Rhode Island, in Vermont, all republican States, none; in Wisconsin none; in Colorado none; in Indiana none; in Ohio none. In Connecticut there was one; in Kansas there were three. The remainder, as I have said, were stationed in Pennsylvania, Illinois, Nevada, and Massachusetts, there being nine in Nevada. The bulk of these deputy and special marshals were stationed in three places, and I am told by gentlemen who have the means of knowing, that the bulk of those stationed in Philadelphia were in the third congressional district, the district of the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. O'NEILL. What is that? I ask the gentleman to repeat his statement.

Mr. FINLEY. I will do so with pleasure. I am glad the gentleman has waked up. I say I have it from good authority that the bulk of the marshals stationed at the polls in the city of Philadelphia were scattered around in the first congressional district, the district of the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. O'NEILL. Now, Mr. Chairman——

Mr. FINLEY. I decline to be interrupted.

Mr. O'NEILL. I deny the correctness of the gentleman's authority. I would like to know what his authority is.

Mr. FINLEY. The gentleman does not deny the statement.

Mr. O'NEILL. I think the gentleman should yield a moment.

The CHAIRMAN. That is a question for the gentleman from Ohio himself.

Mr. FINLEY. Now, Mr. Chairman, I want to call attention to another branch of this subject. I have said that nearly eleven thousand of these deputy marshals out of 11,615, were stationed in democratic strongholds or in doubtful districts. I have shown that barely six hundred were stationed in republican districts or republican cities, and even there in doubtful precincts. I desire to say in this connection that of the seventeen thousand deputy and special marshals appointed and used in the elections of 1876 and 1878, every marshal, every deputy marshal, and every special marshal, so far as the facts have been developed, was a republican; and the testimony as taken in New York and Philadelphia shows that these conservators of the peace, these gentlemen who were appointed at an expense of half a million dollars, paid at the Federal Treasury, were appointed as agents of the repub-

lican party, and worked at the polls from morning till night distributing tickets and doing a general electioneering business for the republican party. Yet gentlemen tell us that their objection to the repeal of this statute is not because they have the appointment of these marshals, not because under the construction given to the law by the Attorney-General they will have the power in 1880 to appoint one hundred thousand marshals if necessary, and pay them out of the Federal Treasury; not because they having the appointing power these marshals will be republicans, working in the interest of the republican party; not because, armed with the extraordinary powers which the law gives them these republican partisans masquerading as marshals can go to the polls, and whenever in their opinion an offense against the laws of the United States has been or is about to be committed can arrest their opponents and imprison them—and can by intimidation prevent them from voting; it is not because of all that. Oh, no! But they would make the country believe the cause of this opposition is because they are so much in love with a "pure ballot." It is because they want a "pure ballot" and an honest election! Why, Mr. Chairman, at the last election in Philadelphia, as I have said once before on the floor of this House, and as has been sworn to by Marshal Kern before a committee of the Senate, there were appointed in the city of Philadelphia seven hundred and odd deputy and special marshals, who went to the polls acting in conjunction with twelve hundred republican policemen, worked for the republican party, abused and mistreated democrats. I say the testimony shows that every one of those marshals were republicans, and that a majority of them were appointed especially because of their activity in favor of the republican party.

The testimony still further shows those marshals went to the polls and worked with the policemen, and in many instances, under the pretense that democrats had no right to vote, dragged them from the polls, snatched tickets out of their hands, and committed all manner of outrages. All this appears from the testimony before that committee.

Mr. O'NEILL. Will the gentleman yield to me?

Mr. FINLEY. I decline to yield. I am going to pay my regards in a few moments to some remarks of the gentleman made a few days since; but I do not wish to have my time taken up by him just now.

Mr. O'NEILL. The gentleman can have his time extended.

Mr. FINLEY. If that be done I have no objection.

Mr. O'NEILL. The gentleman should not make *ex parte* remarks and then refuse to yield.

Mr. FINLEY. Those remarks are not *ex parte*, as I will show. Out of the thirty-eight marshals appointed in that city the testimony of two days taken at random shows thirteen of them to have been convicted of crime.

Mr. O'NEILL. I can disprove that. [Laughter and applause on the republican side.]

Mr. FINLEY. Thirteen of them were convicted of crime, such as murder, burglary, shooting with intent to kill; two of them were keepers of houses of prostitution; two of them were keepers of doggeries; and of the whole list every one of them was an active, indefatigable worker at the polls. [Applause on the democratic side of the House.]

Mr. O'NEILL. If the gentleman will allow me I can show to the committee in one minute those statements are not based upon truth.

Mr. FINLEY. As the gentleman seems to be worried over this I will give him an opportunity in a moment. He said on the floor the other day, when I called attention to this testimony, that some of these men had been arrested for perjury.

Mr. O'NEILL. Do you want me to give you an instance?

Mr. FINLEY. Yes; I should like to have one. Who is the man?

Mr. O'NEILL. Mr. Duddy was arrested on the complaint of Mr. Springfield. I will give the gentleman the paper, if he wishes, where it all appears. Others also were arrested for perjury, and yet this committee of the Senate has not dared to return to Philadelphia and examine republican witnesses.

Mr. FINLEY. There has been but one man arrested so far as I have been able to learn, and that is Mr. John A. Duddy, who swears on page 159 of the testimony that he has been a republican all his life, and that he was appointed to office on the recommendation of the gentleman from Pennsylvania.

Mr. O'NEILL. To whom does the gentleman refer; does he state that he was appointed on my recommendation?

Mr. FINLEY. No, sir; on that of your colleague.

Now, Mr. Chairman, in a few moments I will call the attention of this committee to some of the testimony taken and sworn to before the Senate committee.

Mr. O'NEILL rose.

Mr. FINLEY. I do not wish to be interrupted by the gentleman just now. As I said, it is sworn testimony taken before a committee of the other House. Witnesses were put on the stand at random, reliable witnesses, who testify to the general character of these marshals. The first witness I will call upon the stand is Mr. John P. Cahill, who was sworn and examined, and I will ask the Clerk to read an extract from his testimony.

Mr. BAYNE. I want to ask the gentleman a question. I should like to ask him whether, because twenty-six of the fifty-two democratic county treasurers of the State of Ohio commit frauds and embezzlements, that is a reason why men should not be elected to the position of county treasurer?

Mr. FINLEY. I say to the gentleman this, that we find the republicans upon the floor of this House, and in the press, seeking to make the country believe that the only reason they want marshals at the polls is because they wish to have a pure ballot. Yet after having had experience in this matter, we find that same party appointing seventeen thousand marshals at the polls, (if the fact be true, and I say it is true as far as developed,) every one an active republican worker, and in many cases of the most disreputable character. I say, sir, it is the best argument in the world that they want these laws to remain not for a "pure ballot," but for the purpose of carrying elections, and that the very object of the fight made here is to preserve these statutes in order that the republicans may reap the benefit of such appointments in the future. I now ask the Clerk to read the extract which I send up to be read.

The Clerk read as follows:

John B. Cahill sworn and examined.

By the CHAIRMAN:

Question. Where did you live on the day of the last November election?
Answer. I lived at 133 Onis street, Eleventh ward, seventh division.
Q. What is your business?
A. I am a constable.
Q. Do you know John May, whose name is on the written list of marshals that I hold in my hand?
A. I do, very well.
Q. Is he the same who is on this list of marshals? [Indicating list in evidence.]
A. Yes, sir.
Q. What is his business?
A. He keeps a house of prostitution on the corner of Newmarket and Peg streets.
Q. Do you know whether he arrested anybody on election day?
A. I do not. At this last election he did not.
Q. Do you know Abraham Hoffman?
A. I do, very well.
Q. In what precinct does he live?
A. He is supposed to live in the fifth precinct of the Eleventh ward.
Q. Has he any other name than Hoffman?
A. Yes, sir.
Q. What is his other name?
A. I call him "Shad."
Q. Where does he live?
A. I give it up.
Q. What is his business?
A. He used to keep a house of prostitution on Fifth street, below Callowhill,
Q. Do you know anything about his occupation on election days?
A. Yes, sir.
Q. What is it?
A. A repeater.
Q. Who does he generally repeat for?
A. The republican party.
Q. How do you know that?
A. By following him on several occasions.
Q. Detail for us one of those little diversions of yours.
A. A couple of years ago he was out through the Thirteenth and Fourteenth wards.
Q. How many times did you see that he voted?
A. I suppose, at the least calculation, three to six times, at different places.
Q. Has he any known business now?
A. No; he skipped away for stealing a five-dollar note.
Q. When was that?
A. Here, some three or four months ago.
Q. Was there a warrant for him?
A. That I don't know.
Q. How do you know as a fact of his having stolen a five-dollar note?
A. He stole it from a man by the name of Lafayette Groul, on Third street, below Green.
Q. Do you know William Ackenbrine?
A. I do.
Q. Where does he live?
A. I don't know where he lives now.
Q. What is his character?
A. Billy is a first-rate fellow.
Q. What is the general reputation of the man?
A. Billy is a pretty good fellow.
Q. Has he been charged with any criminal offenses lately?
A. No, sir; I never knew him to be charged with anything, only he was arrested for larceny, but I believe the bill was ignored.
Q. Is he a republican?
A. Yes, sir.
Q. Has he any ostensible occupation?
A. Just now he has.
Q. What is it?
A. He works in a coffee-roaster's, in Third street below Coates, or Fairmount avenue, as it is now called.
Q. All these names are upon this list of marshals, are they?
A. Yes, sir.

Mr. O'NEILL. I wish to ask the gentleman whether it is fair to read the examinations-in-chief and not to read the cross-examinations in all the cases to which he refers?

Mr. FINLEY. I decline to yield.

Mr. Chairman, I have here a large amount of the same class of testimony which I will make part of my remarks, as follows:

WILLIAM DE BARTH AND THOMAS DONLIN, SEVENTH DIVISION, SIXTH WARD.

Martin Killackey, witness.

Question. In what ward and division did you live at the time of the November election of 1878?
Answer. In the Sixth ward, seventh division.
Q. How long had you resided there?
A. About twenty-five years.
Q. Were you at the election on that day?
A. I was.
Q. Who were the deputy marshals?
A. William De Barth and Thomas Donlin.
Q. Do you know Donlin?
A. I do.

Q. How long have you known him?
A. From boyhood—probably twenty-three or twenty-four years; I knew his father.
Q. What is Donlin's character!
A. He is a drinking man.
Q. About what is his age?
A. Probably twenty-eight or twenty-nine years.
Q. Do you know whether he is an habitual drunkard?
A. He is considered such, and has been; I know that he has been; I don't know how he is now. He has been in the house of correction.
Q. For what cause?
A. For drunkenness. I think his mother put him there.
Q. Did you see any one arrested on that day?
A. I saw men threatened with being arrested; I saw nobody arrested. I saw, on one occasion, a man who was not on the assessor's list voting, and one of the officers was very rough with him. The police officers had to take the man inside to qualify him for voting. The deputy marshal then insisted on going in and arresting him inside. He told the man he would arrest him, if he did vote, when he came out. The officers qualified the man and took his vote, and one of them had to go out and threaten this marshal that if he would arrest the man he would prosecute him. So the marshal let him go.
Q. Which of the marshals was this?
A. De Barth.
Q. Was this a republican or a democratic division?
A. This was a democratic division.
Q. How many of the policemen were present there during the day?
A. I saw five or six at one time there.
Q. Were they at a distance from the polls or contiguous to them?
A. They were right up at the window where they were voting. They were there all day.
Q. Do you know of William McCaffrey being arrested?
A. I know of his being arrested and locked up all night, but that was not at that time; it was the election previous—that is, the election before the presidential election. The policemen remonstrated about his crowding about the window. He crowded them, and they locked him up and kept him until morning.
Q. Was Donlin violent?
A. He was disorderly; he was in liquor all day there, and interfered with people voting, threatening to arrest them or have them arrested.
Q. Do you remember the name of the man with whom De Barth interfered?
A. I do not know his name; he voted from Sixth street, below Race, I think.
Q. Was there any disturbance there during the day other than that which was produced by the marshal?
A. The democrats there had to keep very quiet and not say anything to them, or they would have all been locked up, I presume; so there was no disturbance. They had to keep very quiet and say nothing in order to get the vote out before the crowd came, before night came. There was a crowd at the polls in the evening there.

JAMES COLIGAN, EIGHTH DIVISION, SIXTH WARD.

Walter Brady sworn and examined.

By the CHAIRMAN:

Question. In what division and ward did you live on the day of the last November election?
Answer. In the Sixth ward, eighth division.
Q. Were you there all day?
A. Yes, sir; I was in the division all day or in the ward all day.
Q. Were you at the election-house most of the day?
A. Yes, sir.
Q. Who was the United States marshal there?
A. James Coligan, an ex-police officer.
Q. What was his condition during the day?
A. Most of the afternoon he was so drunk that he could hardly walk.
Q. Was there any interference by him during the day with voters, and, if so, what was it?
A. He was challenging everybody that came there, driving them away from the polls.
Q. What did he say and do to them?
A. He said that he was United States marshal, and had more authority around there than the judge inside or the police or anybody else. I was calling the policeman's attention to the fact that they had no business within thirty feet of the polls; and I asked him if they could read, that there was a notice signed by the judges, Ludlow and Fell. They said, "Oh, to hell with that," and Coligan came up. I told them that frequently during the day. When I told this police officer that in the afternoon, Coligan said, "Oh, you have got too damn much to say; I will take you in." I said, "No, I guess you won't; you are hardly able to take yourself in, you are so drunk now." He took hold of my collar, staggered into the gutter and back again against the house. Some citizens came up and said, "Why, you have no right to take this man in, he has done nothing." "Well, I'll take you in anyhow." The police persuaded him to let me go. I had said to him, "You might get yourself into trouble. I will hold you responsible if you do me any bodily harm;" so he let me go, and that was settled.
Q. What was he going to do with you?
A. He was going to take me down below, or, I suppose, to the station-house. He was an ex-policeman and a United States marshal, too.
Q. Had he a badge on?
A. Yes, sir.
Q. What was the badge?
A. I supposed it had "United States marshal" on.
Q. Had he the badge on during the day?
A. Oh, yes.
Q. What was he going to take you away for?
A. Just for ordering the police away from there. I called their attention to the notice signed by Judges Ludlow and Fell, that they should stay thirty feet away from the polls; and they laughed at me. I told them that frequently, and in the afternoon Coligan said I had too much to say.
Q. How many policemen were in attendance in the division there generally?
A. There were four or five all the time. Sometimes the lieutenant was there himself.
Q. Where were they?
A. All crowding around the polls.
Q. What were they doing?
A. Giving out tickets and interfering with the men.

HENRY SCOTT, SECOND DIVISION, SEVENTH WARD.

Benjamin F. Levy sworn and examined.

By the CHAIRMAN:

Question. Where do you live?
Answer. At 825 Lombard street, Seventh ward, second division.
Q. Who was the marshal there?
A. Henry Scott.
Q. What is his business?
A. I think he keeps a drinking-house where the polls are held.
Q. What is his character?
A. I hardly know.
Q. Were you at the polls during the day?
A. I was.
Q. Did you see him there?
A. I did.
Q. What was he doing?
A. He was electioneering, giving tax receipts, vouching for voters.
Q. Did you see those receipts?
A. I saw some.
Q. Many of them?
A. Yes, sir.
Q. Had the receipts the names of the voters in them, or were they in blank?
A. That I could not say.
Q. When a voter came up to the polls, did Mr. Scott hand him a tax receipt—did you notice him do that?
A. I saw him do that on the pavement, yes, sir.
Q. Did you see him distributing republican tickets?
A. That I don't remember.
Q. Did you notice him vouching for any one?
A. Yes, sir.
Q. He vouched for what?
A. For their residence.
Q. In the evening was he inside or outside of the polls?
A. He was inside the polls.
Q. Inside the room?
A. Inside the room.
Q. What was going on inside?
A. He was there counting the congressional vote.
Q. Were you inside?
A. Yes, sir.
Q. State what the result was inside and what Scott said.
A. When the polls closed, I went to my house, about a square from the polls. When I came back, Mr. Scott, the marshal, was taking the votes out of the box.
Q. Counting the votes?
A. Counting votes, at least he took them out and handed them to the judge. The judge read them off, and he tallied them and the clerk tallied them. The result was at the end of the count that General McCandless, for Congress, had five votes. I said, "That won't do; that I could count up double that number that came through the window. We had a great deal of talk about it, and finally they agreed to give us what the governor's vote was.
Q. Who was active about this, the marshal?
A. The marshal, yes.
Q. He handled the vote. How many votes did he say he would allow you to count for the candidate for Congress?
A. At another table they were counting the governor's vote. The democrats had about seventeen, I think, and we had noticed there were one or two scratches on the congressional vote of Mr. McCandless; and they agreed to give us what we asked for—fifteen, I think it was; fifteen or sixteen.
Q. Did Mr. Scott make any very distinct remark on the subject of what he might do if you would not take what he offered you?
A. No; he was very glad to give us what we asked for, because I said to him, "There is something wrong about this, and you know it, Mr. Scott; you had better not make any further trouble about it, but had better do just as I tell you."
Q. Did he put his hand in the box for each ticket?
A. Yes, sir.
Q. And brought out each McCandless ticket?
A. Yes, sir.
Q. But you stated that that would not do?
A. I said that that would not do, for I knew some eight or ten who voted for McCandless.
Q. How did you make the count; was there just an acceptance of the count; or were the tickets found?
A. The tickets were not found. We went over them. He proposed that. I said that I did not care anything about the count, for "I am satisfied there are only five tickets there." When I came in the room he had a handful of tickets in his hand, and was picking out with one hand and handing them to the judge. He was handling five tickets. I thought there was something wrong. I took off my coat, threw it across the bar, and turned my back to him, and while I turned my face from him the tickets had gone. I said, "What became of those tickets?" He said, "They are in the box." They were gone; they were not in the box or anywhere else.
Q. What position did Scott hold?
A. He was United States marshal.
Q. What position did you hold?
A. I was overseer.

CHARLES PRENDERVILLE, SEVENTEENTH DIVISION, FIFTH WARD.

Thomas Dwyer sworn and examined.

By the CHAIRMAN:

Question. Where did you live in November last?
Answer. At 431 Locust street, Fifth Ward, seventeenth division.
Q. Were you a qualified voter?
A. Yes, sir.
Q. Who was the United States deputy marshal in that district?
A. Charles Prenderville.
Q. Were you present when a man named Shay came to vote?
A. No, sir; but I was coming out of the house, and called him back, and asked him what was the matter. He said he went up to vote, but could not vote; that the deputy marshal challenged him; and then he went up with me a second time.
Q. What was his name?
A. Michael Shay.
Q. When you then went to the polls what occurred?
A. We went up to the polls and I vouched that Shay was a qualified voter of the precinct. After I vouched for him he went inside.
Q. Did he vote?
A. He voted. Then the deputy marshal took hold of him. I asked him what he was doing that for, and he said, "I am going to lock him up." I asked him, "What for?" and he said, "Never mind," for me to get away from there, and "I'll lock you up too." I said to him to go around and see if Shay lived where he said he did. He said, "No; I'll take you too." I said, "No you won't." He said, "I will." He arrested me and wanted to hand me over to the police officers. I said, "No, I won't go with anybody but you." I said he would have to take me if anybody did. He took me to the station-house and up to the United States court, before the marshal, and had me put under bail to appear at the United States court.
Q. What became of the case?
A. I have been notified five or six times to be up there. I have been up there half a dozen times.
Q. What did you do on the election day?
A. I gave tickets out around the precinct.
Q. But for what were you arrested?
A. I said, "Charley Prenderville, go around there and see if the man lives there." He said, "No, I wont." So I put my hand on him and he arrested me.
Q. Did you know that Michael Shay lived in the division?
A. I did.

Q. Did you know that he was a qualified voter?
A. I knew he was a qualified voter, too.
Q. Was any warrant issued for your arrest?
A. No, sir; he just took me right away from the polls.
Q. How long were you kept in custody?
A. Only about ten or fifteen minutes; I was bailed out right away again. They kept Shay pretty much all of the afternoon. I went up to the court to get a writ of *habeas corpus* for him. I got the writ and went to the station-house at Fourth and Union streets. The lieutenant said that Shay was not in.
Q. What did Prenderville do at the poll?
A. He was challenging voters all day; challenging democratic voters just as fast as they would come up.
Q. Was he electioneering?
A. He was electioneering.
Q. How long was Shay in the station-house?
A. He was arrested at about twelve or one o'clock; he was in the station-house until about three o'clock, I guess.
Q. What became of his case?
A. It was quashed right away. The United States marshal did not make any charge against him when we got into court, and he was discharged. Mr. Cassiday asked the marshal if he had anything to say, if he wanted to push Shay, and he said no. This was in the court-house in Sixth street, below Chestnut, which was where Shay had then been taken.

JAMES BROWN, FOURTEENTH DIVISION, FOURTH WARD.

Charles S. Lincoln sworn and examined.

By the CHAIRMAN:

Question. What is your official position?
Answer. I am clerk of the United States district court.
Q. Have you been such for some years?
A. I have been clerk of that court for four years, and have been in the office as assistant clerk for seventeen years.
Q. Will you turn to your records and tell us whether James Brown was convicted of any offense in your court; and, if so, when, and what it was?
A. [After referring to a record-book.] James Brown was convicted of personating and voting in the name of another person.
Q. What was the date of conviction?
A. The finding of a bill was on the 19th of November, 1872; the date of conviction (verdict) was November 22, 1872; the date of sentence was December 14, 1872.

By Mr. MCDONALD:

Q. He was convicted on what date?
A. The date of the verdict is November 22, 1872. It was for [reading from record-book] personating and voting in the name of another person at an election held on the 8th of October, 1872, the day of the congressional election. Sentenced to eighteen months' imprisonment.

ENOCH BAKER, SECOND DIVISION, THIRD WARD.

John Carroll sworn and examined.

By the CHAIRMAN:

Question. In what ward and division do you live?
Answer. In the Third ward, second division.
Q. Were you at the election in November last?
A. Yes, sir.
Q. What were you doing there?
A. I went to vote.
Q. Who was the marshal there?
A. Enoch Baker.
Q. What duty was he performing there; had he a badge?
A. He was inside when I saw him. He came outside and ordered a policeman to arrest me.
Q. What did you do?
A. I voted and then went with the officer, with both of them, to the marshal's office.
Q. Was it after you had voted that he ordered the policeman to arrest you?
A. He ordered my arrest before I did vote, but I was arrested after I had voted.
Q. He ordered your arrest before you offered to vote?
A. Yes, sir.
Q. Was your vote taken?
A. Yes, sir.
Q. Were you then arrested?
A. Yes, sir.
Q. Where were you taken?
A. To the marshal's office in Library street.
Q. Before whom?
A. I do not know the officers there. Before some of the officers there.
Q. Was there a hearing?
A. I entered bail for a further hearing on the Friday following.
Q. Did you appear on the Friday following?
A. I did.
Q. Was there a hearing then?
A. Yes, sir.
Q. What was the result?
A. I was acquitted.

JOSEPH HILFERTY, TWENTY-FIRST DIVISION, SECOND WARD.

Patrick J. McCarthy sworn and examined.

By the CHAIRMAN:

Question. Where do you live?
Answer. In the Second ward, twenty-first division.
Q. Were you at the election poll of that election on the day of the last November election?
A. Yes, sir. I was United States supervisor.
Q. Who was the marshal there?
A. Joseph Hilferty.
Q. What were his politics?
A. Republican, I believe. He was inclined to be a little troublesome. I did not know he was marshal until about ten o'clock.
Q. How did you come to know it then?
A. The police officers arrested the democratic supervisor of our division, and as the supervisor went across the street he called me to get him bail. I went across and he [Hilferty] followed me across and said, "If you interfere I will lock you up." I said, "What is your authority?" and he pulled out a badge, a little one—a piece of muslin.
Q. Did he know you were a United States officer?
A. Yes; I had a badge upon me.
Q. What were you doing?
A. I only went across the street to inquire of the man what he wanted of me. He said, "I wanted you to go to get me bail."
Q. Who was this man?
A. Campbell.
Q. Who was he?
A. He was supervisor of the other division—the twenty-third division.
Q. Was he a democrat?
A. Yes, sir.
Q. Did you go to get bail for Mr. Campbell?
A. I did.
Q. How many policemen were present in your division?
A. In the neighborhood of seven, eight, or nine were there all day.

WILLIAM M'GOWAN, TWENTY-THIRD DIVISION, SECOND WARD.

Charles Murray sworn and examined.

By the CHAIRMAN:

Question. Do you live in the twenty-third precinct of the Second ward?
Answer. Yes, sir.
Q. Were you there on election day?
A. Yes, sir.
Q. Did you see this difficulty which occurred?
A. Yes, sir.
Q. Were you outside?
A. I was outside electioneering the ticket. Mr. Campbell and Mr. Tomlinson blockaded the window up.
Q. Were they police officers?
A. Yes, sir. I went in and told Mr. Campbell to come out and try to get the votes in. Mr. McGowan was standing on the street and never interfered. He never showed any badge. Mr. Campbell came out and got hold of Officer Campbell. He would not go away from the window. Mr. Campbell asked me to assist him to get the policeman away, and I went to do it. When coming on down a couple of police officers came and arrested me and Mr. Campbell.
Q. What were the officers doing when the affair began?
A. The police officers were standing up by the window.
Q. Who wanted to vote?
A. There were two or three who wanted to vote.
Q. Where those men who wanted to vote at that time citizens of the precinct?
A. Yes, sir.
Q. Do you know they were citizens of the precinct who were trying to get to the window to vote?
A. Yes, sir.
Q. What prevented them from putting their votes in?
A. Mr. Campbell was standing right up by the window.
Q. How were the policemen dressed?
A. In full uniform.
Q. Who else was there with the policeman Campbell?
A. He was there and the other man with the window-book on the other side.
Q. Who was he?
A. I forget his name.
Q. Did you ask policeman Campbell to clear the way?
A. I asked him three or four times and then I went to get Mr. Campbell to do it.
Q. Did you call for McGowan, the marshal, to come?
A. I did not know that there was any marshal about there.
Q. Had the marshal a badge on at that time?
A. No, sir.
Q. Did you know McGowan?
A. Yes, sir.
Q. Was McGowan close to the window all that day?
A. He was electioneering the ticket all day.
Q. Electioneering what ticket?
A. The republican ticket.
Q. When did you first see the badge on McGowan?
A. I do not think I saw the badge on him until I heard, near night, that he was a marshal.
Q. Where did these people take you and Campbell?
A. To the station-house.
Q. How long did they keep you there?
A. From three quarters of an hour to an hour.
Q. Did you give bail?
A. Mr. Moran went our bail to appear the next morning at seven o'clock.
Q. Did you go the next morning?
A. I went there the next morning. I was a little late, the magistrate would not take bail, and I had to go the next morning.
Q. Did you go the next morning?
A. Yes, sir; I went again and entered bail.
Q. Have you heard of the case since?
A. I have never been called on.
Q. Did you see the policemen since?
A. I saw Mr. Lynch, the policeman, since. He is the one who said, "You Irish son of a bitch, I will blow your head off."
Q. Where was that?
A. On Tenth street, below Carpenter.
Q. How came he to say that?
A. I wanted to go to the alderman's and get a hearing before being locked up.
Q. What was Mr. Moran doing there?
A. Moran wanted me to go to the alderman's office and get a hearing, and the policeman pulled a pistol and drew it upon me.
Q. He pulled a pistol out and drew it upon you?
A. Yes, sir.
Q. Did you go along then?
A. I went along with him.
Q. Were you resisting and trying not to go?
A. No, sir; I only wanted them to take me first to the alderman's office and give me a hearing before they locked me up.
Q. How came the policeman to pull out a pistol? What were you doing then?
A. The crowd gathered around, and they wanted to lock me up.
Q. Did the crowd cause any difficulty there?
A. No, sir.
Q. What caused the difficulty there at the polls?
A. Policemen blockading the window up.

ROBERTS, SIXTEENTH DIVISION, THIRD WARD.

John Johnson, witness.

By the CHAIRMAN:

Question. Where did you live at the November election last year?
Answer. At 740 South Twelfth street, Third ward, sixteenth division.
Q. Were you arrested?
A. Yes, sir.
Q. By whom?
A. By a deputy marshal.
Q. Who was the deputy marshal?
A. Roberts.
Q. What were you arrested for?
A. I came up to the poll to vote. He challenged me on my tax receipt.
Q. Who challenged you?
A. Roberts, the marshal. I handed in my tax receipt. It was examined and inspected by the judge and inspector of the poll, and was passed as a genuine one. My vote was received; but as my tax paper was handed out to me again the deputy marshal made an attempt to take it, but somehow or other I got the best of him

and got it and put it in my pocket. Said he, "You are my prisoner." He took me and locked me up. He called the assistance of the police.

Q. Where did he take you?

A. To the station-house.

Q. How long were you kept there?

A. They kept me there from six at night until ten o'clock next morning.

Q. You attempted to vote, then, about a quarter to six in the evening?

A. At about a quarter to six o'clock.

Q. How long had you lived in that division?

A. For four years.

Q. Your tax receipt was passed into the room through the window and was there passed upon as good?

A. Yes, sir.

Q. Then your vote was received, when Mr. Roberts arrested you and took you and locked you up?

A. Yes, sir.

Q. What became of the matter afterwards?

A. The next morning I had a hearing before the United States commissioner and it was put to court. From the 2d of November to the 3d of March they kept me busy running to court, and the case has not come up yet. When I last made my appearance there I asked them if they had any idea of when my case was going to come up.

Q. To what official did you go?

A. I asked the prosecutor of the court if he had any idea when that case of mine was to come up, (I thought it was time for them to find out something about it; they had kept me running there two or three times a week;) he told me to stay at home until I was sent for. I said I understood they would not send for me, as I was not a witness in the case; I was the accused. He said, "Stay at home until you are sent for anyhow." They haven't sent for me yet.

As to Roberts, another witness testifies:

Question. Was he distributing tickets?

Answer. Yes, sir.

Q. Did he have the window-book?

A. He did.

Q. Did he keep charge of the window-book?

A. Yes, sir.

Q. What was his conduct or behavior, respectful and orderly, or overbearing and rude?

A. He was intimidating voters, threatening them, almost every voter that came up.

Q. What did he say?

A. He threatened to arrest those who voted on a white tax receipt.

Q. Were you there when he made the arrest of John Johnson?

A. Yes, sir.

Q. Do you know of his making any other arrests?

A. Yes; he made two others.

Q. What became of the other arrests?

A. He took the parties before the United States marshal, I believe, where they entered bail and got out.

Q. Where was Roberts employed?

A. He is employed in the gas office just now—a clerk there, I believe.

Q. How many policemen were there in that precinct on that day?

A. Between ten and fourteen.

Q. In uniform?

A. Yes, sir.

Q. Were there more deputy marshals than one there?

A. There were two.

Q. Was there any disturbance at the polls there?

A. None at all, only what a police officer made. The police officer came there between half past five and half past six o'clock in the evening, and said he was sent there to clear the polls. At that time there was a string of voters there, I believe five or six, and he pushed all the democrats out of this line, and pushed them away. He pushed on the democratic side, and said he could lick any son of a bitch around those polls.

CHARLES HERR, SECOND DIVISION, TWENTY-NINTH WARD.

Witness, John Trainer.

Question. Do you know the marshal who was there?

Answer. Yes, sir.

Q. Who was he?

A. Charles Herr.

Q. Have you known him any length of time?

A. I have known him about five years.

Q. What is his character and reputation, as far as you know him?

A. Very bad.

Q. Has he been arrested?

A. He has been arrested to my knowledge for receiving money under false pretenses.

Q. More than once?

A. Not to my knowing.

Q. Was this recently?

A. About a year ago.

Q. What occurred during the day when you were there in reference to a Mr. Emery?

A. After I had deposited my vote I stepped aside and was standing there when Mr. Emery came up to vote; and when he went up to put in his vote this Herr came up, got hold of him, pulled him away from the window, and told him he had no right to vote; that he did not live in the division. He squared off to fight him, [Emery,] hallooed for the police to come and arrest him, and Mr. Emery got rather frightened and ran down to the corner of the little street that he lived in, with the marshal and the police after him. I followed after Mr. Emery to see what they wanted to arrest him for; I saw that he had not done anything at the polls to be arrested for. I went to his house and asked his mother if he lived there. She said yes; that that was his home, and he had no other home. I told him to come around to vote, that he had a perfect right to vote, and I would see that he got his vote in; but he was rather frightened, and would not come. Then in the afternoon a gentleman told me that Mr. Emery had been arrested. I asked him for what and by whom. He told me that it was for trying to vote illegally in the division, and that the arrest was made by the police and the marshal of the United States in the division. I went around to the station-house and found it was so, and then went to Mr. Pritner and asked him what it was best to do about the matter; asked him if he knew the man, and knew that he was a resident of the division. He said he did, and said it would be best to have an order from the court. I went down and got a writ of habeas corpus to make them take his vote. It was to be served upon the police lieutenant of the district, and was returnable at six o'clock that evening, at Judge Fell's house, as it was too far to go to the court-house.

Q. What did you then do?

A. When I came up town I went to Mr. Pritner and told him what I had done. Mr. Pritner informed me that he had gone to the station-house and had bailed the gentleman, and had got him out and had taken him down and voted him.

Q. Do you know whether this man Emery was a qualified voter?

A. I do.

Q. Then this writ of *habeas corpus* that you got out did not get his vote in—he got it in without that?

A. He got his vote in without any writ.

Q. Had Herr any connection with the voting in any way?

A. He was soliciting votes.

Q. Had he in his possession republican tickets?

A. Yes, sir.

Q. Had he a badge on as a republican distributer?

A. He had a badge on under his coat. I only saw it on one occasion when the lappel of his coat was thrown aside.

Q. A republican badge?

A. Yes, sir.

Q. Did you see him soliciting men to vote?

A. Yes, sir; I saw him go and ask men to vote and hand them a ticket.

Q. Was there any disturbance at that time?

A. No more than he made by pulling the man away and not allowing him to vote.

I have here a statement also of the number of marshals, where they were used, and the amount paid them, which I will also make part of my remarks. As I notice my time is nearly expired I will have read only one other paper, the testimony of Mr. Charles F. Miller, with reference to the character of Phillip Madden, of the Fourth ward; of Francis McNamee, of the Eighth ward; of Daniel Redding, of the First ward; of Mr. Pitts, of the Seventh ward; of Henry Scott; of R. F. Springfield, of the Fifteenth ward; of Michael Slavin, of the Fifth ward. This man Springfield, the committee will observe, is the man that the gentleman from Pennsylvania [Mr. O'NEILL] said was arrested for perjury. He was a republican marshal of election, put there to help preserve the purity of the ballot-box.

The Clerk read as follows:

Charles F. Miller sworn and examined.

By the CHAIRMAN:

Question. In what precinct do you live and vote?

Answer. In the seventeenth division of the Nineteenth ward.

Q. Were you in that precinct on election day?

A. Yes, sir.

Q. State what occurred there with regard to the conduct of the marshals, if anything.

A. About five o'clock a gang of repeaters came there—three or four of them—brought there by a letter-carrier. One of them came up to vote in the name of Mr. Motts. He was challenged, as it was said he was not the man. I went up and looked at him. I knew Mr. Motts, and I told this man he was not the man and he would have to go away from there. So I took hold of him and took him around to magistrate Field's. He gave the name of Harrison; he had a hearing and was committed to prison. I took him down, and at that time got talking to him. I knew his face but did not know his name. Then he said his name was McCracken. He was taken to prison. The United States marshal there did not interfere. It was very quiet before that. About that time there was a little squabble in consequence of some man who came up with the workingmen's ticket hitting this man of whom I have spoken, but I stopped him.

Q. How do you know that it was a letter-carrier who brought that man there?

A. I saw him; I know him. I have seen him in uniform.

Q. Was he in uniform then?

A. No, sir.

Q. What is your official position?

A. I am the murder detective of Philadelphia.

Q. In connection with what office?

A. The district attorney's.

Q. Do you know Phillip Madden?

A. Yes sir.

Q. Where does he live?

A. On Bainbridge street, I think, above Seventh, in the Fourth ward.

Q. In what division?

A. I cannot tell; I think it is the fourth.

Q. What is the character of Philip Madden?

A. I think he is one of the worst men in Philadelphia.

Q. In what respect?

A. He is a dangerous man; he is violent and dangerous.

Q. How long has he been out of prison?

A. I think probably eight months or a year. He was convicted of highway robbery, I think.

Q. Do you know of this man Madden having shot anybody?

A. I did not see him shoot anybody. I heard he shot a boy at one time.

Q. Was he in prison, to your knowledge, more than this one time?

A. He was in prison twice.

Q. What is his general character; is it that of a peaceable citizen, or that of a desperate, bad man?

A. His character is that of a desperate, bad man.

Q. Do you know Francis McNamee, of the Eighth ward?

A. Yes, sir.

Q. What is his character?

A. I arrested him for being concerned in five robberies, about seven years ago, and convicted him for having stolen goods in his possession. He was sentenced, I think, to eighteen months. I am not certain about the length of the sentence.

Q. Do you know in what precinct he lives?

A. No, sir; he lives in the Eighth ward, somewhere about Locust street.

Q. Do you know Joseph Hilferty?

A. No, sir.

Q. Do you know Daniel Redding, of the First ward?

A. Yes, sir; very well. I guess everybody here knows him.

Q. What is the general reputation of Daniel Redding?

A. He is considered to be a very bad, dangerous man. He has been tried for murder.

Q. How long since was he tried for murder?

A. In 1869.

Q. Is his reputation still bad or good?

A. Bad.

Q. Do you know a Mr. Pitts?

A. Yes, sir.

Q. Of what ward?

A. The Seventh ward. He keeps a place in Lombard street above Eighth, on the south side.

Q. What is his business?

A. He keeps a gambling-place, and things of that kind.

Q. Is he a colored man?

A. He is a colored man.

Q. He keeps a gambling house. Is it a drinking house?

A. Yes, sir. He has been arrested once or twice, and was tried before.

Q. For what offense has he been tried?
A. I cannot remember; but he was arrested once or twice.
Q. To what ward does Daniel Redding belong?
A. To the First ward. His name does not appear upon the list of marshals as having been put down for the precinct in which he lives, but I think he lives in the twenty-third precinct; on Mildred street below McKean, I think.
Q. Is the name of Frank McGowan on the list of marshals here before the committee?
A. Yes, sir.
Q. Is the name of Philip Madden on the same list of marshals?
A. Yes, sir.
Q. Do you know Henry Scott?
A. Yes, sir.
Q. Who is he?
A. He keeps a hotel in Lombard street.
Q. Is he a white or colored man?
A. A colored man.
Q. Do you know anything of him?
A. His reputation is bad; I am forgetting about him.
Q. Do you know Rodney F. Springfield?
A. Yes, sir.
Q. Is he of the Fifteenth ward?
A. Yes, sir.
Q. What is his reputation?
A. He was tried for killing a colored man, for shooting him.
Q. Has he ever been convicted?
A. I don't think he has.
Q. He was never convicted?
A. No, sir; not to my knowledge.
Q. Has he been tried and acquitted?
A. Yes, sir.
Q. Then the inference from that would be that he was not guilty of any such offenses?
A. Oh, but he has so many good swearers. If all the gentlemen here would swear against him he would have three times that number to swear that he was not there.

The CHAIRMAN. The Chair desires to ask the gentleman from Ohio [Mr. FINLEY] what disposition he proposes to make of the remaining ten minutes of his time?

Mr. FINLEY. If the gentleman from Pennsylvania [Mr. BELTZHOOVER] desires it, I will yield to him the balance of my time.

Mr. BELTZHOOVER. I had intended to follow the gentleman, but as the time is limited to ten minutes I will not occupy it but yield it to the gentleman from Ohio.

Mr. FINLEY. Mr. Chairman, I have here a short sketch of the character of some of the deputy marshals appointed by the republicans as "purifiers of the ballot at Philadelphia" during the last election, compiled from the testimony taken before the Wallace committee, as follows:

Charles Oliphant, marshal second division, Twentieth ward, drunk on election day and insulting voters; seized Mr. Hackenberg without cause.

Charles Herr, marshal second division, Twenty-ninth ward, character and reputation bad, had been arrested for crime. On election day he arrested a voter, who was released by Judge Hare and voted. Herr wore a badge, and solicited votes as a republican.

Arthur Vance, marshal eighth division, Fifth ward, arrested Hutchinson, a voter, without cause. Vance was a notorious republican worker.

John Homeyard, marshal sixth division, Sixth ward, drunk, and arrested voters without cause; drew a club on a democrat for challenging a negro repeater. The police blocked up the poll, acted in concert with Homeyard, and brought voters to polls. Homeyard vouched for republican voters and distributed republican tickets. Shriver, a United States revenue officer, kept republican window-book.

J. R. Desano, marshal first division, Fifth ward, drunk all day; too drunk to arrest any one. There were five policemen at these polls. Desano never voted in that division before that day.

James Brown, marshal fourteenth division, Fourth ward, record of his conviction in 1872, for voting illegally, produced. Proof was made that he voted twice on the same day.

William Augustus, fourth division, Eighth ward, acted as marshal, assuming authority as such, but was not on the list; a republican worker.

Joseph Hilferty, marshal twenty-first division, Second ward, held the republican window-book all day and electioneered; threatened to arrest the democratic United States supervisor for procuring bail for a legal voter who had been arrested.

William McGowan, marshal twenty-third division, Second ward. A policeman blocked up the voting-window, and a democratic United States supervisor ordered him away, when McGowan and the policeman seized him and locked him up in the station-house on a charge of interfering with officers. The case was never tried. McGowan is employed in the gas office and paid by the city.

Charles N. Miller, detective, testified that in seventeenth division of Nineteenth ward a gang of repeaters were brought to the polls by a letter-carrier; he had one of the gang arrested.

Philip Madden, marshal Fourth ward, one of the most dangerous men in the city; has been in prison twice, once for highway robbery and the second time for shooting a colored boy.

Francis McNamee, marshal Eighth ward, had been arrested for five different robberies.

Andrew Lenoir, marshal First ward, a warrant has been issued for him for larceny.

Daniel Redding, marshal First ward, a bad and dangerous man; had been tried for murder.

Henry Pitts, marshal Seventh ward, a colored man who keeps a gambling-house and been arrested twice; distributed republican tickets and vouched for voters.

R. S. Str ngfield, marshal Fifteenth ward, had been tried for shooting a man; character very bad.

Michael Slavin, marshal Fifth ward, a thief and notorious repeater; had been arrested for subornation of perjury but never tried.

William Glenn, marshal Nineteenth ward, superintendent of Norris square, and paid by the city for his duties.

Enoch Baker, marshal second division, Third ward, arrested John Carroll, a legal voter, without cause, and locked him up; Carroll was discharged after a hearing.

J. Roberts, marshal sixteenth division, Third ward, arrested John Johnson, a legal voter, and locked him up all night; case never tried. Roberts electioneered for the republican ticket; was a clerk in the gas office and paid by the city; there were also twelve to fourteen policemen at that poll all day, and they blocked up the poll.

Andrew Jackson, marshal twenty-second division, Thirtieth ward, employed in the gas works under the city. Ackerman, republican judge of elections, acted as United States supervisor and judge, and refused to vacate the place of judge after written orders by Marshal Kerns and Judge Elcook. Jackson arrested Feeny, who had been legally appointed judge, and took him away from the polls. Did not return to get possession until 2 p. m.

C. A. Pinnexson, marshal Thirtieth ward, aided in arresting Feeny.

—— Taylor, marshal fifteenth division, Third ward, arrested Sweeny for illegal voting and locked him up; charge was found to be false and he was released and voted.

James Calligan, marshal eighth division, Sixth ward, so drunk in the afternoon he could not walk; seized a qualified voter by the collar and staggered with him against the wall; policeman brought a repeater to the polls, who was arrested, as was the policeman.

Henry Scott, marshal second division, Seventh ward, a man of bad repute; colored; keeps a low drinking house; electioneered and gave out tickets and tax receipts; was inside at the counting of the vote, and took tickets out of the box; only 5 votes came out for the democratic candidate for Congress; democratic overseer contested this, and Scott allowed 17 to be counted for him.

Thomas Donlan, marshal seventh division, Sixth ward, an habitual drunkard, and a graduate of house of correction for this; was drunk all day.

William D. Barth, marshal; same place, blocked up the voting window and would not allow legal voters to come to it; there were two United States marshals and six policemen at this poll.

