

powers conferred by the Constitution come from the States; that is, the people constituting the States.

Every power created or delegated contained in the Constitution was a power conferred by the people or the States, and did not emanate from the Constitution itself. Why, the State-rights party in the days of the adoption of the Constitution were so tenacious of this right that they would not adopt the Constitution unless it should be accompanied by amendments; or at least in their conventions adopting the Constitution they submitted the first eleven articles of amendment, one of which provided 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. There was no power that Congress held, no rights which it held by virtue of charters or grants from the Crown; but all power conferred, defined, limited, or implied in the Constitution was granted by the States, and the people of the States, and not by the Constitution itself. The Constitution was the written expression of the grant, and hence it is idle to say that this is a power conferred upon the States, unless the gentleman means that the people acting through their State conventions gave to the States as corporate existences the right to appoint the electors; and if that is his meaning, I deny his conclusion that the power is therefore limited, for the fifth article of amendments to the Constitution does not limit the powers created or delegated to the States, but only the powers granted to the Federal Government.

Now, Mr. Speaker, it appears to me that the doctrine asserted in the fifth resolution is utterly subversive of the reserved rights of the States.

There is no redress from this illegal assumption if the result of such a partial count is final and conclusive. It places a veto power in the House of Representatives upon the choice of the duly appointed officers of the State authorized to elect the President and Vice-President of the United States. It declares that the House, by a bare majority, acting upon the opinion, whim, caprice, or partisan bias of its members, can invalidate the votes duly given by presidential electors and certified according to law. It claims the right to the House to question and set aside the appointment as well as the votes of electors and in effect itself appoint the electors.

I now yield the remainder of my time to my colleague upon my right, [Mr. HURLBUT.]

Mr. HURLBUT. I move that the House now adjourn.

Mr. FOSTER. Will the gentleman yield to me to make a privileged motion?

Mr. HURLBUT. If it is a privileged motion.

DEFICIENCY BILL.

Mr. FOSTER. I move that the House grant the request of the Senate for a committee of conference upon the disagreeing votes of the two Houses upon the bill (H. R. No. 4307) making appropriations to supply certain deficiencies in the contingent fund of the House of Representatives, and for other purposes.

The motion was agreed to.

The Speaker announced as the conferees on the part of the House Mr. FOSTER, Mr. HOLMAN, and Mr. BLOUNT.

EXTENSION OF CAPITOL GROUNDS.

Mr. HOLMAN. I ask unanimous consent to have taken from the Speaker's table and referred to the Committee on Public Buildings and Grounds Senate bill No. 1113, to authorize the taking of certain parcels of land for the public use at the intersection of Pennsylvania and Maryland avenues, on the west front of the Capitol Square.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Public Buildings and Grounds.

ROBERT ERWIN.

Mr. HARTRIDGE. I ask unanimous consent to have taken from the Speaker's table House bill No. 231, which has been returned from the Senate with an amendment, for the purpose of moving a concurrence in the amendment.

No objection was made, and the bill (H. R. No. 231) for the relief of Robert Erwin was taken from the Speaker's table.

The amendment of the Senate was to strike out all after the enacting clause, and to insert in lieu thereof the following:

That the Court of Claims may take jurisdiction under the provisions of the act of March 12, 1863, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," of the claims of Robert Erwin, of Savannah, Georgia, for property alleged to have been taken from him, which claims were by accident or mistake of his agent or attorney, and without fault or neglect on his part, as is claimed, not filed within the time limited by said act.

The amendment of the Senate was concurred in.

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

The latter motion was agreed to.

RIVER AND HARBOR IMPROVEMENT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the report of the Chief of Engineers, under section 3, of the river and harbor act of August 14, 1876; which was referred to the Committee on Commerce.

MAJOR JUSTUS M'KINSTRY.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to a report of the court-martial of Major Justus McKinstry; which was referred to the Committee on Military Affairs.

Mr. STONE moved that the communication just referred be printed. The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 685) to place the name of Daniel H. Kelly upon the muster-roll of Company F, Second Tennessee Infantry; and

An act (S. No. 1040) to authorize sundry allowances to James Atkins, late collector of internal revenue for the fourth district of Georgia, in the settlement of his accounts.

ORDER OF BUSINESS.

Mr. WILSON, of Iowa. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Illinois [Mr. HURLBUT] that the House now adjourn.

Mr. HURLBUT. The gentleman from New York [Mr. WILLIS] desires to take the floor in his own right upon the report of the select committee of the rights and privileges of the House. I will withdraw my motion to adjourn and yield to him for that purpose.

Mr. WILLIS. I am willing to yield for a motion to adjourn.

Mr. HURLBUT. Then I make that motion.

The motion was agreed to; and accordingly (at three o'clock and thirty-five minutes p. 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. BANNING: The petition of Ann Gregory, widow of Charles N. Gregory, of Washington, District of Columbia, that the Secretary of the Treasury be directed to refund to her the sum of \$1,500, the amount of money paid by her late husband for certain real estate purchased from the United States at a confiscation sale in Alexandria, Virginia, which sale has been declared void by the Supreme Court of the United States, to the Committee on the Judiciary.

By Mr. CUTLER: Protest of citizens of Roxbury Township, Mercer County, New Jersey, against the assumption of the President of the Senate of the power of determining who has been elected President of the United States, to the committee on counting the electoral vote.

By Mr. KIDDER: The petition of Thomas Faloon and 230 other citizens of Dakota Territory, that pre-emptors may have their filings changed to homesteads, and credit given them of the time they have resided on the land as pre-emptors, to the Committee on Public Lands.

By Mr. THORNBURGH: The petition of S. E. Rankin, and others, of Tennessee, that pensioners be paid from the date of their discharge from the Army, to the Committee on Invalid Pensions.

By Mr. TURNEY: The petition of citizens of Westmoreland County, Pennsylvania, for the enforcement of the provisions of the act of Congress of July 24, 1866, relating to the purchase of telegraph lines by the General Government, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Fayette County, Pennsylvania, of similar import, to the same committee.

By Mr. WILLIAMS, of Delaware: The petition of citizens of Milford, Delaware, of similar import, to the same committee.

IN SENATE.

FRIDAY, January 19, 1877.

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

HOUSE BILL REFERRED.

The bill (H. R. No. 4448) to remove the political disabilities of A. W. Burnet, of South Carolina, was read twice by its title and referred to the Committee on the Judiciary.

CREDENTIALS.

Mr. HAMLIN presented the credentials of JAMES G. BLAINE, elected by the Legislature of the State of Maine a Senator from that State to fill the vacancy occasioned by the resignation of Lot M. Morrill; which were read and ordered to be filed.

He also presented the credentials of JAMES G. BLAINE, elected by the Legislature of the State of Maine a Senator from that State for the term beginning March 4, 1877; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Pennsylvania. I am requested by the governor of the State of Pennsylvania to present to the Senate certain resolutions passed by the Legislature of Pennsylvania and I ask that the

resolutions be read. The resolutions were ordered to lie on the table and were read, as follows:

Whereas the tranquillity of the country has been disturbed and its business prosperity imperiled by the extraordinary difficulty of ascertaining, in the nearly balanced vote, what has been the result of the late election for the electors of President and Vice-President;

And whereas to allay any excitement that may endanger the public peace and precipitate upon the people the calamities of civil war, from which they have been lately delivered, it seems fit and proper that the Legislatures of the States whose prerogatives and vital interests are involved in the issue should declare and emphasize those principles embodied in the national Constitution by which the decision of the pending question can alone be safely and lawfully reached:

Resolved by the senate, (the house of representatives concurring.) That the will of the people in electing a President and Vice-President of the United States can only be expressed in the manner prescribed by the Constitution, and the persons having the majority of the votes of the electors appointed by the States of the Union in the manner prescribed by the Legislatures thereof must be, by the force of the Constitution and laws, declared President and Vice-President respectively, and must be on the 4th of March inaugurated, and thereafter duly respected as such.

Second. That all factious opposition, and all threats of violence, designed or intended to prevent or imperil the declaration and confirmation of the constitutional election of the President and Vice-President, are unpatriotic in spirit, dangerous and revolutionary in tendency, and merit and should receive the condemnation of an outraged and indignant people.

Third. That the lists which the duly appointed electors of the States respectively are required by the Constitution of the United States to make of the persons voted for as President and Vice-President, and the number of votes for each, and which are to be by the electors certified and transmitted by them sealed to the President of the Senate, and which certificates are to be opened by him in the presence of the two Houses of Congress, and counted, are the constitutional evidence of the votes cast for President and Vice-President.

Fourth. That under the Constitution the persons having the majority of all the votes actually cast by the duly appointed electors of the States, respectively, are, by force of the Constitution and laws, the President and Vice-President from and after the beginning of their term of office, and any attempt to defeat the election of a President or of a Vice-President by either House of Congress upon the pretext that certain persons duly certified to be the electors of any State were not such electors, or by throwing out or refusing to count the legally certified votes of any State, or by impeding the counting of the electoral vote to ascertain the result, or for any other cause than that provided for in the Constitution, when no person has a majority of votes of the electors duly appointed, will be a proceeding fraught with danger to the public peace, perilous to the stability of our Government, and exposing our nation to contempt in the general opinion of mankind.

Resolved, That our Senators in Congress be instructed and our Representatives requested to let their action on this question conform to the spirit of this declaration.

Resolved, That the governor be requested to have a copy of this preamble and resolutions forwarded to each of our Senators and Representatives in Congress as early as convenient.

The foregoing preamble and resolutions have passed the Legislature.

THOS. E. COCHRAN,

Clerk of the Senate.

WM. C. SHURLOCK,

Clerk of the House of Representatives.

JANUARY 16, 1877.

Mr. SHERMAN presented a petition of a large number of citizens of Ohio, praying the passage of the act allowing pensioners the amount of arrears to which they would be entitled by a removal from the statutes of the unjust limitation which has debarred many from receiving their just dues, and that they shall be entitled to receive in all cases pension from the date of discharge of the soldier; which was ordered to lie on the table.

Mr. SHERMAN. I also present the petition of Levi & Co., of Cincinnati, Ohio, praying the repeal of the law imposing a tax on the circulation, deposits, and capital of banks, stating that it affects them injuriously and affects the public as well injuriously. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. COOPER presented the petition of the Louisville conference, the petition of the East Texas conference, the petition of the North Georgia conference, the petition of the South Carolina conference, the petition of the Virginia conference, the petition of the Memphis conference, the petition of the North Mississippi conference, the petition of the Alabama conference, the petition of the North Alabama conference, and the petition of the Mississippi conference, praying for settlement and payment of the claim of the Southern Methodist Publishing House; which were referred to the Committee on Claims.

Mr. MERRIMON presented a resolution of the Legislature of North Carolina, in favor of amending the laws relating to currency, so as to prohibit national banks from taking more than 8 per cent. interest; which was referred to the Committee on Finance.

He also presented a petition of the Good Templars of North Carolina, officially signed, praying for prohibitory legislation for the District of Columbia and the Territories; the prohibition of the foreign importation of alcoholic liquors; that total abstinence be made a condition of the civil, military, and naval service, and for a constitutional amendment to prohibit the traffic in alcoholic beverages throughout the national domain; which was referred to the Committee on Finance.

Mr. JONES, of Florida, presented the petition of Lucius A. Hardec, of Honeymoon, Florida, praying the appointment of a committee to examine his method of effectually destroying the locust or grasshopper of the West by concussion, and also to examine into the history, nature, and habits of the grasshopper and suggest some means of their destruction; which was referred to the Committee on Agriculture.

Mr. BOGY presented a petition of citizens of Missouri, praying an amendment of the pension laws, so as to allow arrearages of pensions; which was ordered to lie on the table.

Mr. CONKLING. I present petitions numerous signed by citi-

zens of New York, praying legislation restricting and preventing in the Territories and the District of Columbia, the sale of alcoholic drinks as a beverage. Such petitions, I believe, have gone heretofore to the Committee on Finance. I move the reference of these to that committee.

The motion was agreed to.

He also presented the petition of James C. Jewett, of the city of New York, praying to be indemnified, out of the unappropriated moneys of the Geneva award, for losses sustained by the depredations of the confederate vessels Florida and Alabama; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of the State of New York, praying the passage of an act granting pensions from the date of the discharge of the soldier, and for payment of arrears now due; which was ordered to lie on the table.

Mr. EDMUNDS presented a resolution of the Legislature of Vermont, in favor of the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. BOUTWELL presented the petition of William King and others of Monson, Massachusetts, praying for the passage of a bill granting arrears of pension to Charlotte Brooks; which was referred to the Committee on Pensions.

Mr. BRUCE presented the petition of D. R. Avery, and other citizens of North Collins, New York, praying for a general law to prohibit the liquor traffic within the national jurisdiction; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (S. No. 231) for the relief of Heartt, Waite & Dodge, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. SPENCER, from the Committee on the District of Columbia, to whom was referred the petition of O. S. B. Wall and others, citizens of the District of Columbia, praying a grant of public land for the purpose of endowing a home for the indigent poor of the District of Columbia, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 4202) to amend the charter of the Mutual Fire-Insurance Company of the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 4041) to prevent depredations upon property in the District of Columbia, reported it without amendment.

Mr. DORSEY, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 3558) to provide for the settlement of tax-lien certificates erroneously issued by the late authorities of the District of Columbia, reported it without amendment.

He also, from the same committee, to whom was referred a memorial of citizens of the District of Columbia asking the passage of an act authorizing and empowering the board of audit of the District of Columbia to receive and adjust claims for damages to property occasioned by the change of the grade of Pennsylvania avenue provided for by the act of July 8, 1870, asked to be discharged from its further consideration; which was agreed to.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3499) granting a pension to William Buckley, private Company C, Fiftieth Ohio Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2702) granting a pension to Bridget T. Hopper, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WEST, from the Committee on Railroads, to whom was referred the bill (S. No. 1134) to create a sinking fund for the liquidation of the Government bonds advanced to the Central Pacific Railroad Company of California, and the Western Pacific Railroad Company, and to the Union Pacific Railroad Company, under and in pursuance of the act of Congress entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and the acts amending the same or supplemental thereto, and for the settlement of the claims of the Government on account of said bonds, reported it with amendments.

BILLS INTRODUCED.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1159) authorizing the sale and private entry of certain tracts of land within the limits of Salt Lake City, Utah Territory; which was read twice by its title, and, together with the accompanying memorial, referred to the Committee on Public Lands.

Mr. SPENCER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1160) for the relief of Thomas H. Bradley; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1161) for the relief of Nathan Butler, of Min-

nesota; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1162) providing for funding certificates of the board of audit; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1163) for the relief of settlers on the public lands under the pre-emption laws; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House insisted upon its disagreement to the seventh and eighth amendments of the Senate to the bill (H. R. No. 4307) making appropriations to supply certain deficiencies in the contingent fund of the House of Representatives, and for other purposes; that it insisted upon its amendment to the twelfth amendment of the Senate to the said bill; that it agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHARLES FOSTER of Ohio, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. JAMES H. BLOUNT of Georgia managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 231) for the relief of Robert Erwin.

ENROLLED BILLS SIGNED.

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

A bill (S. No. 685) to place the name of Daniel H. Kelly upon the muster-roll of Company F, Second Tennessee Infantry; and

A bill (S. No. 1040) to authorize sundry allowances to James Atkins, late collector of internal revenue for the fourth district of Georgia, in the settlement of his accounts.

CONSULAR AND DIPLOMATIC BILL.

Mr. SARGENT. If there be no further morning business, I move that the Senate proceed to the consideration of the bill (H. R. No. 4251) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1878, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SARGENT. Before the amendments reported by the Committee on Appropriations are considered, I will make a few general remarks as to the difference between this bill and the bill which was passed by agreement between the two Houses at the last session. The changes are very few. Substantially it is the bill passed at the last session. There are two additions made to the amount of appropriations by the House of Representatives; one for contingent expenses of foreign intercourse proper, to the amount of \$10,000, and one for the relief of American seamen, to the extent of \$10,000, making in all \$20,000 in addition. The Committee on Appropriations have examined into these items of expenditure and think that these additions are judicious. Therefore, they recommend the House bill in that respect.

The reductions in this bill are in the salaries of consuls, vice-consuls, &c., \$32,600. This, however, is not really a deduction from the appropriation of last year's bill, but in the footing made last year of the appropriations necessary to pay the salaries of consuls, vice-consuls, &c., an error of \$32,600 was made in the haste of the close of the session. This was understood by myself immediately after the passage of the bill and its signature by the President, and I sent information to the State Department of this error, and of the real intention of Congress in the passage of the bill; and the amount of \$32,600 of the appropriation made was not expended. Consequently we appropriate as much for next year by this bill as will be expended this year, under last session's bill.

The House has reduced upon the item of the Spanish claims commission \$3,512.50, which the Senate committee consider injurious, and when we reach that item which the committee propose to amend, I will more particularly explain the reasons for the amendment we propose.

Ten thousand dollars reduction is made in the item of expenses for the execution of the neutrality act. As the expenditure for a number of years past has been less than \$10,000 per annum on this account, it is thought perhaps \$10,000 will be possibly sufficient for the coming year. If, however, there should be a Fenian war or if there should be a general European war, which is threatened, the amount of \$10,000 will not be sufficient; but Congress will probably meet in time to make another appropriation if a contingency shall arise.

The item of compensation to consular and diplomatic officers, \$25,000, appropriated last year to pay the expenses of the transit home of persons whose offices were abolished, is not repeated this year. This makes, therefore, a reduction of \$25,000 in the apparent appropriation, but it is unnecessary because it was for a temporary purpose which has now been accomplished.

For clerks to consulates a reduction of \$600 is made, to which the Senate committee take no exception.

With these explanations, I ask that the bill be read and that action be taken on the amendments as they are reached.

The PRESIDENT *pro tempore*. Is there objection to the suggestion? The Chair hears none.

Mr. ANTHONY. I should like to ask the Senator who has the bill in charge if there is any legislation in the bill as it comes from the House.

Mr. SARGENT. Not a line of legislation in the bill as it comes from the House of Representatives.

Mr. ANTHONY. We have now adopted a rule which goes into force on Monday that we will not put legislation on appropriation bills, which I think is a very proper rule. If we are not to permit ourselves to put any legislation on such bills, I think we ought to establish the principle *in limine* that we will not accept legislation from the other House on these bills. We ought to stand on a perfect equality with the other House in that respect.

Mr. SARGENT. There is no legislation on this bill or I should have called the attention of the Senate to it. I do not know that it is necessary to read this bill through at length. There are only one or two changes. I suggest that the Clerk read only the amendments. The first one is on page 8, line 162.

The PRESIDENT *pro tempore*. The Chair hears no objection, and only the amendments reported will be read.

Mr. STEVENSON. Has the bill been read at all?

The PRESIDENT *pro tempore*. It has not been read through in committee.

Mr. STEVENSON. Does not the Senator want the bill read?

Mr. SARGENT. With the exception of those parts I point out, it is a literal reproduction of the bill which passed both Houses and was signed by the President last year. I have no objection to its being read at length except the time consumed.

The PRESIDENT *pro tempore*. If there be no objection, only the portions of the bill proposed to be amended will be read.

The Chief Clerk read the first amendment of the Committee on Appropriations, which was in line 162 to strike out "Algiers."

Mr. SARGENT. Algiers is stricken out because the consulate there was abolished sometime since and there is no necessity for it. It was probably put in by an oversight in the House. It is not in the estimates. If it remain, it will be necessary to increase the appropriation \$1,500 for a useless consulate.

The amendment was agreed to.

The next amendment proposed by the Committee on Appropriations was on page 12, line 265, after the word "commissioner," to strike out "\$3,000" and insert "\$4,000;" in the same line, after the word "counsel," to strike out "\$3,000" and insert "\$4,000;" in line 266, after "secretary," to strike out "\$900" and insert "\$912.50;" and in line 268, after the words "contingent expenses," to strike out "\$500" and insert "\$1,000;" and in line 269 to strike out "\$7,700" and insert "\$10,212.50," so as to make the clause read:

For salaries and expenses of the United States and Spanish claims commission, namely: For commissioner, \$4,000; for counsel, \$4,000; for secretary, \$912.50; for messenger, \$300; for contingent expenses, \$1,000; making in all the sum of \$10,212.50.

Mr. SARGENT. The salary of the commissioner is not fixed by law; it has been fixed heretofore by appropriations; and in the bill of last year it was fixed at \$4,500, and the salary of the counsel was fixed at the same amount. The House has in this bill reduced these by \$1,500. There are some forty cases yet undetermined before the Spanish claims commission and some of them of considerable difficulty. No commissioner fit to pass upon cases of that kind, who would give the necessary labor to the work, and no counsel in ordinary practice would consent to work for \$3,000 a year. The committee have not proposed to put the compensation back to \$4,500, but to consent to a reduction of \$500, fixing the compensation at \$4,000.