John Archer, marshal twenty-seventh division, Nineteenth ward, acted as United States supervisor; was on both lists and paid as both officers; when a marshal wanted during the day to arrest a republican repeater he did not make known that he was a deputy marshal; had no badge; heavy republican division; no policemen there.

Joseph T. Fuller, marshal sixth division, Twenty-third ward, a guard in the house of correction, and paid by the city.

William Stringfield, marshal thirty-second division, Twenty-fourth ward, arrested a legal voter and took him to the magistrate's, where he was discharged; Stringfield was discharged from employment the day before election for stealing.

Charles Male, marshal seventh division, Eleventh ward, keeps a house of prostitution.

Abraham Hoffman, marshal Eleventh ward, a repeater, and had kept a house of prostitution within a year; a thief.

William Eckenbrim, marshal Eleventh ward, arrested for larceny; bill ignored.

David Beckman, marshal thirty-second division, Nineteenth ward, held the republican window-book and electioneered; threatened to put the democratic United States supervisor out of the room for challenging a voter; the vote was rejected, and the voter did not return.

William B. Ahern, marshal ninth division, Twelfth ward, employed in the United States revenue office.

—— Fleming, marshal sixth division, Eighteenth ward, distributed republican tickets and challenged voters; a legal vote was rejected on his challenge; intimidated many democratic voters.

William Boehm, marshal eighteenth division, Twenty-ninth ward, plug inspector, and paid by the city; electioneered and distributed republican tickets.

Charles Prenderville, marshal seventeenth division, Fifth ward, arrested a legal voter; case never tried; electioneered for republicans all day.

This was the record of a two days' investigation at Philadelphia.

I also attach as part of my remarks the following statement, clipped from a newspaper in this city, showing the number of marshals used at the elections in 1876 and 1878, and when appointed, together with the sums expended out of the Treasury for their pay. In a speech near the close of the Forty-fifth Congress the gentleman from Kentucky, Mr. Durham, gave the same statement, remarking that it was correct and obtained from official sources:

HOW THE REPUBLICANS CARRY ELECTIONS—SOME VALUABLE STATISTICS CONCERNING THE CORRUPTIONS PRACTICED ON THE BALLOT-BOX BY MARSHALS AND SUPERVISORS.

After several days' diligent search through the document-rooms of both Senate and House, The Post has managed to get together a more complete exhibit of the supervisors and deputy marshals employed at congressional elections than has yet been published. Not a single report of any kind in regard to the supervisors and marshals of elections has ever been issued from any of the Government Departments, except in response to a mandatory resolution of Congress. Though hundreds of thousands of dollars have been expended for supervisors and marshals, no Attorney-General has ever volunteered any information concerning them. Several House resolutions calling for detailed statements of the number of marshals employed in 1876, and the amounts paid them were not replied to at all; but the democratic members who had undertaken to find out this secret of the "Department of Justice" persisted, and three months after the adoption of a resolution Mr. Taft, then Attorney-General, sent in a report which seemed to have been made up with the view of concealing the information requested.

He submitted a lot of extracts from the letters or reports of the various United States marshals, giving reasons for the employment of election deputies and a few figures showing how many of the latter had been employed, but he gave nothing about the amount of money expended. Subsequent resolutions, repeating the demand for information in detail, brought responses from the Department of Justice and the Treasury Department, and by going through all of them The Post has been enabled to formulate the tables given below. Every one of the reports on this subject to Congress contains some excuse for not furnishing a complete showing of the information demanded. Either the marshals had not rendered all their accounts or there was some other pretext for omitting some of the figures. The reports sent last omit items of expenditure that were contained in those previously furnished, indicating that the heads of the Departments do not intend to let the people know the entire cost of the radical election machine if they can avoid it. Take, for illustration, the official reports or statements for the congressional election of 1876 sent to the present Congress, and by comparing them with the one furnished by Taft discrepancies amounting to thousands of dollars are found.

The tables given below contain only the figures of expenditure that have been reported to Congress in the various documents submitted from the Attorney-General's and Treasury Departments. They are undoubtedly districts in which money was paid for deputy marshals that have not been included in the exhibits. For instance, in the several official exhibits no expenditure for deputies is charged against Arkansas; but the marshal of the eastern district of that State, in his report embracing the congressional election of 1876, claimed allowance for seven hundred and eighty-five deputies employed one day, namely, November 7. The marshal of Florida for the same year reported that he employed seven hundred and forty-five deputies from the latter part of October until the 15th of November, but not a dollar is put down as having been expended for that State. In making out these reports of expenditures the departments seem to have adopted the rule of reporting only districts from which the accounts had been adjusted, and this would in each case omit a portion of the expenditures. In the table for 1878 the chief supervisor's expenditures for New York City are omitted for the reason that the amount had not been reported to Congress. That, as all the figures show, is the district in which the amount has always been greatest, and perhaps it was the size of the pile that had been used that prompted Mr. John Sherman to omit it from his statement.

Supervisors and deputy marshals employed in 1876, with compensation.

States and districts.	Amount paid chief supervisors.	Number of supervisors.	Amount paid supervisors.	Number of deputy marshals.	Amount paid deputy marshals.	Total amount paid.
Alabama, northern				150		
Alabama, middle				244		
Alabama, southern	$2,208 38	19	$500 00	192	$2,530 00	$5,238 38
Arkansas, eastern				785		
Arkansas, western				214		
California	1,578 99	105	5,220 00	244	4,225 00	11,023 99
Delaware				135		
Florida, northern				745		
Georgia	567 50			207	1,410 00	1,977 50
Illinois, northern		188	5,640 00	115	1,105 00	6,745 00
Louisiana	4,463 33	270	4,115 00	840	5,705 00	14,283 33
Maryland	977 55	574	2,950 00	1,222	8,085 00	12,012 55
Massachusetts	253 20	66	660 00	117	1,170 00	2,083 20
Mississippi, northern	50 50			239		50 50
Mississippi, southern				9		
Missouri, eastern	187 40	152	1,330 00	1,032	16,385 00	17,902 40
Nevada				9		
New Jersey	3,771 19	85	3,420 00	249	5,085 00	12,276 19
New York, northern	7,723 70	339	9,975 00	342	7,925 00	25,623 70
New York, eastern	12,150 52	370	11,674 00	723	11,986 00	35,810 22
New York, southern	19,383 36	1,070	32,115 00	2,500	39,785 00	91,283 36
North Carolina, eastern	591 84			166		591 84
Oregon				13		
Pennsylvania, eastern, (Philadelphia)	3,449 40	1,368	27,360 00	347	3,500 00	34,309 40
Pennsylvania, western		224	2,240 00	49	490 00	2,730 00
South Carolina	879 14			338	395 00	1,274 14
Tennessee, western	129 00			30	150 00	279 00
Texas, eastern	249 92	33	1,800 00	18	900 00	2,949 92
Virginia, eastern	551 05		1,630 00	201	1,785 00	3,966 05
Virginia, western	206 00					206 00
West Virginia				4		
Idaho				4		
New Mexico				78		
Utah				18		
Total	59,371 67	4,863	110,629 00	11,610	112,616 00	282,616 67
Amount paid United States commissioners in New York City for servisce under election laws						3,304 60
Total expenditures reported for 1876						285,921 27

Supervisors and deputy marshals employed in 1878, with compensation.

Alabama, southern	$1,551 71		$1,000 00		$1,000 00	$3,551 71
Georgia				34	170 00	170 00
Illinois, northern		224	4,480 00	224	2,240 00	6,720 00
Kentucky	116 00		870 00		870 00	1,856 00
Louisiana	1,313 00	206	3,600 00	120	4,000 00	8,913 00
Maryland	351 03	230	2,950 00	700	4,445 00	7,746 03
Michigan, eastern		52	1,300 00		2,935 00	1,435 00
Massachusetts		282	8,460 00		135 00	11,395 00
New Jersey	7,324 84	148	3,050 00	192	2,880 00	13,254 84
New York, southern, (city)		1,225	30,000 00	1,350	27,000 00	57,000 00
New York, eastern	15,972 33	354	10,620 00	584	6,500 00	33,092 33
New York, northern	7,558 80	374	11,000 00	374	7,000 00	25,558 80
Ohio, southern	740 45		890 00	71	447 78	2,078 23
Pennsylvania, eastern	5,830 00	1,370	27,440 00	750	7,550 00	40,820 00
Pennsylvania, western		312	3,121 00			3,121 00
South Carolina	579 35	34	680 00		700 00	1,975 35
Virginia, eastern	585 00	70	620 00	102	570 00	1,775 00
Total	41,922 51	4,881	110,081 00	4,725	68,442 78	220,446 29
Amount paid United States commissioner for services under election laws in New York city						2,267 95
Total expenditures reported for 1878						222,714 24

There is nothing on record throwing any light upon expenditures of this character prior to 1876, except the report of the Caulfield committee of the Forty-fourth Congress. That committee compiled a statement of expenditures from John I. Davenport, chief supervisor in New York, for the election of November 5, 1872, in that city. It was shown that the amount expended in New York City alone under the Federal election laws for that election was nearly $120,000, and this, very probably, is a fair illustration of the manner in which the public money was used all over the country to defeat Greeley and elect a republican Congress. A summary of the expenditures was as follows:

Amount paid deputy marshals on district rolls	$50,590 00
Amount paid deputy marshals on supplementary rolls	7,155 00
Amount paid supervisors of election on district rolls	23,885 00
Amount paid deputy marshals on headquarters roll	3,925 00
Total	85,555 00
To extraordinary expenses incurred in enforcing the acts of Congress in relation to elections at the election held in the city of New York on the 5th of November, 1872	33,434 36

This makes a total of $118,989.36 that was expended in that city at the one election, and the report contains the accounts, which show that the marshals of each assembly district expended a large proportion of the money for "carriage hire."

The "close" congressional districts were not only industriously worked for the republicans by deputy marshals, but Mr. George C. Gorham, as his testimony has shown, had a watchful eye upon them. He, as executive officer of the republican congressional committee, collected $106,000, of which $93,000 was squeezed out of the Department clerks in Washington. The United States marshals were in communication with Mr. Gorham, and during the canvass some of them came all the way to Washington to get directions as to how they should use their power for the "good of the party."

Mr. Gorham's testimony, and that of his assistants, before the Wallace committee, shows that the assessment plan was vigorously plied in every one of the Departments, and no person who drew money from the Government was overlooked. Solicitors were sent through each Department several times, and those employés who failed to pony up to them were subsequently reminded by circulars of the "debt of honor" they were expected to pay. The money was raised to be used in carrying the House for the republicans. This was openly announced, and Mr. Gorham remembered having sent the following amounts to the congressional districts named:

Maine	$5,000
New Hampshire	1,750
Vermont, third district	500
Connecticut, third district	1,000
New Jersey, first district	1,500
New Jersey, second district	500
New Jersey, fifth district	500
Pennsylvania, seventeenth district	1,500
Maryland, sixth district	1,250
West Virginia, second district	350
West Virginia, third district	500
Virginia, second district	1,000
Virginia, fourth district	1,300
North Carolina, fifth district	500
North Carolina, second district	300
Harris's district	500
South Carolina, first district (Rainey's)	1,000
South Carolina, fifth district	600
South Carolina, State	200
Florida, first district	500
Florida, second district	1,000
Alabama, fourth district	500
Tennessee, first district	500
Tennessee, second district	500
Missouri, second district	500

Missouri, third district	$500
Missouri, seventh district	100
Missouri, tenth district	1,000
Ohio, nine districts	9,300
Indiana, first district	2,000
Indiana, fourth district	1,000
Indiana, sixth district	1,000
Indiana, eighth district	500
Indiana, tenth district	500
Illinois, eighteenth district	250
Michigan	5,000
Iowa	5,000
Wisconsin	1,500
Oregon	200
Colorado	1,000
Total	53,900

In addition to the $106,000 which he received in and disbursed from Washington, Mr. Gorham testified that he authorized the various State committees to assess the Government employés within their respective States, and use the moneys raised in aid of republican congressional candidates. Adding the collections by the local committees to the amount raised by Gorham, the sum must have reached $150,000, which was distributed where it would do the most good.

In addition to cash collected from Government clerks, the republican party had the benefit of $200,000 of public money, which was used to pay deputy marshals to work for the candidates of that party. The election marshals of Philadelphia may be taken as a fair sample of them all, and the facts brought out by the Wallace committee.

I desire to call the attention of the committee to another fact in connection with the same subject. In addition to these marshals that were appointed in the manner I have indicated, it has been developed by the same testimony that a large election fund was levied on the employés of the Government and sent out where it would do the most good; and it is curious to observe where the money went in connection with where the marshals were appointed. It would appear that they went hand and glove together for the purpose of preserving a pure ballot. One hundred and six thousand dollars were collected and sent out to the various parts of the country at the last congressional election. I desire to read from a statement made by a republican as to what use is usually made of moneys when raised in large quantities. Speaking of the election in Chicago, he says a prominent republican who was closely identified with the inside work of the campaign management disposes of the whole question of fraud by the democratic party at the Chicago election in this statement:

The cry of fraud is absurd and puerile on the face of it, and for this reason, there was no inducement for the perpetration of fraud. I have had some experience in handling election tools, and I tell you it is costly and has to be paid for cash down. No repeater or illegal voter commits a crime on the ballot for love of any candidate or on account of any party enthusiasm. He wants money for his work. Now, I happen to know that the democrats of Chicago had little or no money.

This was said in respect to the election in Chicago. This man said that repeaters and ballot-box stuffers, men who work in an illegal and illegitimate manner, had to be paid cash down. And $106,000 were raised by contributions from the employés of this Government! What for? Was it to pay cash down for repeaters? Was it for the purpose of purchasing voters? The legitimate expense of the campaign could not amount to the enormous sum of $106,000. It has been shown that $9,000 went into my State, and I can speak for one district of that State. It has been shown that in some districts $13,000 were used. Why, in my district the bare campaign expenses that were paid by the democratic party amounted but to about a few hundred dollars, yet the legitimate expenses were all paid. What honest use could be made of $13,000 to $15,000 in a single district? Yet such was the fact in the State of New Jersey. The State from which the gentleman who has just preceded me comes used at the last election $13,250 for marshals, and $500 were sent from this campaign fund. In the State of Maryland in a single district there were $7,746 used for marshals, and $1,250 were sent out of this campaign fund.

So you can follow it all through, Mr. Chairman. In the State of South Carolina it has been shown by the same testimony that $1,380 were spent for marshals. One thousand dollars were sent into Mr. Rainey's district, $500 into the fifth district, and $200 to the State at large. And you will observe if you take the pains to hunt it up and compare the places where the money went which was sent out by this committee with the places where the greatest number of marshals were used, you will find, I will venture to say, with scarcely any exception, that in doubtful districts there were the greatest number of marshals placed and there was sent the largest amount of this fund.

In conclusion, I wish to say it will never do for our republican friends, after the use that they have made of this law, to say that they have no motive in their resistance to this repeal other than a desire to preserve the purity of the ballot. It is too clearly evident that the purpose of the republican party is, if this law is retained upon the statute-book, to make use of it for party purposes in a partisan way in the coming election, and I say, Mr. Chairman, that the country fully understands that to be their purpose.

[Here the hammer fell.]

Mr. MILLS. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. ALDRICH, of Illinois, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. No. 218) changing the name of the National Bank of Commerce of Cincinnati, Ohio, to the National La Fayette and Bank of Commerce of Cincinnati, Ohio.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. GARFIELD, during Wednesday's session; and

To Mr. FINLEY, for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted for withdrawal of papers from the files of the House in the following cases, there being no adverse reports:

To Mr. RICHMOND, in the case of Mrs. Caroline Hawley; and

To Mr. DEERING, in the case of Charles S. Jones.

MILITARY ACADEMY.

The SPEAKER laid before the House a letter from the Secretary of War relating to deficiencies in the appropriation and pay of the Military Academy; which was referred to the Committee on Appropriations.

CLAIMS OF COLORED VOLUNTEER SOLDIERS.

The SPEAKER also laid before the House a letter from the Secretary of War asking an appropriation of $50,000 for the payment of certain claims of colored volunteer soldiers; which was referred to the Committee on Appropriations.

CYRUS THOMAS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior relative to the accounts of Cyrus Thomas, disbursing agent of the entomological commission; which was referred to the Committee on Appropriations.

COMMITTEE SERVICE.

The SPEAKER. By an arrangement between the gentlemen interested, the Chair desires to announce that on the Select Committee on the Ventilation of the Hall Mr. GEORGE B. LORING, of Massachusetts, will take the place of Mr. GEORGE M. ROBESON, of New Jersey; on the Committee on Mines and Mining Mr. GEORGE M. ROBESON, of New Jersey, will take the place of Mr. GEORGE B. LORING, of Massachusetts; and Mr. A. J. WARNER, of Ohio, will take the place of Mr. GIBSON ATHERTON, of Ohio; on the Committee on War Claims Mr. GIBSON ATHERTON, of Ohio, will take the place of Mr. A. J. WARNER, of Ohio.

This is done at the request of the gentlemen themselves.

ADDITIONAL MEMBER TO COMMITTEE ON MILITARY AFFAIRS.

Mr. STEPHENS, of Georgia, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the Speaker shall appoint from among the Delegates from the Territories one additional member to the Committee on Military Affairs, which Delegate shall have the same privileges in the committee as in the House.

RECESS.

Mr. STEPHENS. I wish to make a suggestion, and it is that the House instead of adjourning to-night shall take a recess until ten o'clock to-morrow.

Mr. PHISTER. I shall object, unless it is understood that the additional hour shall be confined to debate only.

The SPEAKER. That will be the understanding.

There was no objection; and the motion of Mr. STEPHENS was agreed to.

G. T. ROGERS AND BENJAMIN P. GAINES.

Mr. SPRINGER submitted the following resolution; which was read, and referred to the Committee of Accounts:

Resolved by the House of Representatives, That the Clerk of the House be, and he is hereby, directed to pay, out of the contingent fund of the House, to George T. Rogers and Benjamin P. Gaines each the sum of $180 for services rendered as clerks of the Committee on Expenditures in the State Department during the month of November, 1878.

The House then, pursuant to order, (at half past four o'clock p.m.,) took a recess until half past seven o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m.

The SPEAKER. The session of to-night is held for the purpose of debate upon the legislative appropriation bill, no other business being in order.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATHERTON. I move that the House resolve itself into Committee of the Whole, to resume the consideration of the legislative appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The CHAIRMAN. The gentleman from Iowa [Mr. SAPP] is entitled to the floor.

Mr. SAPP. I yield a portion of my time to the gentleman from New York, [Mr. LAPHAM.]

Mr. LAPHAM addressed the committee. [His remarks will appear in the Appendix.]

Mr. FORT. Mr. Chairman, we have come to reconsider whether Congress should regulate by law or in any way supervise the election of members of this House.

Our State-rights friends on the other side of the Hall claim that it should be left to the States entirely to conduct such elections. And some deny the constitutional authority of Congress in this regard. They fly to the Constitution and interpret it to mean nothing.

Almost the first thing we find in that instrument, article 1, section 4, is a provision that—

Congress may at any time make or alter regulations for electing Senators and Representatives, except as to the place of choosing Senators.

This seems to read like pretty plain English, and one not trained in State-rights schools would not have discovered that it meant nothing at all. If there can be any doubt about the construction of this provision, then I confess that the gentlemen who framed our Constitution were very skillful in choosing language to conceal their real meaning. People unschooled in the mysteries of strict constructionists, or more properly speaking the blank constructionists, would suppose the authors of our Constitution meant just what they said. Our ingenious friends who believe the Constitution of the United States is only blank vellum have already been fully answered today by the gentleman from New Jersey [Mr. ROBESON] upon all these points, and I will pass them and consider for a few moments the policy of exercising this power. During the earlier days of the Republic mobs at the polls and frauds in elections were not frequent, and Congress did not exercise its unquestioned powers in this respect.

Some time in July, 1866, Congress passed an act drawn, I believe, by Hon. Lyman Trumbull, then a Senator from Illinois, regulating the election of Senators in every respect except as to the place of choosing. This law is still in force, and has worked well and speaks for the wisdom of its author. Before and about that time riot and violence at the polls and frauds in the elections became so frequent and monstrous that Congress passed other laws regulating in some respect the election of Representatives to this House, to the end that there might be peace at the polls, a free ballot, and a fair count.

These laws were regularly and deliberately passed after full debate and upon their own merits, and were not carried through as riders on appropriation bills, nor were they harnessed up with and dragged through by any popular measures, but were passed because they were needed and were right; and they have worked well. They have secured peace and prevented fraud, and under them and by them no man has been prevented from voting who wanted to vote and who had a right to vote. And now our friends on the other side of the Hall call upon us to make haste, in extra session and in this most extraordinary manner, to repeal these election laws. What do gentlemen mean? What do they want, and why do they want it just now? are inquiries that arise in every mind.

Do these laws promote peace at the polls, a free ballot, and a true count; or do they promote riot, fraud, and a false count? If the former, they ought to remain in force and be executed; if the latter, they ought to be repealed.

Do gentlemen claim that under State laws alone elections have always been conducted peaceably and fairly?

No, Mr. Chairman, unquestioned recent history declares they have not, and gentlemen on the other side know and admit they have not. They know that in the past, at various places where democracy was almost universal, where democrats and only democrats had the entire charge of the polls, unchecked mob violence ran riot, and frauds so stupendous were perpetrated that democrats themselves were shocked and cried out against them.

Under or rather in spite of the laws in some of the States, instead of having a free and unmolested ballot, the people had free and unmolested bulldozing; instead of having peace, they had riot; instead of having a true count they had an outrageously false count. And, sir, I fear the repeal of these laws means free bulldozing, free riot, and free fraud.

Our institutions rest upon the free ballot, which should be placed and replaced in order, and all counted and none excluded by law or for the want of law, and not be frightened by violence or tainted by fraud. And unless so guarded the foundations of the Government will crumble and sooner or later will as surely fall as if assaulted by the unchecked battering-rams of revolution.

I admit I would prefer that the States should make all regulations and conduct all elections for members of this House as well as for their State officers, but it is enough to know that some of them have failed to secure a fair result. And hence Congress, while it did not assume full control as it had a right to do under the Constitution, yet it did set up some additional safeguards for congressional elections but was careful not to make them apply in any respect to the election for State officers.

I regretted to hear the distinguished gentleman from Georgia, [Mr. STEPHENS,] who long ago and now holds a prominent position in this House, speak with so much warmth and bitterness and denounce these laws as odious and dangerous. He will pardon me for remembering that, when physically stronger than now and with all his sagacity and ability, on memorable occasions, carried away against his better judgment, no doubt, by the madness of his fellows, he then as now denounced many things as odious and dangerous which, by his actions if not by express words, he has since admitted were harmless and good. And so now I must believe he gives speech to the passions of others and not his own.

Other gentlemen on that side of the Hall have denounced these election laws as degrading and hateful. What are these dreadful laws, sir? The object, the letter, and the essence of them is to keep peace at the polls, to protect decent people who go there to vote, to secure to each legal voter, native and foreign born alike, the right to vote once at each election and to have his vote counted, and to prohibit any person from voting more than once at the same election. "Only this, and nothing more."

Mr. Chairman, the bill to repeal the law authorizing troops to be used when necessary to repel the armed enemies of the United States and to keep the peace at the polls is not before the House at this time, but the provisions for repeal in that bill and in this are only different parts of the same scheme. When one is up for discussion they are all up. A great ado is made about bayonets at the ballot-box. Why, sir, we want no bayonets at the ballot-box. The law places no troops at the polls. They cannot be taken within a mile of any poll except for two purposes—one to repel armed enemies of the United States, and the other to preserve peace when necessary, and at no other time. When the police and all civil officers are overpowered then the bayonets may come, and not before.

These same election laws provide (section 5528, United States Revised Statutes) that any officer of the Army or Navy, or civil officer, or other person in the service of the United States, who orders, brings, keeps, or has under his control any troops or armed men at any election in any State for any other purpose, or unless absolutely necessary to repel the armed enemies of the United States or to keep the peace, shall be fined not more than $5,000 and suffer imprisonment at hard labor not more than five years. These penalties seem to be heavy enough to keep, and do keep, the troops and all armed men away.

Under these laws no person will ever be frightened by bayonets at an election, unless such person is himself an armed enemy of the United States or is himself engaging in riot and violence. Why, sir, a person not a resident of this country who should hear gentlemen's speeches on the other side would get the impression that on election day in the United States the Army was in battle array; that the decks of war ships were cleared and made ready for action and gatling guns trained upon every ballot-box and a platoon of soldiers with bayonets fixed drawn up in front of every poll, and that no citizen approaching to vote was safe unless he carried a Union flag in one hand and a republican ticket in the other.

Gentlemen cry "bayonet," "bayonet," but there is no bayonet. It is only a mad-dog cry raised to alarm people at the presence of the civil law, that majestic mastiff, armed with bayonet teeth for enemies and evil-doers only. And our democratic friends are frantic to so change the law that armed enemies of the United States or mob violence cannot be repelled or suppressed under United States authority by armed men, civil or military. They say that when United States troops or armed men approach even for such purpose democrats are intimidated and frightened away. Well, I expect, frankly speaking, that is just what is the matter. Some of them who want to appear, and who do sometimes appear, as armed enemies and rioters are frightened away. But, sir, are honest democrats afraid of United States soldiers? I think not. Has any gentleman ever heard of a peaceable democrat who was ever intimidated, molested, or in any manner interfered with by troops at the polls? Do any of them know, of their own knowledge or from reliable information, of a single instance? I pause for a reply. Silence answers, none.

Sir, this cry about the bayonet and about military despotism and about troops intimidating voters is all for effect. It is not real. There is nothing in it. We have no bayonets and want none. There is not one soldier to a county in any democratic State; not one soldier to every fifty polling places, on the average. Gentlemen are talking about one thing and doing another. These bills repeal the laws authorizing civil officers of the United States to use armed men who are citizens only, and not soldiers, to keep order at the polls. While crying out against the military, gentlemen are by these bills striking down civil officers of the Government.

Sir, these election laws do not discriminate against democrats or in in favor of republicans. Of course no republican is or ever was an armed enemy of the United States. Whether the same can be said for democrats I will leave the gentlemen on that side to say. I will not speak for them. But, sir, should bad republicans ever disturb the peace at the polls these laws would repel and punish them, I should hope.

Mr. Chairman, what are the election laws it is demanded must be

repealed by this appropriation bill now under consideration? They provide that upon petition of citizens, judges of the United States courts shall appoint two citizens of different political parties, who are voters, to be supervisors of election for that time, who shall attend at the making up the registration of voters; shall attend at the election and observe the voting, and shall have the right to challenge any person offering to vote, and to personally scrutinize the count of ballots and the making up of returns. But they do not conduct elections in any respect. They are only officers of the court, who have a right to be present at elections for Representatives in Congress and witness all that is done. Additional deputy marshals may also be appointed, when necessary, who shall assist said supervisors in their duties and arrest such persons as violate the laws. These laws also punish severely rioters, ballot-box stuffers, and repeaters, and those who deprive any person of his rightful vote or commit fraud; and provide for the detection and apprehension of offenders. These are the odious and hateful laws that must be repealed in this hot haste, and on this appropriation bill, or this Government shall stop.

Mr. Chairman, next to that flag that hangs above your head the people are jealous of the chastity of the ballot-box. And, sir, disguise the matter as you may, argue as you have and as you will, this issue is understood. Neither eloquence, ingenuity, or sophistry can hide it or hide the purpose of the proposed repeal. This is a contest between the people and the "roughs" over the purity of the ballot-box, the womb of republican government. These laws are the sentinels that have been placed around to guard its virtue, and the good people say, and always will say, let these guards remain. Repeal, or no money to pay the Army, to pay the civil officers of the Government. No money to print another legal-tender note or coin another silver dollar.

We shall soon see, Mr. Chairman, whether our currency friends will confederate with the obstructionists or whether they prefer to run the legal-tender press and continue to coin the remonetized silver dollar.

To what will this monstrous doctrine of coercion lead? If you can coerce one branch of the Government you can another. You can proceed step by step until all the reconstruction laws are repealed, and then turn upon the Supreme Court and compel it to decide that all the amendments to the Constitution are void, or starve; and go on until all the dear and costly results of the war, including emancipation, are swept away. I do not say such is the present purpose of gentlemen, but they are traveling in that direction.

Mr. Chairman, the gentleman from the fourth district of Kentucky, [Mr. KNOTT,] a few days ago, here in the House, with much emphasis of speech, said:

> Yes, sir, the democracy will "capture the Capitol," and they intend when they do so to restore this great Government to its original purity, to strip from the limbs of this great people the "shackles of usurped control and hew them link from link."

I do not know what the gentleman meant, but presume he meant that the democracy intended to return the Government to its *ante bellum* estate, and administer it as in the reign of President Buchanan, which republicans did not like and which the people rebuked.

Mr. Chairman, in order that we may know what is intended I send to the Clerk's desk to be read a letter written by a prominent democratic leader, now representing the fifth district of South Carolina in this House, [Mr. TILLMAN,] and published some time ago in a democratic paper of that State. I do not vouch for its authenticity. The gentleman can do so, or he can disclaim it:

LETTER FROM G. D. TILLMAN, OF EDGEFIELD.

> "At the worst I hope and believe that our political oppressions will cease very shortly after the inauguration of the next President. If that President be a democrat, it is reasonably certain that a majority of both Houses of Congress will also be democrats, or at least conservatives. If so, the reconstruction acts will speedily be repealed, which would leave suffrage where it constitutionally belongs—under control of the States. Then, admitting the coerced amendments of the Constitution to be valid, the States could attach a property qualification to suffrage, without violating those amendments, which would practically destroy negro suffrage as a disturbing element in the body-politic.
>
> "Again, after the democrats get possession of the executive and legislative departments, the present judges of the Supreme Court, following public opinion as law, in the future as in the past, and no longer dreading either impeachment or deprivation of salary, may declare the reconstruction acts, as well as the two fraudulent amendments, 'unconstitutional, null, and void,' or if they fail to do so the court can be reorganized simply by an increase of judges, even as the radicals did on a memorable occasion, and by making a proper appointment of new judges the Constitution of the fathers can be restored."

There comes to us daily from various sources notice unmistakable that unless they can have their way certain democrats are determined that this Government shall stop. This is what we were told twenty years ago, and it was attempted. And it is significant that for the most part the identical men that said so then say so now. We did not believe then they would attempt to do what they said they would do. We do not believe now they will attempt what they threaten to do. We were mistaken, however, then, and it is to be seen what is to come now. A true proverb says that if a person deceives you once it is his fault, but if he deceives you a second time it is your own fault.

Mr. Chairman, this debate is getting warm. The rank and file of the democratic party are all right and safe, but democratic leaders are troublesome and dangerous. Members around me will bear witness that I have never indulged in political discussion here, but have tried by conciliation to secure such action by Congress as would in my judgment relieve the distress of the people North and South alike and promote the national welfare. I have supported measures for the development of the South as cheerfully as for the North. It has been my wish that we might have peace and reconciliation and not tumult and agitation. I have hoped for more than I have realized. I have never waved the bloody garments of the late war here or elsewhere. In the short time I have been here we have witnessed a wonderful change in this Hall. Gentlemen on the other side are not as amiable as they were a few years ago, politically speaking. We have been told all along by democrats and assistant democrats that we must not speak of the past. Oh, no! That would be agitation, and we have been silent for the most part. We have now come to have the confederate gray waved at us on all occasions.

The distinguished gentleman from the fourth district of Kentucky [Mr. KNOTT] stated the other day that in 1863 a democratic convention assembled at Frankfort, Kentucky, was dispersed at the command of a military officer of the United States by the name of Gilbert, and thus, he said, achieved for himself an immortality of infamy. This is to be regretted, Mr. Chairman. It is of course to be presumed that the convention was loyal and had a right to meet; and while I know nothing about the circumstances, I venture to suspect that there was some significance about the convention that was not democratic.

The gentleman proceeded to eulogize some of the delegates to that convention in his forcible and pleasing style, and mentioned Joshua Bullitt, a judge of the court of appeals; and states that some of these delegates, together with other gentlemen, afterward requested Hon. Charles A. Wickliffe to become candidate for governor; and he said that "every one of these gentlemen had from the very beginning of the unfortunate strife between the two sections of our country been the very ablest and outspoken advocates of the cause of the Union."

I may not know, sir, what constituted a Union man at that time, and do not wish to question what has been said, but, in order that officer Gilbert may have some rivals for immortality, I have looked at the record of two of these patriots. I read from McPherson's History of the Rebellion, page 447. In speaking of that order known as the Knights of the Golden Circle, well understood to be in sympathy with and auxilliary to rebellion, he says:

> In Kentucky Judge Bullit, of the court of appeals, is grand commander, and with Dr. U. F. Kalbfus and W. R. Thomas, jailer in Louisville, two other of the most prominent members, has been arrested and confined by the military authorities.

So, sir, if this history be true, some other military officer besides Gilbert has had something to do with this delegate to the democratic convention.

On page 420 of the same history it is stated that at a memorable convention about that time—

> Mr. Wickliffe offered a resolution to the effect that Kentucky expects the first act of McClellan, when inaugurated in March next, will be to open Abraham Lincoln's prison-doors and set the captives free.

Another patriot heard from. I did not look up the political history of the other delegates the gentleman named.

The same gentleman from Kentucky [Mr. KNOTT] the other day, on behalf of the democratic party, arraigned the republican party for what he characterized as more than atrocious. He read an order made in 1863 by General BURNSIDE, then in command of the Union Army in Kentucky. It is as follows:

> As it is not the intention of the commanding general to interfere with the proper expression of public opinion, all discretion in the conduct of the election will be, as usual, in the hands of the legally appointed judges at the polls, who will be held strictly responsible that no disloyal person will be allowed to vote, and to this end the military power is ordered to give them its utmost support.

I quote all of it he did; and he also read extracts of the orders of General Hurlbut to the like effect, and also some extracts of similar orders of other Union officers denying and depriving disloyal persons of the right to vote at elections held in certain districts of our then unhappy country which were under martial law and which were the battle-fields or near the battle-fields of that dreadful war. And after reading these orders of Union republican generals, among other severe things the gentleman said:

> If what I have already shown is not sufficient to thrill the bosom of every thinking, patriotic American citizen with indignation and horror, I confess I am at a loss to conceive what possible condition of circumstances could excite their solicitude for the safety of their liberties or the perpetuity of their republican institutions.
>
> But fortunately, sir, for the State, fortunately for the country, fortunately for the cause of human freedom everywhere, Kentucky was represented in the other end of this Capitol during the dark days of which I have been speaking by her honored and illustrious son, the lamented Lazarus W. Powell. When that sterling patriot, that sagacious statesman, that undaunted champion of popular liberty, saw the atrocious outrages against free elections which were perpetrated in his own State under the auspices of the military power of the Federal Government, he determined at once to prevent, if possible, the recurrence of such scenes by congressional enactment under the sanction of appropriate penalties.

"Fortunate for the cause of human freedom everywhere!"

Charmed words are these, Mr. Chairman. Yes, sir, charming indeed, but how often misapplied, as in this case. Mr. Chairman, these orders of Union generals were fortunate for the cause of human freedom everywhere. But Lazarus Powell was no Godsend for that cause.

Republicans must not refer to the past; that is agitation. Democrats may refer to the past; that is not agitation.

Sir, I have been meek and silent about as long as I can stand it.

The gentleman from Kentucky has gone back to fight his battles over again for his party, and may I not follow him to one or two places?

For myself, I justify the orders of these Union republican generals. They were right in preventing disloyal persons and enemies of the United States from voting at elections within their jurisdiction. Yes, Mr. Chairman, these orders of our Union republican generals did thrill the bosom of every patriotic American citizen, not with indignation and horror, but with hope and gladness. It will be observed, sir, that these orders did not prohibit democrats from voting, unless such democrats so offering to vote were disloyal to the United States. The gentleman knows better than I do whether such was the case. He can state whether in that locality disloyalty and democracy were synonymous terms. These orders did not exclude republicans from voting, and if they excluded democrats it was no fault of the orders. Would he have had the Union Army stack arms while confederate soldiers returned and voted to overthrow the Government? If the confederacy and confederate democracy had been permitted to unite they might have succeeded, sure enough. But BURNSIDE, Hurlbut, and other Union generals seem to have prevented the concert of action. Thank God!

Gentlemen on that side seem to argue as though whenever the political rights of disloyal persons have been in any way abridged that the purpose was to curtail the rights of democrats. For one I do not believe that disloyal persons ought to have been permitted to vote then or at any time. Does the gentleman think they ought? His argument answers in the affirmative. No one was excluded except disloyal persons, and the gentleman complains bitterly. The gentleman has gone back about sixteen years to dig up the dead past and tell us that the military bull of the republican party gored the democratic ox. It always makes a difference whose ox is gored. So let us look at another case. In 1856 Colonel E. V. Sumner, commanding the First United States Cavalry, with his sword girded on and troops at his back, under Franklin Pierce, President, entered the Kansas hall of representatives first, and then the chamber of the senate, and made and executed this order:

Gentlemen: I am called upon, this day, to perform the most painful duty of my whole life. Under the authority of the President's proclamation I am here to disperse this Legislature, and, therefore, I inform you that you cannot meet. I therefore order you to disperse. * * * Such are my orders, and you must disperse. I command you to disperse.

Whereupon a member of the Legislature inquired as follows: "Colonel Sumner, are we to understand that the Legislature is driven out at the point of the bayonet?" To which Colonel Sumner replied: "I shall use all the forces in my command to enforce my orders." And the Legislature of Kansas, senate and house, was dispersed. This military order was executed in time of peace; and there was no claim that the Legislature or any of its members were disloyal to the United States.

Let us look at one more picture—not republican. In May of that year, at Leavenworth, Kansas, then garrisoned with United States troops, William Philips, an attorney at law, was seized by a mob for having protested against the frauds at an election, and was carried away in the presence of United States troops who were importuned to rescue him, and chafed to do so; but they had received orders not to keep the peace at the polls, and they could not interfere with the mob; and so he was, in the presence of the majesty of the civil and military power of this great nation, stripped and tarred and feathered and rode on a rail, and then in mockery sold at auction, a negro slave being compelled to act as auctioneer. I refer to page 86 of the Conquest of Kansas for my authority. It is unnecessary to say that the election went democratic.

The Army can be used under a democratic administration to disperse a Legislature in time of peace. The Army can be used under a republican administration to prevent disloyal persons from voting in time of war. You have the parallel; say which you like best, or hate most. I will let the military orders and the circumstances I have presented stand against military orders and the circumstances presented by the gentleman from Kentucky, [Mr. KNOTT,] and let democrats and republicans judge which will most (using his own language) thrill the bosom of every thinking, patriotic American citizen with indignation and horror.

Not long since the repeaters and ballot-box stuffers returned democratic majorities in some of the wards in New York City greater, as afterward ascertained on investigation, than all the people resident therein, counting men, women, and children. These frauds were so glaring and stupendous that a prominent citizen of that city, once a democratic candidate for President, (not Mr. Tilden,) held up his hands in astonished disgust and denounced them as atrocious; and it was the exposures of these frauds and the frequent violence and bloodshed at the polls in other places that called for and was the cause of the enactment of the laws it is now sought to repeal. And under these laws those frauds have not been repeated to such an extent; hence the democratic necessity for their repeal. Repeal these laws, and gentlemen know that these bummers, bullies, and ballot-box stuffers will return these old-time democratic majorities. Is that what they want?

Go to the Library, sir, and look over volume after volume of reports of investigating committees, composed of both political parties in Congress, and read till you are sick of fraud and violence and blood. Some one near me here says these books read like the records of hell, and if it may not be profane, I will say so too. Repeal these laws and we will have a little hell, if I may so speak, at every poll in some parts of this country.

Mr. Chairman, I would not speak offensively of any gentleman on either side of this House; I always have and always will speak of them and treat them with the utmost respect. As leaders of the democratic party I may speak of them and of their public political acts. Time proves all things and time has proven that in the past the advice and policy of the democratic party and its leaders have been costly and dreadful. Is it wise, is it safe for them to control? If Congress or the people had followed these same democratic leaders, these identical gentlemen, for the most part, the United States would have been blotted from the map of the world. Gentlemen will pardon me for mentioning their mournful mistakes. I do it in order to convince them how hazardous it would be to let them have their way.

I mean no personal disrespect to any of them, and I am sure that on a review of their political record they will come to the conclusion themselves that they are unsafe. Sir, it takes at least three qualities to make reliable statesmen. Wisdom, patriotism, and moral courage are essential. Now, sir, admitting that all democratic leaders are loyal, and I believe it has been decided that we are all loyal at the present time; and, sir, admitting that these democratic leaders are all as loyal now as anybody ever was, yet if one of the other essential qualities is wanting they are unsafe. If these leaders in the past have betrayed a lack of wisdom in considering and settling the true policy on any great national matter, or if at any time of threatened danger, if when the political skies grew dark and stormy, and when the deep mutterings of revolution were heard they deserted their posts and fled in dismay, or if when crossed or disappointed about some pet measure they pouted and kicked, if these democratic leaders did any of these things, are they safe? What a man does once under temptation he may do again, and usually he yields easier each succeeding time. I wish to be mild about this matter, sir, but there are very few graduates of a certain democratic school of politics so popular with that party whose wisdom, patriotism, and moral courage are sufficient to keep them in line of battle when State rights are firing on the pickets.

Now the trouble with so many of these democratic leaders is that their timidity or some other sensation so often gets the better of their patriotism. They may think they are right, but how dreadfully mistaken!

The chosen, acknowledged, and plumed leader of the democratic party in this House from the ninth district of New York [Hon. FERNANDO WOOD] was a prominent leader and an official of his party in 1861, and as such official before a hostile shot had been fired at the flag of his country sent a message to the council of the city of New York, which I will have read from page 42 of McPherson's Political History of the Rebellion.

The Clerk read as follows:

MAYOR WOOD'S RECOMMENDATION OF THE SECESSION OF NEW YORK CITY, JANUARY 6, 1861.

To the honorable the Common Council:

GENTLEMEN: We are entering upon the public duties of the year under circumstances as unprecedented as they are gloomy and painful to contemplate. The great trading and producing interests of not only the city of New York, but of the entire country, are prostrated by a monetary crisis; and although similar calamities have before befallen us, it is the first time that they have emanated from causes having no other origin than that which may be traced to political disturbances. Truly may it now be said, "we are in the midst of a revolution bloodless as yet."

Whether the dreadful alternative implied as probable in the conclusion of this prophetic quotation may be averted "no human ken can divine." It is quite certain that the severity of the storm is unexampled in our history, and if the disintegration of the Federal Government, with the consequent destruction of all the material interests of the people, shall not follow, it will be owing more to the interposition of Divine Providence than to the inherent preventive power of our institutions or the intervention of any other human agency.

It would seem that a dissolution of the Federal Union is inevitable. Having been formed originally on a basis of general and mutual protection but separate local independence—each State reserving the entire and absolute control of its own domestic affairs—it is evidently impossible to keep them together longer than they deem themselves fairly treated by each other or longer than the interests, honor, and fraternity of the people of the several States are satisfied. Being a Government created by opinion, its continuance is dependent upon the continuance of the sentiment which formed it. It cannot be preserved by coercion or held together by force. A resort to this last dreadful alternative would of itself destroy not only the Government, but the lives and property of the people.

If these forebodings shall be realized and a separation of the States shall occur momentous considerations will be presented to the corporate authorities of this city. We must provide for the new relations which will necessarily grow out of the new condition of public affairs.

It will not only be necessary for us to settle the relations which we shall hold to other cities and States, but to establish, if we can, new ones with a portion of our own State. Being the child of the Union, having drawn our sustenance from its bosom and arisen to our present power and strength through the vigor of our mother, when deprived of her maternal advantages we must rely upon our own resources and assume a position predicated upon the new phase which public affairs will present, and upon the inherent strength which our geographical, commercial, political, and financial pre-eminence imparts to us.

With our aggrieved brethren of the slave States we have friendly relations and a common sympathy. We have not participated in the warfare upon their constitutional rights or their domestic institutions. While other portions of our State have unfortunately been imbued with the fanatical spirit which actuates a portion of the people of New England, the city of New York has unfalteringly preserved the integrity of its principles in adherence to the compromises of the Constitution and the equal rights of the people of all the States. We have respected the local interests of every section, at no time oppressing but all the while aiding in the development of the resources of the whole country. Our ships have penetrated to every clime, and so have New York capital, energy, and enterprise found their way

to every State, and, indeed, to almost every county and town of the American Union. If we have derived sustenance from the Union, so have we in return disseminated blessings for the common benefit of all. Therefore New York has a right to expect, and should endeavor to preserve, a continuance of uninterrupted intercourse with every section.

It is, however, folly to disguise the fact that judging from the past New York may have more cause of apprehension from the aggressive legislation of our own State than from external dangers. We have already largely suffered from this cause. For the past five years our interests and corporate rights have been repeatedly trampled upon. Being an integral portion of the State, it has been assumed and in effect tacitly admitted on our part by non-resistance that all political and governmental power over us rested in the State Legislature. Even the common right of taxing ourselves for our own government has been yielded and we are not permitted to do so without this authority.

* * * * * * *

Thus it will be seen that the political connection between the people of the city and the State has been used by the latter to our injury. The Legislature in which the present partisan majority has the power has become the instrument by which we are plundered to enrich their speculators, lobby agents, and abolitional politicians. Laws are passed through their malign influence by which under forms of legal enactment our burdens have been increased, our substance eaten out, and our municipal liberties destroyed. Self-government, though guaranteed by the State constitution and left to every other county and city, has been taken from us by this foreign power whose dependents have been sent among us to destroy our liberties by subverting our political system.

How we shall rid ourselves of this odious and oppressive connection it is not for me to determine. It is certain that a dissolution cannot be peacefully accomplished except by the consent of the Legislature itself. Whether this can be obtained or not is in my judgment doubtful. Deriving so much advantage from its power over the city it is not probable that a partisan majority will consent to a separation, and the resort to force by violence and revolution must not be thought of for an instant.

We have been distinguished as an orderly and law-abiding people. Let us do nothing to forfeit this character, or to add to the present distracted condition of public affairs.

Much no doubt can be said in favor of the justice and policy of a separation. It may be said that secession or revolution in any of the United States would be subversive of all Federal authority, and so far as the central government is concerned the resolving of the community into its original elements; that if any part of the States form new combinations and governments, other States may do the same.

California and her sisters of the Pacific will no doubt set up an independent republic and husband their own rich mineral resources. The Western States, equally rich in cereals and other agricultural products, will probably do the same. Then it may be said, why should not New York City, instead of supporting by her contributions in revenue two-thirds of the expenses of the United States, become also equally independent? As a free city, with but nominal duty on imports, her local government could be supported without taxation upon her people. Thus we could live free from taxes and have cheap goods nearly duty free. In this she would have the whole and united support of the Southern States, as well as all other States to whose interests and rights under the Constitution she has always been true

It is well for individuals and communities to look every danger square in the face and to meet it calmly and bravely. As dreadful as the severing of the bonds that have hitherto united the States has been in contemplation, it is now apparently a stern and inevitable fact. We have now to meet it with all the consequences, whatever they may be.

If the confederacy is broken up the Government is dissolved, and it behooves every distinct community, as well as every individual, to take care of themselves.

When disunion has become a fixed and certain fact, why may not New York disrupt the bonds which bind her to a venal and corrupt master—to a people and a party that have plundered her revenues, attempted to ruin her commerce, taken away the power of self-government, and destroyed the confederacy of which she was the proud Empire City.

Amid the gloom which the present and prospective condition of things must cast over the country, New York, as a free city, may shed the only light and hope of a future reconstruction of our once blessed confederacy.

But I am not prepared to recommend the violence implied in these views. In stating this argument in favor of freedom, "peaceably if we can, forcibly if we must," let me not be misunderstood. The redress can be found only in appeals to the magnanimity of the people of the whole State. The events of the past two months have no doubt effected a change in the popular sentiment of the State and national politics. This change may bring us the desired relief, and we may be able to obtain a repeal of the law to which I have referred and a consequent restoration of our corporate rights.

FERNANDO WOOD, *Mayor.*

January 6, 1861.

Mr. FORT. New York City a little kingdom, levying tribute upon the commerce of the broad, free West, and the gentleman in his dreams a little king! But there was a lion in his path. The Union soldier, with heart and courage as big as the continent, dispelled the gentleman's hopes and fears as his mighty tramp kept step to music of the Union, and he is only king of the caucus of his party in this House.

There was some essential quality lacking in the gentleman who penned that message; using a homely phrase, there was a screw loose somewhere. Wisdom and patriotism were probably abundant, but not enough courage, not enough back-bone, sir, not enough back-bone.

Mr. Chairman, the gentleman who bore the banner of the democratic party to defeat at the last presidential election, but who is still a great favorite among the more extreme and violent leaders of his party, in a letter to William Kent, of October, 1860, when revolution was threatened, used this language:

The single, slender, conventional tie which holds the States in confederation has no strength compared with the compacted, intertwining fabrics which bind the atoms of human society into one formation of national growth.

The masters of political science who constructed our system, preserved the State governments as bulwarks for the freedom of individuals and localities against oppression from centralized power. They recognized no right of constitutional secession, but they left revolution organized when it should be demanded by the public opinion of a State; left it with power to snap the tie of confederation as a nation might break a treaty, and to repel coercion as a nation might repel invasion. They caused us to depend, in great measure, upon the public opinion of the States in order to maintain a confederated Union; they intended to make it necessary for us, in every reasonable extent, to respect that public opinion.

As a rule of right and duty for the construction and execution of the Constitution, the theory maintained by Mr. Seward, and too extensively accepted, is entirely fallacious, as no contract governing complicated transactions or relations between men, and applying permanently through the changes inevitable in human affairs, can be effectual if either party intended to be bound by it is at liberty to construe or execute its provisions in a spirit of hostility to the substantial objects of these provisions. Especially is this true of a compact of confederation between the States, where there can be no common arbiter invested with authorities and powers equally capable with those which courts possess between individuals for determining and enforcing a just construction and execution of the instrument

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It is too late! It is too late! We are upon the breakers. Whose eye quails now? Whose cheek blanches? It is not mine, who felt a provident fear and have done all I could. Where is the excellent president of the chamber of commerce whom they perched up in the forecastle to assure us that a good lookout was kept for our safety? Where are the dozen great stakes, as Mr. Webster use to call them, whom they planted closely around him to shut out from the sight of the crew the beacon erected by Washington? Where are the thoughtless, reckless seamen who taunted me with cowardice when I vainly strove to warn them? I hear only the wailing cry of selfish terror as I sit upon the straining timbers and watch the rage of the sea. My mind is filled, my heart swells with the thought that yon wave which towers before us will ingulf more of human happiness and human hopes than have perished in any one catastrophe since the world began.

S. J. TILDEN.

NEW YORK, *October* 26, 1860.

STALWART IMBECILITY, SIR.

"The single, slender, conventional tie has no strength." A rope of sand. "They left revolution organized." The seeds of its own destruction sown within it by its authors. "With power to snap the tie." A hint at secession. You can destroy if you wish. A great many screws loose here, sir; something lacking somewhere—wisdom, patriotism, or courage; not a single joint of back-bone, sir. But it was not too late. Lincoln took the helm, and, though the storm was long and dreadful, finally rounded the ship into port. Ah, Mr. Chairman, "fortunately"—borrowing the beautiful language of the gentleman from Kentucky [Mr. KNOTT]—"fortunately for the country, fortunately for the cause of human freedom everywhere," Abraham Lincoln and U. S. Grant, and those who around them stood, were made of sterner stuff.

And, Mr. Chairman, while we are considering the fitness of democratic leaders to lead, I send to the Clerk to be read the dispatch of the British embassador to his government relating to his interview with New York democrats in regard to foreign intervention.

The Clerk reads as follows:

LETTER OF LORD LYONS TO EARL RUSSELL RESPECTING MEDIATION.

WASHINGTON, *November* 17, 1862.

In his dispatches of the 17th and of the 24th ultimo, and of the 7th instant, Mr. Stuart reported to your lordship the result of the elections for members of Congress and State officers, which have recently taken place in several of the most important States of the Union. Without repeating the details, it will be sufficient for me to observe that the success of the democratic, or (as it now styles itself) the conservative party, has been so great as to manifest a change in public feeling, among the most rapid and the most complete that has ever been witnessed even in this country.

On my arrival at New York, on the 8th instant, I found the conservative leaders exulting in the crowning success achieved by the party in that State. They appeared to rejoice, above all, in the conviction that personal liberty and freedom of speech has been secured for the principal State of the Union.

They believed that the Government must at once desist from exercising in the State of New York the extraordinary (and as they regard them) illegal and unconstitutional powers which it had assumed. They were confident that, at all events, after the 1st of January next, on which day the newly elected governor would come into office, the suspension of the writ of *habeas corpus* could not be practically maintained. They seemed to be persuaded that the result of the elections would be accepted by the President as a declaration of the will of the people; that he would increase the moderate and conservative element in that Cabinet; that he would seek to terminate the war, not to push it to extremity; that he would endeavor to effect a reconciliation with the people of the South, and renounce the idea of subjugating or exterminating them.

On the following morning, however, intelligence arrived from Washington which dashed the rising hopes of the conservatives. It was announced that General McClellan had been dismissed from the command of the Army of the Potomac, and ordered to repair to his home; that he had, in fact, been removed altogether from active service. The general had been regarded as the representative of conservative principles in the Army. Support of him had been made one of the articles of the conservative electoral programme. His dismissal was taken as a sign that the President had thrown himself entirely into the arms of the extreme radical party, and that the attempt to carry out the policy of that party would be persisted in. The irritation of the conservatives at New York was certainly very great. It seemed, however, to be not unmixed with consternation and despondency.

Several of the leaders of the democratic party sought interviews with me, both before and after the arrival of the intelligence of General McClellan's dismissal. The subject uppermost in their minds while they were speaking to me was naturally that of foreign mediation between the North and South. Many of them seemed to think that this mediation must come at last, but they appeared to be very much afraid of its coming too soon. It was evident that they apprehended that a premature proposal of foreign intervention would afford the radical party a means of reviving the violent war spirit and of thus defeating the peaceful plans of the conservatives. They appeared to regard the present moment as peculiarly unfavorable for such an offer, and indeed to hold that it would be essential to the success of any proposal from abroad that it should be deferred until the control of the executive Government should be in the hands of the conservative party.

Mr. FORT. And so we find democratic leaders of highest rank conferring and intriguing with the representative of the Crown of England, and perhaps proposing to barter the dearest rights of this people and the destinies of posterity. They could have had no good or honorable purpose in any such conference. They supposed that liberty was expiring on the cross of treason, and proposed, by submitting to intervention, to divide empire with England.

They parted my raiment among them and for my vesture they did cast lots. (John xix, 24.)

Let us look further, sir. The second officer of the late would-be confederacy [Mr. STEPHENS] is here, and is one of the democratic leaders, and I have no doubt sadly regrets his many political errors and their mournful consequences. Cabinet ministers, senators, and representatives of the late confederacy are here, all democratic lead-

ers. The greatest of confederate generals (JOSEPH E. JOHNSTON, of Virginia) and his subordinate lieutenant, major, and brigadier generals are here in great numbers, and all of them are democratic leaders. Jefferson Davis is yet absent, but is soon expected. His coming has already been heralded by eulogium and by applause in the other end of this Capitol. When he arrives they will all be here, and all be democratic leaders and all be repealers.

Sir, is it for their political constancy that we should follow and register the decrees of their caucus?

We had in republican days a roll of fourteen wounded Union soldiers on guard here in this Hall, assigned to various duties which they could perform as well as able-bodied men, but they nearly all fell at the first fire, when democracy made its triumphant entry here four years ago. And had they placed wounded confederate soldiers in their stead they might have been in some degree excusable, but able-bodied, shoulder-hitting democrats, who never smelt powder on either side, were for the most part put in their places. So stated an ex-democratic Doorkeeper under oath before an investigating committee. He demanded of democratic members to nominate to him for appointment wounded soldiers, according to the law. And although he had himself been in the confederate service, he understood and insisted that the law meant fourteen wounded Union soldiers, but they forced upon him able-bodied democrats. And because he chafed at this and their other unlawful demands, as I understand it, he was bounced and turned out. So he declares and I believe. His successor fared the same fate for about the same reasons.

About how much do these democratic leaders love the Union soldiers? Actions speak louder and plainer than professions.

When this present House was organized, a few weeks ago, and the members-elect from several of the democratic States were called up to be sworn, a circle of about fifty was formed around the bar, and those who were to take the regular ordinary oath, that they had not borne arms against the United States, &c., were invited to step forward and hold up their hands and be sworn, it will be remembered only four of the whole line advanced. Of those, two were republicans, (Mr. JORGENSEN, of Virginia, and Mr. URNER of Maryland.) The others were all democrats, and had to take a modified oath. These States used to send some democrats who could take the oath, but this time they seem to have selected their representatives with care, and kept all at home who were tainted with loyalty to the United States during the war. Of the five officers of this House elected two could take the oath and three could not, including the Chaplain.

Straws indicate the direction of the democratic atmosphere in some localities, especially in a caucus of democratic leaders.

These are the wise and trusty leaders who would now again control. Is it safe? Would they be reliable in time of emergency? I could almost submit the question to the candor of the gentlemen on the other side themselves to answer. They know they have been seldom right and often and lamentably wrong. They know that it was the republican party, aided by the loyal rank and file of the democratic party in the North, that in the delirium of their political madness saved them from suicide. And the hope of the country to-day is in the republican party and in the loyal rank and file of democracy and not in democratic leaders.

Now, Mr. Chairman, considering the animus of the head and front of the democratic party now dominant and arrogant here, considering its chosen leaders of to-day are the identical individuals who led to cruel and costly revolution heretofore, and considering the stupendous frauds committed, considering the bloody work of brutal mobs, considering the mournful past and its actors, can any patriotic, conscientious, fair-minded democrat, national, or republican consent that these laws, these bulwarks of a free ballot and a peaceful poll, shall be swept away? History answers with bonded and bloody tongue it would not be well. No, sir, let it not be done now or hereafter. Let the free and peaceful ballot rule this land forever.

Mr. BELTZHOOVER. Mr. Chairman, in the limited time allotted to me I will speak very briefly of those portions of the pending bill which pertain to the question of elections. This question should command the most serious and deliberate consideration of this House instead of exciting an acrimonious partisan debate. The gravity of the crisis which arose in the last national contest forced upon all thinking men the unpleasant conviction that the continued success or ultimate failure of free institutions depends upon the intelligent solution of the great question of how to secure honest elections. All patriotic people are willing to submit to the rule of the majority, but they will not long permit a minority by force or fraud to usurp the reins of government. Either elections must be more certain and more free from the domination of military and prerogative power, or revolution will follow instead of quiet acquiescence. In this discussion it will not do for the gentlemen on the other side to say that we demand the repeal of these Federal election laws for the purpose of controlling the next presidential struggle by fraud. In so doing they challenge the wisdom and integrity of the fathers and founders of the Republic. In so doing they challenge the honesty of all the elections in the past, from that of Washington to Lincoln. We demand nothing but what the authors of the Government gave us. We demand nothing but what is secured and guaranteed in the Constitution and laws under which the Government was reared and under which it grew to be the mightiest on the globe. We only ask the same election laws under which the long line of illustrious men were elevated to office who ruled the nation in its halcyon days. We do not ask any new enactments on the subject; on the contrary we complain of such measures which were the outgrowth of the bitterness and, perhaps, the necessarily arbitrary power of war, and ask to return to the laws which were passed under the sober influences of peace. We do not need to court any alliance with fraud before the people of a nation which gave us half a million of a popular majority in our last fight. We are ready and anxious to meet our antagonists in the coming and every political conflict on exactly the same arena, under exactly the same laws, and surrounded by exactly the same influences as those under which our great whig and democratic ancestors were marshaled for conflict.

We challenge the gentlemen to meet us on the same ground on which the great political battles of the past were fought. We have no misgivings, no fears, no doubts as to the result. It is the gentlemen on the other side who do not want to be controlled by the old methods established under the Constitution and maintained and sanctioned by the practice of all parties from the dawn of our history. It is the gentlemen on the other side who want the Army at the polls and a horde of corrupt, drunken, criminal deputy marshals to bolster up a cause which they do not dare to submit to the free verdict of the people, expressed as it has been in all times according to the election laws of the States themselves, enacted by men whose names have long since become household words with the people. We have no hesitation as to what the popular verdict will be on the question as to who contemplates fraud, if there be any, in the effort to perpetuate or repeal these election laws.

The issue as to the use of the Army at the polls has been practically abandoned already if we may judge from the declarations of the gentlemen on the other side. It is so plainly against the laws of all countries that have free elections, so plainly against the genius and spirit of republican institutions, and against all the lessons and traditions of free government in all times, that there can be no sincere defense of it. It has been passed upon and settled by the action of this House and is out of this debate. The questions which arise on the pending bill are more fairly the subject of contention, and relate, first, to the right of the Federal Government to interfere with elections in the States, and, second, to the manner and extent of this interference. The right to vote is a political right derived from the supreme power in the State in which it is to be exercised. This was settled as a common-law principle by the great case of Ashby and White, in 1705, and has been affirmed by the Supreme Court of the United States and by numerous decisions of the courts of the several States since. But, while we all agree upon this, we are confronted with a difficulty in the determination of the question which arises from the complex character of the sovereign power in the nation. The States are sovereign in the enjoyment of certain rights, and the National Government has delegated to it *from the* States certain powers in which it is sovereign. From which does the right to vote come, and which has the right to prescribe the regulations by which this right shall be controlled? The question was very thoroughly discussed and satisfactorily settled in the debates and proceedings in the conventions which formed and adopted the Federal Constitution.

The provisions of the Constitution which relate directly to the subject of suffrage have been quoted so often in this debate that they have become as familiar as old faces. They are, section 2 of article 1, which provides that "the electors in each State," in choosing Representatives in Congress, "shall have the qualifications required for electors of the most numerous branch of the State Legislature;" section 1 of article 2, which provides that "each State shall appoint" electors for President "in such manner as the Legislature thereof may direct." To these must be added article 15 of the amendments to the Constitution, which provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." It is very clear that subject to the fifteenth amendment the right to vote is vested by the Federal Constitution in the States. This amendment has been held by the Supreme Court of the United States to be intended solely for the benefit of the colored race and does not confer any right to vote, but that the right remains, as before, the exclusive prerogative of the States. (Slaughter-house cases, 16 Wallace.) The same decisions rule that "offenses against the right to vote are not cognizable under the power of Congress unless they have as a motive the race, color, or previous condition of servitude of the party whose right is assailed."

This view of the subject is also sustained by the case of the United States *vs.* Cruikshank, (13 A. L. R., 630,) in the circuit court of the United States, and by numerous decisions collaterally touching the question in the courts of the States. The same principle is maintained in many of the State courts where the question has arisen. In Pennsylvania the exclusive control of the right to vote is declared to be in the State in the cases of McCafferty against Guyer, Page against Allen, Huber against Reilly, and other cases. The decisions of the courts on this the fifteenth amendment furthermore are persuasive evidence that the law, as construed by our highest tribunals, does not favor interference by the Federal Government with the right of suffrage in the States. And on this high and important right we must remember that the tenth amendment to the Constitution provides that "the powers not delegated to the United States by the

Constitution nor prohibited by it to the States are reserved to the States respectively, or to the people."

But section 4, article 1, is claimed to give the right to Congress to interfere with the right of suffrage in the States, and on this all the arguments in support of the act of 1871 have been based.

This section provides:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations except as to the place of choosing Senators.

In answer, first, to the claim which is made for the right of Congress under this section it may be said that no tribunal has ever held or decided that under this section Congress has the right or power to interfere with the regulations of the States on the subject of elections. On the contrary, the question of this right was squarely raised and decided adversely to the right by Congress itself. The act of June 25, 1842, provided that Representatives should be elected "by districts composed of contiguous territory." The States of New Hampshire, Georgia, Mississippi, and Missouri, disregarding this act of Congress, elected their members at large on a general ticket, in accordance with their own laws. The members so elected applied for admission to Congress, and the cases were referred to the Committee of Elections. After elaborate consideration and discussion of the question a majority of the committee of Congress, headed by that great patriot Stephen A. Douglas, reported against the validity of the act of Congress and admitted the Representatives elected in violation of this act of Congress to their seats, and they served out their terms. Since that time the House of Representatives have again recognized and affirmed the same view of the subject in the recent cases of Phelps and Cavanaugh, Representatives from the State of Minnesota.—1 *Bartlett*, 148.

To further show the inclination of the courts on this subject we may refer to the decision of the supreme court of Pennsylvania on the act of Congress of March 3, 1865, disfranchising deserters from the Army. In this case it was argued and contended that the act was unconstitutional for the reason that it was an attempt on the part of Congress to regulate suffrage in the States. The court held that the act did not so regulate or attempt to regulate the right to vote in the States, but declared that if it did it would be unconstitutional. (Huber against Reilly.) From these provisions of the Constitution to which we have referred, from the decisions of the courts, Federal and State, and from the reiterated determination of Congress itself on its acts under this section, we believe we are justified in maintaining the proposition that the right of suffrage being a State right the United States cannot lawfully interfere to abridge or limit or control it in any way except in the single contingency where the States themselves make no regulations on the subject. In all cases, however, where the States have provided by their constitutions and statutes for the exercise of the right to vote, a clear inhibition arises against any action whatever on the subject by Congress. The utmost that can be claimed by Congress is the right to interfere under the high prerogative of self-preservation, where the States neglect or refuse to provide for the exercise and control of the right of suffrage in the election of Representatives and Senators.

Where the States have provided fully for the holding elections for Members of Congress and Senators, the powers which are primarily delegated to the State Legislatures become vested, and no power remains to Congress. It is a well-settled rule of constitutional construction that where the Constitution specifies the circumstances under which a right may be exercised or a penalty imposed, the specification is an implied prohibition against legislative interference to add to the condition or extend the penalty. The language of the section itself makes it the imperative duty of the State Legislature to provide for the time, place, and manner of holding elections. These things, it is said, shall be prescribed in each State by the Legislatures thereof. It is a command of the supreme fundamental law to the Legislatures of the States. And the alternative is in the provision that Congress may by law make or alter such regulations. This view of the subject is strongly sustained by the arguments of the two men who were among the most distinguished authors of the Constitution and certainly the ablest advocates of its adoption. James Madison says:

The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. The provision made by the convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established, or which may be established, by the State itself. It will be safe to the United States, because, being fixed by the State constitution, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitution in such manner as to abridge the rights secured to them under the Federal Constitution.—*Federalist*, 52.

Alexander Hamilton says:

It will, I presume, be as readily conceded that there were only three ways in which this power could have been reasonably organized; that it must either have been lodged wholly in the National Legislature or wholly in the State Legislature, or primarily in the latter and ultimately in the former. The last method has with reason been preferred by the convention. They have submitted the regulation of elections for the Federal Government in the first instance to the local administration which in ordinary cases and when no improper views prevail may be more convenient and more satisfactory; but they have reserved to the national authority a right to interfere whenever extraordinary circumstances might render that interference necessary for its safety.—*Federalist*, 59.

These two extracts clearly show that it was held out to the State Legislatures in order to secure their ratification of the Federal Constitution that on this very question of the right to regulate suffrage there should not be any interference by the Federal Government except where the exigency of self-preservation arose by reason of the neglect or refusal of the States to act on the subject. For these reasons the act of 28th of February, 1871, which it is now proposed in part to repeal, is an invasion of the constitutional power of the States to control the right to vote and regulate the manner of exercising that right. It is against the genius and spirit of the Constitution, and subverts the carefully adjusted system of reserved and delegated powers between the States and the Federal Government. It is against the express stipulations of the compromises as shown in the debates and writings on the formation of the Constitution, on which the States ratified the Constitution and came into the Federal Union.

That act having been placed upon the statute-book unlawfully by a party that had learned to invade and violate the most vital provisions of the Constitution by the impunity and frequency with which it had done it for years during the turmoil of civil war, it is our duty, with the return of peace and the restoration of the civil power in the land, to return to the old paths and renew the old lines which limit the boundaries between the powers of the sovereign States and the power of the General Government.

In the language of one of the ablest writers on the Constitution—

Let us never forget that our constitutions of government are solemn instruments addressed to the common sense of the people, and designed to fix and perpetuate their rights and their liberties. They are not to be frittered away to please the demagogues of a day. They are not to be violated to justify the ambition of political leaders. They are to speak in the same imperative voice now and forever.—*Story*.

But we should be constrained to expunge these acts of usurpation from the statutes of the nation, not only because they are clearly unconstitutional, but because they are in themselves violent and tyrannical measures which violate the highest rights of the citizen, coerce and intimidate and keep from the polls the honest, peaceable voter, corrupt and mislead the weak, and put the ballot-box under the domination and control of the party in power! The provisions in these acts in reference to elections strike at the very foundations of such elections as were contemplated by the founders of the Government and intended to express without constraint of any kind whatever the will of the people freely and fairly. Section 5522 makes the officials designated and authorized therein superior to all State officers of election and gives its newly constituted agents of Federal power arbitrary authority, such as no State law ever authorized any of its citizens to exercise.

Under this section the officers authorized by the sovereign States to hold elections "shall be liable to instant arrest without process." What a power to be placed by the august authority of the Federal Government in the hands of the jail-birds and cut-throats and vagabonds and inebriates and repeaters and outlaws who were appointed deputy marshals in Philadelphia at the last election in that city to be used against the decent, sober citizens of that proud old metropolis! A committee of Congress has been investigating this subject, and a few examples from the sworn testimony of witnesses produced before that committee in Philadelphia will show some of the inner workings of this mighty radical machine for the control of elections.

Take the case of Charles Oliphant, a deputy marshal. An intelligent manufacturer, being called, says:

I am a silk manufacturer.
Question. How long have you lived in that section of the city?
Answer. With the exception of a year or so, eighteen or nineteen years.
Q. Are you a resident and owner of property in it?
A. I am a resident, not an owner of property. I had been election officer for that division for a number of years, with the exception of last year, when I declined to serve again, owing to want of time.
Q. Were you at the election in November?
A. Not continuously all day.
Q. But you were there?
A. Yes, sir.
Q. Did you see there this man, Charles Oliphant, the marshal?
A. Yes, sir.
Q. What was the condition of Oliphant—drunk or sober?
A. I take him to have been a drunken man. He was very noisy and quarrelsome. He had frequent disputes with the people outside on the pavement, especially with Mr. Howell; he threatened to fight Mr. Howell.

Another witness testifies in reference to Oliphant as follows:

Question. Were you there in the evening when Oliphant, the marshal, came in?
Answer. Yes, sir.
Q. What was his condition when he came in in the evening, and at what time was it?
A. It was between the hours of seven and eight in the evening, after the polls were closed. He came in there. He appeared to be drunk.
Q. Who was with him?
A. There were three or four men with him. They were with him all day.
Q. They were the men who were with him all day?
A. Yes, sir.
Q. What did he say or do?
A. He made threats. He wanted to get in to where the polls were, where the election officers were. Mr. Howell was in there. Oliphant came to me and asked me if I would not let him in. I told him that the door was locked and he could not get in. He made a threat that he could get away with this man Howell; and one of his friends said he had served three years in the penitentiary and he would serve three more for this man Oliphant; that he got good food there, that the people there did not know how to eat it, and he knew how to eat it, and he would serve three years more for this man Oliphant.
Q. What did Oliphant say he would do with this man Howell?
A. He said he could get away with him, and that he would make him take water.
Q. How long were they there?
A. I judge about half an hour. Then they came back again about nine o'clock. They walked up and down the bar-room and were boasting.

Q. Did they use bad language or threats?
A. Yes, sir; they used bad language. They went out from there afterwards and got into a fight on the other side of the street.

Take another specimen deputy marshal, Charles Herr. A respectable witness testifies as to him:

Question. Were you at the election on that day?
Answer. Yes, sir; I went around the polls in the morning to vote.
Q. Do you know the marshal who was there?
A. Yes, sir.
Q. Who was he?
A. Charles Herr.
Q. Have you known him any length of time?
A. I have known him about five years.
Q. What is his character and reputation, as far as you know him?
A. Very bad.
Q. Has he been arrested?
A. He has been arrested to my knowledge for receiving money under false pretenses.
Q. More than once?
A. Not to my knowing.
Q. Was this recently?
A. About a year ago.

Take next the case of De Sanno, another deputy marshal:

Question. Who was the marshal there?
Answer. I think his name was De Sanno.
Q. Does he live in that division?
A. I could not say.
Q. Did you ever see him before that day?
A. I never saw him before that election day.
Q. What was his behavior on that day?
A. He was drunk the whole day; from about nine o'clock until about six he was right drunk. He was just around the division there.
Q. His name is not on the list of voters in the division?
A. No, sir.
Q. What did he do?
A. He was standing around there all day, just walking up and down before the window.
Q. Had he a badge?
A. Yes, sir.
Q. What was on the badge?
A. I think it said "Deputy marshal."
Q. Did he arrest anybody?
A. No, sir; he was too drunk, I think.

Of De Sanno another witness answers:

Question. Do you know the man spoken of here as De Sanno?
Answer. I know him by seeing him, that is all.
Q. Did you ever see him before that election day?
A. Once or twice.
Q. What was his behavior on that day?
A. Oh, he was drunk.
Q. Were you at the election poll all the day?
A. Pretty much all the day.

And another:

Question. What was your business at the election poll?
Answer. I was a United States supervisor.
Q. Did you see this marshal, Mr. De Sanno?
A. Yes, sir.
Q. What was his behavior and condition during that day?
A. He was drunk all day long, from morning until night.
Q. Do you know where he lives?
A. No, sir. They say that he lived at that "bum" lodging-house.
Q. Do you know at what he works?
A. No, sir.
Q. How long have you lived in that division?
A. Since August, 1861, about seventeen or eighteen years.
Q. When did you first see De Sanno in that division?
A. On election day.
Q. Did you, to your knowledge, ever know of him having voted in the division before?
A. No, sir.
Q. Had he a badge on as marshal?
A. Yes, sir; as deputy marshal.

Take next James Brown, another deputy marshal. A witness says of him:

Question. What is your official position?
Answer. I am clerk of the United States district court.
Q. Have you been such for some years?
A. I have been clerk of that court for four years, and have been in the office as assistant clerk for seventeen years.
Q. Will you turn to your records and tell us whether James Brown was convicted of any offense in your court; and, if so, when, and what it was?
A. [After referring to a record-book.] James Brown was convicted of personating and voting in the name of another person.
Q. What was the date of conviction?
A. The finding of a bill was on the 19th of November, 1872; the date of conviction (verdict) was November 22, 1872; the date of sentence was December 14, 1872.
Q. He was convicted on what date?
A. The date of the verdict is November 22, 1872. It was for [reading from the record-book] "personating and voting in the name of another person at an election held on the 8th of October, 1872, the day of the congressional election. Sentenced to eighteen months' imprisonment."
Q. When was Brown pardoned?
A. That does not come within my knowledge. The pardon is sent to the marshal, I think, originally.

Another witness says of Brown:

Question. Do you know James Brown?
Answer. Yes, sir.
Q. Were you at the election in that division in November last?
A. Yes, sir.
Q. Who acted as marshal in that division?
A. James Brown.
Q. Had he a badge as marshal?
A. I am not positive about that; I think he had.
Q. How long have you known this man James Brown?
A. Twenty or twenty-five years.
Q. Is or not this James Brown who acted as marshal the man who was convicted in 1872?

Mr. HOAR. Were you present at the trial?
The WITNESS. I was a witness at the trial.
Q. Is the James Brown who was the marshal at this division in November the same James Brown who was convicted in 1872 for repeating and false personation?
A. Yes, sir.
Q. You were a witness in that case?
A. Yes. It was not within the same division; it was within the boundaries, but the division has since been cut; it was in what was then the eleventh division of the Fourth ward.
Q. What are the politics of this man James Brown?
A. He is a pretty good fellow, politically, I guess.
Q. Was he a republican or a democrat?
A. He is a republican.

And another:

Question. Do you know James Brown?
Answer. Yes, sir.
Q. The marshal acting in the fourteenth division of the Fourth ward at the November election?
A. I cannot answer that question.
Q. A marshal who was convicted for repeating or false personation in 1872?
A. I do not know of the marshal acting at all, not living in the division.
Q. Did you know the gentleman who was convicted?
A. Yes, sir.
Q. At the election in 1872, did you or not see him voting more than once?
A. I saw Mr. Brown vote once, but know that he voted twice.
Q. You know that he voted twice on the same day?
A. Yes, sir.
Q. Was it in the same ward?
A. No, sir; he voted in the Ninth ward and in the Fourth ward.
Q. You say that you know he voted twice. You do not mean to say that, do you?
A. Yes, sir; I mean to say that.

Take next a few extracts from the testimony of a witness who had peculiar facilities for knowing the character of the parties of whom he speaks:

Question. What is your official position?
Answer. I am the murder detective of Philadelphia.
Q. In connection with what office?
A. The district attorney's.
Q. Do you know Philip Madden?
A. Yes, sir.
Q. Where does he live?
A. On Bainbridge street, I think, above Seventh, in the Fourth ward.
Q. In what division?
A. I cannot tell; I think it is the fourth.
Q. What is the character of Philip Madden?
A. I think he is one of the worst men in Philadelphia.
Q. In what respect?
A. He is a dangerous man; he is violent and dangerous.
Q. How long has he been out of prison?
A. I think probably eight months or a year. He was convicted of highway robbery, I think.
Q. Do you know of this man Madden having shot anybody?
A. I did not see him shoot anybody. I heard he shot a boy at one time.
Q. Was he in prison, to your knowledge, more than this one time?
A. He was in prison twice.
Q. What is his general character; is it that of a peaceable citizen or that of a desperate, bad man?
A. His character is that of a desperate, bad man.
Q. Do you know Francis McNamee, of the Eighth ward?
A. Yes, sir.
Q. What is his character?
A. I arrested him for being concerned in five robberies, about seven years ago, and convicted him for having stolen goods in his possession. He was sentenced, I think, to eighteen months. I am not certain about the length of the sentence.
Q. Do you know in what precinct he lives?
A. No, sir; he lives in the Eighth ward, somewhere about Locust street.
Q. Do you know Joseph Hilferty?
A. No, sir.
Q. Do you know Daniel Reading, of the First ward?
A. Yes, sir; very well. I guess everybody here knows him.
Q. What is the general reputation of Daniel Reading?
A. He is considered to be a very bad, dangerous man. He has been tried for murder.
Q. How long since he was tried for murder?
A. In 1869.
Q. Is his reputation still bad or good?
A. Bad.
Q. Do you know a Mr. Pitts?
A. Yes, sir.
Q. Of what ward?
A. The Seventh ward. He keeps a place in Lombard street, above Eighth, on the south side.
Q. What is his business?
A. He keeps a gambling place, and things of that kind.
Q. Is he a colored man?
A. He is a colored man.
Q. He keeps a gambling house. Is it a drinking-house?
A. Yes, sir. He has been arrested once or twice, and was tried before.
Q. For what offense has he been tried?
A. I cannot remember; but he was arrested once or twice.
Q. To what ward does Daniel Reading belong?
A. To the First ward. His name does not appear upon the list of marshals as having been put down for the precinct in which he lives, but I think he lives in the twenty-third precinct; on Mildred street below McKean, I think.
Q. Is the name of Frank McGowen on the list of marshals here before the committee?
A. Yes, sir.
Q. Is the name of Philip Madden on the same list of marshals?
A. Yes, sir.
Q. Do you know Henry Scott?
A. Yes, sir.
Q. Who is he?
A. He keeps a hotel in Lombard street.
Q. Is he a white or colored man?
A. A colored man.
Q. Do you know anything of him?
A. His reputation is bad. I am forgetting about him.
Q. Do you know Rodney F. Springfield?
A. Yes, sir.
Q. Is he of the Fifteenth ward?

A. Yes, sir.
Q. What is his reputation?
A. He was tried for killing a colored man.
Q. Is he upon this list as a deputy marshal?
A. Yes, sir.
Q. The name of Springfield is on this list?
A. Yes, sir.
Q. Do you know Michael Slavin, of the Fifth ward?
A. Very well.
Q. What is his reputation?
A. He is a notorious repeater, a thief.
Q. Has that been his reputation for some time?
A. It has—so far as I know him—for eight or nine years. I have seen him lead gangs of repeaters to vote many a time; that is his profession, "repeater."

Take another instance, that of James Coligan, a deputy marshal. A witness says:

Question. Were you at the election-house most of the day?
Answer. Yes, sir.
Q. Who was the United States marshal there?
A. James Coligan, an ex-police officer.
Q. What was his condition during the day?
A. Most of the afternoon he was so drunk that he could hardly walk.
Q. Was there any interference by him during the day with voters; and, if so, what was it?
A. He was challenging everybody that came there, driving them away from the polls.
Q. What did he say and do to them?
A. He said that he was United States marshal, and had more authority around there than the judge inside or the police or anybody else. I was calling the policeman's attention to the fact that they had no business within thirty feet of the polls; and I asked him if they could read; that there was a notice signed by the judges, Ludlow and Fell. They said, "Oh, to hell with that," and Coligan came up. I told them that frequently during the day. When I told this police officer that in the afternoon, Coligan said, "Oh, you have got too damn much to say; I will take you in." I said, "No, I guess you won't; you are hardly able to take yourself in, you are so drunk now." He took hold of my collar, staggered into the gutter and back again against the house. Some citizens came up and said, "Why, you have no right to take this man in, he has done nothing." "Well, I'll take you in anyhow." The police persuaded him to let me go. I had said to him, "You might get yourself into trouble. I will hold you responsible if you do me any bodily harm;" so he let me go, and that was settled.
Q. What was he going to do with you?
A. He was going to take me down below, or, I suppose, to the station-house. He was an ex-policeman and a United States marshal, too.
Q. Had he a badge on?
A. Yes, sir.

Next let us see what a respectable citizen says of De Barth and Donlin, two deputy marshals:

Question. Were you at the election on that day?
Answer. I was.
Q. Who were the deputy marshals?
A. William De Barth and Thomas Donlin.
Q. Do you know Donlin?
A. I do.
Q. How long have you known him?
A. From boyhood; probably twenty-three or twenty-four years; I knew his father.
Q. What is Donlin's character?
A. He is a drinking man.
Q. About what is his age?
A. Probably twenty-eight or twenty-nine years.
Q. Do you know whether he is an habitual drunkard?
A. He is considered such, and has been; I know that he has been; I don't know how he is now. He has been in the house of correction.
Q. For what cause?
A. For drunkenness. I think his mother put him there.
Q. Was Donlin violent?
A. He was disorderly; he was in liquor all day there, and interfered with people voting, threatening to arrest them or have them arrested.

William Springfield was another deputy marshal. This is his character as given by a witness:

Question. What I want to get at first is who was the marshal at the polls?
Answer. The marshal was one William Springfield.
Q. Who was he?
A. William Springfield, another noted character, a man who could neither read nor write.
Q. Was he in his employ on the day of the election?
A. No, sir.
Q. Why not?
A. He had been discharged for stealing flour out of the mill, bags of flour. It had been discovered against him.
Q. How long before the election?
A. The day before.

John May was another deputy marshal. As to his character the witness says:

Question. What is your business?
Answer. I am a constable.
Q. Do you know John May, whose name is on the written list of marshals that I hold in my hand?
A. I do, very well.
Q. Is he the same who is on this list of marshals? [Indicating list in evidence.]
A. Yes, sir.
Q. What is his business?
A. He keeps a house of prostitution on the corner of Newmarket and Peg streets.

Abraham Hoffman was another, and the last one we will name. Of him the same witness says:

Question. Do you know Abraham Hoffman?
Answer. I do, very well.
Q. In what precinct does he live?
A. He is supposed to live in the fifth precinct of the Eleventh ward.
Q. Has he any other name than Hoffman?
A. Yes, sir.
Q. What is his other name?
A. I call him "Shad."
Q. Where does he live?
A. I give it up.
Q. What is his business?
A. He used to keep a house of prostitution on Fifth street, below Callowhill.
Q. Do you know anything about his occupation on election days?
A. Yes, sir.
Q. What is it?
A. A repeater.
Q. Who does he generally repeat for?
A. The republican party.
Q. How do you know that?
A. By following him on several occasions.
Q. Detail for us one of those little diversions of yours.
A. A couple of years ago he was out through the Thirteenth and Fourteenth wards.
Q. How many times did you see that he voted?
A. I suppose, at the least calculation, three to six times, at different places.
Q. Has he any known business now?
A. No; he skipped away for stealing a five-dollar note.
Q. When was that?
A. Here, some three or four months ago.
Q. Was there a warrant for him?
A. That I don't know.
Q. How do you know as a fact of his having stolen a five-dollar note?
A. He stole it from a man by the name of Lafayette Groul, on Third street, below Green.

These are but a few specimens from a vast number.

Under section 5522 it is provided that "every person, whether with or without any authority, power, or process, or pretended authority, power, or process of any State, Territory, or municipality, who obstructs, hinders, or otherwise interferes" with the supervisors, marshals, or deputy marshals, shall be liable to instant arrest without process, and shall be punished by imprisonment not exceeding two years and by fine not exceeding $3,000, both or either, and pay the costs. This power utterly overrides all State authority. It sets at defiance the laws and officers of the State. It does so without any cause or pretext, without any emergency in which the existence or safety of the Federal Government is endangered. It does not matter how perfect and complete the election laws of the State may be, no matter how rigid the restrictions and guards which it places around the ballot-box, no matter how honest and exemplary the election officers of the State may be, no matter how free and pure these elections, this law steps in and without pretext or cause, puts all under the surveillance of paid minions who have despotic control of the polls, with powers as arbitrary and wicked as were ever committed to the secret agents of a Tiberius or Richelieu.

The other sections of the law which lay down this code of inquisitions over free elections begin at section 2011 and end at section 2031. They provide a method of procedure to be pursued arbitrarily and without assigning any cause or pretext or exigency for the interference. The persons asking for supervisors are not required to found their application on affidavits or even averments that any fraud has been committed in the past, or that there is any reasonable apprehension that any fraud will be committed in the future, or that they believe the State laws will not secure a fair and honest election. This law does not require that the persons appointed as supervisors shall have even the old-fashioned and common qualification of being sober and intelligent men and of good moral character. There is nothing to indicate that they shall be men of any standing or character in their communities. The act on the contrary, by providing only that they shall be able to read and write the English language, leaves it open to the vilest of men. Any creature able to read and write the English language can be constituted a high inquisitor into the highest right of the citizens of the nation.

Sections 2017 and 2018, which it is proposed also to repeal, give the supervisors powers directly in violation of the sanctity and secrecy which the laws of my State and of many other States of the Union throw around the ballot-box. The latter section permits and directs the supervisors to open and pry into and handle and count the ballots of the electors after they have been polled and committed by the laws of the States directly and exclusively to the custody of the sworn officers of election. The sections from 2021 to 2027 are those authorizing the appointment of the deputy marshals, the most odious and worst class of the Federal agents. They are intended to be the tools of anything for which they may be needed, for the law authorizing them not only does not require them to be of good character and sobriety, but it omits the qualification prescribed for supervisors, who must be able to read and write the English language. Deputy marshals need not be able to read and write; they may be utterly illiterate, not able to read or write, and they may be criminals in all the grades of the calendar and drunkards and repeaters and vagabonds.

These are the paid creatures to whom is committed the important duty of keeping the peace at the polls and supporting and protecting the supervisors in the discharge of their duties and "to arrest and take into custody with or without process any person who commits or attempts or offers to commit any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States." And these illiterate and contraband deputy marshals are the judges of the right to arrest without process or information; and under this law thousands of the sovereign citizens of the nation, from New York to New Orleans, are annually arrested and their persons subjected to the violence and insult of such officials.

In New York City, under the administration of this law by Supervisor Davenport, at the last election acts were committed which should disgust intelligent, liberty-loving people. Six hundred and sixty citizens were arrested by the deputy marshals and taken before this petty autocrat for alleged offenses against this law of Congress.

Of this number only five were committed for trial, and of these none were ever tried. The following is an extract from the report of an able and impartial committee who investigated the subject of these arrests:

Commissioner Davenport sat in the United States court, which was crowded to its utmost capacity. No person arrested who appeared in it was allowed to leave under any pretense until his case had been heard. In consequence many were confined there for hours without food or drink. Mr. Secor interceded on behalf of one man who had been kept there four hours, but Davenport replied he could not help it; that he had too much to do to attend to them, a remark which elicited cries of "shame" from the audience. So strictly was the rule enforced that persons who had accompanied friends arrested into the room were unable to get out, and it was with great difficulty that their cases could be brought to Davenport's attention.

If any person made a noise Mr. Davenport directed him to be locked up.