I should like to say with reference to this commission that the time when it shall expire is not fixed by law; it still has the amount of unfinished business before it to which I have referred, and this commission is very useful to the Government of the United States in this way; and perhaps it should be continued; it is worth all it costs, for this reason: Persons who, some twenty years ago, or a less or greater period of time, came over to the United States, and obtained certificates of naturalization, perhaps remained long enough to get those certificates, not intending, however, to really become citizens of the United States, returned to Spain, and every month or two, as exigencies have arisen since that time, have sworn in various forms that they were Spanish citizens. A difficulty arises between us and Spain, as sometimes happens, involving our affairs in the island of Cuba, and these persons, being treated as Spanish subjects, produce their papers and at once insist that they are citizens of the United States. If their demands are not acceded to they come to the State Department and make their complaints of a miscellaneous character. The Secretary of State has been accustomed to send these persons at once to this commission. They either refuse to go there, and therefore show the hollowness of their pretensions, or if they go there that hollowness is soon discovered and the Government saves a very large amount of expense and an immense amount of annoyance. For that reason I think the policy of the law is well which seems to continue this commission, at any rate for some time longer. The House proposes that it shall continue through the next year, and the salaries we propose are not too much.

The same bill reduces the amount of compensation of the secretary by \$12.50, which is hardly worth a difference between the two Houses were it not for the fact that \$912.50 is just one-half the amount al-

lowed to the secretary, the other half being paid by Spain, and we ought to pay as much as Spain does; and this is the amount which it was agreed upon between the two Governments should be paid. The House probably did not understand that circumstance, and made it a round sum of \$900, which is the pay of a female clerk in one of the Departments here. But understanding, as probably will be explained in conference, that this \$912.50 is one-half the amount of what was agreed upon to be paid by the two Governments, there will be no difficulty in their admitting the propriety of the balance of the appropriation.

The contingent expenses are reduced by the House from \$1,000 to \$500. The estimates are \$1,500. I am informed by the Secretary of State that \$500 will scarcely pay for the amount of translation that is necessary, and we save the amount of rent this year because we have moved this commission into the new State Department building, and several other expenses are saved.

With these moderate additions, we think the bill cannot be much improved.

The amendment was agreed to.

The PRESIDENT *pro tempore*. There are no other amendments reported.

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

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

The bill was read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. C. C. SNIFFEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. No. 678) for the relief of Ephraim P. Abbott; and

An act (S. No. 453) to authorize the Vancouver Water Company to lay water-pipes through the Fort Vancouver military reservation.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. WHYTE. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. EDMUNDS. I ask for the yeas and nays on that motion.

Mr. WHYTE. I withdraw the motion, if there is any objection to it.

Mr. EDMUNDS. I wish to state to my friend from Maryland that the bill reported by the select committee, if it becomes a law, will have the first act to be done under it done on a week from Tuesday next, and therefore it is in my opinion essential that we should take up the bill to-morrow and proceed with its consideration, so that by next Tuesday we shall be able to take a final vote upon it and either destroy it by manly blows or pass it by a vote, and not smother it to death by evasion or postponement. It is essential therefore, and it is right to all sides of the question, that that bill should be taken up to-morrow and considered, and that its consideration should continue from day to day until we shall finally dispose of it one way or the other. I hope, therefore, that the Senate will not adjourn over, but will sit to-morrow.

The PRESIDENT *pro tempore*. The motion is withdrawn.

Mr. STEVENSON. I hope the Senator from Vermont will not call up the bill till Monday, and I will tell him the reason why. A great deal is to be done by private conference among Senators, by close examination, and I think that giving us Saturday for that purpose will effect more than probably would be accomplished by debate. I throw out the suggestion to him. Of course, I have no feeling about it. I concur with him that the earliest moment we get at the debate the better; but I suggest for his consideration that by examination and private intercourse with each other to-morrow we shall be able to come to a conclusion sooner.

Mr. EDMUNDS. In the present state of public emergency, I do not think I should do my duty if I assented to that suggestion. There are the mornings and the evenings for private conference and consultation. But this bill is a bill of great importance. It is either a good measure of safety and law for the country or it is an unconstitutional and bad measure; but that it affects great interests everybody will agree. Therefore it appears to me, inasmuch as if it is to be a law it must be a law speedily, that we ought to take it up at the earliest moment to-morrow and proceed to consider it and get as far with it as we can to-morrow—of course it will involve debate, and it ought to involve debate—so that we may be able to terminate it one way or the other at an early day next week.

Mr. WHYTE. I was under the impression that the Senator from Vermont did not propose to call up the bill until Monday, and therefore I made the proposition to enable Senators to prepare for the discussion of the bill between now and Monday. But inasmuch as the Senator now states that he will call it up to-morrow, I withdraw the motion I made, and shall vote against it if made by any other Senator.

COUNTING THE ELECTORAL VOTE.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business of yesterday, which is the resolution of the Senator from Pennsylvania [Mr. WALLACE] to instruct the special committee on counting the electoral vote for President and Vice-President to inquire and report upon certain propositions in connection therewith, on which the Senator from Missouri [Mr. BOGY] is entitled to the floor.

Mr. BOGY. Mr. President, I will now read the testimony from Morehouse Parish, beginning on page 705 of this volume of evidence:

STATE OF LOUISIANA,
Parish of Morehouse:

I, James M. Turpin, clerk of the fourteenth district court, in and for said parish and State, do hereby certify that no statement or protest of the commissioners of election, or of any one of them, or of the supervisor of election or other person, relative to the election held in said parish on the 7th of the present month under the provisions of section 26 of act approved November 20, 1872, has been filed in my office or been delivered to me as clerk of said court up to present date.

Given under my hand and seal of office, at Bastrop, Louisiana, on this 20th of November, A. D. 1876.

[SEAL.]

JAS. M. TURPIN,
Clerk Fourteenth District Court.

STATE OF LOUISIANA,
Parish of Morehouse:

I have just seen a dispatch from Governor W. Pitt Kellogg to Mr. Chandler, bearing date New Orleans, November 6, and published in the New York Herald on the 7th instant, which dispatch, as far as it refers to the parish of Morehouse, is untrue in the following particulars: This parish at the time referred to in said dispatch was not patrolled by White Leagues or other persons, re-enforced by armed bodies from Arkansas and Mississippi, within my knowledge. I heard of no such, and the dispatch in this particular is incorrect. There has been no republicans murdered in this parish during this campaign on account of their politics that I know of. The colored voters were not prohibited from going to or returning from the parish site on the day of election nor previous thereto, that I ever heard of. On the day of election a large number of voters residing in different wards of this parish voted at the poll established at Bastrop, the parish site, without molestation or hindrance, so far as I know or could see. I never heard of the roads leading to Bastrop being picketed. I am the sheriff of the parish of Morehouse, and I have never been unable to execute any warrant of arrest that was placed in my hands, in any case where I could find the parties.

I was present at the poll located at Bastrop on the 7th of November, and the election at said poll was conducted peaceably and quietly, and every elector, both white and colored, voted for the men of their choice, so far as I know.

GEORGE A. PETIRKIN,
Sheriff Parish Morehouse.

I have just read the dispatch referred to herein, and I have read the above and foregoing statement of George A. Petirkin, sheriff of Morehouse, and I cheerfully concur and indorse said statement. I am a resident of Morehouse Parish, and parish attorney for said parish, and a republican, and vote the republican ticket. George A. Petirkin is likewise a republican.

FRANK VAUGHEN,
Parish Attorney pro tempore.

Sworn to and subscribed to before me this 13th day November, 1876.

A. L. BUSSEY,
Deputy Clerk, Fourteenth District.

STATE OF LOUISIANA,
Parish of Morehouse:

I, L. R. Stark, do solemnly swear that I am a resident of ward No. 5, said parish; that I voted in said ward at the recent election on the 7th instant; that the election in said ward was a free, fair, and peaceable one; that previous the election the parish was not patrolled by the White League, re-enforced by armed bodies from Arkansas or elsewhere, and that the only armed bodies in the parish on or previous to the election were United States troops; that the republican leaders in said parish were not driven away or murdered previous to said election, or on the day thereof; that no republican voters, within my knowledge or that I heard of, were intercepted by White League pickets or other persons and prevented from going to the parish seat or other place in the parish to vote; that none were prevented from voting by being cruelly beaten or otherwise maltreated; that I saw nothing on the day of the election or previous thereto that was calculated to intimidate any voter or to hinder a free election; that the reported dispatch of Governor Kellogg to Hon. Z. Chandler, as far as relates to the parish of Morehouse, is utterly false in every particular.

L. R. STARK, M. D.,
United States Marshal's Posse.

Sworn to and subscribed before me this 11th day of November, A. D. 1876.

W. H. SUMMERLIN,
Justice Peace of Fifth Ward.

Mr. PADDOCK. Mr. President, it is some time since the Senator from Missouri commenced to read the book from which he is now reading, and I have almost forgotten what the book is. I should be glad to be informed what it is.

Mr. BOGY. The evidence taken in New Orleans before the returning board. I am surprised the Senator did not know this without my telling him.

Mr. PADDOCK. It is too great a tax on the memory.

Mr. BOGY. You mean to say for your memory. I regret it is so feeble; that is your misfortune.

THE STATE OF LOUISIANA,
Parish of Orleans:

Personally came and appeared before me, W. T. Houston, a justice of the peace, duly commissioned, Samuel W. Riley, a resident of the fourth ward, parish of Morehouse, who, being duly sworn, deposes under oath that he was, in August, 1875, appointed tax-collector for the parish of Morehouse, and that since that date he has been constantly in the parish of Morehouse, and, having been a member of and voting with the republican party of the parish of Morehouse, that he has never known of any improper treatment to himself or republicans of the parish of Morehouse on account of their political faith, and that he has always felt free to go to any part of said parish, and verily believes that no member of the republican party has been in any danger of bodily harm or political proscription on account of his political opinions. He further swears that he has never known of any violence or threats made to any colored man on account of his color or political opinions by any member of the democratic-conservative party of said parish during the time of registration or on the day of election; that on the 7th day of November, A. D. 1876, he was during the entire day at the fourth ward precinct, which is in the town of Bastrop, at the court-house in the parish of Morehouse, and that he was appointed by the supervisor of registration as one of the five to be present and see that the polling of votes and counting of the same was done as directed by the law; and he does here declare that he saw nor heard anything to intimidate any man from voting just as he wished. He has never known of any armed or military organizations in the parish of Morehouse during the registration of voters in the said parish or on the day of election. He further declares that he has never known of any colored republicans discharged from labor and employment or the stopping of the issue of rations to colored republicans on account of their being members of the republican

party. He further declares that he never knew of any of the roads or approaches to the voting-precincts being picketed to prevent republican voters from coming to the polls and from casting their votes according to their own free will.

SAM'L W. REILEY,
Ex-Tax-Collector, Morehouse Parish.

I will now proceed to read the testimony taken in the parish of Natchitoches:

The witness, David Pierson, being first duly sworn by the undersigned authority, did depose and say as follows:

To first interrogatory he answers and says: My name is David Pierson. I reside in the town of Natchitoches, parish of Natchitoches, Louisiana. Am a lawyer by profession.

To second interrogatory he answers and says: I was in Natchitoches Parish the greater part of the time from the 15th September to the 7th November, 1876. Visited almost every ward in the parish during the canvass, and watched closely the conduct both of the registration and election. On the part of the democratic-conservative party there was no intimidation, violence, threats, disturbances, tumults, or other wrongful or ill practices, or frauds concerning said election; no acts, or attempts at acts, to prevent a free, full, fair, and peaceable election. It was the policy of the conservatives, concurred in by the entire rank and file of their party, not only to give no cause of complaint as to the fairness of the election, but to prevent the slightest pretext for a contest so far as the conduct of the democrats was concerned. I attended mass-meetings in various places throughout the parish, which were largely attended by both white and colored citizens, republicans and democrats, and in no instance was there any disturbance or tumult, or other means of intimidation; but, on the contrary, the best of feeling prevailed and freest expression of opinion indulged in. I also attended large republican meetings, at which every democrat, white or colored, demeaned themselves properly and peaceably. Registration offices were opened by the republican supervisor in the various wards of the parish, affording every opportunity to the republicans to obtain their certificates of registration, and in many cases giving preference to the republicans in the location of the offices. There was no disturbance that I am aware of; certainly none complained of at any registration-office in said parish, nor was there any effort on the part of the democrats to hinder, or prevent, or delay registration. If there were any persons who did not register or vote, it was their own fault, so far as the conduct of the conservatives was concerned. In the matter of the election, two out of three commissioners were designated by the supervisor from among the republicans in all the wards that were thought to be republican or to have a republican majority. There was also United States supervisors at each and every poll, as also constables of election. Every precaution provided for in the law, as well as dictated by prudence, was adopted and taken to insure a peaceable and fair election, and the free and voluntary exercise by everybody without regard to race or color or political bias of the right of franchise. I was present at one of the largest polls during the entire day of election, to wit, the polls at Natchitoches, Nos. 1 and 2, of ward 12, at which there was not the slightest ground for complaint against the — and act of the conservatives; not a broil, disturbance, threat, act of violence, or other wrongful act on the part of the democrats that I know of or heard of. From the close of the polls on the 7th November I was almost constantly about the court-house, where the supervisor had his headquarters, and to which place the commissioners brought the boxes and returns for two days; saw the returns of election come in and delivered to this supervisor; heard the commissioners and officers of each poll speak freely of the manner in which the election was conducted at the precincts, and in no instance heard of any complaints against the democrats or that there had been any intimidation, violence, or fraud at any poll. A large crowd of people, white and black, democrats and republicans, were assembled about the supervisor's office at the court-house for two or three days subsequent to the election, and it seemed to be invariably conceded that there had been no cause for protest or complaint, so far as the conduct of the conservatives was concerned. I was present much of the time in which Mr. Russ, the supervisor, was engaged in making up his consolidated statement. He was assisted by the clerks and United States supervisor for the parish, and forwarded the same when completed, without a protest on the part of any one; and I am convinced that had there been any just ground for complaint or protest against the democrats that said officer would have remarked it upon the consolidated statement of votes. On the part of the republicans—colored republicans against colored democrats—there was, as is asserted, a great deal of abuse, threats, and intimidation. From public rumor, information derived from reliable parties throughout the parish, I am constrained to believe that there existed a wide-spread determination among colored republicans of that parish to prevent any colored man from voting the democratic ticket, even if they had to resort to violence to accomplish their designs. In several well-defined and atrocious cases, as I am informed and believe, colored men and voters were actually assaulted and greatly injured, even after the election had passed, on account of their having voted the democratic ticket; others were denied religious membership; others ostracized, and others were threatened with death before and after the election.

To the third interrogatory he answers and says: Wards 5 and 6 in said parish, or what is generally known as Hill wards, having a large white population and but few colored. The vote of these wards has been almost solidly democratic at all former elections, the colored voters residing there voting voluntarily with their white neighbors or employers, except a few that reside near the town of Natchitoches, who usually vote at the latter precinct. From my knowledge of the character of the citizens of these wards and the political sentiments of the voters, white and black, the blacks having at every election voted with the democrats, I am satisfied there was a fair, free, and peaceable election in said wards on the 7th November last. Had there been violence or intimidation I should have heard of it. I know of none nor have heard of any; the commissioners of election report none.

To the fourth interrogatory he answers and says: I know of nothing further that I can now call to mind.

D. PIERSON.

Sworn to and subscribed before me this 1st December, 1876.

STATE OF LOUISIANA,
Parish of Natchitoches:

I hereby certify that there has not been filed in the clerk's office of the parish of Natchitoches by the supervisor of registration, any commissioner of election, or any other person, any protest, affidavit, certificate, or statement regarding or relating to any riot, tumults, acts of violence, intimidation, disturbance, bribery, or corrupt influences at any place in the parish of Natchitoches, or at or near any poll, or voting-place, or place of registration or revision of registration, preventing or tending to prevent a fair, free, peaceable, and full vote of all the qualified electors of said parish, or any precinct, ward, city, or town in said parish, at the election recently held on the 7th day of November, 1876, or during the registration or the revision of the registration which preceded said election; that I have entire charge of said clerk's office, and I know positively that no said document is or has been on file therein.

Given under my hand and seal of office on the 20th day of November, 1876.

JNO. A. BAILLOW,
Deputy Clerk, District Court.

I now go to the parish of Ouachita, the testimony as to which begins of page 773:

STATE OF LOUISIANA,
Parish of Ouachita:

Before me, the undersigned authority, personally appeared John W. Scarborough, who, being duly sworn, deposes under oath that he is a duly registered and qualified voter of the parish of Ouachita, said State; that he voted in said parish, at poll No. 8, ward No. 4, at the recent election, on the 7th day of November, 1876; that the election at said poll was fair, free, and peaceable one, as much so as I have ever seen at any election in my life. I have been living in this State for thirty-nine years, and in the parish of Ouachita nearly all of that time. I was at the poll in ward No. 8 when it was opened, and remained until it closed. I saw republican colored men vote the republican ticket freely, and without any molestation of any kind. I likewise saw numbers of colored men who had heretofore been republicans vote the democratic ticket. They did so freely, and of their own free accord. Many of them had before joined the democratic clubs, organized in my ward and in the Bayou Siard ward. There was no coercion of colored men to join democratic clubs organized in my ward—none whatever. They joined them freely, and of their own accord, in the two wards above referred to, and generally throughout the parish of Ouachita, so far as my knowledge extends. There was no connection between the clubs and the companies formed in the parish for home protection. At a large barbecue given in my ward, about eight days before the election, there was as many as between eighty and ninety colored men joined the club of my ward, residents of the ward. I know this, because I was secretary of the club. We told these colored men not to join our club if they did not intend to vote with us; and they joined the club, expecting and intending to vote the democratic ticket, and the majority of them did so of their own free will. There was no compulsion by any one, and not a disturbance at the poll, and not an angry word spoken that I heard or heard of. The best of feeling prevailed between blacks and whites on that day as previously, and still exists.

This feeling I am satisfied would always exist if not for republican leaders, who seek to utilize the colored voters for their own aggrandizement, and in order to do so inflame their minds to array them against the whites. I am satisfied from their tactics in Ouachita Parish that the leaders would be willing to provoke bloodshed to accomplish their political purposes. It is my firm conviction, and it is the general impression of the white people of my parish, that the programme of the republican leaders was to bring on race conflicts, out of which to make political capital and influence the election. They were jealous of our influence over the colored voters, which was daily growing more potent, and promised to give us a large majority of the votes of the parish. In my own experience I have an instance which I believe to be the result of the teaching or tactics of the republican leaders. While I was quietly riding along the road I was insulted by a negro man who was in a wagon with a number of other negroes. The language was pointed and insulting, and given without any provocation on my part. I have heard of other similar instances in the parish. The conduct of the whites was very forbearing and conciliatory, our object and desire being to have no disturbances or race issues. We were in the minority and wanted no bloodshed or commotions of any kind, and acted and advised in the interest of peace. In the affidavit of Frank B. Johnson, a colored man living in my ward, and who had voluntarily joined our club, I see he swears that "John Scarborough also remarked to me and some other republican voters that if we voted the radical ticket that they would make it so hot for us that we could not live here, and that if we were starving to death he would neither employ or give us a mouthful to eat." I pronounce this a falsehood. I never spoke to him until after he had voted and was standing near a fire in front of the school-house. I knew he had voted the republican ticket by the color of it, and went to where he was standing outside of the house and said to him, in substance, "Frank, I am sorry to see you have gone back on us by voting the republican ticket after having joined the democratic club, as I thought in good faith; and, after deceiving us in this way, so far as I am concerned, I would not employ you or feed you if you were starving."

There could have been no intimidation, as what I said was after he had voted, and at the time there were only three white men present when he voted (also at the time of making my remarks) besides the commissioners of election, and he was himself in company with eight or ten colored men who had voted the republican ticket. I never attempted to intimidate him that day or any time previous, and I scarcely knew him when I saw him. I see also that one J. R. Hall, a white man, states in his affidavit that he was intimidated in my ward when affidavits were being taken as to the character of the election and the freedom of those who voted the democratic ticket. There could be no intimidation after the election, and as to the making of the affidavits, I know of my own knowledge that of all of those taken in my ward are given by colored and white men, freely and voluntarily, and many of them were anxious to give them. I was present when they were being taken and heard nor saw anything to intimidate any one or induce them to give affidavits. I will state further that this man Hall was the justice of the peace before whom the affidavits were taken, and he was requested to state freely to each one the nature of the affidavits desired, and he did so, and they were required to understand fully the nature and purport of what they were signing. They were read to every one of them, and in turn they were asked if they understood them before they were signed. I believe that no one signed without fully understanding what he was signing, and we desired none to sign unless they did know. Some of these colored men who gave their affidavits were indignant at the idea that they were intimidated to vote the democratic ticket. I will state further that this man Hall stated publicly, after the nomination of republican State ticket, that he would not support it, and subsequently joined the democratic club of my ward.