Persons arrested were put in the iron cage or pen erected on the upper floor of the post-office building for the detention of the criminals tried in the United States courts. This at all times during the day contained some thirty persons, including the drunken, filthy, and boisterous prisoners as well as the respectable voters. At times it was crowded beyond its utmost capacity, and was so filthy that one prisoner, an old soldier, swore he would rather go all through the war again than stay there three hours.

We do not care to review each of the numerous sections of this Federal election law and the acts which are collateral to it. Section 2031 provides that each supervisor and deputy marshal shall receive $5 per day. This brings us to the cost of the machinery under this act which annually takes thousands of dollars out of the already depleted treasury of the nation. In Philadelphia last year alone there were 773 deputy marshals and 1,372 supervisors. The deputy marshals cost $7,600 and the supervisors $27,440, making an aggregate cost in Philadelphia alone in one year of $35,040 for the interference of the Federal Government in elections. What must be the aggregate throughout the South, where the law has its greatest effect, and in the other great cities of the North where the heel of the Federal Government is put on the necks of the people to wring from them an expression of their free consent?

This law is unconstitutional. It is tyrannical, and against the spirit and genius of free government. It is against the rights of the States, which were reserved to them in the solemn compact under which they came into the Union. It eats up annually thousands of dollars of the money which the impoverished millions of the nation need for subsistence. It is a prodigal, unlawful, despotic contrivance of the party in power to prolong its existence against the will of the people.

We will be recreant to our oath to support the Constitution of the nation, we will be derelict in our duty to the people whose sacred rights we must defend and preserve not only against open assault but much more against usurpation under the form of law, if we do not insist and demand the unconditional repeal of these unrighteous and tyrannical measures.

Mr. SAPP. Mr. Chairman, so much has been said, and so well said, already in the discussion growing out of these proposed repeals that I feel but little inclination to trespass upon the time and patience of the committee in considering the same, and my excuse for doing so is that I feel it would be doing injustice to the constituency I have the honor to represent on this floor were I to allow this debate to close without saying something against this not only unwise but in my judgment wicked legislation. Sir, the repealing provisions are broad and comprehensive, and leave us in no doubt as to the purposes intended. In what I have to say in this discussion I will confine myself to the proposed repeal of what is known as the election laws. It is the avowed object and purpose of the democrats in this House, one and all, both North and South, to wipe out every provision of national law securing the right of each elector to vote for a Representative or Delegate in Congress as his own judgment and conscience dictates, and to have that vote honestly counted, and this is done under the pretense of free elections.

Sir, I will endeavor before I am done to show what their real motives are, judging from what has been said by their chosen leaders, who have been selected to speak for them, as well as by the legitimate and necessary results of this proposed legislation, should they succeed. In order to obtain a correct understanding as to whether these election laws should be repealed or not, I will examine some of the reasons assigned by gentlemen on the other side justifying the action of the democratic caucus in demanding their repeal. Sir, it is insisted, first of all, by some of our democratic friends that these laws are unconstitutional, and that for this reason they should be repealed. If it be true that they are unconstitutional, then we ought, each and every one of us, to join cheerfully and earnestly in their repeal. But after listening to the able discussions here, and after the careful examination I have given the subject, I am convinced that it is not true. On the contrary, I think their constitutionality can scarcely be doubted. If gentlemen are sincere in what they say as to the unconstitutionality of these laws, if they honestly believe what they here pretend to believe, and if any considerable number share in that opinion, why is it that no effort has been made, no steps taken, to have this question passed upon by our courts? Why is it that their validity was never drawn in question until their repeal had been agreed upon by the joint caucus of the democrats in both Houses of Congress? This law has been upon our statute-books for seven years, during all of which time there has been the broadest opportunity desirable to have this question judicially determined. Why has it not been done?

But the Constitution itself is not silent upon this question. On the contrary, it seems to me its provisions are so ample that but little difficulty can exist among honest seekers after truth upon this question. Section 2 of article 1 of the Constitution provides who shall be electors for Representatives in Congress. It says:

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

This section provides how often Representatives shall be chosen, by whom they shall be chosen, and what the qualifications of electors shall be to entitle them to vote for such Representatives. It is left to the State to fix the qualifications of electors of the most numerous branch of the State Legislature, but when this is done it is as much the constitutional right of the elector to vote for a Representative to Congress as it would be if the Constitution had so provided in express terms. In other words, when the Legislature of a State has fixed the qualifications of electors of the most numerous branch of the Legislature, such electors so qualified have the undoubted constitutional right to vote for a Representative to Congress, and the State can neither prevent nor abridge his exercise of this right. It is the Constitution of the United States that guarantees it to the qualified electors, and not the State, and the Constitution not only secures the right but also declares what the qualifications shall be upon which this right depends. Now, sir, the Constitution having in express terms designated what the qualifications of such electors shall be, and guaranteed to them the right to vote for Representatives when they are so qualified, where does the responsibility rest to see that they are not prevented from exercising this right?

To which is the elector to look, to the State or National Government, for security and protection in the exercise of this right to vote? This protection is due him from one or the other of these governments, and which one of them has he the right to demand this protection from? Is it the State in which he lives, or is it the General Government that has guaranteed this right that he must look to for this security and protection? Can there be any serious doubt that this protection, which all will admit he is entitled to and has the right to demand, should come from the Government of the United States, it having secured to him the right. Can a man be found in this House of Representatives bold enough to claim that it is not the duty of the General Government to protect its citizens in the exercise and enjoyment of each and every right secured by the Federal Constitution? Sir, is not that the end and purpose for which all free governments like our own are instituted? And yet the democrats of this House are attempting to defeat this very principle by this proposed repeal of the election laws. But if there yet remains any doubt upon this constitutional question let me call attention to another provision of the Constitution bearing upon it. Section 4, article 1 of the Constitution provides as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

This gives to Congress supervisory control over the time, place, and manner of holding elections for Representatives in the several States. The Legislature of each State shall fix the time, place, and manner of holding these elections in the first instance, but this provision gives to Congress not only the right to alter these regulations, but to make new ones so far as the election of Representatives is concerned. And when can this power be exercised? Congress can make new regulations or alter existing ones for any cause at any time whenever it shall see proper to do so. There is no restriction or limitation as to when this power may be exercised. It is left to the sound discretion of Congress to exercise it whenever it shall see fit to do so. There is no prescribed public necessity or condition-precedent to the exercise of this power by Congress when it has once been regulated by the State. The language of the Constitution is, "But the Congress may at any time, by law, make or alter such regulations." The Constitution not only fixes the qualification necessary to entitle an elector to vote for Representative, but it also gives to Congress the power to fix by law the time and place where that right shall be exercised, and also to make regulations as to the exercise of that right. If it was the intention of the framers of our Constitution to leave it to the State, and to the State only, to make such laws as they shall see fit, why these provisions of the Constitution? for what purpose were they put into that instrument? What purpose was intended by the framers of that Constitution in inserting these provisions if it was not to confer upon Congress the power to enact these very regulations now sought to be repealed?

If this is not so where is the necessity of such constitutional provisions as these? What was the necessity or purpose in doing more than to leave it to the State to say what the qualifications of electors should be, and to leave it wholly with the State to provide for the time, place, and manner of electing Representatives? Why give to Congress supervisory control and the power to make such regulations as it shall see fit and proper in respect thereto? Certainly this was unnecessary if the construction contended for by our democratic friends is the correct one to be given to that instrument. But it is not; this is only the shelter behind which the more timid may seek protection to shield them from the indignation of an outraged constituency at the North for their perfidy in deserting their post of duty in the hour of peril, when their services were most needed and expected by the people, who, whatever their political opinions may be,

are certainly in favor of a fair and honest election. Sir, it is not singular that these excuses should be furnished to them by democrats from the South. It always has been so in the past, and for aught that can be seen will continue to be so in the future. We all remember quite distinctly how zealously these southern democrats insisted that the war for the suppression of the rebellion was unconstitutional; that it was the constitutional right of the States to secede from the Union if they wished to do so, and all acts to coerce such sovereign States were denounced as acts of usurpation. These weak and foolish subterfuges then as now were furnished by southern democrats to their northern friends and allies, and were echoed all through the North, but now as then a patriotic and liberty-loving people will look through these pretenses and fathom their designs, which they seek to conceal.

But, sir, it is insisted that these election laws are repugnant to the feelings and wishes of the people, and that for this reason they should be repealed. Is this true? Is it the desire and wish of the honest and patriotic people of this country that these laws should be repealed? Is it the wish of those who believe in the purity of the ballot-box and in fair as well as free elections that they should be expunged from our statute-books? Do men think so who believe that our free institutions depend for their permanency upon the honest will of the people expressed through a pure and honestly guarded ballot-box? Or is it those who think more of party and party success by whatever means accomplished than they do of the peace, permanency, and prosperity of our free institutions? Is it not the white-liners, rifle clubs, moonshiners, ballot-box stuffers, and repeaters and the recipients of their nefarious crimes and outrages that desire the repeal of these laws? So much has been said about interference by the General Government under these laws during this debate that I will call attention to it at length, so far as the same relates to supervisors, United States marshals, and their deputies. The law is as follows:

SEC. 2016. The supervisors of election, so appointed, are authorized and required to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a Representative or Delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they may deem proper to be so marked; to make, when required, the lists, or either of them, provided for in section 2026, and verify the same; and upon any occasion, and at any time when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purposes of identification to affix their signature to each page of the original list, and of each copy of any such list of registered voters, at such times, upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, detect and expose the improper or wrongful removal therefrom, or addition thereto, of any name.

SEC. 2018. To the end that each condidate for the office of Representative or Delegate in Congress may obtain the benefit of every vote for him cast, the supervisors of election are, and each of them is, required to personally scrutinize, count, and canvass each ballot in their election district or voting precinct cast, whatever may be the indorsement on the ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who, in accordance with the provisions of section 2025, has been designated as the chief supervisor of the judicial district in which the city or town wherein they may serve, acts, such certificates and returns of all such ballots as such officer may direct and require, and to attach to the registry list, and any and all copies thereof, and to any certificate, statement, or return, whether the same, or any part or portion thereof, be required by any law of the United States, or of any State, territorial, or municipal law, any statement touching the truth or accuracy of the registry, or the truth or fairness of the election and canvass, which the supervisors of the election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts may become known.

SEC. 2020. When in any election district or voting precinct in any city or town, for which there have been appointed supervisors of election for any election at which a Representative or Delegate in Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report, under oath, within ten days after the day of election to the officer who, in accordance with the provisions of section 2025, has been designated as the chief supervisor of the judicial district in which the city or town wherein they served, acts, of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein. And upon receiving any such report, the chief supervisor, acting both in such capacity and officially as a commissioner of the circuit court, shall forthwith examine into all the facts; and he shall have power to subpœna and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and, prior to the assembling of the Congress for which any such Representative or Delegate was voted for, he shall file with the Clerk of the House of Representatives all the evidence by him taken, all information by him obtained, and all reports to him made.

SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of twenty thousand inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application in writing of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times or places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.

SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration.

SEC. 2023. Whenever any arrest is made under any provision of this title, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

SEC. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him, in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this title, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrests, are, and each of them is, empowered to summon and call to his aid the bystanders or *posse comitatus* of his district.

SEC. 2025. The circuit courts of the United States for each judicial circuit shall name and appoint, on or before the 1st day of May, in the year 1871, and thereafter as vacancies may from any cause arise, from among the circuit court commissioners for each judicial district in each judicial circuit, one of such officers, who shall be known for the duties required of him under this title as the chief supervisor of elections of the judicial district for which he is a commissioner, and shall, so long as faithful and capable, discharge the duties in this title imposed.

SEC. 2026. The chief supervisor shall prepare and furnish all necessary books, forms, blanks, and instructions for the use and direction of the supervisors of election in the several cities and towns in their respective districts; he shall receive the applications of all parties for appointment to such positions; upon the opening, as contemplated in section 2012, of the circuit court for the judicial circuit in which the commissioner so designated acts, he shall present such applications to the judge thereof, and furnish information to him in respect to the appointment by the court of such supervisors of election; he shall require of the supervisors of election, when necessary, lists of the persons who may register and vote, or either, in their respective election districts or voting precincts, and cause the names of those upon any such list whose right to register or vote is honestly doubted to be verified by proper inquiry and examination at the respective places by them assigned as their residences; and he shall receive, preserve, and file all oaths of office of supervisors of election, and of all special deputy marshals appointed under the provisions of this title, and all certificates, returns, reports, and records of every kind and nature contemplated or made requisite by the provisions hereof, save where otherwise herein specially directed.

SEC. 2027. All United States marshals and commissioners who in any judicial district perform any duties under the preceding provisions relating to, concerning, or affecting the election of Representatives or Delegates in the Congress of the United States, from time to time, and, with all due diligence, shall forward to the chief supervisor in and for their judicial district, all complaints, examinations, and records pertaining thereto, and all oaths of office by them administered to any supervisor of election or special deputy marshal, in order that the same may be properly preserved and filed.

SEC. 2031. There shall be allowed and paid to the chief supervisor, for his services as such officer, the following compensation, apart from and in excess of all fees allowed by law for the performance of any duty as circuit-court commissioner: For filing and caring for every return, report, record, document, or other paper required to be filed by him under any of the preceding provisions, ten cents; for affixing a seal to any paper, record, report, or instrument, twenty cents; for entering and indexing the records of his office, fifteen cents per folio; and for arranging and transmitting to Congress, as provided for in section 2020, any report, statement, record, return, or examination, for each folio, fifteen cents; and for any copy thereof, or of any paper on file, a like sum. * * * And the fees of the chief supervisors shall be paid at the Treasury of the United States, such accounts to be made out, verified, examined, and certified as in the case of accounts of commissioners, save that the examination or certificate required may be made by either the circuit or district judge.

These are all the sections in full of this law bearing upon the duties of supervisors, marshals, and deputy marshals in respect to elections. And it will be seen they have reference to elections of Representatives and Delegates in Congress and nothing else. So far as State officers and State elections are concerned these supervisors, marshals, and deputy marshals have no power to interfere; they have nothing whatever to do with these; their powers, duties, and authority are confined strictly to the election of Representatives and Delegates in Congress.

Let me give a concise statement as to their powers and duties under this law. The supervisors provided for in this act are appointed by the United States circuit court upon the written application of citizens of that locality. Their number is limited to two for each election district or voting precinct, and they must be of different political parties. Their duties are as follows: First, to attend the registration of voters who being registered would be entitled to vote for Representative or Delegate to Congress; second, to attend at the election held for a Representative or Delegate to Congress; third, to guard and scrutinize such elections; fourth, to witness, inspect, and report thereon, with the right to challenge, scrutinize, count, and canvass each ballot, "to the end that each candidate for the office of Representative or Delegate to Congress may obtain the benefit of every vote for him cast."

Now let us see what the duties and powers of the marshals are. At an election when a Representative or Delegate to Congress is to be chosen, the marshal of that district, on the application of citizens, may appoint deputies to assist the supervisors of elections in the discharge of their duties. They are, also, to keep peace at the polls and preserve order. They are to prevent fraudulent registration and fraudulent voting. They are to arrest and take into custody, with or without process, any person who commits, or attempts to commit, any of the offenses prohibited in this act, or any offense against the laws of the United States. They can only arrest without warrant when the offense is committed in the presence of such officer.

What is there in all this that an honest man need be afraid of? What is there in these laws that any one wishing nothing else but honest and fair elections can object to? Do they in any way inter-

fere with the rights of the honest elector in the exercise of his right to vote? On the contrary, they protect him against the lawless and violent. Sir, where do the objections to these laws come from? Who asks for their repeal? Has their repeal been petitioned for by the people? Where is the petition that has been sent to this House asking that they be repealed? Nothing of the kind has been done, that we have heard of.

At the last session of the Forty-fifth Congress complaints were made by democratic Representatives from the city of New York against the marshals of that city, charging them with abusing the power conferred upon them by this law at the preceding November election. It was then alleged that these marshals arrested and imprisoned electors who were entitled to vote, and in that way they were prohibited to vote at that election. These gentlemen asked to have the alleged charges made against the official conduct of those officers investigated. The Judiciary Committee was charged with the duty of making this investigation, and what was the result? I will let that question be answered by a member of that committee who assisted in conducting the same. On the 19th of February last the distinguished gentleman from Maine [Mr. FRYE] rose in his place and said:

I have just returned from an investigation into New York politics and New York elections. I have a few figures which I desire to give of that monstrous election of 1868, the most monstrous and marvelous that ever was held anywhere in this world for fraud, for wickedness, and for every device of the devil that the democratic party under the lead of Tweed and Tammany could suggest. Look at the horrible picture, and then tell me, do you wish it repeated?

In 1868 the supreme court of the State of New York suddenly came to the rescue of the democracy as a naturalization power. Prior to that year the court of common pleas and the superior court alone had issued naturalization papers. In 1868, on the 6th day of October, the supreme court, presided over by Judge Barnard, afterward impeached, naturalized in one single day twenty-one hundred and nine persons, and the superior court, Judge McCunn, also impeached, alone naturalized nine hundred and fourteen persons on the 19th day of October of that year.

In 1864 the supreme court of New York naturalized in the month of October ten thousand and seventy persons, and the superior court in the same month naturalized 27,897 persons, an average of a thousand a day. The common pleas court, an honest old court, out of fashion and favor with the democracy, naturalized only thirty-one hundred and forty-five persons.

More than five thousand minors presented their minor papers, were heard, and their case passed upon in one single court in New York City, and received certificates only to save the necessity for the two years' declaration of intention. In more than twenty thousand cases neither witness nor applicant ever appeared inside of either one of the New York courts. The papers were distributed in bundles to groggeries and groceries, to houses of ill-fame, to bar-rooms and billiard-rooms, in blank and filled up, as men called for them. In scores of instances ignorant natives of the United States voted upon these naturalization papers. They were sent in packages, five hundred in a package, up into the river counties of New York. They were sent, a thousand in a package, into the State of Connecticut, along the New Haven Railroad, and New Jersey received the full benefit of this democratic machine. In one instance they were delivered to thirty-six men working in a brick yard, the names being written in on the top of a machine. They were sold in scores of places for from fifty cents to $2 each.

There was one naturalization room where these poor ignorant fellows were sworn by a mock judge to support the Constitution and vote for Hoffman, and then received their papers clothing them with citizenship.

The superior court of New York was furnished in advance with thirty thousand blank certificates of naturalization; the supreme court with thirty-nine thousand; making sixty-nine thousand blank certificates in all. A count was made by the clerk of the court to ascertain the number that was left after the naturalization was over, and only eighteen hundred and some odd of these blanks were left. Therefore there were naturalized either in court or in Tammany Hall headquarters from sixty thousand to sixty-nine thousand in the year 1868, notwithstanding the records show only about forty thousand.

There were nine standing witnesses, with a captain of the squad, witnesses in behalf of nearly seven thousand persons desiring to become citizens. One of them, the captain of the squad, was a witness in one court in nine hundred and eighty-six cases, and the judge knew personally that he was a drunken thief. He swore that he knew all the men, while he probably did not know one single one of them, and the judge knew that he did not. That judge has since been impeached. What a loss to the party!

Nine men, repeaters, registered in three hundred different places, and voted in nearly every one of them. Men voted from two to forty times upon false registration. One vacant lot had registered from it one hundred and eighteen voters. More than five hundred persons were registered from localities where but fifteen actual residents could be found. And what shall I say more—for the time would fail me to tell of Tammany, of Tweed, of Tilden, and of Barnard, of McCunn, and the political scoundrels who through such rascality wrought works of unrighteousness and carried the State of New York for Hoffman by ten thousand majority.

Now, take the vote of 1868. The total increase during the thirty years previous was at the rate of 4½ per cent. a year. The vote for 1868 showed an increase of 49¾ per cent. in that single year. The average ratio of voters to the population from 1842 to 1860 was 8.41 per cent.; in 1868 the average ratio of voters to population was 1 to 4.65. Marvelous increase!

The committee of Congress sent there in 1869 to investigate this election found, as the result, that from fifty to sixty thousand fraudulent votes were cast.

Mr. Chairman, these crimes and outrages upon the purity of elections are without a parallel. Of all the outrages upon the ballot-box known in all past political contests, these are the most infamous. Much has been said about the outrages committed by ballot-box stuffers in different parts of the country, and the crimes committed by rifle-clubs, and moonshiners, in the Southern States. But bad as they are known to have been, I declare that, all things considered, these crimes and outrages perpetrated in the city of New York equal, if they do not eclipse, them all. These crimes and outrages upon the purity of elections were conceived and carried out by the democratic party in this the greatest commercial city in the Union, famous for its wealth and intelligence, where one would naturally expect the laws to reign supreme, and where, under the control of "the finest police in the world," any fraud on that safeguard of our liberties, the ballot-box, would be impossible. But turning our eyes from this disgraceful spectacle to the States so lately in rebellion against the Government of the United States, what do we behold? There we see the democratic party engaged in open violence, intimidation, and fraud, hesitating at nothing to carry out their measures to become the dominant party, equally ready for a Hamburgh massacre, or a thousand tissue-paper ballots, wherewith to overcome the colored vote without killing the voters, yet equally loud with the democrat from the Empire City in demanding the repeal of these laws. Indeed, their repeal is demanded by the democratic caucus, which is not only directed but controlled and governed by these democratic Representatives from the South.

The frauds perpetrated in our great cities at elections, and the open, bold, and flagrant violations of the law in the States so recently in rebellion render these laws indispensable, unless it is the purpose and intention of gentlemen on the other side to abolish all restraint and allow these things to be repeated at the pleasure of any person so disposed. Can this be what gentlemen mean by a free ballot, untrammeled elections, and unlimited freedom at the polls, of which they have spoken so long and so loud? During the course of this debate southern democrats have not only spoken exultingly of the return of that party to power, but have arraigned the republican party for what was done by it during the war for the suppression of the rebellion. Let me call attention to the manner in which that party is arraigned by the gentleman from Mississippi, [Mr. CHALMERS.] In a speech delivered by him a few days ago on this floor, he said:

We not only made no threats "to shoot the Union to death," but we said to you, as the patriarch Abram said to Lot, let there be no strife between thee and me, you may go to the North and we will go to the South. But it was you who said to us you shall not go. You sent grand armies after us. You hemmed us in by land and by sea. You not only threatened to shoot but you shot us to death. With the battle-cry upon your lips of the Constitution as it is and the Union as it was, you rallied the whole North without regard to party in defense of the old flag, and when the battle was won you tore off the veil that covered your hideous deformity; you dissolved the Union that you had saved; you changed the Constitution of our fathers for which you had pretended to fight; you changed State sovereignties into military provinces; you converted the constitutional Union by usurpation into almost a military despotism presided over by a successful military chieftain.

It is true, as stated by that gentleman, that we said to them they should not go; we also sent great armies after them, and we hemmed them in by land and by sea until they surrendered and acknowledged the supremacy of our Government. But it is not true that our battle-cry was "the Constitution as it is and the Union as it was," and in that way rallied the whole North, without regard to party, in defense of the old flag. This cry of "the Constitution as it is and the Union as it was" came from a party in the North opposed to the war, and which in national convention prior to that time had declared that the war for the suppression of the rebellion was a failure. Do gentlemen have any difficulty in understanding to what party I refer? It is the same party that is here demanding the repeal of these, to them, obnoxious laws, and that were far more effective in their attacks made in the rear of our armies than were these gentlemen who boast of the part they took in attacking our front. And this cry of "the Constitution as it is and the Union as it was" was not urged by the democracy of the North until they knew that the rebellion was near its close. But, sir, I submit, in all candor, that for gentlemen who did all in their power to destroy this Government and dissolve this Union to undertake to denounce what was done by the Government for its preservation shows an utter disregard of the gratitude they should feel toward the Government for the leniency extended to them and all others engaged in the rebellion.

Is it not a novel spectacle to witness gentlemen here on this floor of the House of Representatives, who so recently did all they could to put an end to the union of these States, not only dictating the laws that shall be passed by Congress, but also criticising what was done by the Government in suppressing the rebellion in which they were engaged. Such arrogance and audacity is without a parallel, unless it be found in the alacrity with which the doughfaces of the North do their bidding; for they are the aiders and abettors of the South in all things. Do gentlemen of the South think that their declared purpose to strike the last vestige of war measures from the statute-books is a fitting return for their restoration to all their civil and political rights; admitted to be an act of magnanimity unparalleled in the history of any country?

Sir, it is insisted by gentlemen that we are endeavoring to engender sectional strife and ill-will, because we see proper to refer to the past record of the democratic party in the discussion of these measures. If gentlemen are sincere in making this complaint, why is it that they persist in introducing these measures that necessarily provoke such discussion? Is it expected of us to remain entirely silent, and allow the things to be done they are here attempting to do without lifting our voice against them? During the war, gentlemen of the South said all they wanted was to be let alone, but we did not let them alone then, and we do not propose to let the democratic party alone now, and by so doing enable them to accomplish by legislation what they failed to do by force of arms.

It has been insisted by some gentlemen on the other side that if these appropriation bills are vetoed by the President, and for that reason the necessary appropriations for the support of the Government are not made by Congress, the responsibility rests with the republican party. We all know that this is not true, and it is advanced only by those who are afraid to meet the just responsibility and consequences of their own acts and that of the party to which they be-

long. Gentlemen on the other side say to the President and to us, "If you will consent to the repeal of these laws providing for fair and honest elections, and will agree that no interference by the Army or Navy or other persons shall under heavy penalties be permitted to keep the peace at the polls, then we will appropriate all the money necessary for the support of the Government; but if you will not consent to do this, the Government shall not have one dollar for its support." My democratic friends, this is the position you assume, and you take all the responsibility resulting therefrom. In other words, you say, "You must agree that we shall have our own way about other independent legislation, or we will not give one dollar to the Government for its support, let the consequences be what they may." And gentlemen of courage and candor among you admit this to be your position. The distinguished gentleman from Kentucky [Mr. BLACKBURN] who now occupies the chair, and an admitted leader on your side of the House, so stated the other day in the following bold and distinct utterances:

I am willing, and those with whom I stand are willing, to accept this issue, and we go further, we tender it. We are the ones to make the issue and we are ready for you to accept it. Planting ourselves upon this broad ground, we welcome controversy. We seek no quarrel with you, but for the first time in eighteen years past the democracy are back in power in both branches of this Legislature, and she proposes to signalize her return to power; she proposes to celebrate her recovery of her long-lost heritage by tearing off these degrading badges of servitude and destroying the machinery of a corrupt and partisan legislation.

We do not intend to stop until we have stricken the last vestige of your war measures from the statute-book, which like these were born of the passions incident to civil strife and looked alone to the abridgment of the liberty of the citizen.

We demand an untrammeled election; no supervising of the ballot by the Army. Free, absolutely free right to the citizen in the deposit of his ballot as a condition-precedent to the passage of your bills.

* * * * * * *

Now, sir, the issue is laid down, the gage of battle is delivered. Lift it when you please; we are willing to appeal to that sovereign arbiter that the gentleman so handsomely lauded, the American people, to decide between us.

Standing upon such grounds, we intend to deny to the President of this Republic the right to exercise such unconstitutional power. We do not mean to pitch this contest upon ground of objection to him who happens, if not by the grace of God, yet by the run of luck, to be administering that office.

I tell you here that if from yonder canvas [pointing to the picture of Washington] the first President of this Republic should step down and resume those powers that the grateful people of an infant Republic conferred upon him as their first Chief Magistrate, if he were here, fired by that patriotic ardor that moved him in the earlier and better days of this Republic, to him we would never consent to yield such dangerous and unwarranted powers, to rest the liberties of the citizen upon any one man's discretion, nor would he receive it.

It was not for the earlier but for the later Executives of this Government to grasp and seek to retain such questionable prerogatives. You cannot have it. The issue is made; it is made upon principle, not upon policy. It cannot be abandoned; it will not be surrendered. Standing upon such ground, clothed in such a panoply, resting this case upon the broadest principles of eternal justice, we are content to appeal to the people of this land. There is no tribunal to which we are not willing to carry this case of contest; we are willing to allow Him who rules the destinies of men to judge between us and give victory to the right.

I do not mean to issue a threat. Unlike the gentleman from Ohio, I disclaim any authority to threaten. But I do mean to say that it is my deliberate conviction that there is not to be found in this majority a single man who will ever consent to abandon one jot or tittle of the faith that is in him. He cannot surrender if he would. I beg you to believe he will not be coerced by threats nor intimidated by parade of power. He must stand upon his conviction, and there we will all stand. He who dallies is a dastard, and he who doubts is damned. [Great applause on the democratic side.]

Sir, these are the declarations boldly and defiantly made by the acknowledged leader of the other side, and he has stated as plainly as language can do what their real purposes are, and he admits that the consequences of a failure to appropriate money for the maintenance of the Government rests upon the democratic party.

Gentlemen, have you seriously considered all the consequences of a failure to make the necessary appropriations for the support of the Government? Have you carefully and honestly contemplated the results that will follow from such an act? If you have, and are willing to assume the responsibility, as you declare you are, then I declare your act to be revolutionary and you, one and all, to be revolutionists. I declare your crime against the Government it is your duty to support and defend but little better than treason—but little better than the bloody rebellion you inaugurated and prosecuted for its overthrow.

Sir, this Government raises annually by taxation in one form and another a little over $200,000,000 of revenue. By whom and for what purpose is it paid into the Treasury of the United States? Of this vast sum the whole of it is paid by the people of the States that did not secede but remained in the Union, excepting a little over $13,000,000, of which sum of thirteen millions Virginia paid for tobacco tax over $6,000,000. For what purpose is this money paid into the Treasury by the people? It is paid in for the following purposes, and for these only: for pensions to widows and disabled soldiers; to pay the public obligations; and to pay the annual expenses of the Government. The amount required for these purposes is susceptible of calculation and certainty. It is the duty of Congress to ascertain how much will be required for these purposes, and when this amount has been ascertained it is as much the duty of Congress, under the Constitution, to appropriate the same as it is to do any other act it is called upon to perform, for without it the Government must cease to exist. To assume the responsibility of not doing so is to disregard and set at defiance the plainest obligations of constitutional duty. Gentlemen on the other side have said repeatedly on this floor that unless these securities and safeguards to the ballot-box were broken down they would do this very thing. I warn them now that if they do they will bring down upon themselves the indignation of an outraged people, and that the place that knows them now shall know them no more forever. Sir, before closing, let me call attention to the real motives and purposes of the democratic party. Do they urge the repeal of these laws to secure fair and free elections? Is it to enable the will of the majority fairly and honestly expressed through the ballot-box to determine who shall fill the various elective Federal offices? Are gentlemen prompted by these considerations in putting this proposed legislation upon the appropriation bills for the support of the Government? Not at all. They hold their boasted majority in both branches of Congress at this time by means of intimidation, violence, ballot-box stuffing, and fraud as notorious and open as the light of day. They know that with anything like a fair election for President in 1880 defeat to their candidate will be the inevitable result. Hence their deep-felt anxiety for the repeal of these laws. But, sir, in this, like other conspiracies against the rights and liberties of the people that have marked their course in the past, they will be overwhelmed and defeated.

Mr. DEERING. Mr. Chairman, I will occupy the attention of the House but for a very short time. All legal points involved in the pending proposition have been fully considered and ably handled by gentlemen who have already spoken. I will not, therefore, enter upon that branch of the discussion, but will submit a few remarks of a general character which have been called out by numerous ill-timed and ill-tempered political speeches from the other sid of the House.

Mr. Chairman, the spectacle which we now present before the civilized world is, with perhaps one or two exceptions, the most humiliating and disgraceful of any in the history of this Republic. To other nations, at least, we certainly must appear to stand on the very verge of anarchy and revolution. The speeches and actions of those on the other side of the Hall who "put this ball in motion" will bear that interpretation and no other. Other nations will be interested to know, as our own people were, why we have this new and uncalled-for discord and disorder. Sir, the inquiry was well answered by the distinguished orator and leader on the other side of the Chamber, [Mr. BLACKBURN,] and in the following words, which have been so often quoted here:

For the first time in eighteen years past the democracy are back in power in both branches of this Legislature, and she proposes to signalize her return to power; she proposes to celebrate her recovery of her long-lost heritage by tearing off these degrading badges of servitude and destroying the machinery of a corrupt and partisan legislation.

We do not intend to stop until we have stricken the last vestige of your war measures from the statute-book, which like these were born of the passions incident to civil strife and looked to the abridgment of the liberty of the citizen.

Many others on that side have made, in substance, the same declaration.

This, sir, is the very answer that any person acquainted with American history would expect. Every intelligent person knows that this modern democratic party has left all along the highway over which it has traveled unmistakable evidence of violence and disorder.

For many years this party kept the country "on the ragged edge" of revolution, and finally plunged the differing sections into fratricidal and bloody war. Deserted and betrayed by her northern allies, the South was left to fight it out single-handed and alone. She was fairly whipped into submission and kept for a number of years under reasonable control.

Through clemency and magnanimity on the part of the victors (which I fear was misapplied) the old party has returned to power in the halls of Congress. And we see the result. Let the country and those who may come after us take warning. They abuse our generosity and celebrate their return by dealing new and stunning blows at the very life of the Government by an assault upon the Constitution and the laws of the country; by an attempt to tear away the safeguards which surround and protect the ballot-box. Sir, they do not even come in disguise, but in their old-time character, and the old spirit of contention and strife is still dominant in all their proceedings. Their first movement aims directly and solely at the perpetuity of their party supremacy in the Government. And in this they but follow those practices in which they were long since schooled and skilled. They know very well that the pure and free ballot, fairly counted in every city and State, would soon hurl their party from power and relegate their leaders to private life. Consequently all obstacles to repeating and stuffing at the ballot-box must be speedily removed.

By a system of tyranny and oppression that will forever stain and dishonor the pages of southern history, they have succeeded in stilling the voice of the weaker race and in strangling out their rights and privileges at the polls. The colored people of the South have been virtually disfranchised under a reign of terror and cruelty that will stand forth as a lasting disgrace to American civilization.

But, sir, it has given to the democratic party a solid South, and they now propose to extend their conquests over northern cities and States. The State of New York is their objective point. They have not forgotten the facility with which that State was formerly kept in hand. It was best stated by a quondam candidate of the democratic party for the Presidency, Mr. Greeley, in his famous letter to their later candidate, Mr. Tilden. On the 20th day of October, 1869, Mr. Greeley, in his letter, said:

Mr. Tilden, you cannot escape responsibility by saying, with the guilty Macbeth—

"Thou canst not say I did it; never shake
Those gory locks at me!"

for you were at least a passive accomplice in the giant frauds of last November. Your name was used, without public protest on your part, in circulars sowed broadcast over the State, whereof the manifest intent was to "make assurance double sure" that the frauds here perpetrated should not be overborne by the honest vote of the rural district. And you, not merely by silence, but by positive assumption, have covered those frauds with the mantle of your respectability. On the principle that "the receiver is as bad as the thief," you are as deeply implicated in them to-day as though your name were Tweed, O'Brien, or Oakey Hall.

* * * * * * *

Right well do you comprehend the means whereby the vote of 1868 was thus swelled out of all proportions. There are not twelve thousand legal voters living in those wards to-day, though they gave Hoffman 17,443 majority. Had the day been of average length, it would doubtless have been swelled to at least twenty thousand. There was nothing but time needed to make it one hundred thousand, if so many had been wanted.

It is well remembered that Mr. Tilden was leader of the managing forces and organizations of the democratic party in that State, and that the frauds referred to were not accidental, but were deliberately planned and perpetrated as one of the established methods to party success.

They now find in these supervisor laws a hinderance to similar frauds and practices in the future and the only real obstacle to the coveted prize—the next Congress and the next Presidency. This barrier must be removed at any cost, and that is the work upon which they have entered here.

Why, sir, they did not even wait for their advancing majority in the Senate to reach their seats, but under the intoxication of power and the frenzy of party passion dashed wildly upon our works. They now defiantly inform us that this mad act shall be carried to a successful issue even though they may "sit here until this Congress shall expire by constitutional limitations." Well, sir, such menaces and threats do not alarm us very much. They are not new to northern ears. Gentlemen from the South ought to know the North after a while. Four years of deadly encounter must have taught them something. In 1860 and 1861 the northern people knew they were right, and they stood their ground. In 1879 we again know that we are right, and we will be at our post of duty to the end. We can venture as far in defending as they can go in tearing down the frame-work of free Government.

They now assert with great positiveness that their action in this matter is justifiable and is right. Just so they declared in 1861, and as late as 1864, in their national convention at Chicago, that the war was a failure. But results have since shown that they have been often mistaken heretofore, and they may be in this instance.

But, sir, the most striking and amusing feature of this debate has been the loud protestations on the other side of the House of a desire to avoid "sectional strife." They first hurl these fire-brands into our camp, and then implore of us that we will not be unkind and resist or resent lest it should revive "old animosities." It seems rather late to deplore the conflagration after they have applied the torch with their own hands. It will be very difficult for you, gentlemen, to justify this precipitate and ill-starred act before the people, when we know, and you know, and the country knows that no election of importance under the supervisor laws can transpire until after another regular session of Congress. It was not even possible that any interest should suffer by delaying this action until next fall, and by giving to the country a season of rest and to the people an opportunity to express their wishes and opinions at the polls.

But, sir, it was, as I understand, decided at democratic headquarters that the success of their party in 1880 depended upon the repeal of these laws, and they were impelled to this rash venture by party purposes and advantages. All other considerations dwarfed into nothingness in comparison with party interests, and were made to bend to this one inexorable demand and decree. They dare not trust their fortunes to the well-guarded and well-regulated ballot, and therefore these safeguards and this protection must be broken down. At the same time we find them earnest in adjurations of sectional strife, and constantly pleading for peace.

Mr. Chairman, at the close of the war there was one great actor who said "let us have peace," and meant just what he said. He and his associates hung up their swords, and turned their attention to pursuits and practices of peace. Our people longed for tranquillity, and for good order and good-will. Had the South acted in good faith, all the now gaping wounds would have been long since healed. And if they now desire oblivion for all that is unpleasant in the past, they can easily find the way to peace and concord. They will find always a generous response from the North. Our people ardently desire harmony. But you cannot wrench from us our rights and our convictions. Nor can you reasonably expect harmony if you persist in carrying out the threat with which you have "signalized your return to power." You cannot "tear from the statute-books the last vestige of the war measures," and avoid "sectional strife." Under God the results of the great war must stand at any cost.

You can have peace and harmony and concord by simply obeying the Constitution and the laws of the country. But in view of your constant encroachments and exactions the northern people cannot be blamed for regarding your professions and protestations with distrust and suspicion. We do not know what may be the next step taken and the next demand.

Some things, sir, we cannot yield, and they had better not press these demands too far. We have not yet repented of the part we took in the late war. We do not like to believe just yet that it was any less respectable and patriotic to fight in defense of this Goverment than it was to fight for its destruction. We still believe that the republican party did well in releasing several millions of human beings from bondage, and think the reconstruction laws and those which require the payment of the national debt and pensions to Union soldiers are defensible and should be allowed to stand on the statute-books with many other acts of a similar character which grew out of the rebellion.

But, sir, how soon they may commence their assaults on these we cannot tell, nor when these demands will end. The general spirit and scope of remarks made by scores of speakers on the other side have been in effect that the measures and the policy of the republican party since 1861 have been a series of usurpations and great wrongs, and that the "last vestige" must be stricken from the book of remembrance. Such was the spirit of the entire speech of the distinguished gentleman from Kentucky. The able and usually candid gentleman from Mississippi, [Mr. SINGLETON,] in his speech of April 9, used this language:

I acquiesce in the partial repeal of the supervisors law, with notice to all concerned that I accept this as only the first installment of justice due to a long suffering people, and that I shall hereafter claim full payment of the debt by the abrogation of every line, word, and letter of said act.

Similar but more violent and suggestive utterances have fallen from the lips of many others.

In addition to this, sir, the old-time heresy of State sovereignty, or State rights, as it is more commonly called, has been rehabilitated and brought into prominence in this Chamber. Late in the last Congress the gentleman from Mississippi [Mr. SINGLETON] said, in reply to Mr. Foster, of Ohio:

I owe my first and highest allegiance to the State of Mississippi. That is my doctrine.

And since that time, notably since this new scheme has been under consideration, this dangerous doctrine has been advocated as openly and defiantly as it was in 1860. Under this theory of government, sir, they would again advertise to the world the miserable delusion that this Union of States is no better than a rope of sand, and is as easily disintegrated and destroyed. Now, sir, these declarations do not alarm us, by any means, but they do prove the base ingratitude of gentlemen who hold their seats on this floor through the generous clemency of the North.

Mr. Chairman, if any evidence has been wanting to convince the country and the world that the democratic party is dangerous and cannot be again trusted to administer this Government these exhibitions of bad faith and sectional spite cannot fail to furnish it. It seems rather early for them to forget that we have but recently fought over and settled the question of State rights on the "darkened and perilous ridges of battle." If they forget it the people of the North and West will not.

A great deal has been said about starving this Government to death, or destroying it by some other method; but, sir, it is not in the power of any party on this floor or in this country, from the South or from the North, to destroy this Government. There must be and is somewhere about the Constitution lodged the inherent power of self-preservation.

The time never has been and never will come when a mere handful of men who happen for the time being to hold brief authority in this Chamber or elsewhere can deliberately overturn and destroy this Government. If it should ever come to the alternative of deciding between providing supplies and the extinction of the functions of Government, money would, as I believe, come like rivers of water, voluntarily and without stint, to its relief; but if it should not, then, as a last resort, I am certain that extreme and extraordinary measures would be adopted. Stern necessity in any great exigency would not only justify but demand the sacrifice of certain minor rights in order to save from threatened extinction the vital forces and underlying principles of free government.

No, sir; those who have already assailed, or may hereafter assail, will perish and pass away, but this "Government of the people, by the people, and for the people" will remain to bless mankind long after those who fill these places shall have gone to their long rest and been forgotten.

Now, Mr. Chairman, a few words in relation to these supervisor laws which it is proposed at once to repeal. These laws apply simply to elections for Representatives or Delegates in Congress, and not in any sense to the election of local and State officers; not to small towns or to sparsely settled portions of the country, but to large cities and towns of twenty thousand inhabitants or upward. In these large cities, where an unknown and shifting population favors the perpetration of frauds by repeating and ballot-box stuffing, these laws provide for the appointment of supervisors by the United States circuit court, and from opposing political parties. They are appointed only on request of two or more citizens of good standing, and are required to guard and protect the ballot-box and the rights of voters in such manner as to secure a free and fair exercise of the rights of suffrage and an honest count of the votes. I will ask that several sections of the law may be read, and allow them to speak for themselves:

SEC. 2011. Whenever, in any city or town having upward of twenty thousand inhabitants, there are two citizens thereof, or whenever, in any county or parish, in any congressional district, there are ten citizens thereof, of good standing, who, prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or prior to any election at which a Representa-

tive or Delegate in Congress is to be voted for, may make known, in writing, to the judge of the circuit court of the United States for the circuit wherein such city or town, county or parish is situated, their desire to have such registration, or such election, or both, guarded and scrutinized, the judge, within not less than ten days prior to the registration, if one there be, or, if no registration be required, within not less than ten days prior to the election, shall open the circuit court at the most convenient point in the circuit.

SEC. 2012. The court, when so opened by the judge, shall proceed to appoint and commission, from day to day and from time to time, and under the hand of the judge, and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election.

SEC. 2016. The supervisors of election, so appointed, are authorized and required to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a Representative or Delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they may deem proper to be so marked; to make, when required, the lists, or either of them, provided for in section 2026, and verify the same; and upon any occasion, and at any time when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purposes of identification to affix their signature to each page of the original list, and of each copy of any such list of registered voters, at such times, upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, detect and expose the improper or wrongful removal therefrom, or addition thereto, of any name.

SEC. 2017. The supervisors of election are authorized and required to attend at all times and places for holding elections of Representatives or Delegates in Congress, and for counting the votes cast at such elections; to challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, may doubt; to be and remain where the ballot-boxes are kept at all times after the polls are open until every vote cast at such time and place has been counted, the canvass of all votes polled wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States, or any State, territorial, or municipal law, and to personally inspect and scrutinize, from time to time, and at all times, on the day of election, the manner in which the voting is done, and the way and method in which the poll-books, registry list, and tallies or check-books, whether the same are required by any law of the United States, or any State, territorial, or municipal law, are kept.