This same affiant states that on Saturday previous to the election he went to Monroe, and on his return saw Captain McLeod employing his men to picket the road leading to Monroe. I will state of my own knowledge that no pickets were stationed on the roads on Saturday. There were pickets placed on the roads on Sunday, and this was done, as I know, at the request of leading citizens to prevent armed bodies of men from visiting Monroe to create disturbance, which was anticipated, and that the picketing was done entirely in the interest of peace and good order, and no unarmed man was prevented from going to town. The reasons for apprehending trouble by armed colored men visiting Monroe was the fact that reliable information had been obtained to the effect that the leading republicans had advised the colored men to go to Monroe days before the election from all parts of the parish, and the rumors were that they were to go there armed; subsequently to this a number of arms were found secreted in two different places in the town of Monroe, and which I have every reason to believe were placed there for the use of colored men. None of this picketing was done with the view of intimidation or for purposes of preventing a free and fair election, but solely, as I know, in the interest of peace and order. This same affiant (Hall) further states that a leading republican was afraid to vote at poll 8, and did not, and that it was because two democrats were keeping a tally-sheet near the polling-places. This was done by the democratic party for ascertaining the vote of each poll in advance of the count of the commissioners, and this they knew from the color of the tickets deposited by each voter in the boxes. It was never intended to intimidate any voter, nor did it have any such effect, so far as my personal knowledge extends. There was but one republican at that poll who did not vote, and he was told repeatedly by the best citizens he ought to vote, and that he could not say that he was intimidated, for he was at perfect liberty to vote just as he pleased. Numbers of others had voted the republican ticket at this poll, and there was nothing to prevent or deter him from doing so had he desired it, but his reply was that he had left his registration-papers at home. I positively assert that this man was not intimidated or hindered in the right of suffrage, and no other man on that day, notwithstanding this affiant swears "the like influence kept many republicans from voting."

In regard to the guns which same affiant (Hall) says were brought into the room soon after the closing of the polls, I will state that the commissioners of election requested a special deputy sheriff who was present to get some three or four citizens to go home and get their guns and escort the commissioners with the boxes to Monroe. Several volunteered to do so, who procured their guns and came in for that purpose, and did go with them, or at least I saw them start on the way. I will state further, that there was not a gun on the ground that day, except those brought there under the circumstances above stated, and not a pistol, that I saw. As an evidence that there was no intimidation, I will further state that Judge Baker, who is a republican, was at the poll during the day and freely moved about among the voters electioneering for republicans as we were for the democratic ticket, and as the result many republican tickets were polled. The same affiant mentions the shooting and killing of various colored republicans, and among them the shooting of H. W. Burwell, Spencer Dickerson, and William Lewis, and makes them appear as political; I will state the man who did the shooting, whose name is Hathaway, came to my plantation a short time previous, and one of the lessors on the place hired him to pick cotton. On Saturday, the day of the shooting, he went to Monroe and received pay for the cotton he had picked and got crazy drunk, as is well known, and on his way home, in a wagon with the party who was employing him, he did the wanton and vicious shooting, which was done indiscriminately, and the result was the wounding of these three colored men. Two of these colored men were noted democrats, to wit, Spencer Dickerson and William Lewis. The shooting had no political significance whatever, as it is well known to the affiant Hall and every one else cognizant of the facts. A member of our club who had been to town and heard the facts came and reported the same to the club, which was at the time holding its meeting, and the entire club immediately dispersed to their homes, procured their guns, and went in pursuit of Hathaway. He saw us approaching in the dusk of the evening and made his escape to the woods. We picketed the roads and surrounded the place where we supposed he was secreted and remained all night, and the next day about twelve o'clock we succeeded in capturing him in a dense thicket, after having sent for more men to assist us. We conducted him to Monroe and delivered him to sheriff of the parish, and he is now securely lodged in jail. On the way to town the negroes on the plantations shouted "five hundred votes for the democrats," and otherwise applauded our actions.

All these facts are likewise well known to the affiant Hall, as I am aware, notwithstanding his overlooking them in his zeal to work up acts of intimidation and violence for political effect. Since the election I have repeatedly heard the affiant Hall say that the election was quiet, peaceable, free, and fair, and that he had voted the ticket of his choice without intimidation of any sort. He stated this just before leaving Ouachita Parish to come to New Orleans. In regard to the various affidavits made in relation to the killing of republicans in Ouachita Parish, I will state that none of them were, as far as I know, the result of political principles or for political purposes. It is well known by the best citizens of my parish, as well as myself, that B. H. Dinkgrave had many personal enemies, and some very bitter, and of which fact he was himself well aware. Some years previous to his death he had killed one John C. Wimberly, and his family always considered it an unwarrantable killing, and Dinkgrave himself was uneasy in regard to the matter. Citizens have heard him say that he was apprehensive that he might be hurt in consequence of it; and this was the general impression in the community. I have no idea that his death had anything to do with politics, and our citizens are generally of this impression, except those anxious to make political capital out of his death. In regard to James Jackson, who was killed on his wagon loaded with wood, referred to in affidavits as a political matter, it is a well-known fact that he was killed in consequence of a family matter in a difficulty, or as a result of a difficulty, with another colored man, and no one in the community ever charged this death to politics. I am a planter in the parish of Ouachita, of long residence, and well known; my relations with the colored people have been of the kindest character, and my counsel and efforts have been in the interest of peace and good order.

JOHN W. SCARBOROUGH.

Sworn to and subscribed before me this 27th November, 1876.

W. T. HOUSTON,

First Justice of the Peace for the Parish of Orleans.

MONROE, 17th November, A. D. 1876.

STATE OF LOUISIANA,

Parish of Ouachita:

I, Julius Ennemoser, clerk of the fourteenth judicial district court in and for said parish and State, do hereby certify that under the twenty-sixth section of the act of the General Assembly of Louisiana, numbered 98, and approved 20th November, 1872, and published on page 15 of the acts of the General Assembly of Louisiana for 1873, and entitled "An act to regulate the conduct and to maintain the freedom and purity of elections; to prescribe the mode of making returns thereof; to provide for the election of returning officers and defining their powers and duties; to prescribe the mode of entering on the rolls of the senate and house of representatives, and to enforce article 103 of the constitution;" which said section 26 of said act is as follows.

Having already once read the twenty-sixth section of the act, it need not be here repeated.

Neither the supervisor of registration of said parish of Ouachita nor of any election held in said parish on Tuesday, the 7th of November, A. D. 1876, for presidential electors, State, parish, and ward officers, member of Congress fifth congressional district, State senator eighteenth senatorial district, members of the State house of representatives, and district judge and district attorney for the fourteenth judicial district, has filed or caused to be filed with me, or in my office, any sworn or other statement, as required by said section 26, in the manner therein provided, that there was any riot, tumult, acts of violence, intimidation, and disturbance, bribery, or corrupt influences, at any place within said parish, or at any or near any poll or voting place, or place of registration, or revision of registration, or that any such act or acts prevented a fair, free, peaceable, and full registration and election, or that any qualified elector of said parish was deterred from registering or voting.

Witness my official signature and seal of office this 17th day of November, A. D. 1876.

[SEAL.]

JULIUS ENNEMOSER,

Clerk of the Fourteenth Judicial District Court, Parish of Ouachita.

STATE OF LOUISIANA,

Parish of Orleans:

Before me personally came Charles Tidwell, who, being sworn, deposes and says he is sixty-one years old; plants on the island in Ouachita. He moved there from Wilcox County, Alabama, in 1872. I know the woman Eliza Pinkston, she, with the exception of two years, having lived with me ever since she was a child. She has always been a bad girl and woman; she has been in trouble ever since I knew her, and when I left Alabama I had to leave her because she was in jail for some misconduct. She has never had a regular husband, but has had several children. Her first child she threw away in a patch of briars when it was an infant; it was lost about twenty-four hours, when she said somebody had stolen it, when some one found it where she placed it; said child is now on my place, and is about ten years old. Her second child, it has always been said, was destroyed by her at or about its birth; it disappeared mysteriously at any rate. She came out to Louisiana with some hands of Colonel Morrison's, and in all was about two years away from me. While on Morrison's place in Morehouse, she was prosecuted for a violent assault

and battery on an old colored woman; she was acquitted for want of witness, but afterward the old woman died from the injuries. She told me herself that she had beaten her and smothered her. She came back to my place about 1st August, 1875, from Morehouse. She picked cotton on my place last season, and when she went off an old colored woman called "Aunt Rose," between sixty and seventy years of age, went with her to a mill out in Union Parish. The old woman got bedridden, and it has been rumored commonly through the country that the old woman was beaten to death by Eliza, though I will do her the justice to say that she denied it to me when I charged her with it.

Eliza is one of the most turbulent, cruel, vindictive creatures I ever saw. She is terribly obscene and vulgar in her talk—say profane—and curses worse than any one I ever saw in any matter she had any feeling in. I know no one else who knows her well would believe a word she said; she is a notorious liar. She took up some time since with a man named Henry Pinkston, the one who was killed on my place on the night of 4th November, 1876. About 1st of August she came with Henry to my place to pick cotton. He had recently before had a terrible fight with one Aleck Brooks, at Ouachita City, where Brooks was crippled by him, one hand being partially disabled. It was notorious through the country, for it was said to be a terrible fight. Henry and Eliza picked cotton for me this fall, and this man Brooks, also. Eliza and Brooks got into a quarrel in the field, and Henry was brought into it, but nothing serious there occurred, Brooks saying, as I learned at the time, that he would not fight Henry a fair fight, but would fix him yet. Eliza knew that I knew these things, and all about her. On Friday before the election there was a radical meeting at Saint James chapel, near my place, and Eliza and Henry were there. She got terribly excited over the speech of a colored man—cursed and abused him out loud, and begged for a pistol, saying she "would shoot the damned son of a bitch out of the wagon if anybody would give her a pistol." Henry, so far, as I know, was not an active partisan. On the morning of the 5th of November, (Sunday,) I was awakened about five in the morning by Eliza knocking at my door. She stated she had been shot and Henry killed. She lived about three-fourths of a mile from my house. I got up, and she then told me that Brooks and his crowd had been to her house and killed Henry and nearly killed her. I told her as soon as it was light I would go down and see about it. After talking a little while, she said to me if it was not Brooks's gang she knew it was the radical negroes on the Boher and Pace places, and some from over the river. Mr. Harold, (John,) who lives in the house with me, heard these facts of these statements. When the second was made no one was present but myself. The afternoon of the same day she again said, in my presence and that of Sire Packs and E. J. Armstrong, that there were fifteen or twenty men came there, but she did not know any of them.

I sent for Dr. Helmich and had her wounds attended to; she was up pretty much all the time after the wounding, going about readily whenever she pleased.

A little negro on my place found the body of the child in the lake, about one hundred and fifty paces from the house she occupied, two or three days after Henry's death. I, being notified, went down; took the body out of the water; there was no wounds upon it, and it evidently had been drowned.

I went down to Monroe on Monday the 6th, and I reported the whole matter to the coroner. I buried the body, but the coroner did not come; I mean Henry's body. It is not a fact that the body was mutilated in any other manner than the shots through the head and body. Mr. William Packs, one of the persons charged by Eliza with killing Henry and wounding her, died and was buried, to my personal knowledge, about the 1st of September last.

I have no idea that Eliza ever saw James Logan in her life. I know Eliza well, and her character for truth and veracity, and do not hesitate to say that she is utterly unworthy of credit in any statement she makes, whether under oath or otherwise.

C. M. TIDWELL.

Sworn to and subscribed before me this 28th November, 1876.

W. T. HOUSTON,

First Justice of the Peace for the Parish of Orleans.

STATE OF LOUISIANA,

Parish of Orleans:

Personally appeared Fr. Endom, who, being duly sworn, deposes under oath that he is a duly registered and qualified voter of the parish of Ouachita. I am mayor of the city of Monroe, and for the last two years and six months; been living in Monroe for the last eighteen years. Knew Dr. B. H. Dinkgrave personally, and in my opinion he was not killed on account of his politics; some five or six years ago he shot and killed a man by the name of John Wimberly. Said Wimberly had brothers living in Ouachita Parish and in Texas. He also arrested a party from Richland Parish some years ago, by the name of Adams, on the affidavit of a negro woman, charging said Adams with the killing of Judge Crawford and Arthur Harris on their way from Columbia to Winnsborough. Adams was discharged afterward, but swore vengeance against Dinkgrave. The killing of James Jackson, who came one morning in the outskirts of the city limits lying dead on his wagon loaded with wood, was attributed to some family quarrels. Information I received that same morning that he, having left a wife on one place and married another who had grown sons, who did not approve of said marriage; that he did not treat his wife to the satisfaction of her sons. Further reports were he sold his wood too cheap, and the other colored settlers in his neighborhood were dissatisfied with him on that account; that no positive proof was obtained. As soon as notified I went to the spot where the ox-team and loaded wagon had stopped. I found the body lying on the top of the wagon. I immediately dispatched mounted police to the spot where the deed was reported to have been committed, in search of the party who was suspected of committing the deed, but they returned after some time without arresting any person.

The clubs of the democratic party and rifle companies were two distinct organizations. I did belong to the democratic club, but was not a member of the rifle club in the city of Monroe or any other portion of the parish.

The companies were organized, as I understand, for the preservation of peace and good order of the city of Monroe and the parish.

The day after the killing of Dr. Dinkgrave news came to the city of Monroe that a large body of armed negroes from the island and the parish of Morehouse were coming to plunder and burn the city. Immediate alarm was given and a large number of white citizens went to the island in order to check the movements of the negroes and keep them from coming to the city of Monroe.

It was reported that an order had been issued to the negroes through the country for them to come to the city of Monroe armed. This order was said to have been issued by one George B. Hamlet, negro sheriff of the parish of Ouachita and candidate for State senator for the parishes of Ouachita and Caldwell.

No republican meeting ever held in the city of Monroe has ever been interfered with by the democratic citizens of Monroe.

About the same time reports came in that houses of white citizens down the river had been shot into at night by negroes. I then myself, in company with Judge E. W. Richardson and F. P. Stubbs, called upon Judge Robert Ray, a leading republican in our parish, and requested him to go at once and investigate the shooting into the houses of the white citizens above referred to, and induce the negroes to abstain from their unlawful acts, thereby preventing a collision between the races and bring the guilty parties to justice.

He readily and willingly complied with our request, thereby restoring peace and good order in that section of the parish.

About ten days after the election, news came to me from several parties that a

large number of fire-arms were collected and secreted within the corporate limits of the city of Monroe by negroes, but I did not pay much attention to the report; that in order to satisfy myself on the subject I went to see Mr. Ennemoser and inquired of him if he knew anything about the fire-arms reported to be secreted in the city, which he denied to me of knowing anything about, and I rested easy on the subject until the Sunday before the election a considerable number of armed and unarmed negroes came within the city limits, and congregated at the house of one Anthony Overton, which movement on their part created considerable excitement in the city among the residents. I was myself out that night with about twenty special policemen, and watched their movements. About two o'clock in the morning I came across about fifteen armed men, (negroes,) having posted themselves on the open road, within the corporate limits of the city. I asked what their demonstration meant. They told me that it was reported to them that this was to be their last night. I asked them for their author, but they refused to give any. I told them to go to their houses, and I would see that none of them would be harmed. I was out the whole night myself, and I saw nothing to justify their movements.

On the following day I issued a proclamation, annexed in my other affidavit, ordering all armed bodies to disperse and go home. Copies of my proclamation were distributed among all the citizens of Monroe, white and colored. About noon of the same day, a negro by the name of ———, with Harrison Bell, handed me on the street of the city of Monroe five of my proclamations written on the back of them, "Hell and damnation, we want no peace," with threatening language written on the back also. In order to prevent riot and bloodshed, I went to the house of Anthony Overton to learn, if I could, who had written the insulting language on the back of the proclamations, but did not learn from him or any of the others present at his house who did the writing.

I then read aloud to the negroes present, several hundred in number, my proclamation. A good many of them obeyed the proclamation, and a large number of them paid no attention to it, and were then requested by George B. Hamlet to stay and not obey the proclamation. I did not hear him tell them so, but was informed that he did so.

My proclamation was not issued for any political purpose, but to preserve the peace and good order of the city of Monroe.

Seeing that the armed bodies of men would not disperse after having notice and time to do so, I called upon Lieutenant-Colonel Hale, commanding United States troops at Monroe, and requested him to accompany me to Monroe to assist me in making search for the arms and assist me in preserving the peace, which request he readily complied with. After searching several houses, reports came to me where the arms were concealed. Myself and Colonel Hale went to the spot, to wit, the house of one Virald Moore, on whose premises we found a number of fire-arms concealed in outhouses and covered up by matting and old lumber. Said fire-arms were taken possession of by Colonel Hale, at my request, and a guard placed over them by him. The guns were returned to the owners (negroes) the day after the election. Since my arrival here in this city I received information from home that another lot of arms, to wit, one hundred and ten guns, were found on the same premises, concealed in an empty cistern, which, in my belief, were to be used to intimidate the democratic voters of Monroe, white and colored, as threats of violence had been reported to me to that effect as coming from the parties in possession of said arms, notwithstanding the night before the election had passed off peaceably and quietly.

On the day of election there was perfect peace and quiet in the city of Monroe, with the exception of one colored man arrested for having on his person a pistol, I having made ample provisions to preserve the peace by appointing a large number of special policemen, which enabled me to preserve the peace and order of the day. I appointed none but democrats on my police from the fact that the United States deputy marshals and deputy sheriffs were all republicans, and most of them were unreliable and objectionable to all good, law-abiding citizens.

I further state that all citizens who conducted themselves with propriety were equally respected in our parish, regardless of their political affiliations and sentiments.

Sworn to and subscribed before me this 27th November, 1876.
[SEAL.]

FR. ENDOM.

W. T. HOUSTON,

First Justice of the Peace for the Parish of Orleans.

Mr. President, I will read now the testimony from the parish of Tangipahoa, beginning on page 977:

STATE OF LOUISIANA,
Parish of Tangipahoa, Sixth Judicial District Court:

I, Dan. T. Setton, chief deputy clerk of the sixth judicial district court of the parish of Tangipahoa, State of Louisiana, (N. A. Sanders, clerk, being absent on account of sickness in family,) do hereby certify that there has been no protest whatsoever filed up to date in my office, under act 98, section 26 of the acts of 1872, for any reasons or causes whatsoever mentioned in said section 26.

Sworn under my official signature and the impress of my seal of office, this the 22d day of November, 1876.

DAN. T. SETTON,

Chief Deputy Clerk of the Sixth Judicial District Court
of Louisiana, Parish of Tangipahoa.

I will now read from the testimony from the parish of Claiborne, page 271:

Answers of J. S. Young to cross-interrogatories.

First cross-interrogatory. I was frequently out of the ward in which I resided, and in various parts of the parish at times, for some time prior to the 7th of November last, and visited the Hainsville ward, which is ward 3, the Summerville ward, which is ward 1. I did not know or hear of any merchants in Homer stating that they would not furnish provisions or supplies to such colored men as voted the republican ticket at the general election. Such expressions may have been used; but, if so, they were undoubtedly the exception and not the rule.

Second cross-interrogatory. There never was, at any time during the canvass, any democratic rifle-clubs. There were democratic clubs, but they never held secret meetings, nor had they any arms whatever, nor did they contemplate anything except the most peaceable persuasion, by reason and argument. It was from the beginning the earnest purpose of the democratic leaders, in truth and in fact, to have nothing of a nature to force or intimidate any one.

J. S. YOUNG.

Sworn to and acknowledged before me this 30th November, 1876, at New Orleans, Louisiana.

EMMET D. CRAIG,

Commissioner United States Circuit Court, District of Louisiana.

Answers of R. R. Morgan to interrogatories propounded by candidates of the democratic party.

Answer to interrogatory 1. My name is R. R. Morgan; am forty-seven years old, and reside in the parish of Claiborne.

Answer to interrogatory 2. Was in Homer, Claiborne Parish, on the day of the last election, and had resided in said parish for the year previous and for five years.

Answer to interrogatory 3. I do know the character of the election in my parish, and the same was quiet and peaceable and fair.

Answer to interrogatory 4. There was no disturbance, tumult, bribing, or intimidation that day.

Answer to interrogatory 5. The condition of my parish previous to the election and during the campaign was quiet and peaceable.

Answer to interrogatory 6. I know of no bull-dozers or any kindred organization in my parish.

Answer to interrogatory 7. The republican party during the campaign had lost its leading white men by their going over to the democracy, and had no head or leadership.

Answer to interrogatory 8. The relations of whites and blacks toward each other in that parish have been amicable and peaceable.

Answer to interrogatory 9. I am satisfied that as many colored men voted the democratic ticket as did the republican, if not more, and that without any improper influences.

Answer to interrogatory 10. All the republicans that I have heard speak of the election there have invariably admitted that it was fair.

Answer to interrogatory 11. I know nothing of the arrest of Osberry Billiard or Willis Walker.

R. R. MORGAN.

Sworn to and acknowledged before me, at New Orleans, the 30th November, 1876.

EMMET D. CRAIG,

Commissioner United States Circuit Court, District of Louisiana.

Answers of J. S. Young to interrogatories for democratic-conservative candidates.

Answer 1. My name is J. S. Young; am fifty-two years old, and reside in the parish of Claiborne, and have for over twenty years.

Answer 2. I was in Homer, said parish, on the day of November 7, being the day of the last general election in the State of Louisiana, and had been for thirty years previous living in said parish, and have traversed the parish generally during that time.

Answer 3. I do know the character of the election in said parish; it was fair, quiet, and peaceable.

Answer 4. There was no disturbance, nor tumult, intimidation, nor bribery that affiant knew or heard of on the day of the election, nor at any time previous during the supervision of registration.

Answer 5. The condition of Claiborne Parish during the campaign was undoubtedly peaceable, and the canvass was conducted with the most gratifying feelings between both political parties, so much so that never during twenty years' experience there have I seen a canvass or an election in which the feeling was more amicable. So far as I know, saw, or heard, any voter could have voted or spoken without insult or molestation during the canvass. Indeed such was the fair and amicable manner in which the canvass was conducted, that Mr. Packard, Colonel Wharton, and General H. J. Campbell all expressed themselves gratified, when they entered the canvass, at the perfect good feeling and fairness that was apparent, and articles to that effect appeared in the New Orleans Republican, when giving account of the progress of the canvass.

Answer 6. I know of no such organization as bull-dozers, or regulators, or any such kind of organizations having any existence in said parish during the entire canvass, nor indeed at any time whatever, and I am satisfied I should have known it if any such organization existed.

Answer 7. The republican party during the campaign was in a disorganized condition. W. I. Blackburn, its main leader, had declared he would not support the ticket, because he wanted honest and economical government, and his paper, which was the official organ of that party, took open ground to that effect, and Blackburn himself made speeches to the same effect to several large assemblies. The other leading republicans there, almost without exception, took the same ground. So completely was this disorganized condition prevalent that the colored men there, fully one-third if not one-half of them, voluntarily took part in the preliminary election of the democratic party some months prior to the general election, and identified themselves fully with the democratic party; this, too, when there was no excitement as to party candidates, and when, in order to come forward and participate, every one had to pledge himself, or consider himself pledged, to support the nominees. The relations of white and colored voters, and of the two races generally, are of the most amicable kind in said parish.

Answer 9. I am satisfied, from what I saw and heard, that more colored men voted the democratic ticket than the republican, and so far as I know, did so freely and without any improper influence.

Answer 10. I have heard many colored men expressing themselves as highly pleased that they could say that they voted the republican ticket as freely as the democratic, and that they had done so; and I also heard white republicans say things to the same effect. The supervisor of registration himself, I. E. Scott, used expressions of satisfaction that all things had gone so fair, and probably both before and since the election.

Answer 11. I was present at the polls acting as deputy United States supervisor when Asberry Billiard and Willis Walker were arrested on the day of election, and in each case, upon consultations with I. E. Scott, supervisor of registration, and being convinced that, though attempting to vote upon the original registration-papers when duplicates had been issued to them, that they intended no fraud, I had them released after only a few minutes' confinement, and they had every opportunity to vote as they pleased, and I am satisfied they could not have been intimidated, for the exact state of the case was kindly explained to them. In conclusion I will merely state that no fairer election was ever held in Claiborne Parish, nor ever will be; and I am satisfied that nine-tenths of the republicans in that parish would freely testify to the same state of facts. There is no ostracism or bitterness there as a rule against any one, white or black, simply because he may be a republican.

J. S. YOUNG.

Sworn to and subscribed before me this 30th day of November, 1876, at New Orleans.

EMMET D. CRAIG,

Commissioner United States Circuit Court, District of Louisiana.

I will now read the testimony from the parish of Bossier, page 235:

To F. A. WOOLFLEY, Esq.,

Chief Supervisor of Election for District of Louisiana:

The undersigned, appointed United States supervisor of election for the parish of Bossier, submits the following report in regard to the election held on the 7th instant. The undersigned was at Bellevue, the parish site, on day of election, and saw no disorder of any character, except some boisterous demonstrations by large squads of colored voters as they rode into town. So far as I have been able to learn, there was no violence at any of the polls in the parish; but I have heard that there was considerable intimidation by threats made by colored republicans against persons of their own race and color, whom the former thought were inclined to vote any other than the straight republican ticket, and I believe the information imparted to me on the subject to be true. The returns and boxes from all the polling-places in the parish, except poll 3, (Red Land,) were received after the time prescribed by law, and the returns were in many respects irregular. Some of the returns were not signed or sworn to by the commissioners, nor were the boxes and returns delivered by the commissioners.

I have also been informed and believe that these irregularities were known to T. H. Hutton, State supervisor for this parish, and that he was requested to note them upon his consolidated returns under the head of remarks, and he refused to do so except as to one polling-place, at which there was a democratic majority. I

farther state that said Hutton told me that he would not complete his returns until the 17th instant, and that he completed them this day, and left town before I could get to speak to him upon my coming to town from my home, six miles distant.

W. G. BURT,
United States Supervisor for Bossier Parish.

STATE OF LOUISIANA,

Parish of Bossier:

Before the undersigned, legal authorities, this day personally appeared G. B. Abercrombie, who, after being sworn, states: I am clerk of the district court for the Bossier Parish, and have been continuously since before the late election; that there are three ballot-boxes, namely: box from ward 2, Benton; box from ward 8, Canes's Landing; and box from ward 5, Niner's school-house, that did not come into my possession, as clerk of the district court, until Friday, the 10th of November, 1876, after the election on Tuesday; that on Friday the 10th instant, B. F. Fort brought and handed me the box from ward 2, Benton, about 10 o'clock a. m., without the key to the same. The tally-sheet, poll-book, and official list of voters he handed me loosely, rolled together. Fort came from his residence with the box; no one else was with Fort when he brought me the box. The box from ward 8, Canes's Landing, was handed me by A. J. Smith, who was not a commissioner. The box from ward 5 I received from T. D. Williams. All this was on Friday. In no case did more than one person come with the box.

G. B. ABERCROMBIE.

Sworn to and subscribed before me this 13th November, 1876.

W. D. STAYTON,
Recorder and ex-officio Notary Public.

I will now read the testimony from the parish of Richland, page 937:

STATE OF LOUISIANA,

Parish of Richland:

Personally appeared before me, the undersigned justice of the peace, in and for the fourth ward of the parish of Richland, and State of Louisiana, George Harrison, a colored voter of said parish, who testifies that prior to the election of 1876 that he has always voted republican; that during the fall of 1876 he joined the democratic club at Alto, Louisiana, and that he of his own free will voted the democratic ticket openly and above board; that on Monday night, before the election, Mr. Frank Mose, candidate for clerk of the district court, together with eight or ten other men, all of whom I think were colored men, and called me out and endeavored to get me to vote the republican ticket. This was the only crowd of men that I saw passing through the country on said night; and that on the next I proceeded quietly to Alto, voted the democratic ticket, together with some hundred other colored voters, all of whom exercised free and unobstructed access to either ticket they pleased; that I heard Mr. H. F. Vickers call upon colored voters to come up and vote, that he would protect any colored man in voting the republican or democratic ticket, and requested them to use their choice.

GEORGE HARRISON.

Sworn to before me on the 20th day of November, 1876, Alto, Louisiana.

W. H. CARKEET,
Justice of the Peace, Fourth Ward.

STATE OF LOUISIANA,

Parish of Richland:

Personally appeared before me, the undersigned authority, A. Dyson, J. T. Stokes, Frank Hatch, and Gabe Roberts, who, being duly sworn according to law, depose and swear that, at the election held in the above-written parish, on the 7th day of November, 1876, for President of the United States, members of Congress, governor of Louisiana, and other officers, both national, State, district, parish, and ward, was perfect, fair, and free; that no person was intimidated by the democrats or conservatives, and that every person voted as he wished.

The above affidavit is applicable to ward No. 5 at Red Mouth.

A. DYSON,
United States Supervisor.
J. T. STOKES, Commissioner.
GABE ROBERTS, Commissioner.
F. HATCH, Commissioner.

Sworn to and subscribed before me this 10th day November, A. D. 1876.

J. NEWT. PITTS,
Clerk Fourteenth District.

I will read the testimony from the parish of Livingston, page 681:

PARISH OF LIVINGSTON,

State of Louisiana:

NOVEMBER 8, 1876.

I the undersigned, deputy United States marshal in and for the parish aforesaid, do hereby certify that I was in attendance at poll No. 4, in said parish, during the whole day of election, November 7, 1876, and that everything was conducted in a quiet and orderly manner and with strict accordance with law, and that there was no riot or disturbance of any kind; that there was no intimidation or attempt to intimidate, of any voter, and that every one was allowed to vote according to their own inclination.

URSIN DESOUNGE,
United States Deputy Marshal.

STATE OF LOUISIANA }
vs. } Murder.
ALEXANDER W. KINCHER. }

The above case was transferred from Livingston Parish to the first district court, parish of Orleans, and on May 14, 1874, was transferred from the first district court to the superior criminal court, parish of Orleans. Order and motion transferring papers to the parish of Livingston, March 5, 1875.

I certify the above to be true and correct.

JOHN FITZPATRICK,
Clerk Superior Criminal Court for the Parish of Orleans.

OCTOBER 17, 1876.

I read this certificate from the clerk of this parish to show that this man Kincher is now under indictment for murder, and it was upon his affidavit that the entire vote for the parish was thrown out. I doubt if he is worse than most of the other witnesses. I have not time to comment.

STATE OF LOUISIANA,

Parish of Orleans:

In the matter of contest for the parish of Livingston.

W. DUNCAN, being sworn, says, in answer to interrogatory 1:

I reside in Amite City, parish of Tangipahoa; my age is forty-two years; my occupation an attorney at law.

To the second interrogatory. I was in the parish of Livingston about three weeks before the election; went nearly all over it. Was in every ward in the parish except two, and talked with people in every ward, both white and colored; and, from

what I saw and heard, believe the election has been free, fair, and peaceable. Heard of no disturbance, intimidation, threat, or violence of any kind on account of political opinions. Every one seemed to express their political opinions freely and publicly. Some democrats were voting for republican candidates and some republicans were voting for democratic candidates, and, from my observation and from what I could learn, I was satisfied that Livingston Parish would give a large majority for the democratic party.

Answer to third interrogatory. The condition of the parish previous to the election, and for the past fifteen or twenty years, was peaceable and quiet. The people, as a general thing, are good citizens, and law-abiding, orderly, and well behaved, honest, and industrious. Know nothing of political trickery. I lived in the parish for twenty-five years, and am well acquainted with the people, and live now in Tangipahoa, the adjoining parish. Livingston has always given a large democratic majority; in fact, it was once called the land of democracy.

WM. DUNCAN.

Sworn to and subscribed before me the 2d day of December, 1876.

WM. H. HOLMES,
Second Justice of the Peace, Parish of Orleans.

I now read the testimony from the parish of Webster, page 912:

Clerk's office, eighteenth judicial district, Minden, Louisiana.

STATE OF LOUISIANA,

Parish of Webster:

I hereby certify that no protests under article 26, election law, No. 98, of 1872, have been filed in my office by any party up to this 20th day of November, A. D. 1876.

In witness whereof I have hereunto set my official signature and affixed the seal of my office, at Minden, Webster Parish, Louisiana, this 20th November, A. D. 1876.

[SEAL.]

F. M. TURNER.

Clerk of District Court, Eighteenth Judicial District,
Webster Parish, Louisiana.

Personally came and appeared before me W. B. Morrow, who, after being duly sworn, testifies and states as follows: I am a brother of J. T. Morrow, supervisor of registration for Webster Parish, and live in the same house with him. On 9th November, 1876, two days after the election, my said brother, J. T. Morrow, and G. W. Morrow, (also my brother, and candidate for recorder,) requested me to use my influence with prominent democrats to obtain their consent to the following proposition: That J. T. Morrow, as supervisor of registration, would sign the election returns as compiled by clerk of court and United States Supervisor W. D. McDonald, provided he be permitted to change the figures only so as to show that G. W. Morrow was elected recorder. I saw leading democrats, as requested, on same day, but met with no encouragement. On evening of 10th November I was sent by my two brothers aforesaid to Mr. T. B. Neal to solicit him to use his influence to secure the consent of prominent democrats to the above proposition. Mr. Neal told me that he would consent to consider the proposition, and requested me to bring it in writing from my brothers, J. T. and G. W. Morrow. I delivered Mr. Neal's message to them. They declined to commit this proposition to writing, but again sent me to Mr. Neal, requesting further a personal interview. Mr. Neal consented, and went out of the back door of his store with me, and I carried him to the back of Captain Ben. Wade's store, where my two brothers above mentioned were waiting. I left the three in consultation. Did not hear any of their conversation.

WILSON B. MORROW.

Sworn to and subscribed before me on the 13th November, 1876.

S. F. GOODE,
Justice of the Peace, Ward 4, Parish of Webster, Louisiana.

The testimony from the parish of Catahoula, page 262:

STATE OF LOUISIANA,

Parish of Catahoula:

Personally came and appeared before me, R. E. Yancey, a registered voter residing in ward 12, being duly sworn, deposes and says that he was United States supervisor for poll No. 12, Catahoula Parish, at the general election, November 7, 1876; that he was present at poll No. 12 from the opening of the polls till the close of the polls at the general election held November 7, 1876; that all was fair, free, and peaceable at said poll; that there was no intimidation, threats, or bribery used at or around said poll to influence voters. Deponent further says that he was present and witnessed the counting of the ballots, the keeping of the tally-sheets, till the box was locked and sealed; that the tickets were called off, the tallies were kept only by regularly authorized commissioners. Deponent further says that the campaign by the democrats and conservatives in Catahoula Parish was free from intimidation, &c., so far as he knows.

R. E. YANCEY,
Supervisor of Poll No. 12.

Sworn to and subscribed to before me this 25th day of November, 1876.

C. C. DUKE,
Clerk Twelfth District Court.

STATE OF LOUISIANA,

Parish of Orleans:

Before me, the undersigned authority, personally came and appeared Frank Johnson, a colored man, who, after having been duly sworn, says: That he is a citizen of the parish of Catahoula, in said State; that he was vice-president of the democratic club of said parish called "wide-awake;" that he, with his club, consisting of thirty members, all colored, voted the democratic-conservative ticket, State and national, at the election held on the 7th instant; that there was a very large colored club at Harrisonburgh, in said parish, which he visited, and that he has been informed and believes its members voted the straight democratic ticket; that he is satisfied that one hundred and fifty colored men in the parish aforesaid voted that ticket.

Affiant further says that the colored men voting the democratic ticket did so freely; that he has no knowledge of any intimidation having been practiced or attempted by white or colored democrats toward colored or white republicans; that the colored democrats were intimidated in every way possible; he was the pastor of the colored Baptist missionary church on Little River, and as soon as he joined the democratic club and expressed his determination to vote the democratic ticket he was turned out of his church; that the republican party managers of that parish sent messengers around to the colored people about a month before the election, and got up as many of the colored voters' certificates of registration as they could, and held them until just before the election; during the interval many of those persons informed affiant that they wanted to join his club, and would do so but for fear if they did they would lose their certificates that were in the hands of the republicans.

Affiant further states that the women of his race were advised by leading republicans to abandon their husbands if they voted the democratic ticket, and many of them threatened to do so.

FRANK JOHNSON.

Sworn to and subscribed to before me, at New Orleans, this 29th November, 1876.

EMMET D. CRAIG,
Commissioner United States Circuit Court, District of Louisiana.

STATE OF LOUISIANA,
Parish of Catahoula:

Before me, the undersigned authority, personally came and appeared Frank A. Jones, of this parish, to me well known, who, after having been by me duly sworn, deposes and says that he is a registered voter of said parish and State, and resides in ward No. 8 of the parish of Catahoula; that he was present at the polling-place established in said ward, on the 7th day of November, 1876, and remained at said polling-place from about seven o'clock a. m. until the close of the poll; that during the said time, namely, from seven o'clock in the morning until the close of the polls, the conduct of the colored republicans present was violent in the extreme, and such as to intimidate any timid colored man from voting anything except a republican ticket; that threats were loudly made against any colored democrat, first, of social ostracism, and secondly, of expulsion from all religious societies, and the effect of such threats and intimidation was, as affiant believes, to prevent many colored men from voting the democratic ticket, as they had previously expressed their determination to do. Affiant further declares that one of the officers of said ward, namely, Miley White, constable, was loudest in his threats and denunciations of those who voted the democratic ticket.

Affiant further testifies that, after the closing of the polls, the votes were not called out by any commissioner of election, and a part of the time while the votes were being counted no commissioners at all were present, and they were, as affiant believes, in bed and asleep.

FRANK A. JONES.

Sworn to and subscribed before me this 13th day of November, A. D. 1876.

C. C. DUKE,
Clerk Twelfth District Court.

The testimony from the parish of Saint Charles, page 913:

STATE OF LOUISIANA,
Parish of Saint Charles:

Personally appeared Hicks L. Young, who, being duly sworn, deposes under oath that he is a duly registered and qualified voter of the parish of Saint Charles, Louisiana; that he was duly appointed United States supervisor of election for poll No. 7, fourth ward, parish of Saint Charles, at Boutte Station; that in said capacity he attended at said poll on the 7th day of November, 1876; that after the time for opening the polls on that day Charles Wise, commissioner of election for said poll, finding that the other two commissioners did not put in an appearance at the appointed time, swore in two citizens, and, obtaining the ballot-box from the constable, opened a poll in accordance with law; that near two hours thereafter the two other commissioners opened another poll, depositing ballots in an empty candle-box in a church; that at said last-mentioned poll there were no democratic representatives; constable, custodian of the box, remained at the first poll, where affiant also attended, considering it the only legal poll.

H. L. YOUNG.

Sworn to and subscribed before me this 19th day of November, 1876.

EDMOND ROBERTS,
Justice of the Peace, Fourth Ward.

STATE OF LOUISIANA,
Parish of Saint Charles:

Personally appeared Charles A. Price, who, being duly sworn, deposes under oath that he lives in the parish of Saint Charles, Louisiana; that his rights as a voter under the law have been interfered with, in casting his vote according to his own free will, in the following manner and under the circumstances and by the persons whose names are hereinafter set forth; that affiant lives in the parish of Saint Charles for three years past; is a laborer; that during the last canvass in this parish affiant had made up his mind and declared his intentions to support the democratic ticket in part; that at a meeting of the colored club in his ward affiant was requested to address the club by a vote of the members present; that, because he expressed political views contrary to the opinions of some present, some of them, led on by Jerry Thornton and Clem Collin, two candidates (colored) on the republican ticket and at that time holding the offices of justice of the peace and coroner, forcibly dragged affiant from the speaker's stand, and a row was only prevented by the tax-collector taking affiant away from the mob, who were incensed against him for being a democrat and taking part with democrats; that a short time afterward there was a republican mass-meeting at Hahnville, which I attended; while there I was attacked by Jerry Thornton and Clem Collin above mentioned, surrounded by their friends, and horsewhipped in the public streets, denounced as a damned democratic son of a bitch; escaping from the crowd, I mounted my horse and rode off toward home; Thornton and Collins, coming soon after in pursuit, overtook me at the place of Mr. Louis Ransom. Jerry Thornton rode in the yard after me, but was ordered out by Mr. Norbert Ransom. Both Thornton and Collin then waited outside for me, saying that I had better sleep there if I wanted to keep safe from them, that they intended to fix me, or drive me out of the parish on account of politics. After waiting some time I determined to make an attempt to reach home, and rode off. After going a little distance the two rode up, one on each side, and one put a pistol to my head while the other whipped me with a horsewhip. I tried to ride away from them, but one of them held my bridle and continued to beat and threaten me for about two miles, until they were tired. I could make no resistance, as they were armed and I was not. When they left me they told me that they would either make a good sound republican out of me or drive me out of the parish.

As a consequence of this treatment, and being in daily fear of their threats, I neither voted nor registered, and took no further part in politics. Up to that time I had a strong support in my ward among the colored people, but they were demoralized and frightened off by what had happened, and either took no part or else voted the republican ticket.

CHARLES A. PRICE.

Sworn to and subscribed before me this 20th November, 1876.