SEC. 2018. To the end that each candidate for the office of Representative or Delegate in Congress may obtain the benefit of every vote for him cast, the supervisors of elections are, and each of them is, required to personally scrutinize, count, and canvass each ballot in their election district or voting precinct cast, whatever may be the indorsement on the ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who, in accordance with the provisions of section 2025, has been designated as the chief supervisor of the judicial district in which the city or town wherein they may serve, acts, such certificates and returns of all such ballots as such officer may direct and require, and to attach to the registry list, and any and all copies thereof, and to any certificate, statement, or return, whether the same, or any part or portion thereof, be required by any law of the United States, or of any State, territorial, or municipal law, any statement touching the truth or accuracy of the registry, or the truth and fairness of the election and canvass, which the supervisors of election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts may become known.

Sections 2016 and 2018 and several other sections they now propose to repeal and to leave the supervisors utterly powerless, except to view the proceedings at elections as any other spectator would do in case they can obtain access to the polls; not to repeal them by the usual course of legislation, but by attaching to appropriation bills for sustaining the Army and carrying on the various departments of the Government. They admonish the President that if he shall decline to sign bills which his convictions do not perhaps approve, then the virtue of coercion is to be applied. It is for him, not me, to decide this question and his duty in connection therewith. It is for the people to consider and to pass upon the party that is responsible for these extraordinary and uncalled-for proceedings.

Mr. Chairman, it is our boast and our pride that there is on earth one place where the rich man and the poor man can meet as equals and on a common level, where the humblest citizen in the land is the peer of the most favored and most exalted in station. That place is at the well-regulated and well-guarded ballot-box. Each one expresses his will through his vote, and the will of each has precisely the same weight and influence in making and unmaking officers and laws. The guarantee of permanency in our free institutions and our popular form of government is in the rigid maintenance of the free and unobstructed ballot and the fair and honest count of the votes.

These supervisor laws which the democratic party propose now to repeal were wisely designed as a shield and protection to this sacred privilege, and there is no evidence that they have failed to accomplish the purpose for which they were enacted. Party interests alone have required the proposed change, and those who cannot consent to the repeal without surrendering their convictions of right and violating their oaths of office are to be coerced into submission under a menace in the hour of pressing necessity. But, sir, in utter ignorance of the feelings and purposes of the President, and without regard to what he may or may not do, I do not hesitate to venture the prediction that the same unseen hand that brought their late attempt upon the life of the Government to inglorious defeat will also bring this conspiracy to ignominious failure.

Mr. CLARK, of Iowa, addressed the committee. [See Appendix.]

Mr. HUMPHREY. Mr. Chairman, it has been frequently said upon the floor of this House, and the reference has been frequently made, that in dealing with this question we might look back to the powers that have been heretofore exercised by the House of Commons. We were referred a short time since by the gentleman from New York to the celebrated case of Ashby against White, for the purpose of showing that in that case the court of the king's bench decided that Ashby was entitled to bring a private action for damages for refusal to receive his vote.

Now while it is time, let us look for a moment to this case for the purpose of ascertaining what was the action of the House of Commons in the given case. It is true that it was decided in that case by Justice Holt, and on a writ of error to the House of Lords his opinion was affirmed, that the party whose vote was refused at the polls might bring his private action. Yet the House of Commons, immediately on the bringing of that action by Ashby against the returning officer of Aylesbury, took action and said that it was a breach of the privileges of the Commons of England for any individual to bring an action of that character. And while eleven judges decided, three in particular, that it was a breach of the privileges of the House of Commons, yet after the House of Lords on a writ of error brought before it reversed their action the House of Commons arrogated to itself the power to determine the right and privilege and decided that the court of king's bench was in contempt for entertaining an action of that kind.

After the House of Lords had passed resolutions declaring that it was not a question of privilege for the House of Commons to determine, and after the prorogation of Parliament and after Parliament had been convened again, other parties having brought the same action for damages, an action of trespass on the case, to determine their rights for having their votes refused, not only were the parties arrested and brought before the bar of the House of Commons but the attorneys and solicitors who acted in the case were also brought before the same bar and all were imprisoned.

I speak of this case in order to show that while it was correctly decided that an action did lie for the refusal to receive the vote of the voter, yet the exercise of the power on the part of the House of Commons was arrogant and unwarranted. The action and power of the House of Commons has frequently been cited in the past three weeks; yet it was a power which they were not entitled to exercise, but which they delegated to themselves and exercised in defiance of the law and of the privileges and liberties of the citizens of England. The House of Commons did imprison not only those who brought the action but the attorneys and the solicitors who brought the action for them.

While the House of Lords resisted the encroachment of the Commons, the action on the part of the House of Commons had gained a new impetus on their part, because a short time prior a man by the name of Colepepper at the head of one of the grand juries in one of the counties of England had signed a petition to the House of Commons to vote supplies that the wheels of the government might go on, and they had imprisoned him, and did so time after time until he was obliged to submit and on his knees ask pardon of the Commons. I say that being inspirited by their successes, this controversy was brought on between the Commons and the Lords and resulted in the imprisonment of the attorneys and of the parties who brought the action. And when the House of Lords called on the Queen to allow a writ of error in the cases for a *habeas corpus* in their behalf, her answer was that it might be proper for her to do so, but as she had no longer any reason to keep the two Houses of Parliament in session she would dissolve Parliament. She did so, and thus by that dissolution, says Hallam, a great constitutional question was avoided.

I speak of this to show that although the famous case of Ashby against White was decided on principle asserted by Justice Holt, yet the action of the House of Commons when referred to in this case and in others was an instance of arrogation of power which they had frequently delegated to themselves but which from that day to this they have never again attempted.

Mr. BRAGG. Has not the supreme court of your own State confirmed the decision in the case of Ashby against White?

Mr. HUMPHREY. I said in the outset that the case of Ashby against White was correctly decided; that he had a right to bring his private action for damages for the refusal to receive his vote. I cited the case, however, to show that the House of Commons of England, like all other numerous bodies, in the exercise of power is prone to excess. The democratic party, inspired by its accession to power in both Houses, has started out in the same career of excess of power, and if continued their lease of power will be brief. I cite it as an exercise of power that was not warranted on the part of the House of Commons by the constitution of England.

The supreme court of the State of Wisconsin did decide a case in reference to the right of suffrage, and it arose in this way: some time before I became a resident of the State of Wisconsin a vote of the people of the State was taken to decide whether colored men should have the right to vote. It was decided, I believe, by the official canvassers that a majority of all the votes cast at the election was necessary in order to adopt it, and hence for a time the colored man was deprived of his vote. After I settled in Wisconsin, in 1855, a colored citizen sued an election officer for refusing his vote, and the supreme court of the State decided that a majority of all the votes cast was not necessary for the adoption of the provision in reference to colored suffrage, but simply a majority of the votes cast on that subject; and from March, 1856, until the present time the colored man has had the right to vote in the State of Wisconsin. Thus the supreme court of our State did affirm the principle of the case of Ashby *vs.* White.

I have simply cited the case to show that the House of Commons deemed it an infringement on the privileges of the House for an individual to bring such an action, and all who brought such actions were arraigned before the bar of the House, with their attorneys and solicitors, and imprisoned for that act by which they sought to determine their right to the elective franchise which they claimed under the laws of the land.

But I must hasten on. Mr. Chairman, the security against the military power did not consist in the principle cited by the gentleman from Kentucky, [Mr. CARLISLE.] He reminds the House that since 1707 the veto power has not been exercised in England. Now, I desire to state that the reason why the veto power has not been exercised in England since 1707 is the fact that from that time to this when a minister takes his place at the head of the government he assumes the responsibility of the acts of the government. He says in so many words, "I have advised the Crown to take this action; I take the full responsibility upon myself;" and the moment that any measure brought forward on the part of the government is defeated by the House of Commons, that moment either the ministry must retire or the House of Commons must be dissolved and new writs of election issued, so that the question may go to the country. Thus in sixty or ninety days the people can determine whether the government shall be sustained or not. This is the reason it is not necessary for the Crown to exercise the veto power any longer. In the early history of England, as we all know, bishops were lord-chancellors, and lord-chancellors were prime ministers, and the ministry was not responsible for the measures brought forward by the Crown. But from 1707 to the present day it has been understood that the ministry is the government; that when the House of Commons refuses concurrence in the measures of the ministry the latter must retire and a new ministry be formed.

We are told further that in all cases bills of supplies went hand in hand with a redress of grievances. Now, I desire to state as a matter of constitutional history in England that such is not the fact. From the very time that a ministry was formed in England, from the very day when money was appropriated specifically for given purposes, from the very day the law was passed imposing penalties upon the lord of the treasury should he order the payment of one dollar of money for a different purpose from that named in the appropriation, and likewise a severe penalty upon the officer of the exchequer if he paid such warrant—from that time to this the appropriation bills have flowed, as Hallam says, with redundant profuseness, and this is the only security that the liberties of the people of England have required from that day to this. The supplies of the army depend upon the action of the Commons, and no soldier can be paid without an annual appropriation for that purpose. The mutiny act must be passed each year, because without it no officer or soldier could be punished for any offense. Since the establishment of these principles no rider has been attached to an appropriation bill; the supplies have been furnished without reference to any riders. It was only before the people of England had any constitutional guarantee that if they granted supplies for a certain purpose they would not be diverted to some other purposes—it was only before that time that the redress of grievances went hand in hand with bills of supply. And when was that time? It was prior to the revolution of 1688.

At one time Charles the First conducted the government of England without a Parliament for seventeen years. He who was afterward his Lord Chancellor, Sir Henry Finch, revived the old statute in regard to ship-money in order that by this statute and the granting of licenses he might obtain money, and with this money raise a standing army of foreign emissaries and train bands among his own people without regard to Parliament. It was subsequent to that time—subsequent to the time when the act providing for triennial Parliaments was passed, that a redress of grievances was asked when bills of supplies were called for. But never since the day of the act providing for triennial Parliaments, or rather never from the day annual Parliaments were provided to this has there been a single struggle in the Commons of England in reference to voting supplies.

And, Mr. Chairman, I have called attention to this fact to show that to-day we stand upon the same constitutional principles that the Commons of England do. We stand to-day upon the same points; we have an annual session of Congress; we vote our bills of supplies yearly; we have a constitutional provision against voting supplies to the Army for more than two years. We stand upon the same footing constitutionally as the people of England do to-day. From the very hour they attained that point in their constitutional history that we started out with, when we framed our Constitution, up to the present hour, they have never in any instance attempted to "tack" in any form whatever any redress of grievances as a condition of voting supplies.

You will bear with me, Mr. Chairman, as I wish to present one or two further points. One is as to the power of sheriffs. The police power of the realm was always exercised in the earliest ages of the common law of England by the sheriffs. The sheriffs exercised that police power, and in its exercise have always had the power to bring to their aid the *posse comitatus* of the country, or any armed force necessary to put down riots, or whatever was required to bring about domestic tranquillity.

When the office of lord lieutenant was created the power of that office was, in many respects, made concurrent with that of sheriff. The office of sheriff was the highest and most honorable under the common law of England. In the exercise of the functions of his office the sheriff had all the power that has been given by the law sought to be repealed in this appropriation bill, which gives marshals no greater power than that possessed by sheriffs at common law in England.

I must hurry on. Let me, however, right here call attention to one fact that has been mentioned, that the power of a standing army, that the use of military force has had the tendency to create absolute power and thereby to menace the liberties of the people. Now the tendency toward absolute power in England, the greatest tendency in a long period, was between the reigns of Henry VI and Henry VIII. That tendency to absolute power was at a time when the King had but fifty yeomen as his body-guard, and when there was not a soldier in the pay of the Crown of England; yet, as I have already said, there was a greater tendency in those reigns toward absolute power than has been shown from the time of Henry VIII down to the present time. And why was it? It was because of the encroachment on the part of the star chamber upon the right of trial by jury. It was because of illegal acts on the part of that star chamber and the illegal use of bills of attainder by the Commons. It arose from the imprisonment by the star chamber of jurors who brought in verdicts under their oaths and refused to follow the declaration of the corrupt powers.

Men were most unjustly imprisoned for verdicts which they brought in as jurors, and it was because of those illegal acts on the part, not of a mob, not because of the fear of a standing army, not from any encroachments on the part of any military power, but because of a servile House of Commons in certain instances obsequiously yielding to the demands of the Crown, in others denying any responsibility of the Crown or themselves to the people, assuming supreme legislative and judicial power, denying responsibility to God or man. It was because of illegal acts on the part of the star chamber, and because, too, the House of Commons held that they had the right to exercise supreme power, and that they were not beholden or responsible to the people or the Crown—I say it was illegal acts on the part of the star chamber in a judicial capacity and excess of power; in the Commons, by illegal bills of attainder that promoted the tendency in England to absolute power, and which placed the constitutional history of England in a retrograde scale instead of a progressive one.

Mr. Chairman, the constitutional history of England bristles not so much with bayonets as with the illegal exercise of power on the part of the Commons. In the case of Ashby *vs.* White referred to a great constitutional question was eluded by the dissolution of Parliament, and the illegal assumption of power by the Commons was again attempted, occasioned by the decision of Lord Denman in the famous case of Stockdale *vs.* Hansard, in 1837, in which Lord Denman told the jury that the order of the House of Commons was not a justification for any man to publish a private libel. On May 30 of that year the Commons resolved, among other things, that its jurisdiction was sole and exclusive to determine upon the existence and extent of its privileges; that to bring them into discussion or decision by the institution of any suit or other proceeding in any other tribunal is a high breach of its privileges and subjects all parties concerned to its judgment and punishment, thus attempting to bind, by its declaration of law, all subjects between whom in a court of justice a question of privilege might arise, relying for authority upon the dissenting opinion of the judges in the case of Ashby *vs.* White, and claiming the right to punish at discretion all persons, suitors, attorneys, counsel, and judges who might even indirectly bring their privileges in question in a court of justice. Well may Hallam ask if in the worst times of the Tudors and Stuarts such a doctrine was ever laid down in express terms by any grave authority.

> That the best ground of confidence in the discretion of a Parliament is the mild temper of the government, as numerous bodies are always prone to excess, both from the reciprocal influences of their passions and the consciousness of irresponsibility, for which reason a democracy, that is the absolute government of the majority, is in general the most tyrannical of any.

This war between the arbitrary and limited power of the Commons continued when, in 1840, the sheriffs of London were committed by the Commons for executing a writ of the queen's bench, and although the point raised by such commitment was set at rest by the statute of the third and fourth Victoria, yet this dispute still remains undetermined.

From the foregoing it may be seen that the assertion that redress of grievances in England go hand in hand with bills of supply so far as the liberty of the subject is concerned has no foundation in truth since the days of the Stuarts; that instead of Parliament being the guardian of the liberty of the subject, he has had to crouch under its iron arm until the judiciary lifted him up and said to Parliament, "Thus far canst thou go, and no farther."

How much brighter the page of American history would be if in the struggles for the personal liberty of the subject the judiciary had all stood firm against any encroachments. Familiar with that history, let us turn to the question at issue in the proposed legislation before us.

The gentlemen on the other side of this House have presented to the Executive the alternative to either sign these bills or the nation may go unprovided with any means of life and support. The Constitution provides that the President shall take care that the laws be faith-

fully executed. The power thus vested is not discretionary, it is not limited; it is an express power in trust, it is supreme in its object, and must be exercised by the President, for a failure to do so might result in the overthrow of the Government.

In Cohens *vs.* State of Virginia, 6 Wheaton, Chief-Justice Marshall uses this language:

A constitution is framed for ages to come, and is designed to approach immortality as nearly as human institutions can approach it. Its course cannot always be tranquil. It is exposed to storms and tempests, and its framers may be unwise statesmen indeed if they have not provided it, so far as its nature will permit, with the means of self-preservation from the perils it is destined to encounter.

No government ought to be so defective in its organization as not to contain within itself the means of securing the execution of its own laws against other dangers than those which occur every day. It is very true—

He continues—

that whenever hostility to the existing system shall become universal it will also become irresistible. The people make the Constitution and the people can unmake it. It is the creature of their will and lives only by their will. But this supreme and irresistible power to make and unmake resides only in the whole body of the people, and not in any subdivision of them.

The attempt of any of the parts to exercise it is usurpation, and ought to be repelled by those to whom the people have delegated the power of repelling it.

In view of the principles laid down by Chief-Justice Marshall as just cited, and in view of the fact that the Constitution says the President shall take care that the laws be faithfully executed, if in obedience to the laws he deem it his imperative duty to veto this bill and the Army bill that has passed, and the majority refuse any appropriation, what is the duty of the President? What laws are referred to? The laws of the United States. What do those laws have for their object? The answer must be that laid down in the preamble to the Constitution—to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. So that the object is to maintain the supremacy of the laws and promote the interests of the Government; and if any faction, party, or any State, or parts of these States, attempt its subversion by any means or process whatever, the President may exercise the power necessary to faithfully execute the laws and prevent any attempt, directly or indirectly, to overthrow the Government.

No rightful power can unmake or take away the life of the Government but that which created it. No one part of the people, no political party, or no one State or parts of the States has the rightful power to do so.

Such being the case the President while intrusted with the power given him under the Constitution may exercise it to preserve to the people the Government they have ordained, and may, in the exercise of the power thus granted use the means necessary to attain that result.

It is not too much to say, therefore, that when a majority in Congress refuse supplies, except upon a condition which shall be deemed by the President repugnant to the spirit of our laws, it is his right and lawful prerogative to veto the same to repel such usurpation and arbitrary power. And if supplies are still refused by an arbitrary act of a majority, he may take care that the laws be faithfully executed, and may lawfully exercise the power necessary to attain that result.

In considering this question there is one point of historical interest we may with profit keep in view, and certainly should not forget. In early times the Commons voted a certain share of their own goods. Their last grant of this character was in the twenty-second year of Edward III, in which they granted three-fifteenths of their goods. The Lords granted theirs separately. It is only since the reign of Charles I that grants have been by the Commons, the Lords assenting.

In the case of appropriations by Congress, the appropriation made is not a tax. The Appropriation Committee provides no ways and means, the Ways and Means Committee having all matters of that character in charge. The Appropriation Committee simply ascertain and prepares the estimates for each fiscal year, but have no power to tax one dollar.

Moreover we have already positive laws providing subsistence for the Army and sustenance for the different Departments of the Government; also laws providing how the revenues shall be raised to meet the current expenditures of the Government. But the democratic majority arbitrarily and through the Appropriation Committee say to the people: you cannot for the purposes you have by law provided draw one dollar from the Treasury of the sum you have provided by your revenue laws, unless you will submit to our demands and dictation. Thus the absolute government of a bare majority with its tyrannical, revolutionary, and coercive demands comes to the front with the crown of usurpation on its head to obstruct the Government. In such a condition of affairs and at such a juncture the power resides in the Executive to take care that the laws which provide subsistence for the various Departments of the Government be faithfully executed, and if he finds the democratic majority refuse to open the Treasury for that purpose, that the means already provided by law may be used; he may do as did President Lincoln when he found the door of the Treasury open, so left as the democratic party retired from it into the rebellion not leaving a dollar for the nation's support, he may appeal to the great sovereign of the country, namely, the people, and call upon them to voluntarily step forward and furnish nourishment and succor to strengthen hands and maintain the life of the Government.

Thus faithfully executing the laws already existing, made for the very object expressed in the Constitution, and to attain that just result for which the Government was ordained.

Such, Mr. Chairman, I believe to be the true spirit of our Constitution and laws, for it is "the letter of the law that killeth and the spirit that giveth life." Never were arguments more pregnant with sophistry, more untenable in fact, or more dangerous to free institutions than those brought forward by the dominant party in this House to uphold these illegal and revolutionary proceedings. They have not attempted to show that the laws they seek to amend are unconstitutional; they admit their validity, for they do not attempt the repeal of either but to amend and eliminate a portion thereof.

We now come to the reason advanced for this action, namely, to promote free elections. We deny, Mr. Chairman, that it will accomplish any such result, and believe the very opposite result will be attained. We have shown that if deprived of casting a legal vote any person thus aggrieved can have his action for damages therefor, and in the North the redress is certain.

In the case, however, of the colored people of the South, whose rights in some of those States are daily trampled under foot, that redress is practically denied, and the same power that overawes them at the polls also overawes them in the courts, and if they go to the Federal courts for redress they and their witnesses are arrested on some trumped-up charge made before a State tribunal, and they are thrown into prison. For attempting to exercise their franchise at the polls many have been murdered, others driven from their homes, or taken out and hanged, yet never has one single individual been punished for these offenses; while, on the other hand, never by the presence of any armed force at the polls to protect the voters has a single individual been killed; yet thugs and kuklux, red shirts and white-liners, have swarmed at elections and in the name of free elections have stuffed the ballot-box with tissue ballots, driven thousands of loyal voters from the polls, maimed and murdered hundreds more, and to-day they are fleeing from their oppressors, exclaiming as they go, in the language of the plebeians of Rome:

Since the patricians wish to enjoy the city alone let them enjoy it at their ease. For us Rome is nothing. We have neither hearths, nor sacrifices, nor country. We only leave a foreign city. No hereditary religion attaches us to this place. Every land is good for us. Where we find liberty there shall be our country.

Free elections! Turn your eyes to New York City. Democracy tells us she is there shorn of her jewels by these laws she seeks to repeal. What do we see? Only a week since Tammany society held her election. She would not call for Federal aid if she could. Apprehensive she might be overborne, not by republicans, not by any interference of Federal officers, but fearing the hoodlums of the party, fearing all the slums from which its party has drawn support at the elections would be turned loose upon her, we are told the doors leading to the main hall of Tammany are boarded up, and the main doors on Fourteenth street secured and barred with heavy scantling. In a partition leading across one of the main entrances a door is cut just large enough to admit one man at a time. In this door is a wicket four inches square, through which each one approaching is scrutinized before he is allowed to enter. Inside is a ballot-box of iron weighing two hundred and twenty pounds, guarded by two heavy locks; thus one at a time is allowed to vote, while in the basement are collected, ready for any needed action, two hundred plug-uglies, arrayed in the full panoply of their order, ready to do valiant service in case Tammany is beset by its own offspring, nurtured in its schools, receiving their diplomas from its professors. Thus stood Tammany, like King Lear, cursing its own progeny, claiming its downfall would be but the death-rattle of democracy.

What a commentary on free elections, and this in the city which we are told contains territory that can be encompassed by a ride of one-half hour, out of which may issue an illegal voting power sufficient to decide the next Presidency if these laws be repealed!

Sir, for evils like the present there is a sovereign remedy. As in the past so in the future will it apply a corrective for these great wrongs. That remedy will be found in the voice of the nation, and when it speaks its thunder-tones will reverberate through the land, proclaiming that its triumphs on the James shall not be surrendered on the Potomac.

Mr. RYON, of Pennsylvania. Mr. Chairman, the field of discussion covered by the bill under consideration has been so thoroughly, so ably, and so eloquently explored by the gentlemen who have preceded me that there is but little new left that can be said by anybody in relation to it. Nevertheless, at the risk of being obliged more or less to repeat what has been said by other gentleman and said much better than I can say it, I propose to ask the indulgence of the committee for a few moments while I urge some reasons in favor of the passage of the bill which we have before us and why it should become a law.

A great variety of objections has been made to this mode of legislation, the greater portion of which has no relevancy to the merits of the question at all, so that one sitting here and listening to what has been said by our friends on the other side would not fail to think there was a combined and studied effort on the part of the opposition of this House to suppress and keep from the eyes of the public the real controversy going on before the House.

Among the things which have been urged here with a good deal of force was the allegation that as the democratic side of this House consists of a greater number of southern democrats than of northern

democrats, that as they were in the majority on this side of the House, they demanded this legislation and northern democrats stood here and yielded to any demand made upon them by their southern brethern. Why, sir, let me say to you that there are but fourteen cities in the South which can be affected in the slightest degree by the execution of these election laws. A half dozen of those cities all together would not contain as great a population as the democratic city of New York or the great city of Philadelphia in Pennsylvania. They cannot be under any condition of circumstances affected in anything like the degree that these laws tend to injure and affect the democratic citizens of the northern half of this great nation. It is not in obedience to the demands of the South, because, no matter though this machinery has been enforced there to the extent that it could be lawfully used under the provisions of the act of Congress, the South is to-day, and has been, and will continue to be, democratic in spite of all their election machinery to the contrary. They are of most importance in the Northern States where the parties are nearly balanced, where a few thousand democrats deprived of the elective franchise determine the results in great States.

Why, sir, I stand here a Northern man with an ancestry in the Northern States extending back more than one hundred and fifty years, with every investment I possess on this earth in the North, with no sort of relations south of Mason and Dixon's line, separate or distinct from or other than the relations which one good citizen of this great nation is bound to bear toward another. And yet I am here to ask the repeal of these laws because they operate harshly and unjustly in the Commonwealth from which I came. I know they have been used in a partial manner so as to deprive one class of citizens of their right to vote. And that was the purpose and intent of these laws when they were put upon the statute-book. And we from the North, democrats as we are, yielding to no living man in our devotion to the North and in our devotion to the whole Union, demand the repeal of these most odious and most unjust measures.

Again, Mr. Chairman, it has been said here that this proceeding is entirely revolutionary. I am reminded of the fact that for eighteen long years our republican friends had absolute and uninterrupted control of both Houses of the National Legislature. During that long period of time they have filled our statute-books full of laws that were passed as parts of appropriation bills. If this mode of legislation be a vicious system, it is a wonder that in that long period of power some republicans did not stand up on this floor and condemn it. It is passing strange that our republican friends did not discontinue the practice that they now condemn with one voice as an odious system of legislation. But, as I have already said, they heaped upon their appropriation bills law after law, passed them with their appropriation bills, and they are to-day upon the statute-books; and many of them make most radical changes in the existing laws of the country. It ill becomes a party with such a record to stand up before the people of this country and denounce a practice which they continued for a length of time that in a court of justice would raise the presumption of a custom. Nevertheless, our friends have made themselves hoarse in declamation upon this subject, and they thought that they had absolutely frightened the country from its propriety. The nation was to fall to pieces; the Union was to suffer dissolution; and the Capitol was about crumbling and falling at our very feet; and the country was thoroughly frightened and terribly disturbed.

Right in the midst of all this clamor and noise, Mr. Chairman, we find the capitalists of the country coming down from that great democratic city, New York, to the very capital of the nation and investing in a single day one hundred and eighty-five millions of their surplus money in the loan of the Government that was about being destroyed; investing, sir, at a rate of interest not to exceed 4 per cent. What a commentary upon this fearful revolution that we were getting up here! It not only shows that the people take no stock in senseless talk upon questions of this kind, but it shows another fact: that because of the wicked and ruinous system of laws which have been adopted by the party in power in this Government, the industries and the business of the country have been prostrated and destroyed, so that capital is more profitably invested at 4 per cent. interest than in any legitimate enterprise in this country. Still our friends on the other side, by appealing to the worst passions of human nature, by tearing open the wounds that we had agreed to heal and never again break open, have sought to continue this state of things, and are still disturbing the peace of this great country at the time when they were predicting and all were hoping that we were about to return to an era of prosperity.

Mr. Chairman, what is this revolution of which we have heard so much in this House within the last ten days? It is simply the repeal of a statute without which this Government lived seventy-five years and prospered, and it will live seventy-five more years better without it than it ever will with it. The repeal of a statute which has no effect upon any power in this Government, which touches no one of the great functions of the Federal Government, which is in no wise essential to the existence of any single one of them, and yet over the repeal of such a statute our friends raise the cry of revolution, and seek to excite and alarm the country. We want this law repealed, sir, not as a revolutionary measure, but because we think our republican friends entirely too honest to have the absolute control of the ballot-box. There is occasionally a democrat in this country that on some great political occasion would like to poll his vote and have it counted among the returns, and who has a patriotic desire to take his fair share of responsibility in the management of the elections of this country. And right here you have the reason why democrats stand up and demand that your partisan laws shall be repealed. It is not a question of constitutionality that we care to discuss in connection with this matter. It is the fairness of the laws which you have enacted for the purpose of controlling the ballot-box. But rather than acquiesce in such repeal I find that the republican Representatives on the floor of this House will steadily vote against supplies to keep in existence the executive, legislative, and judicial branches of this Government. They will turn upon us and tell us that we want to starve the Government to death; and yet the only reason why they refuse to vote with us supplies to maintain these several departments is because we demand the repeal of certain laws that we regard most conscientiously and from observation and experience know to be unjust and partial in their operation.

Our friends have an absolute right to vote as they please upon these measures; but when they do so, if the question goes to the country, let them go home and like fair men tell their constituents that the reason they helped to defeat these measures was because they insisted upon keeping on the statute-books these laws relating to the appointment of deputy marshals. Let them explain these laws to their constituents, and ask them if they approve them.

Mr. HUMPHREY. May I ask the gentleman from Pennsylvania one question?

Mr. RYON, of Pennsylvania. Yes, sir; a very short one.

Mr. HUMPHREY. The gentleman has been speaking of Philadelphia. Is it not a fact (I have so understood) that the democrats asked for supervisors in the districts where they were appointed?

Mr. RYON, of Pennsylvania. I do not know how that may be. It is very possible that in order to counteract fraud in one direction they availed themselves of the provisions of the law relating to supervisors; and you will find if you read this bill that the supervisors are not disturbed.

Mr. HUMPHREY. If the supervisors are not disturbed by this bill, we have been (as has been frequently stated) putting chips on our shoulders and knocking them off *ad libitum*.

Mr. RYON, of Pennsylvania. The provision for the supervisors is left in the law; in that respect the statute is not repealed. Some of the powers of these officers are circumscribed, but they are *not* done away with.

Again, we are told that the President is going to veto this measure; that he is not in sympathy with the proposition to repeal these laws. If the inquiry is a fair one, I would like to ask, whom has the President ever authorized to make that declaration upon the floor of this House? To whom has he said that this is an effort to coerce him to sign bills which are distasteful to him? I infer that he never said it to anybody. I have a better opinion of his sense of propriety, I have a better opinion of his judgment than to suppose that he would intimate to his nearest and best friend what his possible action would be upon any measure that might be pending before the people's representatives.

Mr. HUMPHREY. May I state to the gentleman that I do not believe the President has ever intimated what he will do in regard to either of these bills?

Mr. RYON, of Pennsylvania. I had supposed from the way our republican friends—not here, but elsewhere all over the country—had spoken of the President that he was making an honest effort to be the President of the people, not of a party. The rottenness of a former administration had created a stench even in republican nostrils; and when the representatives of that party met in convention to nominate a candidate for President, they had to ignore the third-term man and take up a new man, putting him upon a reform platform. When inaugurated, the present incumbent of the presidential chair thought that reform was to be carried out in good faith, as the people expected. The chiefs of the party took a very different view of the subject. They thought that reform consisted in this: that where a man had been kicked out of office for larceny of the public funds he should be elevated to another and a better position that he might have time and opportunity for reform! This diversity of opinion being a material matter, affecting the harmony of this great political party, led to differences that were not easily reconciled. It in fact resulted in a split in that great political organization, and the split was so exactly upon the center as to expose the rottenness upon both sides.

On the 15th of May, 1878, the republican chiefs met in convention in the State of Pennsylvania to place in nomination a candidate for governor. Some came with their war-paint and scalping-knives; others came with the pipe of peace. For a small consideration, consisting chiefly of the promise of a few loaves and fishes, they effected a compromise by agreeing to say nothing about the Chief Magistrate; but to make their rebuke all the more pointed and effective they complimented the administration of Governor Hartranft. No one reading their platform of principles would learn from it that there was such a man on earth as the President of the United States.

In view of facts like these it becomes a matter of public interest to know when this great love-feast was celebrated between the factions, so that you see here in this House so much concern for the presidential happiness. Or is all this for public effect, to keep away from the reading public, the constituencies that sent us here, the true issue involved in this controversy? Is it true in point of fact that there

has been no reconciliation between the President and this hostile faction in the republican organization, and that all we have witnessed here in the last ten days in the way of concern for the President and his happiness is no more nor less than a "skim-milk masquerade" on the part of our friends in this House?

Mr. OSMER. Will my colleague allow me to ask him a question?

Mr. RYON, of Pennsylvania. Proceed, sir.

Mr. OSMER. Having the power to pass, independently of these appropriation bills, the repeal of these obnoxious laws, (as you deem them,) what reason can your side of the House give for putting the repeal upon these appropriation bills, never having tried to pass a repealing act separately?

Mr. RYON, of Pennsylvania. My friend from Pennsylvania probably has some knowledge of the facility with which the minority in this House may baffle the best intentions and prevent the passage of the best laws, until by lapse of time this body ought to adjourn. They resolved in caucus, if I am not misinformed, immediately upon the assembling of this Congress, that they would resist the passage of any measure except the appropriation bills. The gentleman now has the reason in part why I for one favor the passage of these repeal measures as a part of the appropriation bills.

I am also reminded—and I may properly say it here—that an effort was made to repeal these laws by separate enactments. The gentleman from Mississippi [Mr. MANNING] some two months ago introduced a bill repealing these laws, and every republican in this House voted "no." It was at a time when the rules had to be suspended, and the republicans voting against it there were not two-thirds in favor of the bill of the gentleman from Mississippi. Having glanced at some objections to the course of proceedings which has been adopted in this case, I will simply add that I can see no reasonable ground of objection to the enactment of laws in a legal, orderly, and constitutional method, such as I believe has been adopted in this case. Having answered the objections so far as I deem it necessary to answer them, I will proceed for a few moments to refer directly and specifically to the nature and character of these laws, and to show the reason, in my judgment, why they ought to be repealed.

Mr. HUMPHREY. Before the gentleman proceeds to that part of his argument, I desire to correct one point. I asked the question of the gentleman if the supervisors were not called for. The gentleman replied that this act did not repeal them. What I meant to say was, were not the marshals called for. I understand that this act does not take away the right of the supervisors to look on at the polls. But I ask if the gentleman's party did not call for deputy marshals in the election at Philadelphia?

Mr. RYON, of Pennsylvania. To what time do you refer?

Mr. HUMPHREY. Last fall.

Mr. RYON, of Pennsylvania. Possibly that might have been. There is not a great deal of objection to the supervisors, because one is to be a republican and the other to be a democrat.

Mr. HUMPHREY. I mean the deputy marshals; were they not called for?

Mr. RYON, of Pennsylvania. That I do not know.

The laws proposed to be repealed by this bill were enacted in 1870, 1871, and 1872. The sections proposed to be repealed are those which authorize the appointment of an unlimited number of deputy marshals, and confer upon them most unusual and extraordinary powers to be exercised at the elections. So much of the laws as relate to the duties of supervisors, and in any respect tend to aid in the promotion of a fair election and an honest count and fair return of the votes, remain in full force on the statute-book. So ne of the sections proposed to be repealed or modified are general, applicable alike to all sections of the country, while others, and by far the most stringent and oppressive of these laws, are applicable exclusively to the great cities and towns of this country having upward of twenty thousand inhabitants. The deputy marshals are empowered by section 2022 of the act referred to to keep the peace, to prevent fraudulent registration, fraudulent voting, or fraudulent conduct on the part of any election officer, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited therein; and in the absence of the marshal's deputies the supervisors may exercise the powers conferred upon the deputy marshals.

The power to arrest conferred upon these deputies under the circumstances indicated in this section is in the last degree arbitrary and despotic, and if the constitutional authority to confer such a power upon these officers was free from doubt or difficulty nothing short of an overpowering public exigency could justify its exercise. The deputy marshals may either before or after registering, either before or after voting, arrest and take into custody, with or without warrant, any person who commits or attempts to commit, or offers to commit, any of the acts or offenses prohibited. Who can deny that the power here given to the deputy marshals may be so used as to deprive the elector of his right to vote? Who can deny that the elector thus arrested would be deprived of his vote under a law which requires the marshal to carry his prisoner before a commissioner, judge, or court of the United States for examination? An attempt or offer to vote brings the citizen within the scope of this act, and the marshal may arrest without information or warrant, and upon his own motion, any qualified elector in this country. The ballot-box is the legal and orderly mode of declaring the public will in this Government. It is the recognized legal way of shaping the policy and working out the destiny of this great country. It is the power to which all parties must yield obedience, willing or unwilling. A free government recognizing the people as the source of all power can only be maintained a free government by securing to the qualified elector the free exercise of the elective franchise.

The elective franchise is not free, nor is it secure in the hands of the voter who is liable to be arrested at his polling place before he has voted by an officer with or without process. The instrumentalities and appliances conferred upon these deputies over the ballot practically constitute them the controlling power in this Government. It is within the reach of possibilities in this country, where political parties are so equally balanced, for these officers to make the ballot-box record a result hostile to the will of the actual majority of qualified voters. Such a power lodged in the hands of a single individual would endanger the liberties of any country, and it becomes a formidable, fearful engine in the hands of irresponsible, corrupt, and bad men for the absolute destruction and subversion of free constitutional government. It is not the part of wisdom to confer the power to destroy the Government upon any person, however good and just he may be. Safety admonishes us to take away the temptation to do wrong by withholding the power to do it.

Who are these deputy marshals, endowed with such extraordinary capabilities over the liberty of the citizen and the citizen's elective franchise? Are they high public functionaries acting under solemn and responsible obligations to the people or the people's Government, renowned for their high moral and intellectual standing, so that the people may repose confidence in them? To this inquiry but one candid, truthful answer can be given. They are responsible to no one on earth. Their official life dies with the closing of the election polls. They are political partisans; the curbstone orators in the advance-guard of republicanism. They draw their inspiration from the slums and grog-shops in our cities, and their patriotism is inspired by the $5 a day, paid with the people's money, drawn from all parties, to work for the success of the republican party at the polls. With such valuable instrumentalities in their hands, paid for partisan political services at the polls with the money of the whole people, is it a matter of surprise that our republican friends in this House have resolved to stand firm in support of these odious, tyrannical, and un-American laws, enacted for partisan ends, not to protect but to pollute and pervert the ballot-box and make democratic districts return republican Congressmen. I have said that these deputy marshals were not responsible to anybody on earth, and to sustain this charge I refer to section 5522 of the crimes act. They may seize and take from the performance of his duties any or all the election officers on the day of election, and leave the electors without the means of holding a legal election. They may deliberately shoot and kill any legal elector in the act of discharging the highest right of citizenship; and they are exempt from the service of any process from any State or United States court until a sufficient time has elapsed to put at least five hundred miles of distance between them and the court having jurisdiction of their crime. Deputy marshals may arrest with or without process. It will be noticed that the crimes for which they may arrest rank in no case in the act of Congress higher than misdemeanors. At common law an arrest may be made without process for treason, felony, and breach of the peace, under certain circumstances, which I will refer to in this connection.

A thousand years of judicial observation and experience in the country from which we derive our common-law doctrines have established the proposition that the right to arrest without process in the cases referred to is consistent with personal liberty on the one hand and the maintenance of constitutional government on the other; but this is the limit of safety. One suspected of a recent felony may be arrested by an officer or a private person without process; and if in point of fact he be a felon, the arrest may be justified; but if he should be innocent of the crime charged, the party arresting him would be liable to damages in an action for false imprisonment. To justify an arrest without process for a breach of the peace the offense must be committed in the presence of the party making the arrest. The Federal statute authorizes the deputy marshal to arrest without warrant officers appointed and acting under the authority of the State laws, also persons claiming rights under the election laws of the States, for divers acts of omission and commission, none of which, however, with one or two exceptions, amount to a breach of the peace. The purpose of these restrictions at common law upon the right to arrest is manifest. It is to maintain the personal liberty of the citizen, without which free government cannot exist. The unrestrained right to arrest at any time is full of danger; but the right to arrest given to the deputy marshals at a time when the citizen is in the act of exercising the sacred rights of an elector is a fatal blow at the life of our free government.

In addition to the exercise of the authority which has been referred to, these deputy marshals are authorized to keep the peace and preserve order at the place of registration and at the polls. Peace and order are most desirable attainments at any place and in any government, but they cannot be obtained by a resort to unlawful methods. Where does Congress get authority to go into a State with Federal officers to keep the peace and preserve order at the places of registra-

tion and at the polls? Where does Congress get authority to send Federal deputy marshals into States to supervise elections held under and by authority of State laws; to make arrests, with or without warrant, of election officers and electors for doing or attempting any act or thing in violation of a State law, or omitting to do anything required by the law of a State? It will be admitted that the registration of voters in the States where registration is required is done by State officers acting exclusively under State authority; that elections in all of the States are held and conducted by State officers appointed or elected under State laws, and that all the duties in respect to elections are imposed by the laws of the several States upon these officers; that if these State election laws were repealed there would be no officers and no authority by which elections in any of the States of this Union could be held. It is manifest, therefore, that the laws proposed to be repealed expend their force upon State laws and State regulations. In making a registry of the voters in an election district the officer is required to determine who are entitled to be put on the list. He is required to make a list of the qualified electors in his district. Where does he go for the law to inform him what the qualifications of an elector are? To the Federal statutes? By no means; he looks to the laws of his State; he finds there that the qualifications of a voter are minutely and carefully defined. In determining the right therefore he judges the law and the fact and acts in a sort of judicial capacity. So it is in respect to the officers authorized to hold an election; they judge of the qualifications of a voter by those rules which the laws of the State afford them, and as judges of the law and the facts determine in a sort of judicial way who are entitled to vote at any election. In deciding the right of a citizen to vote, questions difficult to decide not infrequently arise. The election officers, in the most perfect good faith, differ with the deputy marshal or Federal official as to their duty to receive or reject the vote of such citizen, and the Federal officer has at once a case of fraudulent conduct in the officers of the election and he proceeds immediately, with or without warrant, to arrest and take them before a commissioner, Federal judge, or court, to be tried. In Pennsylvania the willful violation of any duty imposed upon a registration officer or any election officer is made a criminal offense and punished by the infliction of severe penalties. The willful omission of any duty imposed upon registration or election officers is also made a criminal offense, visited by severe penalties. I have no doubt the same may be said of nearly all, if *not* of all, the States in the Union. The individual who fraudulently registers, fraudulently votes, or obstructs or interferes with the elections or any voter at an election, is severely punished by the laws of Pennsylvania. Just at this point the Federal election laws, which it is proposed to repeal by the bill now before the House, come in and denounce as crimes the very same acts and omissions which by the laws of Pennsylvania are made crimes, and subject the same persons to trial and punishment in the Federal courts. How can there be a concurrent jurisdiction over the same citizen for the same act? How can the same citizen for the same act be subject to double punishment, once in a State court and again in the Federal court? If these Federal election laws are constitutional they must be exclusive and the States must retire from the contest and give up any attempt to enforce their own election laws, otherwise we encounter the fifth article of the amendments to the Constitution, which provides that no "person shall be subject for the same offense to be twice put in jeopardy of life or limb." But I have already shown, in connection with this subject, that we have no general election laws, except State laws, and without them we have no machinery for the holding of an election. There is another view in respect to which these laws ought to be repealed. They act upon persons holding office under the laws of the States and performing the duties imposed upon them solely and exclusively by State laws. Can Federal laws impose duties upon a State officer which he will be bound to perform, and for the non-performance of which he may be proceeded against criminally?

In Prigg *vs.* The Commonwealth of Pennsylvania, 16 Peters, 540, the Supreme Court of the United States held that Congress could not impose duties upon a State officer that he would be bound to perform; that he might perform them if he chose to do so, but that the Legislature might prohibit him from performing such duties at any time. If this be a correct view of the subject it would seem to follow as inevitable that if Congress has no right to impose duties upon officers of a State, by a much stronger reason Congress would have no shadow of right to inflict punishment upon officers of a State for their violation of the laws of the State by which their official duties are prescribed.

As bearing upon the same general subject, Minor *vs.* Happersett, 21 Wallace, page 170, decides the following proposition:

The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere. In this case we need not determine what they are, but only whether suffrage is necessarily one of them. It certainly is nowhere made so in express terms. The United States has no voters in the States of its own creation. The elective officers of the United States are all elected, directly or indirectly, by State voters. The members of the House of Representatives are to be chosen by the people of the States, and the electors in each State must have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Senators are to be chosen by the Legislatures of the States, and necessarily the members of the Legislature required to make the choice are elected by the voters of the State. Each State must appoint, in such manner as the Legislature thereof may direct, the electors to elect the President and Vice-President. The times, places, and manner of holding elections for Senators and Representatives are to be prescribed in each State by the Legislature thereof, but Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators. It is not necessary to inquire whether this power of supervision thus given to Congress is sufficient to authorize any interference with State laws prescribing the qualifications of voters, for no such interference has ever been attempted. The power of the State in this particular is certainly supreme until Congress acts.

When the Federal Constitution was adopted all the States, with the exception of Rhode Island and Connecticut, had constitutions of their own. These two continued to act under their charters from the Crown. Upon an examination of those constitutions we find that in no State were all citizens permitted to vote. Each State determined for itself who should have that power.

McCrary, Law of Elections, says:

Subject to the limitation contained in the fifteenth amendment to the Constitution of the United States, the power to fix the qualifications of voters is vested in the States. Each State fixes for itself those qualifications, and the United States adopts the State law upon the subject as the rule in Federal elections, as will be seen by reference to section 2 of article 1 of the Constitution, which provides as follows:

"The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

The qualifications of voters for presidential electors are also to be fixed by the States, as will be seen by reference to section 1 of article 2 of the Constitution. Inasmuch as Representatives in Congress and presidential electors are the only Federal officers to be chosen by popular ballot, it is manifest that all controversy concerning the right of individuals to vote, whether at a State or Federal election, must be determined by reference to the local or State law upon this subject.

The right of suffrage is not a natural right, but a legal right, derived in this country from constitutions and statutes. It is regulated by the States, and their power to fix the qualifications of voters is limited only by the provisions of the fifteenth amendment to the Constitution, which simply forbids any distinction on account of race, color, or previous condition of servitude.

The recent amendments to the Constitution confer upon Congress only the power to protect the newly enfranchised citizens, and confer no power on Congress to legislate generally for the regulation and enforcement of the right of suffrage in the States. This view of the question is supported by an elaborate opinion delivered by Justice Bradley in The United States *vs.* Cruikshank, 13 Am. L. Reg., N. S., 630. This case is the last authoritative utterance upon the subject, and will be accepted as the correct interpretation until the Supreme Court of the United States changes it.

These authorities recognize very clearly and distinctly the doctrine that there are States, and that the Union is made up of States; that one peculiarity of the Federal Union is the clear and well-defined recognition of a double sovereignty; that within constitutional limits the Federal power is supreme and paramount, and that it lies in the powers expressly granted and necessarily implied; that in all other respects, except where power was surrendered to the Federal Government to be used for the benefit of all, the States have supreme authority. The United States declares who may be citizens, but cannot declare who shall exercise the elective franchise. Every voter ought to be, and probably is required to be a citizen, but every citizen is not a voter. There is not a State probably in the Union where a citizen merely, without other qualifications, would be allowed to exercise the elective franchise. The power in the State to determine who shall vote at the elections is vital. Upon it the existence of the State may depend. This deputy-marshal law confuses and confounds all these distinctions between State and Federal powers, and attempts to control the qualifications of electors by making a United States official the sole and final judge of the right of any citizen to vote at an election, and to enforce that control by a right to arrest before the voter has exercised his right to vote. This brings us to a consideration of the practical working of these laws.

Sixty-nine cities in the United States contain upward of twenty thousand inhabitants; fifty-five in Northern States, fourteen in Southern States.

In answer to a call for information by the Committee on Expenditures in the Department of Justice, the Comptroller of the Treasury reported that in the fall of 1878 there had been expended in about four Northern States for supervisors and deputy marshals over two hundred and two thousand dollars, and several accounts were not adjusted yet.

Philadelphia, with republican judges in all the courts, with the principal city departments in the possession of the republican party, with thousands of dependents and expectants ready to do the work of the party; republican mayor; 1,200 republican policemen; registration of voters chiefly in republican hands; 686 voting districts in the city; more than two-thirds of all these districts controlled by republican officers; the day before the election last fall the marshal of the eastern district of Pennsylvania appointed 773 deputy marshals for Philadelphia at a cost to the Government of $7,600, and the supervisors cost $27,440. Every man appointed deputy marshal was an active republican, and they were all active in influencing votes for the republican candidates.

Now I ask is it just, is it fair, that the money of the whole people should be taken from the Treasury and used as a campaign fund to put in office the candidates of one party?

That deputy marshal-law never was intended to be fair nor its administration for the good of the country. If it had been intended for good or wise purposes the appointment of these officers would not have been given to political partisans. I am ready to vote for any

fair law that will secure honest and fair elections; but I will never vote for election laws to be executed by the politicians of either one of these great political parties. Look at the political level of the great moral and intellectual city of Philadelphia where when Marshal Kerns sounded his bugle-blast for the ingathering of his chosen deputies first came the drunken bloat from his cellar groggery; next came the republican bulldozer and criminal; next came the bummer and repeater armed with a black-jack; next came the man of grip and gather, to gather in republican voters and grip and push from the polls democrats; next came the ballot-box stuffer with his pockets full of republican ballots; next came the man to keep the peace, and he kept his peace while repeaters voted; next from the den of infamy and shame comes the proprietor of the house of prostitution, and with him from their hiding places come the repeater and thief. For the correctness of my description of these officers I refer to pages 31, 38, 39, 56, 112, 113, 145, 146, 155, 156, 163, and 164 of the evidence taken before the Senate committee. Armed with the badge of Federal authority, these veterans in their respective vocations went forth to do and to die in the cause of honest elections. Such are the practical workings of these laws. The men who put the machinery of these laws in motion are selected for their known political service for their party. They have never arrested a republican for fraud upon the ballot-box; nor have they ever performed an impartial duty at the polls. The laws protect and legalize fraud upon the ballot-box. No fair man can justify the abuse of power by these deputy marshals, and no fair man will ask the continuance of such a power over the elections in this country.

Mr. ATHERTON. Mr. Chairman, since the beginning of this debate, each political party has hurled at the other the accusation of an entire responsibility for the extra session of Congress. The country wants repose. Who is responsible? The democrats at the last session could have procured the passage of the necessary appropriation bills, if they had waived their demand for fair and impartial trial by jury, free and untrammeled elections, and the subordination of the military to civil authority. On the other hand it is equally certain that the republicans could have secured them by abandoning their demand for the continuance of certain measures "born of the passions of the war" that were obnoxious to our institutions and that were generally admitted to be no longer necessary; that is to say, the iron-clad test oath, the jury law, the supervisors and marshals law, and the use of the Army at the polls. One party controlled the House, the other the Senate. One of them would not vote for appropriations with nor the other without these measures. Hence the dead-lock and the extra session; and each party must bear its just share of the responsibility for the result.

The people, however, know that this unfortunate disagreement, producing the extraordinary convening of Congress, is the result of a demand upon one side for principles in legislation as old as Magna Charta and as sacred as that for which martyr ever suffered or patriot died—for local self-government, impartial juries, free and fair elections; and on the other for prejudice, partiality, and ignorance in the jury-box, Federal interference in elections, both by officers unknown to the laws of the State and by the presence of armed men at the polls.

Our party demands admitted needed reforms, the other the continuance of existing abuses. The country is to be congratulated, however, as well as commiserated, and for a reason not contemplated by either party at the last session. Being convened in extra session an opportunity is afforded for legislation in the interest of the people. With both branches of Congress democratic, not only in name, but I hope in fact, its majority is ready to look out upon the wants of the people and legislate for their best interests. Among other things, restoring silver to its former place in the currency, favoring all just measures of financial reform, stimulating enterprise, and, so far as Government may, furnishing to labor a just reward.

Without entering upon general legislation at this time I think the end indicated may be accomplished without the exhaustion of any or but little additional time, and the country at large may have a reason, different from what its authors intended, to rejoice over the stubborn refusal of the republicans in Congress "to grant a redress of grievances," at the last session. So with these surroundings we of the present Congress are brought into the arena of action and duty, and it becomes us to diligently look over the field, take our bearings, weigh the argument, and, with the eyes of the nation upon us and under the responsibility of our official oaths, decide the questions at issue with an eye single to the best and paramount interests of the country. I do not flatter myself that in the discussion I can present any new facts for consideration. The whole field has been traversed, and the greater and the less important matters and considerations have all been brought forth and paraded with wonderful research and matchless power and eloquence. As we approach the close of this forensic struggle about all that is left is to resume, to sum up before the matter is submitted to the arbitrament of a final vote.

To one question of importance involved in the debate I have given some attention—the question of securing to the accused in every criminal accusation a fair trial by an impartial jury. I first call attention to the statutes relating to the qualification and challenge of jurors in the Federal courts. Section 821 of the Revised Statutes reads:

SEC. 821. At every term of any court of the United States the district attorney or other person acting on behalf of the United States in said court may move, and the court in their discretion may require, the clerk to tender to every person summoned to serve as a grand or petit juror or venireman or talesman in said court the following oath or affirmation, namely: "You do solemnly swear (or affirm) that you will support the Constitution of the United States of America; that you have not without duress and constraint taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not directly or indirectly given any assistance in money or any other thing to any person or persons whom you knew or had good ground to believe to have joined or to be about to join said insurrection or rebellion or to have resisted or to be about to resist with force of arms the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against or to resist with force of arms the laws of the United States." Any person declining to take said oath shall be discharged by the court from serving on the grand or petit jury or venire to which he may have been summoned.

It will be seen that this and the preceding section provide for the exclusion from the jury-box of every person that has either taken up arms in any insurrection or rebellion against the United States or adhered or given any assistance in money or other thing to any person known to have joined, or there was reason to believe had joined or was about to join, any insurrection, or was about to resist the execution of the laws of the United States. It excluded not only the brave and impulsive youth that followed to the front the flag of his State, but even the father that in paternal affection, perhaps regretting his act, assisted the son to money or clothing, knowing his purpose.

And now, in the progression of political events, what do we see? The test oath modified so that confederates may enter Congress, sit in the Cabinet, (as Judge Key does to-day, Postmaster-General of the United States,) preside in the courts as judges, taking the modified oath, but commending to the lips of jurymen an oath they could not take themselves and driving men from the jury-box for the want of a qualification they, the judges, do not themselves possess.

During the discussion at the last session of Congress numerous instances were cited of judges, district attorneys, clerks, and marshals of the Federal courts who were secessionists, and among them were Hon. R. W. Hughes, on the bench in Virginia; Judge Dick, of the western district of North Carolina; Judge George S. Bryan, of South Carolina; Judge Settle, on the Federal bench in Florida; Judge Hammond, of Tennessee; and Judge Baxter, who now presides in the United States courts of my own State. I cannot stop to give the names or number of district attorneys in like condition, but quite a list has been named.

Now, how absurd is the proposition, that while men are deemed fit to sit in the Cabinet, as the constitutional advisers of the President, participate in the proceedings of Congress, and preside in the courts, that is, to fill the highest positions as law-makers, law expounders, and as law enforcers without taking the iron-clad oath, that a juror must be driven from the panel because he cannot take it. And how absurd and ridiculous it is to see a district attorney, who cannot take the oath, challenge a juror because he cannot take it; and the Federal judge who must himself refuse it exclude the juryman because he, the humblest actor in the court, must also refuse to take it.

It should be repealed, in the first place, to wipe out an incongruity in the law and to produce uniformity. It should be modified or repealed, in the second place, because its existence is a premium on ignorance and prejudice.

It is a matter of difficulty in the Southern States to procure jurymen who can take the iron-clad oath. And in this connection the vicious mode of selecting jurymen in the Federal courts might as well be mentioned. They are, under an existing custom having something of the sanction of law, selected arbitrarily by the clerk and marshal of the United States court. These officers are almost universally republicans. In the reconstructed States they are perhaps universally so, and generally intensely partisan. The judge is a republican; the clerk and marshal are republicans. The two latter look over the district and select men to act as jurymen. They are republicans and are generally ignorant and prejudiced colored men.

Now a large proportion, at least a very large number, of the alleged offenses for which men are now being arrested and tried in the Southern States are those growing out of alleged violation of such laws as section 5506 of the Revised Statutes of the United States, reading as follows:

Every person who, by any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct, any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be fined not less than $500, or be imprisoned not less than one month nor more than one year, or be punished by both such fine and imprisonment.

The acts or facts constituting an offense under this statute are illy defined. Confederation to hinder or delay a person from doing any act to qualify him to vote or from voting might in the eye of a jealous or prejudiced mind be inferred from many acts most innocent in their nature.

It is alleged that the republican party in the South are urging prosecutions under these statutes on an extensive scale, for the purpose of "intimidating" white men and preventing them from taking any part in the conduct of elections, and thereby regaining their lost power in that section. Without inquiring as to the truth of the charge, we do know that the southern papers come to us teeming with accounts of the wholesale indictments and arrests for alleged violation of the election laws. These people are dragged from their homes and taken hundreds of miles, incarcerated and tried—and before what kind of a court and

jury? How is the jury transformed into a patent machine warranted to convict? As I said, the judge is a republican and known to be. The district attorney is of like politics and a fierce partisan. The clerk and marshal have been given their places for services rendered their party. The jury, their creatures and partisans, selected as such, come to decide the guilt or innocence of the accused, who are generally known to belong to the opposite party. If a man perchance gets on the panel who may be intelligent or impartial, the district attorney requires the clerk to tender him the iron-clad oath, and if he refuses to take it the judge excludes him. On the trial intelligence and impartiality are driven from the jury-box. The smallest circumstances are magnified into pretended proofs of guilt, and with all the power and influence of the court and its officers on one side, and with an ignorant jury inflamed by partisan prejudice against the accused, the trial has but one result, and that is, with proof or without, to speedily register a verdict of guilty against the defendant, to be followed by the vindictive judgment of a partisan court.

Such a trial is a mockery of justice and a flagrant breach of constitutional right. The original Constitution in general terms secured to the citizen the right of trial by jury, but the people, jealous of their rights in that regard, demanded more explicit guarantees. The First Congress after its adoption also proposed article 6 of the amendments to the Constitution, and the States subsequently adopted it. It secured to the accused a speedy public trial by an impartial jury of the State or district where the crime was alleged to have been committed. Impartial is the essential word added by the constitutional amendment. The machinery heretofore adopted to select juries in the Federal courts is not designed or intended to secure a constitutional jury. Instead of selecting the peers of the accused, they select those far below him in the social, moral, and intellectual qualities. Instead of selecting the fair-minded and impartial, the system secures the unfriendly and the prejudiced. It is the hollow form of a constitutional jury—the sounding brass and tinkling cymbal—not the fairly selected, fair-minded, intelligent body that should decide all questions touching the life, liberty, or property of the citizen. Instead of convicting the guilty and vindicating the innocent, the system registers the guilt of all. "It holds the word of promise to the ear, but breaks it to the hope."

I am much afraid that a southern jury in a Federal court would never have inspired in Blackstone the matchless tribute to trial by jury found in his Commentaries. In book 3, page 379, he indicates incidentally the remedy for such a jury system as disgraces the Federal courts of the South. In speaking of the superiority of a jury over a single magistrate to determine questions of fact, he says:

> Here, therefore, a competent number of sensible and upright jurymen, chosen by lot among those of the middle rank, will be found the best investigators of truth, and the surest guardians of public justice.

They are not to be selected by partisans, but chosen by lot. Not from a peculiar class, but generally from the body of the citizens. Now, how do we propose to purify the jury-box by the legislation attached to this bill?

First. By a modification of the oath to be administered, allowing a juryman to qualify by the same oath by which the presiding judge qualifies himself for official station.

Second. By compelling a selection of names from which jurors are to be drawn from a large list furnished by the clerk, and a commissioner appointed by the court, but of different politics from the clerk.

When this is done we will again see intelligence, dignity, and independence enthroned in the jury-box, and the verdict will again mean guilt or innocence in fact as well as in name; and the grand birthright of freemen granted under the laws of Ethelred and confirmed in the reign of William the Conqueror will be restored to the State and the people. And, "unless the blood which courses our veins has degenerated from the vital fluid which made the Anglo-Saxon race great and free," we will forever maintain steadfast and under all circumstances the great principle of intelligent, impartial, and independent juries. In evil and in good report, in victory or defeat, in weal and in woe, as long as the sun drives his steeds through the sky, as long as the shadows follow the sides of the mountains, as long as grass grows or water flows, we will consistently and persistently insist on the preservation and maintenance of this bulwark of constitutional right, in truth and in fact, in substance as well as in name.

For lack of time I cannot discuss at length the other political provisions of this bill. The evils to be corrected and the grievances to be redressed are well understood. These do not so much touch the southern people as they do us. The machinery cunningly devised and the artillery shotted to the muzzle, to be used against the South as we supposed, has been turned upon the democratic communities of the North. The power of the Federal Government has invaded States and unlawfully interfered with their elections. A horde of supervisors, marshals, and their deputies, receiving large pay from the people's money, under the pretense of guarding the election of members of Congress, have interfered with the election of every candidate on the same ticket. They were strangers to the laws of the State, yet assumed to construe and enforce them—not in due course of law, for they waited ordinarily for neither affidavit nor warrant, but arrested without affidavit and without warrant. In most instances the parties arrested never knew in any legal form the nature of the accusation against them; never saw the witnesses; had no trial, speedy or otherwise; were arrested before voting, huddled together, detained till after the election, and then the purpose and end of the arrest was silently confessed by their discharge without formal complaint or the chance of a vindication by public trial.

On a recent occasion, in the city of New York, Mr. Davenport, on the night before the election, on the affidavit of his own clerk, issued warrants and on the day of election caused four thousand citizens to be arrested and deprived of their votes.

I find the following graphic pen picture of the facts before me, embodied in the RECORD at the last session, and I think not seriously disputed. I commend its perusal to every person who may think the liberty of the citizen to exercise his right of suffrage is not seriously menaced under the practice that has grown up under this law:

> Such a scene as the room of this court presented on that election day has never before been witnessed in this city or in this country, and it is to be hoped never will again. From early morning until after the polls were closed these rooms were packed and jammed with a mass of prisoners and marshals. Not only were they crowded beyond their capacity, but the halls and corridors were thronged with those who were unable to obtain admission; so that the counsel representing the prisoners and the bondsmen who were to be offered to secure their release had the greatest difficulty and were frequently unsuccessful in obtaining entrance. In addition to all this was this delectable iron "pen" on the upper floor, in which men were crowded until it resembled the "black hole of Calcutta," and where they were kept for hours, hungry, thirsty, suffering in every way, until their cases could be reached. With scarcely an exception these men had gone to the polls expecting to be absent but a short time. Many of them were thinly clad. Numbers had sick wives or relatives; some were sick themselves. There were carmen who had left their horses standing in the public streets; men whose situations depended upon their speedy return; men who wished to leave the city on certain trains. Every imaginable vexation, inconvenience, injury, and wrong which the mind can conceive existed in their cases, so that it was painful to the counsel who were endeavoring to secure their release to approach sufficiently near the railing to hear their piteous appeals and witness the distress which they had no power to alleviate. And over all this pushing, struggling, complaining crowd Mr. Commissioner John I. Davenport sat supreme, with a sort of oriental magnificence, calmly indifferent to everything but the single fact that no man who was arrested was allowed to vote. And after all this tremendous exhibition of the power of this great Government, after this exhibition of what a United States commissioner and chief supervisor of elections can do if he has a mind to, what was the result?
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> Surely if the offenses which these persons had committed were of so grave a nature as to require these wholesale proceedings; if the morals, the peace, and outraged laws of the community required to be vindicated by the summary arrest of four thousand persons on a single day, it was certainly necessary that the law should be enforced to the end, and that the offenses which were so dangerous as to require this arbitrary action should be punished.
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> But nothing of the kind was done. As these men were brought up before the three commissioners who sat in judgment they were asked if they had voted. If they had not they were required to promise that they would not do so. If to escape the terrors of Ludlow-street jail they surrendered their rights as American citizens and made the promise thus exacted, as the great majority of necessity did, they were released upon their own recognizance. If they did not, they were held to bail. If they had voted, although if not properly naturalized such vote was an additional offense instead of a palliation for the crime charged against them, they were immediately released. After sundown, when the polls were closed and it was too late for any one to vote, the doors appear to have been thrown open and all set at liberty.

Of all thus arrested at that time but one was ever tried, and he was acquitted, and acquitted upon a ground that established the innocence of all.

Such laws are a disgrace to the civilization of the age. An election where the voters are allowed to vote only one way is a cheat and a fraud. The other side of this House can declaim loudly against "intimidation" when a southern colored man is the supposed subject, but calmly behold an officer of the Federal Government, surrounded by the badges of authority and hundreds of subalterns and minions ready to do his bidding, arrest and imprison thousands, deprive them of the elective franchise, "intimidate" the entire foreign vote by contesting naturalization papers and arresting all who attempt to vote thereon; and they enter no protest, but will "starve the Government" to save the law. It will be a grand step in the right direction when the republican party can see and respect the rights of a German or Irishman to the same extent they do those of a negro.

Some minor objections are made because these conditions of repeal are attached to appropriation bills.

The Apollo Belvidere of the other side of the House, in opening this discussion on the Army bill, declared that this mode of repeal was revolutionary, and the other athletes of debate on the same side re-echoed the sentiment in chorus.

It has since been shown that in every Congress since the republicans came into power substantial legislation, in the shape of both enacting and repealing statutes, have been constantly attached to appropriation bills. A list of such bills is attached to the speech of the gentleman from Illinois, [Mr. BARBER,] delivered in this House April 4, 1879, showing that between 1862 and 1875 eighty instances of the kind appeared, and during all that time not a gentleman on the other side of the House shouted "revolution."

The familiar instance has also been adduced of Andrew Johnson being deposed from his position as Commander-in-Chief of the Army and Navy by a rider on an appropriation bill, and he compelled to humiliate himself and relinquish his high prerogatives to keep a republican Congress from "starving the Government to death." Where were the stalwarts then that now cry "revolution."

It is said, without contradiction I believe, that one of the very statutes now sought to be repealed came into existence as a rider on an appropriation bill. Where, too, were then the distinguished orators who now so declaim against "revolution" and in favor of the free consent of the Executive? When did the change come over the spirit of their dreams? By their silence then and their earnest

protests now we have the wonderful doctrine proclaimed that it was lawful—yea, commendable—to bring into existence a great body of statute law by attaching it to appropriation bills; that then the President might be properly and lawfully stripped of his constitutional powers by such means; but if a democratic Congress attempts to repeal a law thus enacted it is "revolution" and "unconstitutional governmental starvation."

As the debate proceeded the republicans have been partly driven from the position first assumed.

On the 19th of this month I find the following reported in the RECORD. The gentleman from Pennsylvania [Mr. KELLEY] said:

The whole system of putting such riders on bills is, as I have said, vicious and ought to be abandoned. But it is not revolutionary. And the gentleman from Ohio, [Mr. GARFIELD,] whose speech lies before me, under the title of "Revolution in Congress," has experienced a thorough revolution in opinion since the 8th of June, 1872, if he now believes the practice to be revolutionary.

Mr. GARFIELD. Will the gentleman allow me to correct him? I had supposed that there was nobody in this House who at this late day would say that I had ever asserted that it was revolutionary to put a rider on an appropriation bill. I never said so in my life. It is not in any printed, written, or spoken remarks that I ever made; and I suppose the gentleman from Pennsylvania in his mere iteration of such a charge, which is entirely foundationless, is obliged to take it up second-hand. I disclaimed absolutely such a view over and over again in the speech to which the gentleman refers.

Mr. TOWNSHEND, of Illinois. The gentleman had better take back the speech that he made on the Army bill.

On the 20th day of this month the gentleman from Michigan [Mr. BREWER] alluding to the closing hours of the Forty-fifth Congress said:

We on this side of the House did not then claim, nor do we now claim, that Congress had not the constitutional power to ingraft upon the appropriation bills the proposed political legislation, but we only sought to combat, as we do now, the policy of such a course.

The constitutional power to enact general legislation as riders on appropriation bills is admitted by those high in authority in the republican ranks, and has been confirmed by the repeated and constant course of legislation of a republican Congress, and it does not now lie in their mouths to question it. They are estopped by their own acts to allege its impolicy. Besides, every reader of history knows that the "practice of withholding supplies and thereby coercing a redress of grievances" is as old as English liberty. The power to originate bills to appropriate money is left by the Constitution to this House, and we may originate them upon or without condition.

It is said on the other side of the House that the President will veto the appropriation bill with these conditions attached. Whether he will or not we neither know or ought to know, or what we will do in case of a veto we know not. We will not cross the stream till we reach it. But if the representatives of the people, now fresh from their constituencies, in both Houses of Congress, representing the voice, the latest expressed wish, and the majesty of the nation, pass these bills we have no right to suspect they will be vetoed. I think it would be very safe to assert that he will not do it, unless you of the republican side "intimidate," "hinder," "delay," "obstruct," and "confederate and combine together" to prevent and obstruct him "in the free exercise of his right" to give his assent to the bill. If he could use the provisions of the southern election law against you in this regard, few of you would remain long beyond the clutches of that statute.

In conclusion, I have to say that the democratic party in Congress have adopted as a part of their unalterable creed and ultimate demand that the iron-clad test oath shall be modified so that the intelligence of the people may preside in the jury-box; that fair and impartial juries shall hereafter be impaneled, and constitutional rights restored and protected; that elections, the creatures of States and the birthright of a free people, shall be disenthralled from the interference of officers foreign to their customs and laws; and that the sheen of bayonet and menace of arms shall recede from the sacred presence of freemen while exercising their elective franchise, the highest prerogative of American citizenship.

He who would demand less is ignorant of the value of his birthright, and he who would recede from the demand would deserve the execration of a free people.

Mr. UPDEGRAFF, of Ohio. Mr. Chairman, if the questions involved in this discussion were those of merely common legislative interest I should prefer to still remain a silent participant in your proceedings. But the issues now forced upon us by these hybrid and misnamed "appropriation bills" forbid that any Representative of an intelligent and patriotic constituency should fail to do his utmost, however imperfectly, to defend the liberties assailed and the great interests brought in peril.

For the harmony and progress of the country I regret this new sectional agitation. Against reviving confidence and prosperity, against the just demands of business and the daily necessities of labor, it is at once a "crime" and a "blunder." The democratic party has forced it upon the country. This extra session of Congress was not made necessary by any disagreement of the Forty-fifth Congress as to any appropriation necessary for the Government. The majority in the House determined to compel both the Senate and the President, under the threat of starving them into submission, to register and indorse the edict of that majority in favor of desperate partisan legislation. These political measures were inserted in the appropriation bills from which the majority refused to separate them. The Senate in the exercise of its own undoubted right of judgment, declined to yield its approval to these demands. The Forty-fifth Congress expired by limitation on the 4th of March, without having passed any appropriations for the Army or for the legislative, judicial, or executive expenses of the Government. The Senate and House now both in the hands of the democracy, a joint caucus of that party has decreed that the President shall abdicate his constitutional duty, and whether his judgment and conscience "approve" these mongrel measures or not he shall sign them or the Government shall stop.

The President has given no indication what will be his course on these measures further than the well-known and inflexible integrity of his purposes. But the whole discussion on the democratic side has been an assault upon the constitutional rights of the minority, the undoubted prerogative of the President, and the just claims of a portion of the people.

A democratic caucus has decreed that three great measures of political and partisan legislation shall be inserted in the appropriation bills now pending or that these necessary bills shall not pass. What are these measures? First, the repeal of the law allowing either the military or civil power to keep the peace at the polls; second, the repeal of the jurors' test oath; third, the repeal of the laws passed to provide proper safeguards in the elections of members of Congress.

The real issue in this contest it is impossible to mistake. The democratic majority claim the absolute right to compel the Executive to "approve" whatever measures they may pass, or to refuse to grant the supplies without which our Government cannot exist. They declare that unless the Army shall be used only as they direct in a certain case, it shall not be used for any purpose, but that it shall perish.

The discussion of the pending bill has been full of strange anomalies. In listening to it for weeks past I sometimes could scarcely believe I heard aright. The party which in the hour of peril abandoned the Constitution, and the men who for years sought even by the horrors of civil war to overthrow it, are here claiming to be its only authorized interpreters and defenders. From the lofty way in which they spurn the opinions and the work of those who saved that great charter of rights, it would seem that they regard themselves as a sort of Constitutional Priesthood, specially raised up and anointed as expounders and guardians of that sacred instrument. But, strange as it may seem, almost the only thing I have not heard denounced by them within the last four weeks as unconstitutional is the attempt to destroy the Constitution itself.

We have heard from the other side bitter denunciation of the men who stood by the Union and of the measures by which they defended and maintained it, but not one word of rebuke or condemnation for the men or the methods by which it was sought to destroy it. It would seem to have a strange quality of being binding only against its friends, but void against its foes. The fatal heresy of State rights, of which the rebellion was the logical outgrowth, is still upheld and defended just as lovingly as though it had not been overthrown in that conflict. But for half a century the democracy has been a revolutionary party. For half a century it has taught its followers to exalt the powers of States, to deny the sovereign nationality, and to despise the oneness of united America. The gentleman from Mississippi [Mr. CHALMERS] in abusive terms declared that for eighteen years our party had made of the Republic not only "a military" but "a drunken despotism," "reeling through the land," and "debauched the Government of our country."

Mr. Chairman, this Union lives to-day because of the loyalty and valor of the republican party, and it can but be proud of its illustrious men and its great achievements; not that it saved it without the aid of thousands of the brave democrats of the North, who in being patriots rose above partisanship. Has that gentleman forgotten that when the republican party received the control of this Government its Treasury was empty, its Navy and its Army scattered, its credit dishonored, and it stood a by-word among the nations. Your last democratic President—God grant he may be the last forever—had proclaimed to this country and to the world that this great nation had no power to preserve its own life. Then it was, I say to the gentleman from Mississippi, [Mr. CHALMERS,] that "it reeled like a drunken man." Then it was that, to borrow his own words, "it rocked like a ship at sea without chart, compass, or rudder." But the Ruler of nations had appointed its great captain, and it outrode that wild storm. Whether it is yet to be scuttled by pirates is in the great future. Mr. Chairman, the republican party in its long lease of power through these dark and stormy years has doubtless made many mistakes, and it may be has done many wrongs, but its record is the grandest page of American history, and over all and above all no one man, not one of its four million men in all those years ever raised his arm against his country's flag.

Mr. Chairman, through all its disguises, in spite of the pretexts thrown around it, and the eloquent special pleading in its favor, the real objects of these various measures placed upon the appropriation bills is to take away from the Government of the United States the right to protect citizens at elections of national Representatives. No democrat on this floor has proved that any man of his party has been intimidated or prevented from voting as he desired. But the authority and power of the National Government is to be got rid of in the interest of the heresy of "State rights," sometimes mildly called "home rule," and then with no supervisors in New York, and no "civil" or military power at the South to keep the peace at the polls and pro-

tect the weak, New York and the South can be made solid for the democracy by free fraud and organized murder. Gentlemen, your pretense of zeal for "free elections," so desperately urged even while you have it your own way at the South, will mislead neither the intelligence nor the patriotism of the people of this country.

You stand committed against allowing the black man of the South freely to exercise his political rights. North and South you have proclaimed that this is a "white man's government." The very names of some of your most powerful organizations in the South—"White Leagues" and "white-liners"—mean all of this and more. Your papers and your platforms declare it, and abundantly attested facts give bloody proof that it is true.

Eleven years ago, Mr. Chairman, as a spectator, I sat on the floor of this House and heard the then leader of the democracy here, in a learned, exhaustive speech, plant his party on the basis of eternal hostility to the political rights of the black man. I read from the Congressional Globe, second session Fortieth Congress. He says:

My theory, my principle, and I believe the principle of the democratic party, is one before which all other issues—tariffs, currency, taxes, armies, navies, all mere questions of the hour—dwindle into comparative insignificance. The only real living issue towers above all these, and that is, Is this, or is it not, a white man's government?

The first great proof of the negro's inferiority, and consequent reason that he should not vote, which he adduced is the style of his hair. I will give you his very words, as he cried out with startling emphasis, and I ask the Clerk to read them.

The Clerk read as follows:

The very hair which crowns his head is not hair, but it is wool, wool and wool only. He who will take the trouble to examine it through the microscope, the micrometer, and microtome will see that its structure is that of wool and not of hair. The hair of a white man is cylindrical. The section under the microscope appears perfectly circular, and is provided with a medullary canal, while the wool of the negro is flattened, so that its section exhibits an elongated ellipsis, in the axis of which no medullary canal is seen.

Mr. UPDEGRAFF, of Ohio. How monstrous the idea that any being, a section of whose hair exhibits "an elongated ellipsis," and not only so, but with no medullary canal in it, should ever be permitted by his vote to imperil our institutions! [Laughter.]

But the learned statesman did not stop even here. He declared that the nostrils of the negro were different from those of the Caucasian, which, he says, "form two nearly rectangular triangles, the hypotenuses of which are turned outward." But not to stand on the hair and nostrils alone as full proofs of his incompetency to vote, he relied, as his third great argument, on the fibula, which, he says, "curves outward, so that the knees are more apart than those of the white man." [Great laughter.] The difficulty of this great democratic discovery that the right to vote resides in the shin-bone is, what is to become of the bow-legged Caucasian? [Laughter.]

If there was any doubt now left as to the ruinous results of negro voting this learned democratic leader settled it forever by declaring his "prognathism" is such "as is confined to the lowest races of men, among them the negro." [Laughter.]

He summed up by declaring, "He has not the capacity of any species of popular government; he is not a brother if he is a man, and I will never consent to divide self-government with him," but it "will be resisted in the elective tribunals everywhere;" and adds, "If we degrade this Government into a southern negro Congo government it is as well to take into partnership the ourang, the chimpanzee, and the gorilla." The "fibula" and the "prognathous" carried the democracy in this House at that time, and they took the ground unitedly that the black man should never be permitted to vote. About that time the last of the great amendments to the Constitution was ratified against the bitter opposition of that party, both North and South. After these muniments of the black man's freedom, made necessary by the inexorable logic of the war, had become part of our Constitution, there to remain while the nation lives, the democratic national convention declared them to be "unconstitutional, revolutionary, and void." From that time to this that party has in spirit and in reality stood on the ground that political rights were for white men alone. True, in 1872 the democracy did, by a platform utterance, condone the fibula and the elliptical hair for the "usufruct" of his vote. [Laughter.] That was only in case he voted the democratic ticket. But that race never lacked the intelligence to know their real friends, and so they never voluntarily voted with that party.

In 1872 two leading United States Senators, still members of that body, united in an official report to Congress, in which concerning negro suffrage they declare:

There can be no permanent partition of power nor any peaceable joint exercise of power among such discordant elements. One or the other must have all or none.

And so, Mr. Chairman, from the hour when James Brooks in this Hall set your party on the basis of the denial of manhood or political rights to the black man, that party has sought to trample these rights in the dust. The design in part of these laws you seek now to repeal is to protect him in their exercise. Having given him the rights of a citizen, the Government cannot without infamy allow him to be deprived of them. No truer words were ever uttered on this floor than those of the eloquent gentleman from Texas, [Mr. MILLS,] when, a few weeks ago, he said:

A government is an institution to protect her people, and cannot fail to do it without being guilty of dishonor.

Will you say the black man can freely exercise his right of franchise in the South without this Federal protection? Why, you are pledged that he shall not. Your platforms and your papers are filled with declarations that he shall not. Only a few years ago, after the amendments were ratified, the governor of Maryland in his message to the Legislature said:

This Government was never intended to be shared by the African race. It is a white man's government exclusively.

January 8, 1868, a very large democratic convention met in this city. The president, Judge Dunlap, said:

Shall the people degrade themselves by making slaves the political equals of the men of the North and the South? Never; no, never.

One of the toasts of that convention was, "The Government of the United States, the exclusive creation and property of the white man."

For years the "color line" has been the slogan of the South. Do you expect the people of the country to believe that the men who waged a desperate war with this great Government to make slavery perpetual will now, in spite of your prejudices, your promises, and your platforms, allow these men, born of ages of submission and degradation, to freely exercise against you this new right?

You know it is only a pretense. You know that there are volumes of official proof that the South is solid by systematic outrage and violence. On this floor only two years ago Mr. LAMAR, then a member from Mississippi, in speaking of one of these, said "that no excuse or palliation can possibly be found for these outrages and this barbarism." And the men who spent years in an attempt to rend in twain the Union and the Constitution are now alarmed lest the protection of the citizen shall in some way be a disregard of that same Constitution. But it does not mislead the intelligence or the patriotism of the country. It means that the National Government is to be stripped of sovereignty. It means that the Constitution is to be interpreted as it was by the extremists of the same party in 1832, when South Carolina proclaimed her right to nullify any act of Congress to which she disagreed, and as it was interpreted by the rebellion of 1861, which was supposed to have been overthrown in battle, but which now and here to-day reasserts itself alike in the arrogance of its old domination, in its disregard of human rights, and in its fresh assault upon the national sovereignty, or any interpretation of the Constitution which shall leave its power to preserve its own life.

The people of this country know that the great men who framed our Government meant that it should lack no element for self-preservation. Fine-spun theories of constitutional law do not deceive them. They know that the democratic doctrine, whether expounded by Calhoun or Buchanan, or the State-rights brigadiers of this House, means the degradation or the destruction of the national sovereignty. Just now, as it holds the legislative control, it seeks to exalt that and practically nullify the Executive. Suddenly that party is alarmed to find that a President may have the power to arrest vicious legislation, and in advance a democratic caucus seeks to coerce that officer from the exercise of his sworn duty and his plainest constitutional prerogative by the threat of withholding the means necessary for the great and beneficent functions of the Government. The fact that that party has always advocated and defended the veto power does not seem in the least to influence its present hostility to it. In ignorance or disregard of the fact that the framers of our Constitution, after careful and mature deliberation, placed it in that instrument as one of its necessary checks to legislative encroachment, they declare it to be a dangerous abuse of power. It was not inserted in haste or without definite purpose. In that convention James Madison said:

Experience in all the States has evinced a powerful tendency in the Legislature to absorb all power into its vortex. This was the real source of danger to the American constitutions, and suggested the necessity of giving every defensive authority to the other departments that was consistent with republican principles.

Mr. Morris concurred in thinking the public liberty in greater danger from legislative usurpations than from any other source. * * * When a strong personal interest happens to be opposed to the general interest, the Legislature cannot be too much distrusted. Much has been said of the intrigues that will be practiced by the Executive to get into office. Nothing has been said on the other side of the intrigues to get him out of office. Some leader of a party will always covet his seat, will perplex his administration, will cabal in the Legislature till he succeeds in supplanting him.—*Elliot's Debates*, volume 5, page 361.

Far-sighted surely, if not prophetic, of the dangers and designs of legislative party usurpation. But not yet can such results be consummated. The warnings of the fathers shall bring heed and guidance, if not safety, to the people.

George Mason, the great Virginia commoner, said:

The defense of the Executive is not the sole object of this revisory power. He expected even greater advantages from it. Notwithstanding the precautions taken in the constitution of the Legislature, it would still so much resemble that of the individual States that it must be expected to pass unjust and pernicious laws. This restraining power was therefore essentially necessary. It would have the effect not only of hindering the final passage of such laws, but would discourage demagogues from attempting to get them passed.—*Debates*, vol. 5, page 347.

Colonel Mason was one of the wisest men of his day, but he had never seen the Forty-sixth Congress at work on an appropriation bill, or he never would have decided what would discourage demagogues from attempting to get such laws passed.

Some of the members of that convention were in favor of an absolute veto. Mr. Randolph urged the necessity of three-fourths instead of two-thirds of each House to overrule the negative of the Presi-

dent; but in its present form it was placed in the Constitution by a unanimous vote.

In advocating its adoption, Madison urges this as one of its special benefits. He says, in the forty-eighth number of the Federalist:

The legislative department is everywhere extending the sphere of its activity, and drawing all power into its vortex. In a government where numerous and extensive prerogatives are placed in the hands of an hereditary monarch, the executive department is very justly regarded as the source of danger, and watched with all the jealousy which a zeal for liberty ought to inspire. But in a representative republic, where the executive magistracy is carefully limited, both in the extent and the duration of its power; and where the legislative power is exercised by an assembly, which is inspired by a supposed influence over the people, with an intrepid confidence in its own strength; which is sufficiently numerous to feel all the passions which actuate a multitude; yet not so numerous as to be incapable of pursuing the objects of its passions, by means which reason prescribes; it is against the enterprising ambition of this department that the people ought to indulge all their jealousy and exhaust all their precautions.

Thomas Jefferson himself had long before urged the same view. I read from his Notes on Virginia. He says:

All the powers of government, legislative, executive, and judiciary, result to the legislative body. The concentrating these in the same hands is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands, and not by a single one. One hundred and seventy-three despots would surely be as oppressive as one.

Since the foundation of the Government this power has been exercised by almost every President, beginning with Washington. It has been used about fifty times, mostly by democratic Presidents. They have indorsed and defended it. You have indorsed it in the fullest measure in your national platforms. To attempt to repudiate or resist it now merely to serve a desperate party purpose is the very audacity of revolutionary treachery. Do you care nothing for the examples of your own illustrious Presidents and the authorized avowals of your own party, both of which you so profess to venerate? The democratic national platform of 1856 contains this declaration:

Ninth. We are decidedly opposed to taking from the President the qualified veto power by which he is enabled, under restrictions and responsibilities amply sufficient to guard the public interest, to suspend the passage of a bill whose merits cannot secure the approval of two-thirds of the Senate and House of Representatives until the judgment of the people can be obtained thereon, and which has saved the American people from the corrupt and tyrannical dominion of the Bank of the United States and from a corrupting system of general internal improvements.

Not only was this declaration repeated in the democratic platforms of 1860, but the same platforms announce that democratic principles are in their very nature unchangeable. Either democratic principles have greatly changed, or we have here only a spurious article of that time-honored institution.

But let it be remembered that the veto against the National Bank, so fully indorsed in the above resolution of the national convention, was exercised by a democratic President against a democratic House, a democratic Senate, and against a measure which had been recommended by a democratic Secretary of the Treasury, and had been declared constitutional by a democratic Supreme Court. And yet while the democracy exalt the name of Jackson for this the most arbitrary use of the veto power ever made since the foundation of our Government, they are here on this floor denouncing it as an "unconstitutional power,"a "questionable prerogative," and declaring that if a republican President shall dare to exercise it against irregular and most dangerous legislation, the Army shall be left without rations, the Agricultural Bureau, the Pension Office, and the courts shall all be closed, the executive functions of the Government shall be stopped, and the light-houses along seventeen thousand miles of coast shall be darkened. For the first time in our history it is threatened that revolution shall be the answer to an executive veto from a party fully under the control of men lately in armed revolt against the Government.

President Polk in his message to Congress, December 5, 1848, says:

It is not alone hasty or inconsiderate legislation that he [the President] is required to check; but if at any time Congress shall, after apparently full deliberation, resolve on measures which he deems subversive of the Constitution or of the vital interests of the country, it is his solemn duty to stand in the breach and resist them. In deciding upon any bill presented to him, he must exercise his own best judgment.

* * * * * * *

Any attempt to coerce the President to yield his sanction to measures which he cannot approve would be a violation of the spirit of the Constitution, palpable and flagrant, and, if successful, would break down the independence of the executive department and make the President, elected by the people and clothed by the Constitution with power to defend their rights, the mere instrument of a majority of Congress. * * * If he surrender this power or fail to exercise it in a case where he cannot approve, it would make his formal approval a mere mockery, and would be itself a violation of the Constitution.

In this line of democratic precedents, on the 17th of February, 1855, President Pierce sent to Congress a message vetoing the French spoliation bill, in which he says:

It is not incumbent on the President to sign a bill as a matter of course, and thus merely to authenticate the action of Congress, for he must exercise intelligent judgment or be faithless to the trust reposed in him. * * * While the Constitution thus confers on the legislative bodies the complete power of legislation in all cases, it proceeds, in the spirit of justice, to provide for the protection of the responsibility of the President. It does not compel him to affix the signature of approval to any bill unless it actually has his approbation, for while it requires him to sign if he approve, it, in my judgment, imposes on him the duty of withholding his signature if he does not approve. In the execution of his official duty in this respect he is not to perform a mere mechanical part, but is to decide and act according to conscientious convictions of the rightfulness or the wrongfulness of the proposed law.

During the last year of the term of the last democratic President a great and beneficent measure of wide public interest, the homestead law, was killed by an executive veto; but that party threatened no revolt, nor even condemned the act, though in that veto message it was offensively declared that the grant of a homestead would "go far to demoralize the people," thousands of whom had petitioned for that beneficent measure of wise and elevating legislation. But the southern masters of the party had condemned it, for it was in the interest of free homes and free labor, as they are now aiming to "wipe out" legislation equally in the interest of the weak and the defenseless.

To justify their assault on a plain constitutional principle our opponents have taken a line of argument anomalous and amusing, if neither logical nor sincere. But what could they do? They could not appeal to the Constitution, for it was hopelessly against them. They could not urge party authority, for their national platforms openly indorse the veto and its use. They could not seek refuge behind their own precedents, for Madison, Monroe, Jackson, Polk, Pierce, and Buchanan had all freely used and most of them stanchly defended this time-honored democratic usage. What should they do, for a change of base was necessary to meet the desperate exigency of the new conspiracy?