[SEAL.]

G. ESPINOLA,
Clerk of Court.

I have read, Mr. President, as much of this testimony as I deem it necessary on this occasion. I think I have read enough to show that the action of the returning board was not only not authorized, because the returns of statements of the fact of intimidation were not made so as to give it jurisdiction, but even if it had jurisdiction the evidence is ample to establish the fact that the election had been fair and free, and without any of the acts of violence enumerated in the law; yet, sir, on this condition of facts before that board, it rejected votes enough to wipe out a majority of 8,957 given to the Tilden electors and to give to the Hayes electors an apparent majority of 4,712, a change of upward of 13,000 votes. This is a most startling fact, and one which should not be overlooked by the people of the United States. Here is where I say this question is no longer of a local character, but truly national. Can it be that the people of this country will submit to such a degrading and humiliating attempt not only to deprive the people of Louisiana of their votes, but to impose on the nation a President not elected?

I ask, will the people submit to this? If they do, we may say farewell to all free elections in this country. This would be but the beginning, and no one can tell where the end will be. Our safety no less than our duty is to prevent this infamous attempt. In addition to this, it is due to the people of Louisiana that they should be vindicated. For years they have been held up before the country as assassins and murderers and violators of law in every way, when, in fact, these people have patiently borne the most horrid system of oppression ever inflicted on any people. The oppression of Poland by Russia is nothing to what has been imposed on them. The history of the world, in my estimation, nowhere affords a parallel to it. For this vile oppression had no limit, it reached everywhere and to everything, no right was respected, but everything was trampled and crushed to the earth. The effort made by the citizens of that State to carry the last election was worthy of free Americans, they appealed to the ballot-box and succeeded in electing their governor, the members of the Legislature, and gave a majority to the presidential electors. And all this is to be wiped out by a returning board, acting without law and in direct opposition to the facts, as fully established by the evidence which I have read to-day. I said this was a conspiracy; I say so now. Can it succeed? I know the effort will be made to sustain it; but my appeal is to the virtue and intelligence of the nation.

I said in the beginning of my speech that the oppressions, cruelties, and tyrannies imposed on the people of Sicily by Verres, and which at the time brought forth the indignation of the Roman senate and of the Roman world, and transmitted his name to after ages as one of the monsters of mankind and a disgrace to our race, do not compare in the least to the atrocities of every kind and character which for years have been inflicted on the people of Louisiana; all that the human mind can conceive in the shape of cruelty and oppression has been imposed on them with an iron will which has never relented.

I will read what I am informed by telegram received yesterday is perfectly true, namely:

NEW ORLEANS, January 6.

The radical senate has passed a jury bill designed to disfranchise, so its supporters say, one-half or two-thirds of the people of this State. The bill authorizes the attorney-general, and district attorneys and other prosecuting officers of the State, to challenge jurors in cases for certain causes. Kellogg's rum house shovels through another appropriation bill to-day giving \$32,000 for stationery and blanks used in registration, and another giving about \$100,000 to the returning board for their services, also several to pay smaller amounts to negro women claiming to be martyrs of bull-dozers, making the total appropriations to date half a million of dollars.

Other bills have been introduced amending the charters of all towns in the State that at the last election selected and elected democratic municipal officers, and also one amending the charter of this city in order to take the administration of city affairs out of the hands of democrats, and their bill creating the superior civil court, now signed and promulgated, puts every dollar's worth of taxable property into the hands of the judges of that court.

Thus destroying all political rights and all power of protection whatever against the infamous conspirators who by the bayonet are forced on this people.

A governor not elected by them is forced on them, and he one of the most infamous of mankind.

A Legislature not elected by them, but forced on them, and kept in power by the bayonets of the Army of the United States, and composed of the most degraded and corrupt men found in the State.

A judiciary forced on them composed of corrupt, venal, and ignorant men, the head of which has been pronounced by the Supreme Court of the United States to be corrupt and venal.

A system of assessment giving to the assessor a percentage on the amount assessed, thus holding out to him the inducement of the highest valuation, and from whose decision there is no appeal.

A rate of taxation based on this extraordinary valuation of over 6 per cent., thus virtually confiscating all the property in this State; and this was undoubtedly the object and purpose of the law.

A returning board claiming and exercising absolute control over all elections and from whose decision there is no appeal. The way this board has proceeded renders all elections a mere farce. It can make whom it pleases governor of the State, all the members of both houses of the Legislature, and the electors for President and Vice-President of the United States. A more complete contrivance to defeat the will of the people, and to keep forever any party in power, cannot be imagined.

A more perfect engine of unmitigated despotism never has existed before, infinitely worse than the old star chamber of England, which Macaulay said was and would forever remain a blot on English history.

We see at this time in that State two governments; that is, two governments, two legislatures, and a double judiciary, and a double set of officers in the city of New Orleans and throughout the State. One of these governments is elected by the people by a majority of near ten thousand, and is sustained by a still larger majority, and backed by the most respectable, the most intelligent, all the men of property in the city and State. Indeed in the large city of New Orleans it can be safely said that this government is sustained by nine-tenths of the entire population of both races and the entire wealth of the city. It can be safely said also, that at this time this government is upheld by the people of most every parish, and if it were permitted to remain in power the peace and prosperity of the State would inevitably be secured.

On the other hand, we have a governor and Legislature and judiciary forced on the people by the omnipotent power of a returning board, acting outside of the law, in violation of every principle of self-government, and upheld by the Army of the United States. The governor, a known speculator and carpet-bagger, abhorred by all the good people of the State of both races; a Legislature corrupt, venal, and ignorant; a judiciary at whose head sets a chief-justice pronounced by the Supreme Court of the United States to be corrupt and venal. This is a plain and unvarnished statement of the condition of affairs in that State at this time. And yet under this horrid condition of affairs the people there are peaceable and law-abiding, and all they ask of the Federal Government is to be let alone. They thus give the best guarantee of their good disposition and ability to discharge all the duties which may devolve on them. Yet in this Chamber there are men determined that this will not be allowed; but, on the contrary, in violation of all rights known to our American system, they are to be wiped out and a government not of their choice forced on them. This, I say, is a conspiracy long since hatched in New Orleans, and the actors are determined to carry their point regardless of consequences, and which may lead to a terrible and bloody conflict. I ask Senators to pause and reflect. I ask the President of the United States to pause also, and not to forget that he is the Chief Executive of the entire people and not of a party.

But, Mr. President, what do we see in the public press. The President, with all these facts known to all the world, and of course to him, shows a disposition to again use the Army of the United States to uphold the government created by the returning board, and in that way perpetuate this condition of anarchy in that State. In his letter to General Augur, the commanding officer there, he uses this singular language. He says:

It has been the policy of the Administration to take no part in the settlement of the question of rightful government in the State of Louisiana.

From my place as a Senator I entreat the President to carry out this declaration in good faith, and the trouble, confusion, and anarchy which have reigned there for years will immediately stop, and peace will at once assume full sway, the thieves and robbers kept in office by the Army will leave immediately; prosperity as of old will bless that land; property and liberty will be duly protected; the colored man will be justly maintained in all his rights and be a participant in the common blessing. The reason why this has not been so heretofore is because the policy of the Administration has been to interfere all the time and for years in the settlement of the affairs of Louisiana. Carry out the policy now indicated by the President of non-interference, and at once peace, prosperity, quiet, contentment, and all the blessings of good government will follow, not only in Louisiana but in South Carolina.

Mr. President, I have done.

Mr. SHERMAN. Mr. President, I shall detain the Senate but a few minutes, and only to reply to some new points, if indeed there are any, in the remarks made by the Senator from Missouri. Indeed, he has not only repeated what he said before, but he has stated once or twice that these points have not been answered. So far as the legal questions that he presented yesterday to the Senate are concerned, every one of them, I think, was fully answered by me some days ago. I think the Senator himself, if he will look over my remarks in the RECORD of the following day, will find that on the 14th of December, 1876, as printed on page 18 of the RECORD of the 15th, I took up every point of a legal character that he has made and replied to it. All the points that he has made, and many others besides, were made by Mr. Trumbull, Governor Palmer, and others in their paper, and every one of them was answered by me; whether successfully or not is for the Senate to say.

He again repeats what was said about the vacancy. I regret that the returning board did not fill the vacancy. I openly regretted it. So far as my opinion could influence them to do it, I was decidedly in favor of their filling it; but the reasons why it was not filled were stated by both Mr. Wells and Mr. Anderson publicly and are published in the proceedings of the board, I read them when I spoke before and do not care to read them again, I think they made a mistake in not filling up the board. The terms of the law do not require them to fill the board with a democrat. The spirit of the law does. The law required that the senate of the State should appoint men on that returning board composed of different political parties; and when the senate constituted that board they did put on it men of all political parties; the conservative party, the democratic party, and the republican party were all represented on the board. The law does not require the board, in filling vacancies, to observe that provision about the diversities of political opinion, but the spirit of the law does, and it seems to me that they ought to have appointed a democrat. No man, however, can contend that, because they failed to fill that vacancy, the majority of the board, still intact in their existence, had not the power to perform all the duties prescribed for the board. A quorum of the board consisted of a majority, and a majority could proceed to act and perform all the duties. It requires as large a number to make a quorum of four as of five; so that practically it would make no difference; but there was a disagreement between the personnel of that board as to how the vacancy should be filled, and so it remained unfilled.

Another point the Senator says I did not answer; but I did; it was answered fully. He says that it is necessary, in order to give the re-

turning board jurisdiction, that within twenty-four hours after the consolidated returns are made up there should be attached to them the formal protest and affidavits. That is not the language of the law; that is not the spirit of the law; and no party in Louisiana acted upon that construction of the law, neither the democratic nor the republican party, and that is shown by the record.

Mr. BOGY. Will the Senator permit me to make a remark here?

Mr. SHERMAN. Yes, sir.

Mr. BOGY. I do say the proof is abundant that the democratic party made that point and insisted upon it before the returning board. The argument is published in the very volume on the Senator's table. They insisted upon that point, and not only recently but in 1874.

Mr. SHERMAN. Please refer me to the page. My friend and I do not intend to mislead the Senate; but here is the point: The democratic attorneys did insist that to give the returning officers jurisdiction there should be a protest—and that was the controversy in 1874—and that that protest should be attached to the returns sometime before the returning officers acted upon it.

It is true that was the decision made by the committee of the House; but that is not the point; and I will correct the Senator in another particular in a moment. The question I have to deal with now is whether that formal protest and these affidavits must be attached to the returns within twenty-four hours after they are made. I say the language of the law, of the twenty-sixth section of the act referred to so often, does not contain such a provision at all. The twenty-sixth section does not apply to attaching protests and affidavits; but it only requires that within twenty-four hours what is called the consolidated return should be made out. I will now read all the provisions of the law in regard to the formal protest when a protest is made setting out intimidation, &c.

When such statement is made by a commissioner of election or a supervisor of registration, he shall forward it in duplicate to the supervisor of registration of the parish, if in the city of New Orleans, to the secretary of state, one copy of which, if made to the supervisor of registration, shall be forwarded by him to the returning officers provided for in section 2 of this act, when he makes the returns of election in his parish.

This protest and formal allegation of intimidation must accompany the papers and must appear with the papers at the time of the action of the returning board; but, in another section of the act, entirely distinct, in another part of the law, the forty-third section, the consolidated return is required to be made up within twenty-four hours. It would be perfectly competent, therefore, after the consolidated return had been made up within twenty-four hours, at any time before the action of the returning officers, to attach to that formal return the protest and the affidavits.

The Senator said that the protests were not made in any of these disputed cases. All that I say now on this point is set out in the remarks I made on December 15 more fully than I state it now. I devoted nearly a column to giving the language of the law in reply to the statement made by Governor Palmer and his associates, and I will say that that construction has been acted upon by both political parties in Louisiana; that is, that the consolidated return must be made up within twenty-four hours, but that the formal protest and affidavits to give jurisdiction to the returning board might be attached to those returns at any time before the actual opening of the returns in the city of New Orleans by the returning officers.

The Senator then said that there was not a single return of this kind from any of the bull-dozed parishes. I was amazed when I heard my friend say that. I suppose what he meant to say was that there was not a single return attached within twenty-four hours after the returns came into the office of the parish officer. That is so. But when he said that there were no formal returns, no protests and affidavits attached to those returns, he simply fell into an error as I will now point out. The bull-dozed parishes are five in number. He will find on page 186 as to West Feliciana the formal return at the very beginning of the testimony. Here is the protest:

I, D. A. Weber, the undersigned, being supervisor of registration in and for the parish of West Feliciana and State of Louisiana, do on this 14th day of November, 1876, make this my protest against counting the votes in the following-named polling-places, and for the reasons stated below, to wit:

Then he goes on to give the formal protest and giving the causes in the different wards. To that is attached quite a number of affidavits to bring the case within the language of the law. So much as to West Feliciana. There is afterward a sworn affidavit by the same officer showing the truth of these charges. The same kind of allegations are made by the supervisor of elections. There are two officers, one the supervisor of registration and the other the supervisor of elections.

Now, in regard to East Feliciana, my friend if he will look to page 223 will find there the formal protest, in the most formal language possible, signed by James E. Anderson, covering a page of printed matter, in which he says:

James E. Anderson, supervisor of registration for the parish of East Feliciana, under oath declares and states that he was the supervisor of registration in and for the said parish of East Feliciana during the registration or revision of registration held preceding the general election which was held on the 7th day of November, 1876, and that he was present in said parish during the time of said registration or revision of registration and of the said election with the exception of a period of about nineteen days, in the month of October and November, during which last-named period he was unable to remain in said parish and to exercise his functions as supervisor therein by reason of the insecurity of his life.

Then he goes on with a whole page setting out the particulars of intimidation which he alleges to have existed in that parish. He was the officer charged to make this return, and he concludes that there was not a fair election in that parish; and this is supported by the affidavits of several persons according to the language of the law. There is number two of the bull-dozed parishes where this formal affidavit and protest were made.

Now let us look at the next. On page 258 he will find the formal protest in regard to East Baton Rouge. Here is another formal protest.

STATE OF LOUISIANA,
Parish of Orleans:

F. A. Clover, being duly sworn, states that he was appointed supervisor of registration in and for the parish of East Baton Rouge, in the State of Louisiana, during the time of registration and revision of registration held last preceding and preparatory to the last election, held the 7th day of November, 1876; that as such supervisor of registration he conducted said registration and revision of registration from the 28th day of August to the 25th day of October, 1876, inclusive; that during the said time of registration and revision of registration there were riot, tumult, acts of violence, intimidation, and bribery, and corrupt influences at and near the several places of registration and revision of registration in said parish, which said riot and tumult, acts of violence, intimidation, disturbance, and corrupt influences did tend to prevent, and did prevent, a fair, free, peaceable, and full vote of all the qualified electors of said parish; that by reason of said riot, tumult, acts of violence, intimidation, disturbances, and corrupt influences, the election held in said parish on the 7th day of November, 1876, was not a fair, free, full, and peaceable vote of all the qualified electors of said parish.

Following the language of the law. Then he goes on and gives the details in the different wards of this intimidation in the very language and according to the express provisions of the law—as formal a document as could be prepared by any member of the Senate; and that also is supported by the affidavits required by the law.

Thus I have given three of the bull-dozed parishes. Now in regard to Ouachita, not to detain the Senate too long, I will refer to pages 23 and 24, where there is a condensed statement of the allegations as to Ouachita:

A statement made in due form of law by the proper officer accompanies the return of the election for the parish of Ouachita, reciting, *inter alia*, that from the 16th of October last to the 7th of November, the day of election, during the period of registration and revision of registration, tumult, acts of violence, intimidation, disturbance, and corrupt influence, which tended to prevent a fair and free election by all the qualified voters of said parish, prevailed. A variety of testimony supporting such statement is found with the return.

Then it goes on afterward: "The supervisors of registration established certain polls," &c.; then it sets out in full this protest, with all the different wards in which the intimidation prevailed. Here was again a formal protest. So as to Morehouse Parish, which is the only remaining parish of the bull-dozed parishes, for there were but five. You find on page 441 a formal protest from that parish. Here it is signed by F. M. Grant, supervisor of registration of the parish of Morehouse:

UNITED STATES OF AMERICA,
State of Louisiana, Parish of Orleans:

This day personally came and appeared before me F. A. Woolfley, commissioner United States circuit court, district of Louisiana, duly commissioned and qualified, who being duly sworn, on oath deposes and says: That he is a citizen of the State of Louisiana, and a resident of the town of Bastrop, in the parish of Morehouse. That he is the legally appointed and qualified supervisor of registration of the said parish of Morehouse, and has been such continuously from and inclusive of the 28th day of August last past; that he entered upon the discharge of his official duties as such supervisor of registration upon the 28th day of August last past, and continued to perform the same during the whole period of registration and revision of registration to the present time, according to law and such lawful instructions as he has from time to time received from proper authority, to wit, the State registrar of voters.

Then he goes on and sets out the acts of intimidation and of alleged intimidation, and this is signed by F. M. Grant, supervisor of registration for the parish of Morehouse. That is accompanied by a number of affidavits, according to the express provisions of the law.

Neither the Senator nor myself is a resident of the State of Louisiana. Here are five distinct formal protests and notices accompanied by the official proof; and yet my friend says there was no protest from either of these bull-dozed parishes. They are all printed here and have been spread before the country; and not only that, but in order that there may be no question about it, that these protests were brought to the attention of the returning officers, the Senator will find in his own volume that he has brought here, that these protests were read to the returning officers in our presence and were the subject of frequent conversation and conversational debate in the presence of the visitors on both sides. He will find them as to West Feliciana on page 60 of their own stenographic report, as to West Feliciana on page 62, as to Ouachita on page 63, as to Morehouse on page 79, and as to East Baton Rouge on page 55. In our stenographic report he will find the same documents in the pages where these protests were read in the presence of all the persons assembled there to witness the count; and upon these protests, in the nature of a declaration, all the subsequent testimony was founded.

How my friend could have fallen into that error, I do not know. He was not there at the time. But that these protests were read, that they were actually filed and printed, there can be no doubt. It is true that my friend claims that they ought to have been filed within twenty-four hours. There is no ground for that; at least that was not the construction put upon it by those people. They, it is true, demanded that a formal protest should be made and that it should be attached to the return in some way, and as to one protest

there was a controversy. As to the protest in De Soto, about which so much has been said, it was apparent and proved clearly enough that the supervisor brought the sealed package to New Orleans and there opened it. He need not have done it; he might have attached the paper to the very returns without opening them; but he chose to open them and there insert affidavits of a later date than the time the package purported to have been sealed. As soon as I saw that and the attention of the visitors was called to it, we said at once "that paper has been opened and tampered with"—

Mr. BOGY. That was a clerical error, according to Mr. Stoughton.

Mr. SHERMAN. No; there is where the Senator does injustice. Did not the Senator hear the Senator from New York correct that? Mr. Stoughton never said such a thing there in the world, and your own record shows it. The Senator was not there. There can be no desire on the part of the Senator from Missouri to do a distinguished citizen of the United States harm. I say to you that no man in New Orleans ever heard Mr. Stoughton make that remark. I was sitting by his side. Mr. Stoughton has denied it; I deny it; everybody there denies it, and the record of the statements made at the time shows that no such remark was made. The published reports in this very document show that the remark of Mr. Stoughton was very different. And yet my friend is so distorted by his feeling in regard to this matter that he would even do injustice to a distinguished and able lawyer, picking up a chance and false telegram published in the Northern States, rather than believe the testimony of his own stenographer.

I have shown you that the Senator is mistaken in regard to the formality of these proceedings. Now, what is this that has been read to you for two days? My friend talked about *ex parte* affidavits. There is a place here—I will call his attention to it—from page 456 to 643 of the document from which he has read, there is a mass of what are called "hickory affidavits," every one *in hæc verba*, covering nearly two hundred pages of printed matter. I will read you one of them, and they are all alike. Remember this was not evidence, as I will show you, before the returning board, but it is the evidence that is now printed at the expense of Congress. I will read but one of these affidavits, that of Wade Hampton—not the one in South Carolina, but another man, a colored man in Louisiana.

THE STATE OF LOUISIANA,
Parish of East Feliciana:

I, Wade Hampton, of ward No. 8, said parish, do solemnly swear that I was present at the polls in said parish during the election held November 7, 1876, and that the election was fair and peaceable, and I know of no one having been intimidated or threatened in the casting his vote, but every voter was apparently eager and anxious to vote, and did so voluntarily; and that I voted the only parish ticket out, and the democratic State and national ticket freely and voluntarily, and under no constraint, fear, or intimidation.

his
WADE + HAMPTON.
mark.

Sworn to and subscribed before me this — day of November, 1876.
(SEAL.) H. M. POOLE,
Deputy Clerk.