In the closing hours of the last Congress a distinguished and versatile Senator [Mr. THURMAN] conceived the vagary of defending new and revolutionary measures of American legislation by English precedents of two hundred years ago. He went so far as to declare:

The question is whether or not that power which the House of Commons has exercised for now centuries gone by can be exercised by the House of Representatives, modified to some extent by the Constitution of the United States.

* * * * * * *

England was saved from despotism and an absolute monarchy by the exercise of the power of the House of Commons to refuse supplies except upon condition that grievances should be redressed.

Since that time Charles I and Edward have been constantly on parade in both branches of Congress, and our debates have become a confused mass of ancient history. British precedents are to govern us. Monarchical methods are to interpret our Constitution. Madison is obsolete. I have listened to this debate for a month without hearing a democrat name Jackson, for the House of Commons is the new Moloch of democratic worship. The pretended followers of Jefferson are now suddenly enamored with the English precedents, policies, and methods which that sturdy republican so honestly hated. Jefferson says he found the English heavy with beef and beer, and worshiping only wealth, rank, and power. The democrats of the Forty-sixth Congress find them altogether lovely, for they were often conspiring against the executive. No wonder some of these leaders think "intelligence and property" should govern. It would seem that, as slavery is dead, that party must have some idol of caste-power to worship.

The distinguished gentleman from Virginia [Mr. TUCKER] the other day said:

This weapon [the refusal of supplies] has reformed the British monarchy, purged away its despotic principles, secured public liberty and the personal rights of man by the splendid muniments of law and an independent judiciary, and brought the whole government under the influence and control of the will of the people.

Alas! "the will of the people" has no control in England, unless by people you mean only certain classes—classes privileged in some way, either by birth or wealth or power. No human being is recognized as having any political right in England in virtue of his manhood. Only a few years ago one of her great ministers exclaimed in Parliament, "What have the people to do with the laws but to obey them?" This is the real spirit of British institutions. The throne and the miscalled Commons alike are built on trampled rights. England's power is a colossal fabric, made vast by conquest and dowered with the spoils of the whole earth. Illustrious by literature and great in achievement, yet she regards humanity only as it may be a means of power or a source of danger.

Among all the nations of Europe her government is the only one which admits two hereditary branches. The King represents prerogative. The House of Lords represents birth-aristocracy. What does the Commons represent? Property or wealth-aristocracy. Is this true? Does it not really represent the people, as we are told it does every day in this debate? How can it with only a fraction over one-third of the adult men voting? The elective franchise itself is an aristocratic system. It is placed on a property basis. The majority of the men of England have no vote or voice in the election of that Commons. How, then, can it be a reflection of the will of the people? True, they have had from time to time parliamentary reform and have enlarged the sphere of the elective franchise, but it is always only a question of how much property shall give this right. In the time of Charles I, so often alluded to, the contest was simply between the King and a few thousand people of England, or between aristocracy and wealth.

The Commons of England really represents mainly the land of the country. More than twenty million people live in England. Thirty thousand men substantially own the agricultural land of that country. Sixty-two men own six million acres of the soil. Two hundred of these landowners, mostly of the "privileged orders" and many of them members of the House of Lords, a few years ago returned a majority of the House of Commons. In the debate on the late reform bill it was shown that there were in that house two hundred and five

members closely related to "peers of the realm," and of the six hundred and fifty-eight members only about two hundred had neither title, office, pension, or patronage. Even above this basis of flagrant mockery of popular liberty the members are so distributed as to give supremacy to the landed aristocracy.

In a late Parliament a single earl, owning eleven townships of land of more than two hundred and sixty thousand acres and containing four boroughs, was able to return seven members. The boasted reform of 1832 was settled on the basis of aristocratic supremacy. Lancashire, with a manufacturing population of over a million, and Lymington, called a seat of landed gentry, with three thousand three hundred inhabitants, had each a member. Yorkshire, the seat of the woolen manufacturers, with twelve hundred thousand people, had the same representation as two boroughs with a joint population of six thousand. By the boasted reform bill of 1866 the franchise was somewhat extended, merely as a measure of self-protection, and for months the high debate in Parliament ran upon the mighty issue whether it should require a rental or ownership of fifty or one hundred dollars to fully qualify and prepare a man to vote. In all the mass of precedents, good and bad, that make up the so-called British constitution, for they have no written constitution, I challenge any man to find an act, or law, or line of recognition of the political status of any human being in right of his God-anointed manhood.

Compared with this system of feudal pomp and mockery of liberty, and contrasted, too, with the sickly worship of them so fashionable and so constantly heard just now in various places, how refreshing and healthy to recall the brave, true words of the men who framed our Constitution. In that convention Franklin denounced the distinctions based on property. Wise George Mason said:

> We all feel too strongly the remains of ancient prejudices, and view things too much through a British medium. A freehold is the qualification [for voting] in England, and hence it is imagined it is the proper one. The true idea, in his opinion, was that every man having evidence of attachment to and permanent common interest with the society ought to share all its rights and privileges. Was this qualification restrained to freeholders? * * * Does nothing besides property mark a permanent attachment?—*Elliot's Debates*, v. 5, p. 387.

Now, the haughty barons it was who wrested from King John a charter of their feudal privileges, and not of popular rights. The conflicts between the Commons and the King and between the Commons and the Lords are the antagonisms between the rank of birth, the aristocracy of accident, and the no less exacting and absolute aristocracy founded in England on property and power. As the King's prerogatives are not limited by any written constitution, but settled only by precedents and sometimes by special acts, it is inevitable that there should be uncertainty, extortions, conflict. We have had a vast amount of random talk about "supplies" and "grievances," founded largely on misapprehension of facts. A large part of the "supply" granted to an English monarch is either to carry out his own arbitrary plans, as in the case of the ship-money demanded by Charles I, or, as often happens, vast sums for his own personal indulgence. May, in his Constitutional History, says:

> It was not till in the reign of Charles II that Parliament established the principle of appropriating supplies to specific services by statute, and to these were added, at various times, special grants for extraordinary purposes. It has been customary to grant the King, at the commencement of each reign, the ordinary revenues of the Crown, which were estimated to provide, in time of peace, for the support of His Majesty's dignity and civil government and for the public defense. * * * Whatever remained of this annual income, after paying the necessary expenses of the government, was at the King's absolute disposal, whether for the support of his dignity and influence, or for his pleasure and profusion. Not satisfied with these resources for personal expenditure, there is no doubt that Charles II applied to his own privy purse large sums of money specially appropriated by Parliament for carrying on the war.

This shows at a glance how grievance and supplies were constantly connected. The same connection has existed under that system ever since; but for two hundred years no House of Commons has voted to stop the supplies to carry on the government, though often those bills are loaded with the most absurd and odious burdens. Within the present century Windsor Castle, one of the royal residences, has received for improvements $15,000,000. The natural children of William IV have received in "supplies" $15,000, and the natural children of George IV no less than $500,000 in grants from Parliament. Half a million dollars have been granted to royal dukes and duchesses, and in one bill of "supplies" there was granted for the repairs of the Queen's kitchen garden at Frogmore $115,000, for the royal yacht $100,000, for the repairs of Pimlico Palace $750,000, and thousands more for what are well named "mysterious pensions."

The present Queen, one of the wisest and most moderate of England's rulers, absorbs yearly for royal prerogative and imperial pomp millions of money largely wrung by rental, tax, and excise from the millions of her people, who have no more voice or part in making the laws by which they are governed than the dogs in the royal kennel, to which a liberal "supply" was recently granted. At her marriage Parliament granted to the Queen $1,400,000 annually for the royal household expenses, besides the revenues of the Duchy of Lancaster, which in 1875 yielded three hundred thousand more. In short, the Queen and royal family receive in supplies over $6,000,000 to furnish the royal household and stables, the royal children, and the royal kennel. The other day I read in a London court journal that the Queen had now in Windsor Castle nine million dollars' worth of plate, and on the same page of the same paper is an account of the riot of starving men in the Walton manufacturing district, asking for work or bread.

Under such forms of government no wonder grievances grow up, and even wealth becomes weary of granting supplies. Under our system, with a written Constitution, minutely defining the scope and sphere of each of the co-ordinate branches, there can be no grievance, in the English sense, against a President. He has no prerogative. His powers and duties are directly granted and carefully guarded by the Constitution and the law. He, as much as this House, is the representative of the people. He is charged with the execution of the laws. If bad laws are on the statute-book it is absurd to call that a grievance against him. If he differ with the Legislature the Constitution tells him expressly what he "shall" do; and to call that dissent a grievance is to impeach that Constitution, and to resist that established principle is to conspire against the Constitution.

If the President oversteps the boundary of his rights, impeach him. That is the constitutional remedy, and the only one. Why shall the whole nation suffer in the loss of trade, in the loss of confidence, in the alarm of capital, in the stagnation of enterprise, and in the paralyzed functions of the Government for any wrong the Executive may do? It is only a pretense. The people know it is a desperate and revolutionary attempt to assure your own supremacy by means without precedent or warrant in law or Constitution. Driven from all your own usages and principles, you fly to the musty records of the imperial system which our illustrious fathers disowned and renounced. They told us, too, that our system was not designed to conform to any model.

In the convention Mr. Morris said:

> There is one difference, however, in the two cases [the King and the President] which disconcerts all reasoning from the British constitution. The British executive has so great an interest in his prerogatives and such power for means of defending them that he will never yield any part of them. The interest of our Executive is so inconsiderable and so transitory and his means of defending it so feeble that there is the greatest ground to fear his want of firmness in resisting encroachments. He concurred in thinking the public liberty in greater danger from legislative usurpations than from any other source.—*Elliot's Deb.*, vol. 5, p. 346.

In a discussion which occurred in Congress twenty-two years ago, the radical difference between our Government and that of Great Britain was put with great force by Senator Cass, a man of commanding influence in the democratic party. I read from the Congressional Globe, second session Thirty-fourth Congress, page 12:

> Gentlemen talk of stopping supplies. Even in England it is rather a flippant remark, and I do not think has occurred there for nearly two centuries. The last time it was done was, I think, in the time of Charles I. That is a tripartate government, an antagonistic government, with two hereditary bodies and one elective body. The radical difference between the two governments is, this is the government of the people and that is the government of the sovereign. The Queen there inherits the sovereignty. The supplies which the Commons may stop are not the supplies of the people. The government is not the government of the people. Here, if you stop the supplies of the Government, whose supplies do you stop and whose Government do you check? The Government of the people. You stop the supplies of the people.

Mr. Chairman, during the progress of this discussion I have been not a little surprised to find gentlemen on the other side so blindly devoted to English precedents and methods. In many ways they are utterly at variance with the spirit of our Government. The mere mention of some of these, it seems to me, will convince us at once that they are utterly unsuited to our practices. English law has always dealt cruel punishment to those who have risen in rebellion against her power. Not stopping at death and confiscation of property of rebels, she has blotted out by attainder the civil rights even of their children. How utterly abhorrent are such laws compared with the mild and more than forgiving spirit of American legislation! So fully are we imbued with this humane unselfishness that not even the most devoted worshipper of English precedents has gone so far as to sanction these cruel and unwise customs. British barbarity even shot rebels out of loaded cannon, and has secured her power, strange as it may seem, by bloody penalties rather than by conciliation and forgiveness.

Incredible as it seems to us, the old and unrepealed English law of 1570 still forbids that a rebel shall sit in Parliament, for it declares that he is dead in law if not, as he generally is, in fact. Now, such a law is utterly unsuited to us. It would break up this Congress, defeat reform, and indefinitely postpone that political millennium so feelingly anticipated by the noted gentleman from Mississippi [laughter] [Mr. CHALMERS] when this Government, so long "debauched" by those who rescued it, shall be ruled by these "purer and better men." But I leave the whole question of English precedents, still in doubt whether some of their usages are wise or otherwise.

In the discussion of these measures much has been said about the Army and the peril of standing armies. Since the democracy has been in power in this House a continuous assault has been made on our little Army. It seems to carry with it unwelcome associations to our opponents, for it is still, small as it is, the symbol of the power that was the bulwark of the Union. So from year to year the attempt is made to reduce it, to harass it, to humiliate it, and now to starve it. Mr. Chairman, no other first-class power on earth would call our brave little band of twenty-five thousand a standing army. Our forefathers were jealous of standing armies, it is true, but they had in their minds the vast armies then kept by the great powers of Europe. Frederick the Great then had two hundred thousand soldiers in arms. The French had three hundred thousand, and soon increased to seven hundred and seventy thousand. The British Army was nearly two hundred thousand strong.

In discussing this very question, urging the adoption of the Consti-

tution, James Madison estimated a safe basis to be one to one hundred inhabitants, or an army of thirty thousand at that time, which would give us now at the same ratio an army of about three hundred and sixty thousand men. We have one to every eighteen thousand, or sixty to every million of the inhabitants. This little band is needed to protect our frontier of thousands of miles, and to man our sixty fortifications and arsenals. In many of the Southern States there is not a single United States soldier, and only eleven hundred and fifty-five in the whole South. The cry about a standing army is intended to arouse prejudice and to degrade and weaken still more the power of the National Government. Our Army is no "hireling" force but a part of the people, and inherits the proud and grateful memories which cling to that grand victorious host, the first and only great voluntary army known in the history of our race, whose glory was not conquest, but liberty, whose triumph was not oppression, but peace.

With these tender and holy memories yet fresh, of its sublime sacrifices, its illustrious achievements, and its quiet return to the ranks of peaceful industry, you cannot arouse fear or prejudice against our little Army of twenty-five thousand men. It may defend; it cannot endanger. It will protect; it cannot oppress. Had the statesmen of this country done their part of the great work as well as the soldiers did theirs, the land would now have peace, rest, and prosperity. This Congress would neither be in session, nor so constituted as to alarm the confidence, paralyze the reviving industries, and imperil the peace of the country.

Mr. Chairman, I would rejoice to know that the bitterness of our great sectional conflict could fade into forgiveness and forbearance if not into forgetfulness. Your party will not let it be so. You cannot deny that the Government, through its victorious party, has treated you and your great crime with a mercy and magnanimity unmatched in history. This very Congress is filled with proofs of a forbearance of which no nation ever before dreamed. The people were beginning to accept it in the hope of a true reconciliation. Five years ago, standing among the new graves of the brave dead of my own county, in a public address, I said:

> Remember that only when impotent resistance to the inexorable law of freedom and of progress on the one hand, as well as all proscriptions and distinctions of civic rights on the other hand, shall be buried by victor and vanquished, will the living be at peace and the dead truly glorified. Then only will reconciled enemies become united and one, not only in common valor and bitter experience, in interest and destiny, but in patriotism and heart, in peace and good will, with
>
> "One hope, one lot, one life, one glory."

Would it might be so. You are to-day making it impossible. As the original fire was of your own kindling, so this new stirring of the embers is your work. From the solid South comes an assault upon every department of the Government in which nationality still lives. The cry against Federal supervision at national elections, as it is plainly written in the Constitution, is an effort to get rid of the presence and power of the Government in the States. Then we know what will happen. For years you have declared the freedman shall not vote, and your fair promises and soft words have been followed by cruel massacre and superfluous crime. You tell us it is wicked and "sectional" to speak of these outrages, but not a word of condemnation of the outrages themselves. You commit an impudent invasion of the rights of every northern soldier or citizen when you thus build a bandit power on the crushed franchises of three million people, and trample the dearest rights of man under the bloody and brutal feet of might and murder. It is the glory of power to heed the cry of the humblest sufferer, and this great Government will not forsake the men it has lifted from chattels into citizenship.

Mr. Chairman, if reconciliation comes it must come with an equal recognition on both sides. It must come with justice, with obedience to law and to the sovereignty which the framers of our Constitution proclaimed must be "supreme." We will agree that our battered shields shall be hung up side by side as trophies of a common valor, but we will not agree that the dogmas which led to that awful conflict shall be honored and enthroned. We will not agree that loyalty shall seek pardon of treason. We will not agree that the unmatched defense of our Union shall ever be written down other than as everlastingly right. We will not agree that any man in any section of our land shall be despoiled of his political rights or ask in vain the shelter of our flag. We will not agree to exalt the perils or sanction the heresies that must endanger if not destroy our majestic possibilities.

In the past the republican party has dared, against prejudice and passion, to stake its power and anchor its legislation on what the great commoner of England has so well said is the only safe foundation, "the basis of eternal right." No party can afford to disregard this great truth. But I rejoice that there are forces higher and better than laws. There is a guidance wiser than that of statesmen. Free labor, free homes, open schools, the wealth of field and mine, are the irrepressible forces of national life. The truest thought and the wisest liberty are born to victory. The true end of political conflict is to find out and establish the right as the bed-rock of all wise legislation. So grounded and so governed our Union shall become an indestructible thing, our Constitution truly interpreted shall bear no seed of death, and through the ages the world shall take heart from the example of a mighty nation grandly illustrating *the wisdom of liberty, the safety of progress.*

Mr. FORT. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. FORT having taken the chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, and had come to no resolution thereon.

Mr. HUMPHREY. In pursuance of the order of the House made this afternoon, I move that the House now take a recess until ten o'clock to-morrow morning.

The motion was agreed to; and accordingly (at ten o'clock p. m.) the House took a recess until to-morrow morning at ten o'clock.

AFTER RECESS.

The recess having expired, the House (at ten o'clock a. m., Thursday, April 24) resumed its session.

LEGISLATIVE APPROPRIATION BILL.

Mr. DAVIS, of North Carolina. I move the rules be suspended and the House resolve itself into Committee of the Whole for the purpose of proceeding with the consideration of the legislative appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1880, and for other purposes.

Mr. SCALES. Mr. Chairman, this debate drags its slow length along. The subject is exhausted and yet the debate continues. I would gladly have seen it ended many days ago, but it was not the pleasure of the House so to order. I therefore claim the attention of the committee.

Let us for a moment retrace our steps and see what are the issues. It is proposed, first, to repeal so much of the law as authorizes the use of troops at the polls to keep the peace; second, so to amend the law in relation to jurors in the Federal courts that the test oath shall be repealed and that the jury list shall be made up and drawn in the presence of and by persons of both political parties, so as to insure absolute fairness and impartiality; third, to repeal the law which authorizes the use of supervisors and marshals at the polls, with this exception, that two supervisors may still be appointed for each precinct to attend at registration and at the polls merely as witnesses. I mention them all here, for they are in the same line of reform and have more or less contributed to the debate. A mere statement of the case decides it. As an original question it wolud not admit of debate. Cover it up in the passions engendered by the war and in the bitterness of political strife, and it becomes a grave question. Imagine for a moment a proposition introduced into the convention of our fathers that framed the Constitution that the President, who is Commander-in-Chief, should at his discretion use the Army to keep peace at the polls, and that he should at discretion *appoint* supervisors and marshals to attend at the polls, with the power to arrest voters either with or without process, what do you think would have been the result? It would have been rejected with scorn and indignation. From that day down to the breaking out of the late war, a period of over seventy years, there were no such laws and none dared to propose them.

The Government is based upon the will of the people, and that will should be expressed absolutely free from fear, favor, or any undue influence. This will is the source of all political power; corrupt the fountain and the stream will be corrupt. The legislative and executive branches of the Government derive their powers from the people, and are but agents to carry out their will under such restrictions as the people in their organic law have imposed. Let this will in any way be coerced, or subjected to even the shadow of force, and you strike a blow which, if followed up, must shiver to atoms the granite foundations of the Republic. It has been said that up to this time there has been no abuse of this power. Suppose this were true, does it prove that there never will be an abuse of the power? The President, from the very nature of the case, is more or less a partisan, and he himself is to be voted for. Members of Congress are to be elected, and party supremacy is dependent upon the result of the elections. Will he act in the interest of party? He may not, I trust he would not; but a people jealous of their rights will be slow to trust him.

Is it true that there has been no abuse of this power? Loud complaints and charges come from all over the country. It has been made the subject of investigating committees by Congress, and it is claimed that hundreds of voters have been disfranchised and many elections carried by these officers in the interest of party. It is not necessary to decide how this is. I will not undertake to do so now, but in all frankness I ask all parties is it not a dangerous power in the hands of an opposing party? The republicans have it now, but hereafter it may elude their grasp and may go into other hands. Will republicans then feel safe? I am proud to say in this matter that the democrats and greenbackers are together, and so they will stand until these obnoxious laws are repealed and the will of the people left free. Repeal these laws and all parties are placed upon the same footing, and all will go before the people upon their merits.

The framers of the Constitution gave to the several States the power to prescribe the qualifications for electors and to make the necessary regulations to secure free and fair elections. I believe this power is wisely bestowed. The people of the States are vitally interested in that branch of the National Legislature that alone has the right to originate bills to levy taxes and disburse public money, and they alone should have the power to have their interests ably and faithfully guarded.

In the wide expanse of territory embraced by this great Government there must and will be great diversity of feeling and interest. There must be compromises for the common good, so that the burdens and privileges may be shared equally by all. Let the Representative feel his dependence upon his State and her laws, and you place upon him a responsibility which guarantees faithfulness to its interest, without in the least interfering with his duties to the General Government. The General Government is made up of all the States, and if the interest of each State is faithfully represented and guarded, it must follow that the whole cannot suffer. Give this power to Congress alone, which is so far removed from the people, and you weaken responsibility, and in the same proportion lessen the faithfulness of the Representative. It has been asserted time and again that the democratic majority in seeking the repeal of these laws seek but to perpetuate their own power. I believe these laws are unconstitutional and dangerous to liberty, and for these reasons, above all party, they should be repealed; but at the same time I do not hesitate to declare that the only hope of the democratic party is in free elections. How is it with the republican party? If the democratic party, as is charged, seek the repeal for party ends, is it not also true that the republicans see in their perpetuation an indefinite lease of power to them? We need only recur to the history of this law and its execution, now so familiar to the States, to place this beyond controversy and develop the true inwardness of this contest. Let me again state the issue; its importance demands it.

The presidential campaign of 1880 is just before us. The frauds, intimidation, and coercion of that of 1876 brought this country to the verge of ruin. Both sides claimed the election, both sides charged fraud, and no man was bold enough to deny that frauds of the most startling character had been committed; the question was who did it. It was referred to an electoral commission made up of Representatives, Senators, and judges of the Supreme Court. The democratic party, relying upon the justice of their cause, intrusted the whole matter to a body, a majority of whom were of a different political complexion, but it was said they were judges and were above party. The result showed that the confidence was misplaced, and that party spirit wherever found overrides all other considerations. The commission was eight to seven. They decided that they could not go behind the frauds. They would not hear the proofs even; the rights of the States were so sacred that even fraud if committed in the States was too sacred to be unearthed. The decision was made not in justice or good faith but by reason of eight to seven. The country was cheated and a man made President who it is believed was never elected. With this precedent before us the democratic party desired as far as practicable to free elections from all unfair outside influence, and proposed the repeal of these laws. They wish all parties to go into the next campaign upon what they have done and propose to do, and let the people at the polls, free from all Federal influence or power, decide between them. Not so the republicans; they must have the Army and the supervisors and marshals and deputy marshals; they must have them at the polls. To pay these they will control near $300,000. In 1876 these supervisors and marshals cost $275,000; in 1878 $202,000 of the people's money, and they can employ them without limit. With these men and this money and this power thrown upon their side they propose to go into the election of 1880. With it they hope to win; without it they sink to rise no more.

The pretext is that if these laws are repealed you cannot get fair elections. What a commentary upon republican institutions! What a slander upon the people! If true, the people are no longer to be trusted. If true, it sweeps away the entire foundation of republican government. But it is said we seek our purposes in the wrong way; that we put the repeal upon an appropriation bill, and threaten to starve the Government unless the President signs it, and this is said to be revolution. Let us examine this a moment. It is a grave allegation, and, if true, too much honor cannot be awarded the faithful watchman who has discovered and proclaimed the treasonable purpose. But if untrue, then he who charges it is a traitor, a mover of sedition and strife, and deserves the scorn and indignation of an outraged people. What are the facts? The amendment is upon an appropriation bill, but it is there by the rules of the House as decided by the Chair, and sustained by a majority of its members, and by innumerable precedents established by the republican party themselves. There is no revolution, then, in placing a rider upon an appropriation bill. If more proof were needed, we have now the declaration from all the prominent men on the other side that there is nothing wrong in this. Where, then, does revolution come in? It is said that two prominent Senators of the democratic party at the last session of Congress claimed that they had a right to withhold supplies in order to secure a redress of grievances. Was this necessarily a threat? Was it intended to coerce any one? Not at all. These gentlemen did but give expression to their conviction that these laws should be repealed; that the safety of the country, as far as it depended upon fair elections, demanded it. They unhesitatingly declared that in obedience to that power vested in Congress by the Constitution to originate and pass appropriation bills they could not wisely give a dollar to keep troops at the polls or to pay supervisors and marshals and deputy marshals to watch over and control the elections, and this is the head and front of their offending.

The party, it is true, held a caucus for conference, and conference only. No one was bound by its action, and it was so announced. In that conference we agreed that we would seek to incorporate these amendments upon the appropriation bills, first, because we believed that we could reduce expenses without injury and greatly to the benefit of the Government $275,000; second, and more important still, because we hoped to secure free and fair elections. These were our convictions, and we acted upon them without regard to the convictions of others or what would be their action. Must we yield them at the wild and partisan cry of revolution? Must we surrender to the Executive at his bidding, lest the wheels of Government may be stopped by him? Away with such doctrine! It destroys the independence of the different branches of the Government and commits all legislative power to the President. This is the extent of the revolution, no more and no less.

But, Mr. Chairman, let us return to the last days of the Forty-fifth Congress and see the beginning of this matter and its progress to the present time.

On the 15th of February, 1879, (page 18 of the RECORD,) we find Mr. Hale, a leading republican from Maine, advising Mr. Hanna, of Indiana, not to put an amendment in which he was interested on the appropriation bill, for the reason that it would not pass. I give his language:

> Mr. HALE. Let me suggest to my friend from Indiana that if this appropriation be put in a separate bill it is much more likely to go through, if any appropriation bill goes through, than it would do if attached to a long appropriation like this, on which we are promised to be antagonized with special legislation, and if we got into a dead-lock *the appropriation bill will not go through.*
>
> But I do not think any one here will take the responsibility of antagonizing a bill to pay the arrearages of pensions so as to make the machinery efficacious. If the gentleman attaches it to this bill with all its incumbrances, *he will not accomplish what he desires.*

This was before any amendment had even been proposed, and I believe even before the form of the amendments and their extent had been agreed upon. There was a rumor and but a rumor in regard to them, and yet so eager was this active and irrepressible party leader to stir up strife and rekindle again the fires of sectional hate that he could not wait. Like the war-horse he smelleth the battle afar off, and determined, so necessary was conflict to his party, that if it did not come otherwise, to provoke it. This is the first threat and the first effort at coercion. Again, on the 19th of February (page 45 of the RECORD) he uses this language:

> I cannot predict the result. I can only say for one I believe this side of the House is determined that this revolutionary legislation shall not obtain. I can say for myself that ten years' experience have taught me no parliamentary wit and no device and no plan under the rules of the House which shall not be resorted to if this amendment is ruled in to prevent it being passed here and now on this appropriation bill.

Again, on the forty-eighth page:

> Mr. HALE. Now, I only want to say a word further, and I do not say it in any menacing way; I do not say it except in the spirit of sober warning. This side of the House believes sincerely that if this body of law be struck from the statutes, the laws of the several States afford no protection to the citizen when he seeks to exercise the right of suffrage.
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> * * * * * * *
>
> *We cannot and will not endure it.*

Where then was the distinguished gentleman from Ohio, whose patriotism has been so much shocked by the wicked efforts of the democratic party to starve the Government. I would not do him injustice; it is a grave matter; let him speak for himself, and out of his own mouth we shall judge him. February 19 (page 56) he says:

> Now, Mr. Chairman, if the effort to accomplish these purposes be persisted in, the minority will meet it in the spirit of the Constitution and by the fullest exercise of all our rights of resistance. We shall resist the repeal of these laws whether it take one night, two nights, ten nights, or all the days during which this Congress lives. [Applause.] Not by our consent shall you remove from our statute-books these muniments of the elective franchise. When you succeed you must do it because you have the full power to do it, and not by our help or our consent.

Where was the distinguished gentleman from Michigan, whose bugle-blasts have so often summoned the republican clans to the contest in his patriotic struggle against revolution:

> Where, where was Roderick then?
> One blast upon his bugle-horn
> Were worth a thousand men.

Alas!

> How vain are all things here below;
> *How false, and yet how fair!*

He is found on the side of the Hessians. He and his clans are deliberately, willfully, and of malice aforethought on the side of revolution—rank, criminal revolution. They were in the minority; they sought to defeat a decided majority and to stifle its will. To do this every effort was resorted to. They declined to vote to prevent a quorum, and well-nigh was it accomplished. I remember well the occasion, and the bitter disappointment manifested by the revolutionists when they failed. My friend from Illinois [Mr. FORT] and from Minnesota, [Mr. DUNNELL,] deeply absorbed no doubt in the consequences of revolution, for the moment forgot the situation and when their names were called, contrary to express orders from king cau-

cus, voted. An earnest effort was made by each of them to withdraw their votes, but the House would not allow it. Another vote was recorded by a pure-hearted old gentleman on that side. He voted against the amendments. A rush was made for him and he was asked, "Why did you vote?" In the simplicity of his nature he replied: "I voted against the thing because I thought it ought not to passs." In this way three votes were added to the democrats, a quorum was secured, and the revolution failed. This was indeed revolution. Is it doubted? Let us hear again what the distinguished gentleman from Ohio says within the last ten days, (April 5, page 18, RECORD:)

I never claimed that it was either revolutionary or unconstitutional for this House to put a rider on an appropriation bill. No man on this side of the House has claimed that. The most that has been said is that it is considered a bad parliamentary practice; and all parties in this country have said that repeatedly.

The gentleman from Kentucky [Mr. BLACKBURN] evidently thought he was making a telling point against me when he cited the fact that in 1872 I insisted upon the adoption of a conference report on an appropriation bill that had a rider on it; and he alleged that I said it was revolutionary for his party to resist it. Let me refresh his memory. *I said then and I say now that it was revolutionary for the minority party to refuse to let the appropriation bill be voted on. For four days they said we should not vote at all on the sundry civil appropriation bill because there was a rider on it, put there not by the House but by the Senate.*

I was sorry the rider was put on, and moved to non-concur in the amendments when they came to the House. But when the minority on this floor said that we should not act on the bill at all, because the rider was put upon it, I said and now say it was unjustifiable parliamentary obstruction. We do not filibuster. We do not struggle to prevent a vote on this bill. I will be loyal to the House that I am a member of, and maintain now as I did then the right of the majority to bring an appropriation bill to a vote.

This not only proves revolution but it was revolution without justification or excuse; for up to that time according to his own admission we had done nothing but what we had a right to do under the law. What was the object of this revolution? In the language of the same gentleman I answer it was to "starve the Government." Was it heroic? No. Was it chivalrous? No. Was it unmanly? Yes, an unmanly effort to starve the Government, by preventing necessary legislation, and preventing even a vote upon it.

Thou therefore which teachest another, teachest thou not thyself? Thou that preachest a man should not steal, dost thou steal? * * * Thou that abhorrest idols, dost thou commit sacrilege? Thou that makest thy boast of the law, through breaking the law dishonorest thou God?

Let me affectionately commend these sacred and yet pertinent words to gentlemen on the other side.

Then you were as anxious about the Senate as you now are about the President. You feared to trust them even though you had a majority there. Why this effort to forestall the Senate? Why this great haste? It was a party necessity and not an inch of ground must be yielded without a contest. Fight the amendments, get up revolution and sectional hate, and you starve the Government but you save the party. On the other hand, give the people free elections, and you save the Government and starve the party. True to their past history, they made the election and the Government was sacrificed. Look at their record. By their corruptions they have robbed the Treasury, by their extravagance impoverished the tax-payers, and by their legislation in favor of the moneyed power they have literally starved the laboring classes. And now they will stop the wheels of Government before they will allow free elections to the people.

At the last session we defeated the revolution and passed the bill in the House. It was defeated in the Senate. A conference was asked and obtained. We believed these laws as they stood were unconstitutional, and yet in the interest of compromise we modified our demands and asked for the amendments as now proposed; they refused, and hence this extra session. Where does the responsibility rest? The Senate is now democratic. Hence we hear the cry next raised that we intend to coerce the President. Who speaks for him to-day? Who is authorized to do so? The whole argument is based upon the fact that the bill will be vetoed. This fact is either assumed or is within the knowledge of some one. If known, and has been spoken by his authority, I undertake to say that such conduct is highly criminal and without a parallel. It is an effort to intimidate the legislative branch of the Government by threats of the Executive. It is revolutionary and dangerous, and shows the importance if not absolute necessity of taking from him all power over elections. If it is assumed, then it may be that all this storm has been raised without cause. He may sign the bills, and if he does, all is quiet and peace. This was feared, and the President must be forestalled, and he must be coerced by a party necessity into a veto. A caucus of the party had been held, and it was reported that a distinguished gentleman in that caucus had said that "if we had Grant we would know what to depend upon; but as for this fellow we know not whence he is or what he will do;" and then they proceed to make him do what otherwise he might not do. But it is said that some of these measures as they stand were introduced by democrats and passed by them. They are all in the same line, as I have shown, and I propose by incontestable evidence to show what democrats thought of this legislation. On the 20th of February, 1879, page 49, Mr. WILLIAMS, of Wisconsin, said:

Mr. Chairman, the opposition of the democratic party to the law now proposed to be repealed has been consistent, unremitting, and logical. In 1871, after the events of 1868, * * * men high in the democratic counsels, like the late honored Speaker Kerr, declared this legislation not only to be "unconstitutional and utterly void," but a "violation of common honor and common decency," and he was followed and sustained by distinguished democrats like the gentleman from New York, [Mr COX,] Mr. Eldredge of my own State, Mr VOORHEES, Mr. BAYARD, and others equally eminent, by whom this legislation was characterized as "outrageous and infamous," "surcharged with malice," "a blow at self-government," an "advance toward a constitutional empire," and the officers to be appointed under it, in language expressive if not elegant, were likened to the "locusts and lice of Egypt."

This, then, is no new thing with the democracy; not the democracy of the South but that of the North, East, and West; not the democracy that, as is alleged, endeavored to shoot the Government, but the democracy that stood by the Union and aided the Government to the extent of their power and influence in shooting down the rebellion. It is with them a living principle, whether many or few, strong or weak, at all times and under all circumstances they have been consistent. Democrats, this is your record; you have a right to be proud of it. As a democrat I rejoice in it; and had I the power I would with a pen of fire, in letters of living light, write it upon the heavens, that all might look up and read and see in these principles the perpetuity of republican institutions.

The Constitution declares that all bills for raising revenue shall originate in the House of Representatives. The Senate shall have the right to propose or concur in amendments as on other bills. Why was this given to the House alone? The reason can be found in the fact that the Representatives come directly from the people and are directly responsible to the people. They are familiar with the business, trade, and occupation of each locality, and understand what should be protected and what and how much burdens each should bear. Justice Story takes this view. In volume 2, page 47 and page 340, we find the following:

It may be fit that it should possess the exclusive right to originate money bills, since it may be presumed to possess more ample means of local information and it more directly represents the opinions, feelings, and wishes of the people; and being directly dependent upon them for support, it will be more watchful and cautious in the imposition of taxes than a body which emanates exclusively from the States in their sovereign political capacity.

What is all this worth if it is subject without restriction to the will of the Executive? Nothing; literally nothing. The clause is meaningless and the privilege intended to be conferred worthless. In the present legislative appropriation bill there are now one hundred pages, and many items on each page. If the President can veto without restriction any item which may not commend itself to his judgment or whim, he can block the wheels of Government, for he will have full power over all taxes and all disbursements of the people's money. The veto power is given in general terms; but surely it was not intended to override this provision in the Constitution which intrusts to the House alone the power to originate revenue bills. I can now recall but one instance of the veto of an appropriation bill, and that was because there was incorporated into it an amendment which violated the Constitution and infringed the prerogatives of the Executive. All the precedents are the other way. In 1876 even General Grant, as bold and imperious as he usually was, submitted to this principle. He found serious grounds of complaint against the sundry civil bill for the fiscal year ending June 30, 1871. He declared that such a bill was disastrous to the public interest; and yet he says, "I do not feel warranted in vetoing an absolutely necessary appropriation bill," and signed it.

Again, in 1865 the republican party, who had possession of both Houses of Congress, placed on an appropriation bill a clause which deprived the President of a part of his prerogative as Commander-in-Chief of the Army. If there was ever a case in the eyes of all men from the framing of the Constitution down to the present time which called for the prompt exercise of the veto power, this was one. But Mr. Johnson would not take the responsibility of stopping supplies. He protested, but signed it. We have in this bill placed before Mr. Hayes upward of $18,000,000, an ample amount to meet all the demands of the Government. Will he turn his back upon it because Congress has declared in an amendment that they will not pay one dollar to the Army or to the marshals at the polls? If so, let him take the responsibility. The South has been dragged into this debate and held up as again in revolution. The charge is wicked and slanderous. We above all things do not want agitation, but peace. The country will do us the justice to remember that this controversy is not of our seeking. We have convictions deep and strong; and as Representatives we have dared to express them, and this is our only offense. It is admitted on the other side that this repeal does not affect the South and is not intended for that section. On the 19th of February, 1879, (page 51 of the RECORD,) the gentleman from Maine [Mr. FRYE] declares:

Mr. FRYE. Mr. Chairman, I do not believe that this is a question affecting the South at all. This law has been upon the statute-book since 1872, and the republican party has disappeared in the South as the dew disappears before the rising sun. The South will be solid for the democratic candidate for the Presidency in 1880, law or no law, supervisor or no supervisor, United States marshal or no United States marshal.

But the South cannot elect a President of the United States. Something else is necessary. What is it? The electoral vote in the State of New York. There is the difficulty; there is the reason for this requirement of the repeal of this law. New York must be carried by the democratic party in 1880 in order to elect a democratic candidate for President. With this law upon the statute-book gentlemen know perfectly well that New York cannot then be carried for the democratic party.

In the face of all this the revolution of the South is harped upon day after day and by every republican orator. The reason is manifest. Without this there could be no sensation, and without a sensation the people are with us.

Mr. Chairman, the unhappy war through which we have passed

has been made the fruitful source of much strife and much unwise and mischievous legislation, yet I hope and believe that its results are not all evil. We have learned on both sides to know and appreciate our own people, their valor as well as their devotion to principle. This will make us tolerant and more cautious in infringing upon the rights, liberties, and opinions of each other, and will, I trust, give us an everlasting peace. The soldiers who fell on both sides were martyrs to principle; and if it be true that the blood of martyrs is the seed of the church, then surely the blood of these brave men, so freely shed all over our land, will water afresh the tree of liberty planted by our fathers. It shall grow and strengthen and spread until its shadow shall be cast over all nations, furnishing shelter not only to the unborn millions of our own children and children's children, but to the oppressed and down-trodden throughout the world.

Mr. Chairman, give us free elections, and a brighter day will dawn upon us. I speak in the spirit of prophecy. I have watched the day-spring from on high. In 1881 there will be another watchman upon Columbia's wall. His vision, his patriotism, and his platform will take in the entire country—the East, the West, the North, and the despised South as well. No more will we see section arrayed against section in civil dissensions and political strife; no more will we hear the croaking of the ill-boding crow that this land with its heritage of liberty is to be destroyed by revolution and starvation. But in its stead we will hear the joyful proclamation as it is borne upon the wings of the wind from Maine to California amid the ringing of bells, the thunder of artillery, and the gladsome shouts of a redeemed and united people:

The winter is past, the rain is over and gone; the flowers appear on the earth; the time of the singing of birds is come, and the voice of the turtle is heard in our land.

Mr. DAVIS, of North Carolina. Mr. Chairman, I am obliged to my friend and colleague [Mr. SCALES] for yielding a portion of his time to me.

In the discussion which has been pending for some weeks in this Hall, the Army appropriation and the legislative, executive, and judicial appropriation bills have been considered together, and this discussion has assumed a much wider range than is necessary for a full, fair, and complete consideration of the bills themselves or of the political features, as they have been termed, incorporated in the bills. In my judgment, it is one of the strongest evidences of the propriety and justice of the measures proposed, that gentlemen who oppose them have to go beyond their legitimate consideration to find reasons—reasons did I say?—no, not reasons, but grounds of appeal to passions and prejudices and bitter, unpatriotic sectional hates, to urge against them.

What is it that we propose to do? Gentlemen on the other side, launched upon the stormy sea of passion and guided by partisan fears and partisan hatreds, have gone so far from reason's shore as to lose sight of the real issues, and, mistaking the rotten ship of the republican party on which they are embarked for the old ship of state which carries, and will safely carry, the fortunes of a restored Union held together by the strong bonds of a common interest, of mutual respect and fraternal esteem, and by just and impartial laws for each and every part of that Union—bonds of union which democrats North and democrats South intend to cement, and which they will not permit to be severed by any sectional party or parties—mistaking, I say, their rotten hull for this noble old ship, and feeling that the coming wave of another popular election will carry them to the bottom or wreck them on some political shore where they can no longer feed upon the spoils of office and plunder the public Treasury, they raise the howl of "revolution" and the despairing cry of "starvation," and these are the arguments and the only arguments which they address to this House or to the country.

Now, sir, let us bring our republican friends back from this stormy sea for a moment and see what it is that we propose and what it is that they, in their insane or pretended fears, call "revolution" and "starvation?"

First. We say that we will pass the appropriation bill for the Army; that the Army shall be fed and clothed and supplied with everything necessary for it, but it shall not be used at the polls, unless "on the application of the Legislature or the Executive, when the Legislature cannot be convened," and then only to protect the State against "domestic violence," as is provided by the Constitution. We say the Army shall not be used simply at the call of a deputy marshal for mere police duty; no such use is warranted by the Constitution; no such use is demanded or can safely be permitted in a country of freedom and law where the military power should be subordinate to the civil authority, and we will not vote one cent of the public money for any such use.

Our republican friends say—for if they do not mean that they mean nothing—they say unless you permit the Army to be "used to keep the peace at the polls, (for that is the only issue between us on the Army bill,) and that means, unless you permit the Army to be used as a political power to enable us to control elections and retain power, then the Army shall have no money and the Army shall starve. Wring it and twist it as you will, and this is the attitude of our republican friends on the Army bill: "Let the Army be used to keep the peace at the polls or we, the republican minority, will defeat the appropriation bill and the Army shall starve or be disbanded." This is the logic, this the irresistible conclusion of their argument. The argument means this or it means nothing. If this is not the fair deduction from their premises, then all they have said is nonsense.

Second. Judges of the Federal courts can require jurors to take what is called the test oath. This oath excludes from the jury-box every soldier who served in the confederate army, (and everybody knows that almost the entire white male population of the South was in that army,) and it excludes all who in any way gave aid and comfort to any one engaged in that army. Under this power Federal judges and district attorneys (some of whom cannot themselves take the oath which, in the interest of party and in trials for political offenses, they require of jurors) can pack juries and pollute the very fountains of justice; and this has been done, and done under the forms of law. The test, as is stated in the public prints, has been applied to democratic jurors, while republicans are not challenged. I am glad to say that this complaint does not apply to the judges or attorneys of my State.

We say to our republican friends, we will vote money to sustain the judiciary, but none of it shall be used to pay packed juries. Let the fountains of justice be pure and unpolluted—let us have fair courts and honest juries. The right to be tried "by an impartial jury of the State and district wherein the crime shall have been committed" is guaranteed by the Constitution, and we only ask that this guarantee of a most sacred right of freemen shall be observed. But our republican friends say: "No. If you do not leave it in the power of Federal courts to pack juries, by applying the test oath, we, the minority, will see that no money is allowed the courts, and justice shall die." If their argument does not mean this, it means nothing, and is nonsense.

Third. We say the Department of Justice shall have the money necessary for all legitimate purposes, but we will not vote money to pay deputy United States marshals (all or nearly all of whom are partisan republicans and appointed—notoriously and unblushingly appointed—for partisan purposes) to control elections and destroy freedom at the polls. Hundreds of thousands of dollars have been paid to these deputy marshals, and this has been a corruption fund in the interest of the republican party. Our republican friends say, "No, unless you give us money and permit us to employ deputy marshals at the polls, we, the minority, will see to it that this appropriation shall fail."

Fourth. We say the supervisors shall not have power to arrest citizens without warrant, and they shall not interfere with a free ballot. Remembering the services rendered by such partisan, political tricksters as Commissioner and Chief Supervisor John I. Davenport, who by his illegal, partisan use of power deprived hundreds and thousands of citizens in New York of their right to a free ballot, and remembering the partisan services of the thousands of supervisors appointed not in the interest of free elections but of party, our republican friends say "No, unless you allow supervisors at the polls with all the powers which we have given them, the appropriation shall fail and the wheels of Government shall stop." If their argument does not mean this, it means nothing, and all their talk is nonsense. How sincere they are is well illustrated by the case of Dean *vs.* Field, in the Forty-fifth Congress. By the returns of the poll-holders and by the supervisor's report Dean was entitled to his seat, but every member on the republican side of the House, except Mr. Butler, of Massachusetts, voted to seat Field.

In 1876, 4,863 supervisors and 11,612 deputy marshals were employed at a cost of $285,912, and in 1878, 4,881 supervisors and 4,725 deputy marshals were employed at a cost of $222,714, making over 26,000 in all, at a cost of more than $500,000; and I suppose no one on the republican side will be so wanting in candor as to deny that the bulk of this money was spent in the interest of the republican party and not in the interest of free elections. No one, I suppose, would be willing to be regarded so simple as to imagine, for instance, that Davenport was appointed for any honest purpose. For three-quarters of a century this Government had fair elections without the aid of deputy marshals and supervisors, and since their use there have been more frauds and villainies perpetrated by their aid than at all the elections from the foundation of the Government down to the day of their first appointment.

Has Congress the constitutional power to pass the pending bills? Unquestionably it has. Is there anything in them which violates the Constitution or interferes with the prerogative of the President or any other branch of the Government? No one will dare say that there is. No one who has any reputation to lose; no one who has any knowledge of the law, or whose opinion is worth a straw, will have the effrontery to say that there is. No one on the other side has ventured to say that there is; and yet gentlemen on that side, with a perversity of vision and a disregard of logic incomprehensible to me, say that it is revolutionary in us to do that which they admit we have the perfect legal and constitutional right to do, and which they themselves have done on many occasions, and on one at least when they willfully and deliberately invaded the constitutional rights of the President.

The gentleman from Michigan says that the majority says to the minority, "Yield your judgments to ours." Well, there is a difference of opinion—not about the legal right or constitutional power, but about the propriety of passing these bills, there is a difference of opinion, and there must be some settlement of this difference. The Constitution provides that "all bills for raising revenue shall originate in the House of Representatives." I have not time now to discuss

the reasons for giving to this House this power; but if it be revolutionary and little else than treason, as says the amiable, polite, considerate, and accomplished statesman from Michigan, [Mr. BURROWS,] who waves the bloody shirt so gracefully, and who, as he snuffs its odor, bellows over it as a herd of oxen at the smell of the blood of a slaughtered mate; if it be revolutionary for the majority to say to the minority, "Yield your judgments to ours or the supplies shall stop," what is it when the minority says to the majority, "You of the majority, yield your judgments to ours, or the supplies shall stop?" If one be revolution and starvation, what must the other be? I think I can find a partial answer to this question in the very polite language which the gentleman from Michigan [Mr. BURROWS] applied to us, "It is a compound—pardon the expression—of idiocy and insolence seldom equaled, never excelled." Of idiocy in supposing that a thinking people can be deceived by it, and of insolence and arrogance in supposing that the minority is the Government, that the republican party is the state. "I am the state," said Louis XIV. "Stand aside, I am holier than thou," said the Pharisee. In arrogance it excels Louis, and in comparison the Pharisee is a pattern of humility.

Now, sir, one would suppose that the questions at issue could be determined upon their merits; but, as I have said, the discussion has taken a wide range. Our republican friends have regaled us with all the horrors of the late war. For the want of better argument, all sorts of bad purposes have been attributed to us. We have been told that we were trying to starve the Government, that we were, using a polite epithet of the courtly and courteous statesman from Michigan, [Mr. BURROWS,] "co-conspirators," and the changes have been rung on treason, rebellion, slavery, the fugitive-slave law, and old John Brown has been again marched to the front; "full high advanced" the bloody shirt has waved, borne farthest to the front by some who did not so well like its appearance when the blood had a fresher smell; and my esteemed friend from Iowa has given us a very touching sermon, with the old fugitive slave and bloodhound for a text. He has discovered, and is filled with pride by the discovery, that the republican party has done what "no other party dared try to do." My friend has discovered, and "if he never utters another syllable on the floor of Congress" he "wants it remembered," that the declaration that "all men are created equal," as proclaimed by the Declaration of Independence, was only true in theory till his party made it a very fact and a very truth.

Well, sir, I confess that under the good old ways of democracy men were, in fact, born and grew up and were not created as Adam was, but my friend and his party have changed the mode and they are now, in fact, created equal. Will my friend tell us whether they will stay so? He says that during the eighteen years since the republican party came into power "the country has prospered financially and otherwise as no nation on the globe ever did prosper." Now when the millions of impoverished people in this land, millions impoverished by the financial policy of my friend and his party, when the laboring masses whose labor gives strength and power to this country, when the toiling millions read the gentleman's talk of prosperity, and look around them and see that this prosperity has been for the few, not the many, for the favored class who deal in untaxed bonds and enjoy the benefits of monopolies created by his party; when they see that only the favored few have been financially prosperous and by the aid of his financial policy have hoarded millions; that while business has been stagnant, thousands have been bankrupted and millions of working people have with difficulty been able to make bread, they will hardly be able to see this prosperity and they will be more grateful to my friend and his party for having established the absolute "equality of all men," at their creation if he will discover some plan to keep them so after they are created.

Mr. PRICE. Will the gentleman permit me a moment?

Mr. DAVIS, of North Carolina. My time is limited. It would give me pleasure to yield to my friend, for whom I have great personal regard, if I had the time. "Sambo and Jane, and Sallie and John" were "created equal" with my friend, but somehow my friend has gotten a long way ahead of them. It is true that he has aided "Sallie" by spelling her name S-a-l-l-i-e, but he will not let them stay equal with him. The equality will not "stick." A distinguished friend, who is in the habit of enforcing strong arguments by apt illustrations, tells a story of a man in the early days of the postage-stamp, when prepaid postage was three cents and unprepaid was five cents, and when the adhesive mucilage was not so good as it is now, he found great difficulty in making the stamp adhere to the letter, and, being anxious that his correspondent should know that it was prepaid, he wrote across it, "Paid if the picture sticks." Having created all men equal, will my friend support a juster financial system that will tend to keep them so? Will his equality stick?

But, sir, appeals of a more injurious character have been made to passion and prejudice by the gentleman from Michigan, [Mr. BURROWS.] He asks in an impassioned style:

> Should we yield now, how long will it be before upon an appropriation bill for the support of the Post-Office Department a provision will be incorporated excluding from the southern mails, as was done in times of the slave power, all printed matter tending to instruct the colored people in their political rights and responsibilities; and then say to the President, "Sign, or no mails!"

The gentleman is drawing upon a diseased imagination. He will not dare say that any single individual on this side of the House ever suggested or thought of such a thing. Our people are being taxed to their full capacity to educate the colored people equally with the white. In my State, and in all the Southern States, so far as I know, no distinction is made; the school fund is applied *pro rata*. Again he asks:

> How long before upon an appropriation bill for the support of the judiciary will a provision be incorporated making an appropriation for the payment of slaves and the Supreme Court menaced with starvation to extort from it a decision that the constitutional prohibition was never constitutionally adopted? "Mr. President, sign, or no court."

Like the former, this has no foundation. The intimation that any member on this side, or that any representative man of the democratic party, suggests or contemplates any such purpose would be as unfounded as the suggestion that the gentleman from Michigan could go to heaven with an unforgiving temper.

> From pride, vain-glory, and hypocrisy; from envy, hatred, and malice, and all uncharitableness, good Lord, deliver us.

Again he asks:

> How long before upon some appropriation bill a provision will be attached submitting an amendment to the Constitution abolishing the three great constitutional amendments? "Mr. President, sign, or no support."

Well this has less foundation, if possible, than either of the others. If the gentleman knows anything of the Constitution he ought to know that that instrument cannot be amended in that way. While the questions suggest the change, he cannot find any democrat, who represents any constituency, who ever proposed or thought of proposing such a thing. If I could be so insolent and unjust, I could with as much propriety ask how long will it be before the gentleman from Michigan will commit some great crime—murder, arson, burglary, or larceny—and with more propriety, for these are within the range of his power. He knows that we could not, if we would, do any such thing, and he has not the shadow of warrant or authority for intimating that we would if we could. If the question was asked of any intelligent man in my section, his reply would probably be, "You must take me for a fool, or you are,"—well, I will not say.

It takes two-thirds of Congress and three-fourths of the States to amend the Constitution, and to suggest that there is any danger of such amendments is the suggestion of folly. No one has proposed such amendments. No one that I know of has suggested them.

Again he asks:

> How long before a provision will be incorporated upon some appropriation bill for the re-establishment of slavery?

I think no such attempt will be made until it shall become the interest of republican politicians and Christian statesmen in the republican party, and then it cannot be done; for it requires the consent of three-fourths of all the States, and we will see that the attempt shall not succeed. And so of the other questions propounded by the gentleman. But then his imagination was running at large in fields in which Gulliver would have delighted to roam.

The gentleman from Michigan gave utterance to many harsh expressions calculated to provoke harsh replies, such as:

> It has been stated that your conduct in 1861 was honorable and heroic, meaning I suppose as contrasted with what is now proposed, but I am prepared to characterize the rebellion of 1861 as treason, and your purposes of to-day but little else, and, so far as the South is concerned, an exhibition of the basest ingratitude. Is it fitting for you to smite the hand that fed you and sting the breast that warmed you back to life? Have I exaggerated your purpose?

And he applied to gentlemen on this side such epithets as "co-conspirators." It may suit the gentleman from Michigan to use such language, but we do not intend to be drawn into anger by it. "In vain is the net spread in the presence of any bird." If the gentleman thinks that by his denunciations he is serving any patriotic purpose, I hope he feels better after the discharge; but he cannot be gratified by provoking us to angry words in reply, and if upon calm reflection he can find any consolation in having used them, I can only regret that any constituency should have sent to this Hall one so ignorant of our character, our purposes, and our aims. If he knew us better, it would perhaps humiliate him to know that gentlemen on this side are as ardently devoted to civil liberty, to the Constitution and laws of our country, and to the preservation of free government for all the people of every race and creed in the whole Union as is the gentleman himself, and, by deprecating sectional hatreds and doing all we can to eradicate them, I am sure that we are wiser if not better friends of the Union than they who so constantly appeal to the bloody past to arouse and keep alive sectional strife.

A friend from Alabama tells a story of a little boy who had his smaller brother down and was trying to maul him with his hammer, and because the little fellow at the bottom persisted in pushing him off, he vociferously called on his mother to make his brother "let him alone and behave himself." When the mother inquired what was the matter, he replied, "Johnny won't let me maul him on the head with my hammer." Whether the lamb drinks the water from the brook above or below, the wolf will not be pleased. I sometimes think some of our friends on the other side are like the big brother—sometimes like the wolf.

But, after all, the talk about "starvation and revolution," of which we have heard so much lately, is but the whip-poor-will's flight; it is a cry to deceive. When a trespasser comes near the nest of the whip-poor-will it flutters off and feigns being hurt. I have seen them feign death, and, taught by perfect instinct, act their part in a style which Forrest or Booth could not excel, and which the most accomplished Desdemona of the stage might envy. The republican nest has been disturbed.

Demetrius of old raised a cry lest "the temple of the great goddess Diana should be despised," not because he cared anything for the temple or for the goddess, but he was the manufacturer of idols, and his craft was in danger. Like Demetrius, our republican friends know by what "craft" they have their wealth.

I have been more than once struck by the fact, Mr. Chairman, as others must have been, that sentiments of a united brotherhood, of a restored Union, of kindly feelings, and of justice and equality for all parts of the country, East, West, North, and South, meet with hearty favor and applause on this side of the House. I have been as often pained to hear the bitterest utterances of sectional hate applauded on the other. On this side northern men and southern men, Federal soldiers and confederate soldiers, sit in harmony, and in the spirit of a true brotherhood forget that there has been a family feud. In the temple of liberty which our fathers built for us, we worship together, and the preservation of that temple is our dearest aim and our highest purpose.

Mr. COBB addressed the committee. [His remarks will appear in the Appendix.]

Mr. GILLETTE. Mr. Chairman, if this House, as is claimed, has the right to make such conditions in the appropriation of money as it may deem fit and proper, the insertion of sections which are not naturally a part of an appropriation bill, with a view of forcing their passage ought never to be made, whatever precedents may be quoted, unless in cases of direst necessity.

As I do not regard the repeal clauses under discussion as of sufficient immediate necessity to justify their insertion upon this appropriation bill, I shall vote as I voted, and as my party voted upon the political sections in the Army bill, namely, to strike them out. If the House decide to retain them, as in case of similar sections in the Army bill I shall deem it my duty to vote for the appropriation bills, but with no view of forcing executive approval.

As for the merits of these sections as separate propositions, I heartily favor most of them. I, however, question the wisdom of such sweeping curtailments of the duties and powers of the supervisors. The present laws give to the Executive a most dangerous power if he should choose to abuse it, a power that could render an election a mere farce, a power that I am sure the republicans would be unwilling to give a President not of their own party; and if these laws are only satisfactory to the party in power they are unsafe. Indeed, many republican members have stated that they would vote for most of these repeal clauses in a separate bill.

I do not question the right of this Government nor its duty to throw around the ballot-boxes where its officers are to be elected all necessary safeguards; but it is claimed by Representatives from all parts of the country that the powers now granted have already been abused in localities, so far as to practically disfranchise legal voters and change results of elections, and they produce very voluminous proof of this. Again, some sections of the country are extremely restive under what they regard an interference by the General Government in their elections.

We have heard in this debate very much about Louisiana and other localities in the South. I respectfully submit to the republican party that has tried so hard to alarm the country over the proposed repeal of these recent partisan laws whether, if your pictures of things, in Louisiana for example, are correct, this Government is justified in further pursuing your policy of fourteen years in this State. You have experimented with Louisiana in your own way; your test oath, marshals, supervisors, and Army have been applied as counter-irritants for many years; not only that, but you have sent down visiting statesmen to see and prescribe; not only that, but when, notwithstanding all your efforts, the votes did come in wrong, you have doctored them up to suit the necessities of the case; so it was all the same. And yet according to your own story, hell must be better governed than Louisiana. I once knew a boy whose father was overbearing and suspicious; his sharp eye was always on the lad; never trusted him; always complained of him; told him he was bad, whipped him because he was bad; often condemned him to a diet of bread and water, and forever excited his evil nature, until everybody looked askance at the boy and thought he was on the double-quick for perdition. Finally, at eighteen, he ran away among strangers, and for the first time was spoken kindly to and appreciated for what was good in him. Self-respect asserted itself, a feeling of responsibility and manhood came. That which was evil in him lay dormant, and he became an honor to society. You have treated Louisiana about as that deacon treated his boy. Now, for Heaven's sake, as Louisiana cannot run away, take hands off; call her of age; trust her; and see if this experiment will not bring better results. Reverse your policy every way. You contracted the money of the country just at the time Louisiana and other Southern States were coming back into the Union penniless, bereft of everything but their acres, until there was not enough left for the North even, as President Grant stated in his message of 1873, before you converted him.

Now open the doors of business and prosperity to her people and to those of other States as well, by supplying their greatest want, an abundant, reliable circulating medium, not in a way to rob but to enrich them. I say again, reverse your policy that has resulted only in ruin and anarchy. Give to your wayward children a chance to earn their bread, and, well fed, well clad, see if they do not become jewels in your crown.

HUNGER, LIKE RUM, IS THE MOTHER OF CRIME.

If such measures fail, it will then be soon enough to talk of further interference. The echoes of the civil war have filled this House like the thunders of Hades for weeks. Stentorian lungs have proclaimed on one side "You did it!" and the quick echo from the opposite side "You did it!" until we are constrained to say, in the words of another: "Is this unnatural, unnational, un-American war to go on forever?" Is there to be no end?

Abraham Lincoln once said, "Under God this nation shall have a new birth of freedom;" but it is more and more evident that those parties which are unable to lay aside the passions and language of war can never minister at this new birth of freedom. Before me on my right I see gentlemen who distinguished themselves during the war by their bravery, gentlemen whose shoulders a few years since glittered with golden stars, and on my left I see honorable gentlemen whose devotion upon the opposite side won for them equal rank. I observe that on both sides the epaulets and all other traces of the war are dropped from their garments, so their former rank as soldiers is known only to history. Would to God, as you have thrown off outwardly every insignia of war, you had also purged from your hearts all its prejudices and hatreds.

The greatest tribute to Washington was that he was first in peace. I fear there are few among the late military officers now before me over whose ashes it can finally be said: He was not only a brave soldier but distingushed himself equally as a legislator, by his efforts to heal the asperities of war and unify and bring prosperity to our whole country.

No sooner was this unfortunate debate opened than a general on the right [Mr. GARFIELD] charged upon the majority the purpose

TO STARVE THIS GOVERNMENT.

I desire to reply to him and to the many who have reiterated his words, that it comes with a poor grace from him or any representative of his party to charge others with purposes of starvation. I would remind them that their party has brought more American citizens to comprehend the meaning of that terrible word starvation than any other cause in the history of our country. When the friends of Pericles recited his virtues around his deathbed, he interrupted them and said: "You forget the only valuable part of my character. None of my fellow-citizens were ever compelled through any action of mine to assume a mourning-robe." Alas! through the action of your party in legislating for usurers, bankers, and monopolists, you have compelled the whole land to assume a mourning-robe, and starved out more industries, more hopes, more prosperity than any war in the history of the world ever crushed out. I read an item from a New York Tribune of recent date, which is only a sample of such items with which we have become too familiar:

SALE OF A DELAINE FACTORY.

PROVIDENCE, RHODE ISLAND. The manufacturing property of the Atlantic Delaine Company in this city was sold at auction to-day for $300,200. Providence men were the purchasers. The property cost over $2,000,000.

Manufacturing establishments in the East are salable at one-sixth their cost, while starvation wages are paid to the laborers employed, and the army of unemployed, wrecks of republican legislation, are treated as criminals. How fares the West, the great productive West under your legislation? I read from the same Tribune an instructive item:

REDUCTION OF INTEREST IN MINNESOTA.

SAINT PAUL, MINNESOTA.

Both houses of the Legislature have passed a bill reducing the legal rate of interest from 12 per cent. to 10 per cent.

A futile effort of the Minnesota Legislature to protect the men who feed the world from being starved out under your financial legislation that has doubled every debt in the land.

In the district which I have the honor to represent, which is almost purely agricultural, I take from a recent republican paper the statement that ten cows were sold for $2 per head at forced sale. In the same county, one of the most fertile in the United States, well watered, and supplied with railroads, and having as enterprising a people as can be found in the country, the chattel mortgages recorded in 1870 numbered nine, in 1878 they numbered nine hundred and forty, and I learn from letters that the highways are already filling with emigrant wagons, conveying the farmers of the Northwest who are starved out from the richest garden land in the world, a little further West to seek a new home among savages. This is at present the reward of industry in the United States.

But what is the condition of the people here in this District, under the shadow of this Capitol, the most favored spot in the country, for here the General Government expends annually for wages, salaries, &c., about $20,000,000? Forty-five hundred families or about eighteen thousand persons have been kept this winter from starvation by one relief association, the Provident Aid Society, as just reported to me by its president.

The last Congress appropriated $15,000 to fill an old canal in this city, really to give employment to idle, suffering workingmen. Eight thousand promptly applied for work at $1 a day. This appropriation, then, was not sufficient to give two days' work each, to the army of unfortunate sufferers in the streets of Washington, and illustrates the sad results of the starvation policy of the republican party; and I want to remind the republican leaders before me, who are so anxious lest the Government be starved out, that there is a flourishing soup-

house on E street where charity feeds hundreds of American citizens daily on broth at a penny a meal that under your long maladministration of the affairs of state are unable to feed themselves and their families, and it would not be an unjust retribution if the Government that has driven the workingmen into soup-houses in a time of abundant harvests and bursting granaries should itself have to

TASTE THE SWEETS OF SOUP-HOUSE CHARITY.

"One touch of nature makes the whole world kin." I believe if this happened, the Government would be brought to sympathize at last with the suffering people.

A few years ago our people and press mentioned with pride the constant large arrivals of immigrants in our ports. All were welcome, (though they were poor, ignorant of our customs, and even of our language,) because they were regarded as sturdy recruits to the great army of American laborers, whose mission it was to subdue this vast continent and make it bud and blossom as a rose. We even placed a money value of about $800 upon every one of them, because their labor was thought to be worth that to the country; but how is it now? Any accession of labor is dreaded as an evil. There is so little demand for it that a mechanic or workingman has little more to say about his wages than a slave, even when he can obtain employment, and there is a determination on the part of the States and governors, for the first time in our history, to punish poverty as a crime. Connecticut has just passed a blue law—no, a black law. Here it is:

AN ACT CONCERNING TRAMPS.

Be it enacted by the senate and house of representatives in General Assembly convened:

SECTION 1. Every tramp shall be punished by imprisonment in the State prison not more than one year.

SEC. 2. All transient persons who rove about from place to place begging, and all vagrants living without labor or visible means of support, who stroll over the country without lawful occasion, shall be held to be tramps within the meaning of this act.

SEC. 3. Any act of beggary or vagrancy by any person not a resident of this State shall be *prima facie* evidence that the person committing the same is a tramp within the meaning of this act.

SEC. 4. Any tramp who shall willfully and maliciously injure any person, where such offense is not now punishable by imprisonment in the State prison, or shall be found carrying any fire-arm or other dangerous weapon, shall be punished by imprisonment in the State prison not more than three years.

SEC. 5. Any sheriff, deputy sheriff, constable, special constable, or policeman, upon view of any offense described in this act, or on speedy information thereof, may without warrant apprehend the offender and take him before any competent authority for examination, and on his conviction shall be entitled to a reward of $5 therefor, to be paid by the State.

SEC. 6. All mayors, wardens, and selectmen are empowered and required to appoint special constables whose duty it shall be to arrest and prosecute all tramps in their respective cities, boroughs, and towns.

SEC. 7. This act shall not apply to any female or minor under the age of sixteen years, nor to any blind person, nor to any beggar roving within the limits of the town in which he resides.

SEC. 8. Upon the passage of this act, the secretary of state shall cause to be printed durable copies of this act to be sent to the several town clerks, who shall cause the same to be posted in at least twelve conspicuous places, six of which shall be in the public highway.

SEC. 9. This act shall take effect on the 28th day of April, 1879.

Approved March 27, 1879.

There is nothing lacking but the blood-hounds and the auction-block to complete this picture; but in place of the hounds we have hired spies, and in place of the auction-block the State pays $5 a head, then farms out her slave labor to the highest bidder. If this act came from a State south of Mason and Dixon's line, every republican paper in the North would print it as indisputable evidence of a determination on the part of the South to at once reinstate slavery. The honorable member from Connecticut [Mr. HAWLEY] who represents the city where this act was passed, condemns with choice rhetoric (?) the men who propose to reverse the policy by which his party has filled the land with tramps. That gentleman is extremely sensitive over extraneous matter upon appropriation bills and the financial theories of the nationals, while his party at home are enacting laws to imprison and disfranchise the poor of his State,

LAWS THAT WOULD MAKE A NERO BLUSH.

The penalty for stealing $15 in Connecticut is $7 fine and thirty days' imprisonment; for asking a crust of bread, if an outsider, it is one year in State prison at hard labor.

A temperate, industrious, and skillful but penniless mechanic came to me in Hartford, Connecticut, and begged me to find him employment in Des Moines, Iowa, saying he would walk out there if I would give him any encouragement. That law would cause his arrest and imprisonment if he should start now; but supposing he could by traveling nights, and stealing food rather than begging, run the gauntlet of Connecticut's spies, the republican governor of Iowa has just issued a proclamation instructing the sheriffs of counties and the mayors of cities to keep a sharp lookout for such men, arrest them and put them to work on stone piles or highways. It is not strange, under the circumstances, that discontent is assuming alarming proportions in this country. There is an unprecedented exodus to the Territories. The western-bound trains are crowded with men from nearly every State, whose hopes have been blasted, whose property has been sunk or snatched from them under unjust laws. Many have fled to Australia and other countries—anywhere to get away. Even the negroes in the South, like northern workingmen, are driven to seek a home on the cold prairies of the West.

The mayor of Saint Louis was so alarmed by the arrival of the first squads of these laborers that he issued a great proclamation to prevent others from coming, and tried to get the river-boats to return these.

The arrival of a few thousand Mongolians upon our western coast, although they are everywhere admitted to be industrious, frugal, and peaceable, has set the nation into a fever of excitement, and we are taking emetics, and possibly will continue to do so, until these unfortunates are spewed out into the suffocating country from whence they came. They come to America for the same purpose as the millions from other lands who have preceded them, namely, to better their condition. Their virtues, such as industry and economy, are regarded as objections and assigned as reasons for driving them hence, because under our laws there is not work enough in this vast undeveloped country for half our American-born laborers; and can we see our own children starve that Asiatics may be fed?

Before we reverse our time-honored policy of open doors and a welcome to all the world, and drive out and shut out foreign labor from our land; before the edict goes forth that "the Chinese must go," let us say to every law that has robbed labor and blasted enterprise,

YOU MUST GO FROM THE STATUTE-BOOKS;

the national banks must go! the national bonds must go! the land monopolist must go! the law that bars out silver from our mints must go! the mountain of idle money in the Treasury must go into the channels of business! the millions that have been absorbed by coin bonds must go out once more to make glad the heart of the toiler and redeem the bonds that bind him hand and foot.

When we have accomplished this, if we still find starvation wages and general distress, it will be in order to adopt the ancient civilization of the Chinese and barricade our land with a Chinese wall to keep out foreign laborers; then name our country the American Empire, for it will no longer be a republic. But this latter contingency will never occur under a system of finance adapted to our form of government and to our boundless territory and resources. Under such a system the overflow of other lands could never depress our labor or produce markets, and cause low wages and jealousies. All would be prosperous, and our enterprise and development would become the admiration and wonder of the world.

The determined policy of the republican party has been to fund our debt into coin bonds that cannot be paid for a generation, and to build upon this corner-stone a banking system that for a parallel of injustice to the people and favoritism to a class stands without a rival. What is a Government bond? It is an instrument for taxing the whole people for the support of the holder; an invention for taking from the producer the fruits of his industry, and giving it to a man who is thereby relieved from the necessity of productive labor. It is a scheme for building up an idle, useless class in society, and subordinating this great Government into a tax-gatherer for the benefit of that class.

I do not believe that it is the object or duty or office of this Government to tax the people for one dollar more than is necessary to sustain the Government economically. I for one am unwilling to see it degraded into a machine for building up a class of citizens at the expense of the masses. It is all wrong. It is a form of despotism which should be unknown in a republic. It is but

THE ECHO OF THE SLAVE-DRIVER'S LASH IN OUR LAND.

It is an ingenious, refined system of oppression, and it is bolstered up by cunning appeals to the honor of the robbed; but, torn of its disguises, it will soon be understood by the people in all the length and breadth and depth of its infamy.

Once our fathers were taught of the divine right of kings; they heard it everywhere, in schools, colleges, and churches, but they refused to acknowledge that right, and, after indescribable struggles and sufferings, disproved this axiom of despotism. Next we were taught that slavery was a divine institution. The clergy preached it; the Constitution was construed and laws framed to defend and strengthen it; but the people destroyed it in spite of false teachers and law-makers, in spite of all its intrenchments.

Now we have a new form of despotism as popular as its predecessors. Some preachers are preaching for it. Mr. Joseph Cook, of Boston, threatens revolution rather than see it overthrown. National honor is again appealed to that it may be sustained, and that is your bond scheme; but, gentlemen, false teachers and preachers, cunningly devised laws and refunding acts will never long hold the people in bondage to your latest engine of oppression. You have not only placed many of these bonds, by means of syndicates, in the hands of foreign capitalists and potentates, but by refusing to provide our people with necessary money to carry on their industries and furnishing nearly one-half our currency through national banks, making it enormously expensive to the borrower, you have forced our railroads and all parties that could to borrow money of foreigners rather than at home; so that we have again, as before the Revolution, the privilege of cultivating our fields and manufacturing our products for the benefit of foreigners; of toiling not only to sustain our domestic princes, but also foreign potentates upon their thrones and lords in their palaces. We do not shout

LONG LIVE THE KINGS AND QUEENS,

but toil early and late to sustain them with our choicest products and are tributes under republican rule to the leading despots of the world. Our boasted balance of trade of nearly $300,000,000 per annum does not come to us in coin, but largely in coupons and inter-

est receipts. Last year, with a trade balance of $257,000,000 in our favor, we actually had to send abroad about four millions of coin and bullion to balance up our interest and other accounts. Happy people! hewers of wood and drawers of water to foreigners!

To show the natural results of this foreign-debt policy, I insert an item which I have just clipped from a New York paper:

The Khedive of Egypt and the keen-witted foreigners who raise his revenues have a stern sense of "the sacredness of contracts" that would put our American bondholders to the blush. The Khedive has borrowed immense sums abroad to expend on his pleasures, and now as the French and English bondholders must be satisfied, the "fellahs" are far worse treated than our negro slaves were. The natives from the district around each sugar factory are compelled to abandon work in their own fields and furnish gratuitously the manual assistance needed in the government mills and plantations. The people are driven with whips to their work in the field by men who have not that sense of ownership which in a large degree tempered the cruelty of slavery. In some of the villages the people are past help, sitting naked like wild beasts, eating roots and suffering with the endurance of despair.

The United States Treasury in its long conflict with the enterprise and business of the country has completely triumphed, and after stopping the wheels of industry has mortgaged the future enterprise of the country for a generation with thirty-year bonds, and now asks the people it has robbed to applaud the very results brought about through their losses. As well might Wellington have asked Napoleon to cheer over Waterloo; like the king of Babylon who after breaking down the walls of Jerusalem, destroying its homes, and enslaving the people, then bade them to sing. "They that wasted us, required of us mirth," as the psalmist puts it, but they hung their harps on the willows and refused to sing. So now the men who have wasted the people and robbed them for many years are asking us to sing the triumphs of resumption in the face of our desolated homes and new thirty-year bondage. If we do sing over resumption this will be our song:

"There are ninety and nine, that live and die
In want, and hunger, and cold,
That one may revel in luxury
And be lapped in its silken fold;
The ninety and nine in their hovels bare,
The one in a palace, with riches rare.

They toil in the fields, the ninety and nine,
For the fruits of our mother earth;
They dig and delve in the dusky mine,
And bring her hid treasures forth;
And the wealth released by their sturdy blows
To the hands of the one forever flows.

From the sweat of their brows the desert blooms,
And the forest before them falls.
Their labor has builded humble homes,
And cities with lofty halls;
And the one owns city, and homes, and lands,
And the ninety and nine have empty hands."

The people have no heart for rejoicings; but, instead, their inborn independence will assert itself, and they will break the shackles you have forged for them to wear. They will not long be enslaved. The bonds will be paid, and never again will this Government extort usury of the people. We will pay the last farthing, but paid they shall be—

"But the night, so dreary, and dark, and long,
At last shall the morning bring,
And over the land the victors' song
Of the ninety and nine shall ring,
And echo afar, from zone to zone,
'Rejoice! for labor shall have its own.'"

If you inquire how is Government to raise money in time of war I answer, just as it raises men. You seize a citizen and make a breastwork for bullets of his body, and is the rich man's money any more sacred than the poor man's blood?

The people have been loath to withdraw their confidence from the republican party and believe that it has betrayed them, but the sad experiences through which they are passing, after unceasing promises at every election for years of better times just ahead, are opening their eyes. I have the honor to represent a district which has heretofore been overwhelmingly republican, and I wish I could faintly picture the determination of the people in their demands for relief. It was whispered in many localities by opponents during my canvass that I would fail the people when elected and forget my enthusiasm in their behalf. Repeatedly old men, who had been republicans since the organization of that party, came upon their staffs and told me with trembling voice if I failed them, forgetting their demands, I could never return to them alive.

Do you believe you can smother this fire? Do you believe you can satisfy these outraged citizens by continuing into 1880 your sectional quarrels? I tell you, if you try it, it will not down.

WHAT THE PEOPLE WANT IS BREAD, NOT BLOOD.

When I think of the thousands bereft of home, of employment, of everything that makes life dear, by no fault of theirs, I am amazed at their patient endurance and long suffering; but I advise prudence in your further legislation, and immediate measures of relief to the country. It is wise, and safe as well. Beware! The flight of a bird, the sound of a single human voice, has been known to start the Alpine avalanche.

I appeal to the majority of this House. You are now responsible not only for the measures passed by Congress, but also for any failure of needed legislation. You are watched by fifty millions of people, who have given you your majority because in parts of the country you denounced the ruinous policy of the republican party. How dare you trifle with your pledges to the people? Have you signalized your entry upon this great responsibility by an effort to force through measures of relief for the people? No! Bills to repeal the obnoxious laws that are making a poor-house of this nation? No! no! but, on the contrary, to repeal laws which though objectionable are not responsible for the poverty and suffering of the people, and for one month no bill for their relief was even allowed to be introduced. Dare you face your impoverished constituents after adjourning this House without having prevented the further increase of our bonded debt and provided for its speedy liquidation; without having divorced the national banks from the National Treasury; without having opened wide the mints to the silver mines of the country; without having unlocked the United States Treasury and given back to the people the mountain of idle, useless money in its vaults which they are paying interest upon? If you do, may the Lord have mercy on your souls!

What the people demand, what they will have, is relief, and any party that trifles with this demand, that prefers to resurrect the thrice dead issues of the past rather than to stay the hand of the spoiler that is laying waste the people, will be held responsible for the sufferings of the present and the calamities of the future.

Mr. GILLETTE. I yield the remainder of my time to the gentleman from Indiana, [Mr. DE LA MATYR.]

Mr. HENDERSON. Before the gentleman from Iowa takes his seat, I would be glad to ask him a question.

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. GILLETTE. I yield to the gentleman for a question.

Mr. HENDERSON. The gentleman has stated here that the republican party, as a party, was responsible for the contraction of the currency and the starvation of the people. I want to ask him if he does not know that immediately following the conclusion of the war a resolution was adopted by this House, and voted for by democrats as well as republicans, showing it to be the universal sense of all parties and of the country that there should be a contraction of the currency in order to prepare for a resumption of specie payments, and that the contraction of which he complains was made in pursuance of this resolution under the administration of Andrew Johnson while Mr. McCulloch was Secretary of the Treasury?

Mr. GILLETTE. My friend from Indiana complains that I am yielding too much of the time which I promised to him. But I will answer the question of the gentleman from Illinois. I hold that the party which has the majority in the House of Representatives and the Senate of the United States and whose Executive sits in the presidential chair is responsible for the legislation of the country.

Mr. HENDERSON. I wish to ask the gentleman another question.

Mr. GILLETTE. I am not here to apologize for hard-money democrats any more than to approve of what has been done by the republican party.

Mr. HENDERSON. I wish to ask the gentleman if he believes that the payment of the public debt of the country is in any just sense a contraction of the currency?

Mr. GILLETTE. The gentleman from Indiana to whom I have yielded the balance of my time refuses to yield further.

Mr. DE LA MATYR addressed the committee. Before he concluded,

Mr. REAGAN said. It is almost twelve. I move that the committee rise.

The CHAIRMAN. The gentleman from Indiana has seven minutes of his time remaining.

[The remarks of Mr. DE LA MATYR were resumed when the House next resolved itself into Committee of the Whole on the state of the Union. See page 816.]

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, and had come to no resolution thereon.

Mr. BLACKBURN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at eleven o'clock and fifty-nine minutes a. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BAILEY: The petition of Catharine J. Gillis, administratrix of Thomas H. Gillis, deceased, that she be paid the proceeds of certain cotton seized and sold by United States authorities—to the Committee on the Judiciary.

By Mr. BLISS: The petition of Ollriche & Co. and Keinhards & Co., for the payment of interest on the amount of tonnage dues collected by the collection officers of the United States in violation of treaty stipulations—to the Committee on Foreign Affairs.

By Mr. BUCKNER: The petition of J. B. A. Broiullet, that the Secretary of the Interior be directed to issue a patent to certain lands,

claimed for the mission of Saint James, in Oregon—to the Committee on Private Land Claims.

By Mr. CLARK, of Iowa: Papers relating to the war claims of Hiram W. Love and of C. L. Quackenbush—to the Committee on War Claims.

Also, papers relating to the pension claim of Elizabeth Davis—to the Committee on Invalid Pensions.

Also, papers relating to the claim of J. S. Alexander for the difference between the pay of a sergeant-major and second lieutenant from March 19 to October 6, 1863—to the Committee on Military Affairs.

By Mr. DAGGETT: Papers relating to the claim of Milton B. Duffield for pay for extra services rendered while in the discharge of his duties as United States marshal for the Territory of Arizona—to the Committee of Claims.

By Mr. DIBRELL: Papers relating to the pension claim of William Truett—to the Committee on Invalid Pensions.

Also, papers relating to the war claims of A. H. Buchanan; of Cummings, Doyle & Co. and Doyle & Co.; of D. W. and Minnie H. Glass; of Duncan Marr; of James Scott and others; of B. B. Taylor; and of George W. Twidwell—to the Committee on War Claims.

By Mr. HARMER: The petition of John W. Gray, for pay for work done on models of the Navy for the centennial exhibition—to the Committee on Naval Affairs.

By Mr. HASKELL: A communication from the governor of Kansas, urging that the Government provide tents and rations for certain destitute colored immigrants to that State—to the Committee on Appropriations.

By Mr. KEIFER: The petition of Shepard S. Everett, for compensation for services rendered to the House Committee on War Claims during the third session of the Forty-fifth Congress—to the Committee of Accounts.

By Mr. LORING: The petition of Mrs. Caroline S. Webster, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. PIERCE: The petition of E. D. Jackson and others, against reissuing or extending the Birdsell clover-huller patent—to the Committee on Patents.

By Mr. STEPHENS: The petition of A. R. Potts and others, that Dr. F. B. Culver be compensated for services rendered the Government as Indian agent in effecting the treaty of February 18, 1861, with the "five tribes" of Indians—to the Committee on Indian Affairs.

By Mr. STONE: The petition of Daniel Hoyt and 51 others, citizens of Michigan, and of A. Dickerson and 61 others, citizens of Michigan, against extending the Birdsell clover-huller patent—to the Committee on Patents.

By Mr. TUCKER: The petition of Canteny, Jenkins & Co. and others, for the repeal of certain provisions of the revenue law relating to the bonds of rectifiers—to the Committee of Ways and Means.

By Mr. VAN AERNAM: The petition of the Storekeepers' Association of the first and third districts of Ohio, the sixth district of Kentucky, and the fourth district of Indiana, against the reduction of their salaries—to the Committee on Appropriations.

By Mr. VANCE: The petition of J. Mead and others, for a post-route from Shelby, via Gardner's Ford, to Joseph Mead's, on Crooked Run, Cleveland County, North Carolina—to the Committee on the Post-Office and Post-Roads.

IN SENATE.

THURSDAY, *April* 24, 1879.

Prayer by Rev. DAVID WILLS, D. D., of Washington City.

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

HOUSE BILL REFERRED.

The bill (H. R. No. 4) to provide for the exchange of subsidiary coins for lawful money of the United States under certain circumstances, and to make such coins a legal tender in all sums not exceeding $20, and for other purposes, was read twice by its title, and referred to the Committee on Finance.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting a communication from the Paymaster-General, calling attention to certain deficiencies in the appropriations for the pay of professors at the Military Academy for the years 1878, 1879, and 1880, and in the appropriation for the cadets at the Academy for the year 1879; which was referred to the Committee on Appropriations.

NATIONAL ACADEMY OF SCIENCES.

The PRESIDENT *pro tempore* laid before the Senate a letter from the acting president of the National Academy of Sciences, transmitting, in compliance with the act of Congress of March 4, 1863, a report of its operations during the past year.

Mr. VOORHEES. I move that the letter and the report be printed and referred to the Committee on the Library.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of the United States Internal Revenue Store-keepers' Association of the first and third districts of Ohio, the sixth district of Kentucky, and the fourth district of Indiana, remonstrating against a clause of the legislative, executive, and judicial appropriation bill, now pending in the House of Representatives, reducing their salaries; which was referred to the Committee on Finance.

He also presented the memorial of F. S. Stumbaugh and L. F. Eggers, of Kansas, presenting additional reasons why there should be an investigation into the election of Hon. JOHN J. INGALLS as Senator from the State of Kansas; which was referred to the Committee on Privileges and Elections.

Mr. VEST presented a resolution of the Legislature of Missouri; which was read, and referred to the Committee on Public Lands; as follows:

House concurrent resolution No. 41, joint and concurrent resolution concerning lands in the State of Missouri.

Whereas, by an act of Congress, approved July 4, 1866, there was donated to the State of Missouri, to aid in the construction and extension of the Iron Mountain Railroad, certain lands lying within said State of Missouri, under certain conditions set forth in the act; and

Whereas the conditions have not been complied with and said lands are yet withdrawn from the market: Therefore,

Be it resolved by the General Assembly of the State of Missouri as follows:

First. That our Senators in Congress be directed and our Representatives be requested to use their efforts and influence in securing the passage of an act donating to the State of Missouri said lands, that the State may offer the same for sale, and apply the proceeds of the sale of said lands to the payment of certain bonds issued in aid of said Iron Mountain Railroad.

Second. That the Secretary of State be directed to furnish each of our Senators and Representatives in Congress with a copy of this preamble and resolution.

Approved April 18, 1879.

MICHAEL R. McGRATH,
Secretary of State.

Mr. INGALLS presented the petition of George W. Parris, praying for arrears of pensions; which was referred to the Committee on Pensions.

MRS. CAROLINE S. WEBSTER.

Mr. DAWES. I have in my hand the petition of Caroline S. Webster, of Marshfield, Massachusetts. The circumstances attending this petition and the nature of its prayer are so peculiar that, with the indulgence of the Chair, I will state them as they appear in this memorial.

Mrs. Webster is the widow of the late Colonel Fletcher Webster, of Marshfield, the son of Daniel Webster. While Mr. Webster himself spent his entire life in the civil service of his country, entering the lower House of Congress in 1813, and with scarce any interruption closing it as Secretary of State in 1852, his two sons gave their lives to their country in the military service of the Government. His youngest son volunteered his services and gave his life in the war with Mexico. He had left only one son. Mr. Webster himself died in 1852 and left this son, the only one, to bear his name to posterity.

Colonel Fletcher Webster held various civil positions with honor, and gave promise of distinction. Early, however, in the war of the rebellion, as early as April, 1861, he, following the example of his brother, volunteered his services to the Government, and at the head of a Massachusetts regiment entered the service of the United States, and, serving with distinction, fell at the head of his regiment in 1862. Thus passed away all of the male members of the family. His widow with her children went to the homestead in Marshfield, and from that time devoted herself to the care of the papers and valuables that Mr. Webster left for his country in their old homestead at Marshfield, depending upon such means of support as she was able to obtain from that estate. In April of last year, by an incendiary fire, the homestead at Marshfield was consumed, and with it everything of value in it to the country and to the family, with the exception of a few pictures and some things of minor value, leaving Mrs. Fletcher Webster without any other support than the pension of $30 a month which had been granted her by Congress. She now prays Congress to increase that pension to $50 a month.

Under all the circumstances connected with the history of the name, as well as the services of her husband, for which she was granted the pension originally, and the fact that she is reduced by these casualties to want and dependence, it does not seem unreasonable that the prayer of her petition be granted. It is accompanied by a bill which I ask may be read twice at this time, if no one objects, and that both the petition and the bill be referred to the Committee on Pensions, who I trust will find ample ground for granting the prayer of her petition.

By unanimous consent, leave was granted to introduce a bill (S. No. 484) for the relief of Mrs. Caroline S. Webster; and it was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLAINE. Mr. President, if my honorable friend who sits in front of me [Mr. EDMUNDS] was not in the habit of objecting to having anything passed by unanimous consent without a reference, I would ask that that bill should be put upon its passage; and if I thought I should be sustained in it I would move that the pension be made a hundred dollars a month. We voted a pension of $3,000 per annum for life to the widow of Mr. Lincoln. We voted a pension of $2,000 per annum for life to the widow of Admiral Farragut.