This was in East Feliciana, a parish where there were three colored voters to one white voter, where in every previous election there was a large republican majority; where the evidence as printed shows an absolute state of terror that is so clear that no man can doubt it; and where in consequence of that terror there was not one single republican vote cast in the whole parish; and yet here are over two hundred pages of affidavits in the very same form, printed—I saw them, perhaps the Senator saw them—not signed, but marked by these negro people, and these were brought in there, and are printed now at the public expense here. The testimony as to this parish showed acts of murder, violence, and intimidation so disgraceful that I do not care to repeat them. I read some of it the other day; and this is the rebuttal.

In these one thousand pages, that it took nearly a month to produce before the Senate, there are five hundred and forty-one printed pages of just such informal affidavits as I have now read; much of the rest is made up of official documents. Under the rules adopted by the returning officers, no *ex parte* affidavits were allowed except those affidavits provided for by the law attached to and made part of the formal protest. The rest of the testimony taken on behalf of the republican electors consisted of depositions taken in due form. The affidavits were attached to the returns, and among the rules of the returning officers adopted by the board was this:

9. No *ex parte* affidavits or statements shall be received in evidence except as a basis to show that such fraud, intimidation, or other illegal practice, had at some poll, requires investigation; but the returns and affidavits authorized by law, made by officers of election or in verification of statements as required by law, shall be received in evidence as *prima facie*.

Those that the law required; namely, the affidavits attached to the protest of the officers should be received as *prima facie* evidence to give the returning officers jurisdiction; but if they then pursued their inquiry and took testimony, they had to take it in strict accordance with the law of Louisiana, and it was so done. The Senator says that all this was before the returning officers; but it was in plain violation of their rules, and could not have been received by them as evidence. But what if it was? Any impartial man may take this mass of one thousand pages and he will find that, with slight exceptions, it does not impair in the least or conflict with the testimony that I read

to you the other day. With the exception of here and there a witness, especially one who testifies to the bad character of Eliza Pinkston, and probably one or two other witnesses whose testimony was read, who say that the murder of Dinkgrave was not a political murder, it does not reach the allegations made and presented to you the other day in scarcely a single respect. He read from parishes that were not controverted. He read about parishes as to which there is no evidence in the book from which I quoted.

Mr. BOGY. I read from no parish except rejected parishes or those in which polls were rejected.

Mr. SHERMAN. The Senator read from two parishes that I do not see anything at all about, Bossier and Webster.

Mr. BOGY. Polls were thrown out both in Bossier and Webster.

Mr. SHERMAN. Here a witness come up and says that, so far as he knows, in a particular ward or particular place there was no intimidation. With the exception of five parishes, where the bull-dozing or intimidation extended to the whole parish, there was no allegation that intimidation extended over a whole parish, but only that it existed in a particular ward or particular polling-place. There the particular precinct may have been rejected upon sufficient proof of intimidation, and all the rest of the people of that parish might swear that there was a free and fair election. Take this testimony now, and I say to you that any person who will examine it carefully and compare it side by side with that in the book I read from will see that there is no substantial conflict in this with the mass of testimony I read to you the other day. People testify to what they hear, to what they think; they did not see this; they did not see that. They all concur that on the day of election there was no intimidation. So do the witnesses called by the republican side, that on the day of the election in many places there was silence like that of the grave; there was no necessity of intimidation on the day of election. There was one man attacked and supposed to be killed on the morning of the election in Ouachita because he had a ballot-box in his hand and was going to hold an election at Logtown. He was killed, as was supposed, but by some miracle he was alive again. That is Ben. James. Nobody questioned or controverted his testimony. He was shot on the morning of the election and the ballot-box taken from him and the ballots burned, and there was no election held in Logtown at all by reason of that intimidation. These specific allegations of crimes, offenses, intimidation, are not met at all by this mass of *ex parte* affidavits to which we have listened yesterday and to-day.

From what has been read here in all this mass of testimony, what is there that affects the testimony of General Brooks, of Clayton Hale, of officers of the Army and officers of the election, of men who were wounded, and the specific cases of killing. You might pile mountain-high until the pile rose to the Dome of the Capitol statements that men did not see a thing or did not know a thing, or that so far as they saw was all peaceable and quiet; but if you are met on the other hand by affirmative proof of cases without number of intimidation, such proof as that is no answer. No, sir; I say the case made by me the other day is not impaired in the least.

My friend in his closing remarks talks about the injury to the people of Louisiana. He speaks of Packard as the most infamous of mankind. Sir, Packard is a man of character and standing. He has lived there for years. What is the charge against him? What has he done? Has he murdered or robbed?

Mr. BOGY. Robbed for years and done nothing else in that State.

Mr. SHERMAN. Nobody will say that of him in Louisiana. I heard your friends the democrats speak of Packard in the very highest terms.

Mr. BOGY. His character in New Orleans is that of an infamous robber. [Applause in the galleries.]

Mr. SHERMAN. Mr. President, I do not believe that could be said in New Orleans. Yes, sir, these galleries may shout their applause; but I say that when the charge is made that Mr. Packard is a man of that character it is wrong.

Mr. EDMUNDS. Mr. President, I rise to order. I move that the Sergeant-at-Arms be directed to arrest the persons who have committed this disorder and clear the galleries at once.

The PRESIDING OFFICER, (Mr. McCREERY in the chair.) Those in favor of the motion—

Mr. ALCORN. I would suggest to the honorable Senator that this portion of the galleries [pointing to the galleries on the left of the chair] did not participate in the applause at all, and I ask him to modify the motion so as to clear the galleries in which the disorder occurred.

Mr. SHERMAN. I hope the Senator will withdraw the motion.

Mr. EDMUNDS. I will not withdraw it. This thing must be stopped.

Mr. SHERMAN. I have gone through one scene of this kind in 1861 when I was treated in the same way by the same class of people.

Mr. EDMUNDS. I propose to assert the proprieties of this Chamber, and I insist on the motion.

Mr. ALCORN. Will the Senator allow me my interpellation to his motion? The portion of the galleries to which I pointed was entirely quiet.

Mr. EDMUNDS. If that be certain, I will agree to that.

Mr. ALCORN. I am sure of it. Occupied as it is by ladies, I am sure they were quiet.

Mr. EDMUNDS. I move that the Sergeant-at-Arms clear those por-

tions of the galleries from which the disturbance proceeded and let him arrest every person who was concerned in it.

Mr. WHYTE. He cannot do that.

Mr. EDMUNDS. Let him bring them here, and we will tell whether they are guilty or not.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will proceed to clear the galleries on the right of the chair.

The galleries referred to were cleared.

The PRESIDING OFFICER. The Senator from Ohio will proceed.

Mr. SHERMAN. Mr. President, I regret very much that any citizen has been inconvenienced. I have no doubt a great many people have been turned out of the galleries who took no part in this violation of our rules, but I hope that this will convince the galleries that the Senate of the United States must not be interrupted in the ordinary course of its proceedings by applause or such scenes as we have had here. In the last few days in both Houses it has more or less occurred. We must maintain the order and decorum of debate. If we are to have crowds of people here interfering with our debates, with our ordinary proceedings, we do not know what will be the result. While I am sorry for those that have been inconvenienced without any fault on their part, I trust that it will be a lesson to all that when they come to the galleries of the Senate they should at least give us the benefit of silence and patience and listen to us without any applause or manifestations of any kind.

Mr. President, I did not know Mr. Packard very well, and I never saw him until I went to New Orleans. I have heard from Senators from Maine, I have heard from members of Congress from Maine that he is a man of very high character. My friend over the way [Mr. HAMLIN] has known him, and I heard people in Louisiana speak of him. When a Senator of the United States feels himself at liberty to stand up and arraign a governor of a State as the most infamous of mankind—

Mr. BOGY. Not a governor.

Mr. SHERMAN. Well, when a Senator arraigns a man who has held his position, as the most infamous of mankind, he abuses the privileges of the Senate of the United States. I say that very distinctly and emphatically.

Now, Mr. President, in regard to the supreme court, many of the judges of the supreme court of Louisiana, some of them at least are native-born citizens of Louisiana, men whose appearance and conduct impressed me very highly and very favorably; and yet that whole court is denounced because, forsooth, the chief-justice, Ludeling, bid off in connection with eight or nine or more democrats, leading prominent citizens of Louisiana and of New Orleans now, a railroad for the interest of common stockholders; and because the conduct of those people were arraigned by the Supreme Court of the United States the supreme court of Louisiana is denounced as infamous, as the most corrupt in this country. It seems to me that was a great abuse of the privileges of the Senate. I read only the other day in a paper in Louisiana the reply of this same chief-justice when he singled out from the crowd around him leading prominent citizens of the democratic persuasion in New Orleans who were his partners in bidding off that railroad; that he acted simply as trustee, and there was no infamy attached to him or to them. But because, forsooth, they chose to throw mud and spite at these officers because they are republicans, the same spirit that led those gangs of ruffians at night to negro cabins would seek to degrade these men in high official position and stamp their names, in the presence of the Senate of the United States, with infamy.

Sir, I said a moment ago that we had gone through this scene once before. I remember in 1856 when as a member of the other House of Congress I was sent on a mission to inquire into the conduct of the border ruffians of Missouri. When the motion was made to make that inquiry it was alleged on the part of the citizens of Kansas that wholesale intimidation, wholesale ballot-box stuffing, wholesale election frauds had been committed in that Territory, by which they were entirely deprived of the elective franchise. I heard that denied by members from Missouri; I heard that denied by democrats in the same wholesale way that these denials are made now; and one of those Missouri members was put on a committee sent out there to investigate into the matter. I was one of the committee. We went out there and we found that our very colleague who denied that these atrocities existed had been over there with a gang of one hundred and eighty men and made a speech to them on the day of the election when these Missourians voted there at one of the feeble precincts of Kansas. I heard another gentleman from that State also deny that any border ruffians had gone over from Missouri into Kansas, when I myself saw armed, equipped, in full force, one hundred men march over into Kansas, and heard soon after of the outrages that they committed; and yet the Delegate from Kansas, living in Missouri at the time, denied these atrocities when they were proven by living witnesses, and now they are a part of the established history of the country. Who does not know now that these atrocities were committed in Kansas by which a feeble Territory was ridden down by border ruffians who had no right there? Now these facts are known to all the world. And, sir, from the blood shed on the soil of Kansas there rose a republican State that is now able to defend itself; and my only hope is that these kindred outrages upon the poor negroes

of Louisiana may give rise to a public feeling in that State which will not only defend them, but enable them and their successors hereafter, and their children in future ages, to maintain their rights against all lawless violence. No, sir, you cannot deny these things. They exist there.

They talk about the oppression of the people of Louisiana; they talk about the taxes. Well, sir, if I can believe the official documents which were shown me there, the oppression does not exist at all to the extent that is said. Undoubtedly by the results of the war, by the disturbance of their labor, the natural and inevitable results of the rebellion, the taking up of arms against the just authority of the United States, property is deranged, and property has gone down greatly in value, in consequence of the war and in consequence of the emancipation of the slaves; but they ought not to complain of the natural and legitimate results of their own conduct.

But to come back, Mr. President, I say now that the case made by me the other day is not materially shaken by any testimony that has been read by the Senator from Missouri. It is true that a doubt may be created whether or not Eliza Pinkston told a true story. I have never said anything more about that than that I believed, not from the testimony of Eliza Pinkston, but from the testimony of the other witnesses who corroborated her, that her testimony was true. It is now admitted and conceded and proven by a number of witnesses that on the very night in question one of these rifle companies did maraud in that very neighborhood and did whip, scourge, and injure people. Is it likely that Ben Brooks, or whatever his name is, a single man, and who now lives there among those people, would have gone off to kill Henry Pinkston and wound his wife and kill his child? Does anybody believe that? Did any one there believe it? I do not think so. The evidence will still remain and the impression will still exist, although it is not material to this case, that the same men who committed the violence in the neighborhood around committed this violence on Henry Pinkston; but whether they did or not makes no difference to this issue. Drive Henry Pinkston out of the case and you have murder after murder, violence after violence, and wrong after wrong in that same neighborhood proven beyond question or controversy. Suppose it to be true that Dinkgrave was killed by somebody who wanted to revenge a private wrong on account of a private quarrel; it is equally true that the negroes thought that the killing of Dinkgrave was a political murder to deprive them of their chief leader, and they rose for the first time in the parish of Onachita, showed the spirit of freemen by arousing and organizing to some extent, but gradually disbanded again, feeble as they are. They thought that the killing of Dinkgrave was a political murder, and the other murders there are not controverted. You may say here and there, pick here and there a flaw as to a single outrage, but the mass of outrages still stands undisturbed, uncontradicted, unshaken by even *ex parte* testimony.

Mr. President, I do not want to proceed with this matter further. I simply want to stand by the verdict of history; and I say to you that, notwithstanding the denial that has been made by the honorable Senator from Missouri, notwithstanding all this controversy, these facts are recorded in the history of Louisiana like the massacre at Colfax, like the massacre of over two hundred men in Mechanics' Institute, like all these other outrages that have been named and so often described by my eloquent friend from Indiana [Mr. MORTON] they stand recorded in history. Those that I have depicted, about which I heard the testimony taken, will stand also admitted and conceded facts in the history of that State.

Now, sir, the Senator says that because of these outrages a majority of six or seven or eight thousand, I believe he said, was overturned. They claim in this book 6,549 exactly. These are the figures certified by Mr. Zacharie and his friends. John McEnery received, according to their figures, 83,723. William Pitt Kellogg, 77,174, making a majority of 6,549 as they claim. If we can believe the testimony of the witnesses, in these five bull-dozed parishes alone there was a change of over 8,000 votes. That this testimony is substantially true, I believe, as true as history. But who can decide between the honorable Senator and me? He and I have given our story, perhaps taking a party view of it; and who is to decide the matter? The law of Louisiana. That law provides a set of officers who shall decide this question. They have decided it. They have decided according to the law of Louisiana. They met openly, publicly, in the light of day. They saw the whole of this testimony on both sides, whatever it is. They were citizens of Louisiana legally appointed to do this very duty and to pass judgment on these very facts. They have decided them. Their decision is in writing, made under their oaths, with every temptation to them to decide the other way. Their return has been made; the officers elected according to their return have exercised their duty; and now you attack the rights of the State of Louisiana thus ascertained according to the law of Louisiana. You would throw these to the wind because, forsooth, they endanger the election of Samuel J. Tilden.

Not only did these returning officers act legally within the strict limit of the authority conferred upon them by law, but they acted upon a weight of testimony that was overwhelming and justified them in throwing out all the votes they threw out. They did not do it in gross; they did not do it in the lump; they did it in detail by parishes; two parishes thrown out altogether; in other cases polling precincts and wards rejected. They have acted and made their re-

turn. Now you want to make another returning board out of the House of Representatives, or out of the Senate, or out of both, far removed from the scene of operations, not familiar with the history of the times, not familiar with the scenes of outrage, not familiar with the weight of the testimony; and you propose to make a returning board at this distance to pass in review what has been done. You propose to trample down the rights of the people of Louisiana, which were ascertained according to the laws of Louisiana, for the purpose of giving force and effect to the violence, tumult, and murder that prevailed before the election. That is what you propose to do. No, it will not do, my friend. This is a government of law, to be governed not only by law, but according to the forms of law; and although this returning board may have erred here and there in regard to particular polling-places and precincts, even admit that that be possible, supposing the statements read by the Senator from Missouri have made some impression on your mind, to show you that perhaps these people have given too great force and effect to the testimony before them; suppose they have erred, are you, without any information without any law to justify you, without any authority, to review their decision here a thousand miles away? There is the question. According to law that vote is recorded; you cannot reverse it; and it is rightly recorded. The only purpose and object of my speech the other day was to show you, by reading the testimony of living witnesses, not merely colored people, who are conceded to be ignorant, cannot read and cannot write many of them—it is their misfortune—but by the testimony of witnesses of the very highest character, undisputed and uncontroverted, that tumult, disorder, violence, and intimidation did prevail over a number of parishes and polling-places in Louisiana sufficient to change the result. In forty-one parishes there was a peaceful, orderly election. In those forty-one parishes there was an increased republican majority. In the five bull-dozed parishes the republican majority was swept away, and an overwhelming democratic majority substituted. In these other parishes, where intimidation prevailed to a greater or less degree, our majority has been largely lessened or swept away; but in all those parishes, or the great body of them, where there was a fair election, we gained rather than lost; we have an increased majority rather than a diminished majority. Why was it if there was no intimidation, why was it if this intimidation did not affect the result, that in the parishes where there was conceded to be a fair election the republicans gained, while in all the parishes where intimidation prevailed they lost? The logic of the facts is as conclusive as the testimony of witnesses. This result was brought about by the intimidation prevailing to a greater or less degree in those parishes.

Mr. BOGY. Mr. President, I am happy to believe that this case is coming to something like what the lawyers call a definite issue. The Senator from Ohio admits that the law creating the returning board, and which is embraced within the three sections, the third, twenty-sixth, and forty-third, has not been complied with, unless the making of affidavits in the city of New Orleans, many weeks after the election, be a compliance. He says that before the board no one raised an objection to the receiving of evidence of intimidation or wrongdoing in the parishes because a statement of that fact had not accompanied the return of the election. I tell the Senator from Ohio that the democratic counsel continually insisted that the law was plain, and that it was not within the power of that board to receive any testimony unless the foundation had been laid by a return at the proper time. I will read the sections of the law, and hope the Senators will give me their attention for a moment, because it is so plain that I am astonished that a gentleman of the acknowledged ability of the Senator from Ohio should undertake to give a different construction to this law. The forty-third section says:

It shall be the duty of the supervisors of registration, within twenty-four hours after the receipt of all the returns for the different polling-places, to consolidate such returns to be certified as correct by the clerk of the district court, and forward the consolidated returns with the originals received by him to the returning officers provided for in section 2 of this act, the said report and returns to be enclosed in an envelope of strong paper or cloth, securely sealed, and forwarded by mail. He shall forward a copy of any statement as to violence or disturbance, bribery, or corruption, or other offenses specified in section 26 of this act.

With this law before him the Senator from Ohio contends that a return made from a parish can be opened in the city of New Orleans, and in that return be introduced a statement made weeks after the election. The question is too plain to be discussed. What does the twenty-sixth section say? The twenty-sixth section reads:

When such statement is made by a commissioner of election or a supervisor of registration, he shall forward it in duplicate to the supervisor of registration of the parish, if in the city of New Orleans, to the secretary of state, one copy of which, if made to the supervisor of registration, shall be forwarded by him to the returning officers provided for in section 2 of this act, when he makes the returns of election in his parish. His copy of said statement shall be so annexed to his returns of elections by paste, wax, or some adhesive substance, that the same can be kept together.

Now, does not the law require that when the return of the election in a parish is made, if there has been any intimidation or violence of any description whatever occurring on the day of the election or at the time of registration, the fact shall be embraced in a statement which shall accompany the return of the election? There is the point. He only reads a part of the law. He says it does not require it within twenty-four hours; but whether it requires it within twenty-four or forty-eight hours, let that be as it may, it has to accompany the return of the election and be sent by mail. In this case, without excep-

tion from what he called the bull-dozed parishes, the returns were not sent by mail, but taken to New Orleans by the supervisors, kept in their pockets for days. In one case it was plainly proven that it had been opened and a certificate put in, the seal of course had been broken to do it; but in every case they were opened by these men in New Orleans before they were handed over to the returning board and false certificates introduced in them. This I again say is in direct and plain contradiction to the law, as found in the third, twenty-sixth, and forty-third sections.

My point and the point made by the democrats of Louisiana was this, that a statement of intimidation or violence had to accompany the return of the election, and unless it was so made, the board had no jurisdiction. No one in New Orleans of standing denies that to be the law; no lawyer of standing there denies this. I was there myself a short time and talked with many leading men, and none denied that to be the law. The committee sent by the House of Representatives one year ago in their report, an extract from which I read to the Senate yesterday, say it is the law, and when that board in 1874 under the same law returned a Legislature as elected without having regard to this portion of the law, they said it was illegal. Therefore I say all the testimony presented to that board taken in New Orleans was illegal, and their decision utterly and absolutely void.

The Senator mentions the returns of Weber from West Feliciana, of Anderson from East Feliciana, of Clover from East Baton Rouge, of a man by the name of Ward from Grant. I read testimony yesterday and to-day showing that this man Weber was an infamous man, a rascal, and a dog of low degree; and that after the election he had stated, not to one person, but to many, before he went down to New Orleans, where he was bribed to lie that the election had been fair and without any violence whatever. Anderson! There are no words that can convey a correct idea of his meanness. He is the fellow that shot himself to make it appear that his life was in danger from democrats. It is proven that he shot through his own clothes, trying to bull-doze himself. It is positively proven that this Anderson had perpetrated upon himself the assault which he said had been done by democrats. Clover! I proved yesterday by the testimony of more than one witness that this fellow admitted that the election was fair, peaceable, and quiet. But like his associates in crime he goes to New Orleans, and after he is there some ten or fifteen days new light breaks on him, and he makes an affidavit of intimidation. A fellow by the name of Ward is sent to Grant Parish as supervisor of registration of the entire parish. This fellow keeps a snake-show on the levee in New Orleans, and it was proven by testimony read by me to-day that this snake-show man only registered such persons as suited him in the different precincts of this parish. A fellow who keeps a snake-show on the levee of New Orleans is selected by the governor of Louisiana to go to one of the parishes of that State to do this important work. This alone shows the means employed to insult and mortify the citizens of that State, and a willingness to use the vilest instruments to effect the predetermined purpose to cheat the people out of their votes. Who can for a moment entertain a doubt of the purpose in sending such a man to perform this duty? And the proof shows that he did as was expected by his employers.

These men, one and all, have been proven to be unworthy of belief—Weber, Anderson, Clover, Ward—by the testimony of respectable men. But, sir, in each of the bull-dozed parishes I read the certificate of the clerk of the parish, not an *ex parte* affidavit, but the certificate of the clerk of the parish, that no statement of intimidation had been filed and that the election in each one had been peaceable and quiet. In East Feliciana, about which the Senator from Ohio talks so much to-day, as he did the other day, and says there was so much intimidation that the republicans dared not vote, this was fully explained by me yesterday. I read testimony showing that the republicans, finding a great change in the colored vote of that parish and that the colored men had determined to vote the democratic ticket, agreed among themselves not to vote. They had no candidate in the parish. I proved by testimony taken in the parish that there was perfect peace and quiet pervading it all the time, and the reasons the republicans did not vote was because they would not do so. The fact that they did not vote was a trick, worthy of the fellows who have for some time held sway in that State. I regret that such mean tricks can find friends and supporters anywhere.

I admire the Senator's courage when he holds on to the skirts of Eliza Pinkston, but I cannot say I commend his good taste; for if there is a woman whose skirts I would not hold to, it certainly would be Eliza Pinkston's. Who is Eliza Pinkston? In his former speech he held her up here as worthy of credit, as a woman who had been persecuted, an innocent, virtuous mother, who had lost her child, and been cruelly treated by the democratic regulators. Although he yet stands up for her, yet he does not do so as confidently as formerly. Although her character does not now stand quite as high as at first, they nevertheless insist she was bull-dozed by some democratic club. I read the proof from the man who formerly owned her; I read other testimony showing that all this thing was a quarrel among colored people themselves. When she first came to New Orleans her story was believed by no one, and it was only after some days that the Kelloggs, Packards, and others found out it could be manufactured into a most sensational election story and great capital got out of it. Well, it has run its day, and now I believe the Senator from Ohio is the only one who believes in this story.

I have no doubt murders have occurred in different parishes, as is the case elsewhere, but they have been multiplied tenfold; some of them occurred a year ago; some two years since. I read abundant testimony to show that these crimes were not political, but grew out of the peculiar condition of society there, and also instigated by the bad men who now control the State, and fostered by a government which not only did not afford protection to life or property, but abetted crime and protected the perpetrators of crime.

We must not forget that there is in Louisiana a large colored population suddenly emancipated. They are brought in conflict with the white race, and a feeling of hatred encouraged by Kellogg & Co., and, as a matter of course, more or less violence is the natural consequence. But the proof is that these conflicts are very seldom political.

The Senator from Ohio has a happy talent to give a new life to ancient animosities. He goes back to that old quarrel called the Kansas excitement of 1856, and says that the story of that day has been stamped upon the pages of history as the truth. I deny it. The story, or rather stories, of that day are believed but by few people of this day. Every impartial man now well understands how these stories were fabricated to inflame the public mind and in that way to create, as these lies did create, the anti-slavery excitement which in time swept over the land; but the old lies are now not believed and the pages of history will not be encumbered with such stuff. I have read testimony enough in the Senate for two days to show conclusively that the people of Louisiana are a law-abiding people; that the last election held in that State was peaceable, quiet, and orderly; that there was no intimidation, violence, or wrong-doing at any of the precincts in any of the parishes, and that those parishes which were rejected, the list of which I gave, were perfectly orderly and quiet and in no instance was there any proof otherwise, excepting proof gotten up in the city of New Orleans from *ex parte* affidavits and presented to the returning board in violation of law.

The Senator says the affidavits in the testimony I have read are *ex parte*. Some of them are; but most of them are answers to interrogatories propounded, as he says, under the law of Louisiana. Open the book containing the testimony on his side where you please and you will see that most of them made their mark. Nine-tenths of it is composed of the affidavits of men taken in New Orleans not known, men who could be got to swear to anything for money, while the testimony which I have read was taken in the parishes where the election took place, in many cases of men who were officers of the parishes, or of men who were long residents, in other cases of the supervisors of election or the clerks of the parishes, all men of standing and character, and this testimony taken at home, given by men who had a right to know and did know what had transpired at their homes.

Now he says the testimony which I have read only shows that persons had not observed that anything wrong had transpired. It is not so, sir. The testimony is positive that the election was peaceable and quiet.

To show that the Senator from Ohio has not made himself acquainted with this case he all the time uses the words "formal protest." There is no such word in that law. There is no "formal protest" recognized or known in it; but he persistently calls it however a formal protest made in the city of New Orleans and read by the returning board. Of course these formal protests, as he calls them, were made in the city of New Orleans and in very good form, beyond a doubt, and sworn to by such infamous fellows as Weber, and Anderson, and Clover, and this snake-showman, Ward, all in first-rate form, beyond a doubt, but all made outside of the law or the authority of the law, and in direct conflict with it.

Sixty-nine polls were rejected in twenty-two parishes. I read the list yesterday. It will appear as part of my speech when published; in this I give the number of votes rejected at each poll, and from what parish, and as regards every one of them I made it my duty yesterday and to-day to detain the Senate, very much against my wish, to place before it testimony showing that the election had been fair, peaceable, and quiet.

The Senator says, however, that this testimony was not in evidence before the board. I presume in one respect this statement is correct, but it was presented to the board, filed with it, and copied from its archives; but I have no doubt that that board did not look upon it as evidence. I have no doubt that the statement of the Senator in that respect is correct, and I am surprised he admits it. Why did not the board consider it, while it gave full effect to the testimony taken in New Orleans of unknown men, who generally could know nothing as to what had transpired in these distant parishes. It was filed, and is there yet, and ought to have been received as evidence, but I am sorry to say it was not.

Mr. President, this will at last be the turning-point in this case; and it is not within the ability of the Senator from Ohio to change that fact. The law is imperative that the statement of intimidation, or violence, or any wrong-doing occurring on the day of the election, at the polls, has to be incorporated in a paper called a statement and returned with the vote of that parish. If that be the law, as I say it is, as the House committee sent down there one year ago said it was, and as every lawyer of standing in New Orleans says it is, then all the testimony taken by the returning board in New Orleans was outside of the law, and is a nullity.

But the Senator says that in this country we cannot maintain government unless we observe law. That is true. But what is law? The existence of an institution like this returning board is a contradiction of all our idea of law. To give to four men the power to say who has or who has not been elected; to decide this in secret and without any appeal; and to call that law! Why, it is an abuse of terms to call such a monstrosity law. It is tyranny and oppression, and such tyranny and oppression as ought not to be upheld by any body, particularly in this country.

The Senator seems to take me to task for saying that Packard is infamous. I do say that he is one of the most infamous of mankind. I said it before and I say it now, and I am not aware that I am abusing my privilege. Why is he infamous? Any man who by force and fraud, as he is doing, will try to impose himself upon a community as the governor of that community is infamous; he is a tyrant. I repeat what I said before, that he is an infamous man, and the proof sustains me in what I say. I say the same thing with regard to the judiciary. Why? Because the Supreme Court of the United States have passed upon this Ludeling. It is true he denies it. The Senator from Ohio believes his denial, but does not believe the decision of the Supreme Court of the United States. He read a statement the other day, which I saw also in the papers, in which this man Ludeling says it is all false. Of course it is false in his estimation; but who are we to believe, the man charged with a criminal offense or the Supreme Court of the United States? And I also say that men are infamous who will take judgeships under the conditions that exist in New Orleans to-day. The so-called rump legislature, in session there without a quorum, is passing laws doing away with former judges and creating new courts, and upholding those new judges in power at the point of the bayonet. I say that men who will accept judicial stations under such circumstances make themselves infamous, and when they get upon the bench their decisions will be corrupt and venal.

I am not speaking without facts before me. The whole government in Louisiana, as I said in the speech which I made to-day, is a vile conspiracy to destroy that people, and to rob them of their property; a vile conspiracy which neither the spirit of the age or of this people ought to permit. Every man who is an officer under the local government at New Orleans is already rich or being enriched every day, from Kellogg down; yet these fellows pretend to be offended when they are called infamous. Sir, it is a duty I owe to myself and to the position I occupy, to state what I honestly believe, that these men are rogues and rascals, and until a public opinion in this country is created of a wholesome character which will openly expose these robbers and call them by their right names, you will be governed by rogues and infamous men as is now the case not only in Louisiana but elsewhere.

Mr. President, this long debate is approaching an end. I am heartily glad of it, but I am also glad that it has taken place. It has placed before this country the horrid condition of Louisiana; and the people of the United States will now examine into it, will read the testimony which will be found in my speech, and I am convinced it will open the eyes of many.

As I said to-day, upward of two thousand years ago, Verres, the propretor in Sicily, was guilty of rapacity and robbery and murder. When Cicero arraigned him before the Roman senate it aroused the indignation of the old Romans, and Verres was recalled and punished. That great old Roman senate, although under the pagan dispensation, called back the infamous propretor and punished him, and the history we read of the crimes of this man does not compare with that of the crimes committed in Louisiana; tyranny of every description that the human mind can conceive; courts forced upon them; legislatures forced upon them; incompetent men put into office; a system of assessment, the invention of a fiendish cunning, giving to the assessor a percentage upon the valuation he affixes, and from which there is no appeal! And this the Senator calls law. What is law but a rule of right? Yes, sir; a rule of right. In Louisiana it is a rule of wrong, inspired by bad men to accomplish wrong ends. That is not law. It may be on the statute-book, but it is a desecration of the sacred word "law," which should be a rule of right and made to protect the right and shield the innocent, and not to rob.

Gentlemen may say what they please; thank God the day has passed when you can impose on this people any further these horrid stories that have been related in this Chamber for years as to the bad character and conduct not only of the people of Louisiana but of all the Southern States. They are like the stories gotten up many years ago in England by Titus Oates, fabrications; one lie piled upon another; one man more infamous than another springing up every day and adding a pile of additional lies. Sir, there is no more disposition to commit murder in the South than there is in the North. The men there are as much law-abiding and are as much under the sway of Christian influence as they are in any portion of the North.

But, sir, the conflict there arises from the fact that you have forced upon those people a foreign government, composed of bad men who go there to rob and to steal; and that they may rob and steal they must necessarily violate every principle of justice and of right. The time has come when those people will be vindicated, and this condition of affairs there cannot be bull-dozed any longer. The returning board can stand no more. It has made its last return; and even that return will not stand. The people of the United States are not going

to submit that these four men, without character or reputation, shall make a President for the whole United States. Can it be possible that the people of this country will permit Wells, Anderson, Casanave, and Kenner, two white and two colored men, to make a President of the United States? The thing is too absurd to talk about; and yet this is called law. A more complete system of oppression and of tyranny and robbery cannot be devised by the wit of man than has been devised to enslave and rob Louisiana.

Mr. SHERMAN. Mr. President, I congratulate the Senate at least that my friend from Missouri has made some advance in information. He stated emphatically in his speech, repeating it twice over, and it will be found reported in the stenographic notes, that there was no protest from either of the five bull-dozed parishes. I put it to him, "Do you mean that there was no protest at all, or no protest within twenty-four hours?"

Mr. BOGY. There is no such word as "protest" in the law, to begin with. The law calls it a "statement." The Senator is not familiar with the law.

Mr. SHERMAN. The Senator stated to the Senate that there was no such statement made from any of the bull-dozed parishes. I call it a protest. I put the question to him "Does the Senator mean no statement, or does he mean simply no statement within twenty-four hours," and he repeated the remark in its broadest sense. Now I have read him, in every one of those cases the full, formal, authentic statement, as formal as he could draw himself, and what does he reply? He does not say "I overlooked these affidavits; I beg pardon for leading the Senate into an error which I fell into myself, for I had not read these affidavits;" not at all, but he says the men that made these statements are rascals, thieves, liars, scoundrels! That is not argument. I have given the exact fact, and the record will show it. How can we answer logically such arguments? I endeavored to relieve the honorable Senator from Missouri by telling him "If you differ as to what is a legal statement, let us have the difference about the law stated; do you claim that the statement must be made within twenty-four hours? I say there is no such provision." The Senator would not accept that, but he said again, repeating it over two or three times, that there were no statements from either of the five bull-dozed parishes. Here they are. Now when he has found that in that particular at least he was wrong, he says these men are rascals, showing that he knew all about them, that he knew that they were the supervisors, that they made the protest, because he goes on to tell us one man is a thief, another man a liar, another man shot himself, and so on; he goes off into collateral matters.

Mr. President, that is not the way, it seems to me, to discuss such a matter. The truth is those protests were filed by the officers, as they believed according to law. They were carried down by these officers, and they testify to it themselves. They were carried down by these officers, were delivered, and there they attached their formal protest and affidavit to them, in some cases by sealing-wax according to the language of the law. They did it in New Orleans. I claim that that is legal; he denies it; but he denied first that there were statements. Now he says that the men who made them are rascals. I do not know whether they are or not. I am not prepared to say that every republican in Louisiana is a rascal. I know that in the northern States where I live we have good democrats.

Mr. BOGY. I think there are some honest men among the republicans there.

Mr. SHERMAN. I doubt very much if there was any honest republican who voted the republican ticket in Louisiana whether he would be honest in the eye of my friend, he is so discolored by his feeling. Did I show any such feeling? Did I not speak kindly of Nicholls and all these other gentlemen? I came in contact with many of them and was highly pleased with them. These men are not bad men; and Packard, who is denounced here as the worst man in the country, is a sober, orderly Maine man. My honorable friend from Maine says he has known him for years and he is spoken of very kindly. Indeed I heard democrats say if they were to have a republican governor at all they would rather have Packard than any one else. Yet he is the worst man in the whole country according to the Senator; and Judge Ludeling, the statement about whom made by the Supreme Court is referred to, is arraigned. Why arraign Judge Ludeling and stamp his name with infamy here in the Senate? I do not care anything about him; he to me is but a man like any other citizen; but what is the case? The Supreme Court of the United States in a railroad case denounced the purchase of a certain railroad as a fraud, said that the effect of the purchase was a fraud. Ludeling, acting for himself and sixteen or eighteen other corporators of that railroad, bid it off for some nominal sum; \$30,000 perhaps. The Supreme Court said that was a fraud. He, acting for himself and as attorney for others, bid off at a nominal rate a railroad that had been dismantled, broken up, according to his statement, and which was not worth more than that. I know nothing about the facts. In the presence of his associates who were democrats, the other day before the Senate committee in New Orleans, he said this man and that man, pointing them out, leading men around there, leading democrats, had been associated with him in the transaction. Ludeling's statement was that there was not a rail, there was not a building, there was not a depot belonging to this railroad company; and he, buying for himself and others, bid it off. The Supreme Court characterized the purchase as a fraud. It was not so regarded by him nor by the

others who made this purchase; and if he is to be denounced, why not denounce all the other men concerned? Why were they not all guilty? Why single out Ludeling as a rascal? Why do you not denounce all the persons engaged in the purchase as rascals, thieves, &c.?

Mr. President, there are other judges of that supreme court of Louisiana who would adorn any tribunal. There was one who told me he was a native of the State and had always lived there, and, so far as I heard, he was spoken of as a man of the highest character. I do not now recall his name with certainty, but I think it was Morgan. Ludeling is a native of that region.

Mr. WEST. Judge Morgan is not now a judge of the supreme court.

Mr. SHERMAN. He was?

Mr. WEST. Yes.

Mr. SHERMAN. He was until recently a judge of the supreme court of Louisiana. All these men are men of high character and standing. To arraign all these people in this way, it seems to me, is very wrong, and the Senator will regret it. The truth is that so much is my friend embittered in relation to matters down there that he has fallen into the common error of supposing that every republican is a rascal and a thief. If you want to compare the record and conduct and character of republicans and democrats over this broad country of ours, we could make the comparison very easily. The truth is the few white republicans comparatively in Louisiana deserve credit for courage, for honor in many cases. I do not know but that there are some rascals among them, and there are some rascals among the democrats, I imagine; but they have stood by the rights of the humble and the lowly, by the poor negro who has been armed with political rights. They have stood by them while these men have endeavored to oppress him and deprive him of those rights. There are good men down South; there are native-born citizens there who swore to those outrages, and among the rest a man named Hammond, who told a plain, straight story, who said that he was now cultivating the land that he had owned before the war and employing the very men who had been his slaves before the war. He testified to these same enormities.

It is not in this way that you can discredit these witnesses. So far as I could judge, they swore to the truth. Among them were officers of the Army of the highest standing. My friend has not called General Brooks a liar or a thief or a scoundrel. The other day my friend abused one of the returning board as keeping a doggerly or grocery. The truth is that he keeps an eating-house. If all the men in the democratic party in the city of New York who keep a doggerly or an eating-house or anything of that kind were turned out as rascals and thieves and scoundrels, I am afraid that the democratic majority would fade away; and not only so there, but in a great many other places. It will not do to make such tests. We have been told of a man who keeps a snake show. I hardly know what that is. He shows big snakes, I suppose.

Mr. BOGY. No; little snakes.

Mr. SHERMAN. Because he keeps snakes and little snakes at that, therefore he is a rascal! Did my friend see the snakes? Somebody said he kept snakes. In that way witnesses are discredited. One man kept a doggerly or eating-house, and therefore he could not act. Another man was an undertaker and he could not be respectable. Because he buried the dead that was not a creditable business. Nobody can be respectable except he is a democrat and in favor of hunting poor negroes in their cabins. These "regulators" can come up and testify and there is nothing to their discredit. O, no, they are gentlemen! Mr. President, that mode of discrediting witnesses will not answer even in Missouri, even in Saint Louis, where they have a large, flourishing, growing population and a fine city. Men may pursue humble avocations; they may have been slaves and may be ignorant; they may not be able to read or write; but in many cases they can tell God's truth without error as plainly and as well as anybody else. And often it is that the most ignorant witness is the most honest witness. We have often heard it said that the poorest witness in the world is a lawyer, whose acuteness and intellect and culture and education sometimes make him ramble all over the field instead of telling squarely a plain, straight story. It has often been said that a lawyer is the poorest witness because he scatters and goes over the field too much.

Sir, these men are not to be discredited in that way, nor the supreme court of Louisiana, nor Governor Packard; and even that poor fellow who shows snakes may be an honest, good man, or he may be a dishonest rascal; but he is not dishonest simply because he shows snakes or because he is a republican, because he is a governor or because he is a judge of the supreme court of Louisiana. That kind of argument will not do in the Senate of the United States.

How does my friend now with all his long array of facts meet the fact that in East Feliciana there was no republican vote? How does he meet all the outrages that were almost numberless in the testimony that I have read? Calling men to say that they did not see it, that they were not present, negative testimony of that kind, amounts to nothing; but that is the way we have been answered throughout. Whenever we bring forward a witness there is nothing read out of that book to contradict the witness, but he is a thief, he shows snakes, he is a rascal, the worst man in the country! That is the way they are "whistled down the wind." It will not do, sir. The sad facts are re-

corded in imperishable history and they cannot be erased by such arguments as these. The Senator may say that his speech will be read. Let it be read and I am perfectly willing to let the record that I have presented, which was nothing but the testimony of living witnesses, stand with it; let the two go together and let honest men read them, and I have no doubt what will be their judgment as to the condition of affairs in Louisiana.

Mr. BOGY. Mr. President, the Senator from Ohio has often tried that on me before, to put in my mouth words and arguments which I have not used. I did not deny but that statements or, as he calls them, protests had been filed in regard to the so-called bull-dozed parishes. I made no such denial. I denied that they were sent from the parishes in accordance with the requirements of law. I did not deny that, as he calls them, protests were filed before the returning board, but I said those protests which the law calls "statements" were made in New Orleans after the election in violation of law. I do deny that not in one of these parishes were they sent as required by the law. That is my denial, and he well understands me. I do not deny but that in his book of testimony these statements appear and in good form. I admit they are formally written, but written and made when and where the law did not authorize them to be made. That is what I said.

Now, sir, a word with regard to this man Ludeling; here is what the Supreme Court says:

Horne was persuaded by Ludeling, and without any communication with his constituents, to enter into an agreement, which was made on the 2d of February, 1866, one day before the sale. The material part of this agreement was that Gordon—

A republican—

Ludeling—

A republican—

Baker—

A republican—

Stubbs—

A republican—

Waddell—

I do not know his politics—

and John Ray—

A republican, I know, because he was formerly in my State—

of the first part, and Horne, of the second part, for himself and friends, should club their funds to buy the property of the Vicksburg, Shreveport and Texas Railroad Company, advertised for sale on the morrow, in partnership, and, if the property should be bought by them, that the party of the first part should own two-thirds and the party of the second part should own one-third. The agreement reveals apprehension that the sale might be stopped by injunction or declared null and void. It was signed "John T. Ludeling, for himself and friends," and "J. U. Horne, for himself and friends," and it is proved that when it was entered into Ludeling was informed of Horne's mission and of the plan he was instructed to carry out.

It is impossible to characterize this agreement as anything else than fraudulent. Its obvious purpose was to remove competition at the sale. It was a flagrant breach of trust on the part of Horne and it was a fraud in Ludeling, with knowledge of the trust Horne had undertaken, to persuade him to violate his instructions and sacrifice the interests of his constituents, himself becoming a party to the violation.—*Jackson vs. Ludeling*, 21 Wallace Reports, pages 628 and 629.

And in that way he stole the railroad. A man who has been so held up by the Supreme Court of the United States is not fit to be the chief-justice of this State of Louisiana or any other State. It will not do to say that Ludeling denies this thing. Of course he does; but can anybody believe that the Supreme Court of the United States would put such things down in their decision unless the proof had been beyond all possibility of doubt? We know how prudent and careful they are; we know that they will not hold up a man to the world to be a rogue or a fraud unless the proof is conclusive and beyond all doubt. The Supreme Court has passed on him—and I submit to this decision—and I am compelled to believe him to be a rascal, however much he may deny it or the Senator from Ohio. I was therefore justified in saying at the outset that this man is infamous and unworthy of being chief-justice of a State. I will tell the Senator that he does me injustice when he says that I am disposed to look upon men as unworthy who are keepers of saloons and eating-houses. I said nothing of this kind. All men have my highest regard who are honest, regardless what may be their calling. As on the other hand, I do not care how high a man may stand officially, if he is a rogue and I am called upon to pass on him, I will say "he is a rogue."

Mr. MORTON. I regretted, Mr. President, to hear what the Senator from Missouri said in regard to Governor Packard, of Louisiana; and I speak of this with the more freedom because Mr. Packard, so far as I know, is not my friend, and I am under no possible personal or political obligation to him. But I have been somewhat conversant with the affairs of Louisiana for several years past and think I know what is the character of Governor Packard, of that State, not only as a politician, but a man in society and in business. I have never before heard Governor Packard accused of being a man of bad character. I have understood that democrats there as well as republicans regarded him as a substantial, honest man, a man of good character; and in all the jobs we heard spoken of as having been got up in Louisiana the last few years I never heard it stated that Governor Packard was concerned or interested in any of them. I believe that he is a man of good character; and I heard with regret the Senator from

Missouri say here that he was a man of infamous character and an infamous public robber.

But, Mr. President, it comes in illustration of what has occurred so often in the South in the last few years, and is now being practiced, and that is that every leading white republican almost is assailed, his character is covered with obloquy and shame; and here is a fair illustration. A man who, I believe, has been elected governor of Louisiana, who has long been the United States marshal for that State, a man of good character, is denounced in the Senate of the United States as being an infamous public robber. Why, Mr. President, what are we to think of the opinions of the Senator from Missouri? I am not going to call his sincerity in question; I have no personal issue with him; but what are we to think of his opinions, of the justice of his views in regard to anything, or in regard to anybody, when he can stand up here and make this broad, sweeping statement against Governor Packard? And the Senator says here that the people of Louisiana, as shown by their history, have been a law-abiding people. He denies the truth of these statements in regard to the outrages, the murders, and the violence that have taken place in that State for some years back. He says the testimony is false and perjured and is not entitled to credit. Why, sir, have we got to that period in the world's history that human testimony is to be entirely discredited, that there is no such thing as truth, and that vast bodies of men can be found from year to year, without interest, without inducement, without anything to gain by it, who will be found to swear falsely and take perjury to their souls, and before the law?

Why, Mr. President, in 1866 a massacre took place at the Mechanics' Institute in the city of New Orleans. A body of men had assembled as a constitutional convention to propose amendments to the constitution of the State. It was peaceable, and, as they believed, was assembled in accordance with law. They had a right to be there; they molested nobody; but an attack was made upon them at the hour of noon, and in large part by the police of the city; an attack that was connived at, and in part engaged in, by prominent politicians; and in less than thirty minutes nearly two hundred men were killed and wounded in cold blood. The matter was examined by a committee of the House of Representatives. Nearly one hundred depositions were taken of men of all parties, white and black, men who had no inducement under God's heaven to swear to lies; and such fearful lies as they would have been, if their statements had not been true. You cannot read that narrative to-day without your blood curdling; horrible in its atrocity and inhumanity.

Then you come down two years later after Louisiana had been reconstructed. An election was held there in the month of May, under the auspices of an officer of the United States Army and under the protection of the United States Army. At that election in May the republican party carried the State by 16,000 majority, nearly 17,000. Then this protection was withdrawn; the State government started out, and an election was held in November following for President and for some State officers. Some ninety days before that election in November, societies were organized in the State of Louisiana and great violence was committed. A committee sent down next winter took nearly two hundred depositions, and by them it was proven that within sixty days before the November election in 1868 more than two thousand men were killed and wounded for political purposes. Some of the most terrible slaughters ever known were committed there. There were about two hundred men killed at one time and in one place. These facts were established by many scores of witnesses having no connection with each other, having no possible interest, no earthly inducement to testify to these atrocious perjuries, such as they would have been if these stories were not true. There you find the evidence in the result that, whereas the republicans carried Louisiana by 16,000 in May, the democrats carried it by 40,000 in November; and in parishes where the republicans had hundreds and even thousands of votes in May, General Grant did not get a vote in November, or got five votes or a very small number of votes. Such changes can only be accounted for by violence. Men are not converted unanimously; you cannot find a whole neighborhood converted to democracy or to republicanism in a moment or in a day. Political changes do go on sometimes; men change from one side to the other; but never in the world have I known a case where every man in a county or parish has gone over from one party to the other. Such things never occur unless the conversions are made as Mohammed made conversions, by the sword.

Then coming down to 1873, passing by the individual acts of violence in the mean time that have been abundantly proven from time to time, you find the Colfax massacre; nearly or quite one hundred colored men killed in cold blood; one of the most terrible narratives that have been written in modern times; and, if you will just refer to the trials in the circuit court of the United States at New Orleans, you will find that the judge of the court in one of those trials in giving his charge to the jury made a recital of the facts, which was conceded to be true by the counsel on both sides, and in which he described that horrible massacre in terms that I cannot repeat; giving to it a description and a character conceded to be correct by the counsel on both sides, making it one of the most terrible things in our history.

Passing down a little later we come to the Coushatta massacre, which has been established by evidence. I might refer to other transactions on the Red River, saying nothing about the riots in the city of

New Orleans that have occurred from time to time and have been abundantly established by evidence. And yet we are told that this is all perjury, it is all false; that the people of Louisiana have been a law-abiding people, and that republicans, by perjury, and by fraud, by larceny, and every kind of crime, have sought to obtain the power.

Now I want to call the attention of the Senator from Missouri to a witness that he cannot discredit in that way, and that is in reference to this last election. I will just take a single case as shown by the record and I should like to hear how that is to be explained. I will take the parish of East Feliciana as shown at the last election. The registration of East Feliciana stood in 1876 as follows: colored 2,127; white 1,004. At the election before this, in 1874, East Feliciana gave 847 democratic votes and 1,688 republican votes. At this last presidential election East Feliciana gave 1,740 democratic votes and not one republican vote. There is a paper witness, established by the record, that cannot be met by the general charge of perjury and misrepresentation. In this single parish not one republican vote was returned. How was that brought about? Was it brought about by conversion, by democratic arguments, by men voluntarily changing their minds? O, no! nobody believes that. A result like that cannot be produced by any other means than intimidation and violence, and it was a complete result. There were others approaching it; not quite so complete in their character, but others approached it. There you find evidence that cannot be put down by saying "it is all manufactured testimony."

You may take the returns in Mississippi and you will find the same kind of evidence. I can take the returns of the last election in Mississippi and I think refer to four counties in which in 1875 there were over four thousand republican votes, bad as that election was, and yet at this last election Hayes got less than twenty-five votes in those four counties. I can take, I think, counties in Georgia, and several of them, if my memory is not at fault at least half a dozen, in which Hayes did not get a vote in 1876; and I can take counties in Alabama upon the official returns and there find that Hayes either got no vote at all or a very small vote, where the evidence was abundant that there were hundreds and thousands of republicans. Sir, this kind of evidence cannot be put away by saying "It is all perjury, it is all manufactured, the work of carpet-baggers and scoundrels, and the ignorant negroes who are made to sign what they do not understand or know anything about."

I did not intend, Mr. President, to have adverted to this matter this afternoon; but the remarks of the Senator from Missouri in regard to Mr. Packard seemed to me to be such a common and complete illustration of the course that is pursued toward southern republicans that I must be forgiven for having intruded thus long.

Mr. EDMUNDS. Mr. President—

Mr. BOGY. One word in reply.

Mr. EDMUNDS. Mr. President, this discussion has gone on *pro* and *con* here all day long, and I think we ought to be allowed to adjourn.

Mr. BOGY. Just one remark.

Mr. EDMUNDS. There has been no personal reflection on my friend from Missouri. If there was I should certainly yield to him; but as it has been merely fair debate, I do not feel called on to allow it to go on longer.

Mr. BOGY. I wish but a minute of time.

Mr. WINDOM. I should like to make a conference report.

Mr. BOGY. I will not occupy more than a moment. I only want to explain this thing about East Feliciana.

Mr. EDMUNDS. You can explain it to-morrow. I move that the Senate proceed to the consideration of executive business.

Mr. WINDOM. Will the Senator withdraw the motion for a moment?

Mr. EDMUNDS. Yes, sir, if the Senator will renew it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the joint resolution (S. R. No. 4) authorizing Captain Temple and Lieutenant-Commander Whiting, of the Navy, to accept a decoration from the King of the Hawaiian Islands.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4307) making appropriations to supply certain deficiencies in the contingent fund of the House of Representatives, and for other purposes.

The message also announced that the House had passed a bill (H. R. No. 2234) for the relief of Henry Simons, late private in Company D, Fourth Regiment Iowa Infantry Volunteers; in which it requested the concurrence of the Senate.

DEFICIENCIES IN APPROPRIATIONS.

Mr. WINDOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4307) making appropriations to supply certain deficiencies in the contingent fund of the House of Representatives, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment numbered 14, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 12, and agree to the same.

That the House recede from its disagreement to the amendment numbered 7, and

agree to the same amended as follows: Strike out all of said amendment after the word "of," in line 3, and insert in lieu thereof the following: "\$1,200 per annum, \$1,864.17;" and the Senate agree to the same.

WM. WINDOM,
W. B. ALLISON,
R. E. WITHERS,
Managers on the part of the Senate.
CHAS. FOSTER,
WM. S. HOLMAN,
J. H. BLOUNT,
Managers on the part of the House.

The report was concurred in.

HOUSE BILL REFERRED.

The bill (H. R. No. 2234) for the relief of Henry Simons, late private in Company D, Fourth Regiment Iowa Infantry Volunteers, was read twice by its title, and referred to the Committee on Military Affairs.

EXECUTIVE SESSION.

Mr. WINDOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were re-opened, and (at four o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 19, 1877.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

AMENDMENT OF REVISED STATUTES.

Mr. O'BRIEN, by unanimous consent, introduced a bill (H. R. No. 4455) to amend section 3515 of the Revised Statutes of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

SHIP-CANAL AT HEAD OF LAKE GEORGE, FLORIDA.

Mr. FINLEY, by unanimous consent, introduced a bill (H. R. No. 4456) to authorize William A. Dormer and others to construct a ship-canal at the head of Lake George, Florida; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

J. A. WITMER.

Mr. JOHN REILLY, by unanimous consent, introduced a bill (H. R. No. 4457) granting a pension to J. A. Witmer, late of Third Pennsylvania Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SYVERT A. ANDERSON.

Mr. DUNNELL, by unanimous consent, introduced a bill (H. R. No. 4458) granting a pension to Syvert A. Anderson, Company B, Fifteenth Regiment, Wisconsin Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES POOL.

Mr. DUNNELL also, by unanimous consent, introduced a bill (H. R. No. 4459) granting a pension to Charles Pool, Sixth Regiment Virginia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. HARD.

Mr. DUNNELL also, by unanimous consent, introduced a bill (H. R. No. 4460) granting a pension to George W. Hard, private in Company A, Sixth Regiment Minnesota Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUFFRAGE FOR WOMEN.

The SPEAKER. The Chair is apprised that gentlemen from many States of the Union desire to present this morning petitions asking a constitutional amendment prohibiting the several States from disfranchising citizens on account of sex. The Chair asks unanimous consent that such petitions may be presented now. The Chair hears no objection.

Mr. KASSON presented a petition from Janet Strong, R. J. Andrews, N. R. Allen, and others—226 men and 449 women—675 citizens of the State of Iowa, asking for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex; which was referred to the Committee on the Judiciary.

Mr. KASSON. These petitions are all alike in form, I suggest that one of them be read. It occupies but four lines in print.

The Clerk read as follows:

To the Senate and House of Representatives in Congress assembled:

The undersigned citizens of the United States, residents of the State of Iowa, earnestly pray your honorable bodies to adopt measures for so amending the Constitution as to prohibit the several States from disfranchising United States citizens on account of sex.

Mr. HOAR. I desire to inform the gentleman from Iowa [Mr. KASSON] that the Committee on the Judiciary have already agreed to report a bill providing for the admission of women to practice in the Supreme Court of the United States.

Mr. KASSON. That is a different subject-matter.

Mr. BANKS presented a petition of Mrs. A. G. Riddle, R. J. Meigs Frederick Douglass, Mary F. Foster, and others—310 men and 438 women—748 citizens of the District of Columbia, asking for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex; which was referred to the Committee on the Judiciary.

Mr. LYNDE presented a petition of similar import from Lavinia Goodell, Mathilde Franceske Anneke, Carl Doerflinger, and others—213 men and 264 women—477 citizens of the State of Wisconsin; which was referred to the Committee on the Judiciary.

Mr. LAWRENCE presented a petition of similar import from Sara Langdon Williams, Richard Mott, and others—403 men and 425 women—828 citizens of the State of Ohio; which was referred to the Committee on the Judiciary.

Mr. CLARK, of Missouri, presented a petition of similar import from Phoebe W. Couzzen, Mary L. Fordham, James S. Watts, and others—132 men and 106 women—238 citizens of the State of Missouri; which was referred to the Committee on the Judiciary.

Mr. JONES, of New Hampshire, presented a petition of similar import from Caroline H. Barr, Elizabeth S. Preston, E. A. Barrett, and others—7 men and 15 women—22 citizens of the State of New Hampshire; which was referred to the Committee on the Judiciary.

Mr. COX presented a petition of similar import from Lillie Devereaux Blake, Matilda Joslyn Gage, Mrs. E. P. Miller, M. D., and others—370 men and 487 women—857 citizens of the State of New York; which was referred to the Committee on the Judiciary.

Mr. HENDEE presented a petition of similar import from Sarah M. Lynde, S. H. Edwards, and others—3 men and 7 women—10 citizens of the State of Vermont; which was referred to the Committee on the Judiciary.

Mr. LUTTRELL presented a petition of similar import from Elizabeth Schenck, Mrs. C. C. Calhoun, and others—94 women and 108 men—202 citizens of the State of California; which was referred to the Committee on the Judiciary.

Mr. STRAIT presented a petition of similar import from Sarah Burger Stearns, Susan C. Burger, and others—37 men and 25 women—62 citizens of the State of Minnesota; which was referred to the Committee on the Judiciary.

Mr. WARNER presented a petition of similar import from Rev. Olympia Brown, R. N. Bushnell, and others—41 men and 23 women—64 citizens of the State of Connecticut; which was referred to the Committee on the Judiciary.

Mr. BROWN, of Kansas, presented a petition of similar import from Elsie Stewart, J. D. McClure, Lucy B. Armstrong, and others—90 men and 109 women—199 citizens of the State of Kansas; which was referred to the Committee on the Judiciary.

Mr. HAMILTON, of New Jersey, presented the petition of Lucinda B. Chandler, Sara H. Hurn, Charles Butler, and others—66 men and 136 women—202 citizens of the State of New Jersey, asking for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex; which was referred to the Committee on the Judiciary.

Mr. HOAR, by unanimous consent, presented the petition of Julie B. Hunt, E. S. Hammond, A. P. Lillie, and others—76 men and 127 women—203 citizens of the State of Massachusetts, asking for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex; which was referred to the Committee on the Judiciary.

Mr. HALE, by unanimous consent, presented the petition of Lucy A. Snow, O. S. Hix, and others—52 men and 76 women—128 citizens of the State of Maine, asking for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex; which was referred to the Committee on the Judiciary.

Mr. HOLMAN, by unanimous consent, presented the petition of Edward S. Pope, Jesse W. Weill, Mrs. J. H. Parker and others—43 men and 35 women—78 citizens of the State of Indiana, asking for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex; which was referred to the Committee on the Judiciary.

Mr. SPRINGER. Mr. Speaker, a similar petition to those already presented has been left at the desk of my colleague [Mr. MORRISON] who is absent from the city on the business of the House, and there being no objection I will present it in his behalf.

There was no objection.

Mr. SPRINGER, by unanimous consent, presented the petition of Clara Lyon Peters, Hannah Coffee, L. F. Sawyer, and others—240 men and 339 women—579 citizens of the State of Illinois, asking for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex; which was referred to the Committee on the Judiciary.

Mr. LAPHAM, by unanimous consent, presented the petition of Henry R. Selden, Helen M. Loder, Mary A. Calkins, Mary S. Anthony, and others—216 men and 385 women—601 citizens of the State of New York, asking for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex; which was referred to the Committee on the Judiciary.

Mr. MORGAN, by unanimous consent, presented the petition of Annie R. Irwin, Charlotte Curtis, Virginia W. Mason, and others—62 men and 88 women—150 citizens of the State of Missouri, asking for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex; which was referred to the Committee on the Judiciary.

Mr. KNOTT, by unanimous consent, presented the petition of Ann L. Quinby, Warren Smith, and 96 other citizens—35 men and 61 women—asking a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex; which was referred to the Committee on the Judiciary.

Mr. FENN, by unanimous consent, presented the petition of Alida C. Avery, N. W. Smith, and others—15 men and 12 women—27 citizens of the State of Colorado, asking for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex; which was referred to the Committee on the Judiciary.

REPEAL OF WAR TAXES UPON BANKS.

Mr. CONGER, by unanimous consent, presented the petition of W. L. Bancroft, Henry Howard, and 118 citizens of Saint Clair County, Michigan, praying for the repeal of the war taxes upon banks and banking capital in the United States; which was referred to the Committee on Banking and Currency.

CHEAP TELEGRAPHING.

Mr. WAIT, by unanimous consent, presented the petition of C. Hunt and 73 others, citizens of Connecticut, asking for cheap telegraphing; which was referred to the Committee on the Post-Office and Post-Roads.

MR. ORTON DISCHARGED FROM CUSTODY.

Mr. HUNTON. I am directed by the Committee on the Judiciary to report to the House the following resolution.

The Clerk read as follows:

Resolved, That William Orton, now held in custody by the Sergeant-at-Arms of this House, be discharged from said custody.

Mr. HUNTON. I ask to have the report of the committee which accompanies that resolution read for the information of the House. It is very short.

The Clerk read as follows:

That they find from the proof before them that at the time and since the service of the subpoena upon him the condition of Mr. Orton's health has been such that it would have probably imperiled his life or at least postponed his recovery, to have made the journey to the city of New Orleans when he was requested to appear; and that for that reason he should not be held in contempt for failing to make his personal appearance at the time and place designated.

It further appears that at the time of the service of the subpoena upon him, and since, Mr. Orton has not had actual possession of the dispatches demanded with the present capacity to produce them so as to bring him within the rule laid down by Lord Ellenborough in *Amey vs. Long*, 9 East, 473, indorsed by the House in the recent matter of *E. W. Barnes*. They therefore recommend that said Orton be discharged from custody.

Mr. HUNTON. I now demand the previous question on the adoption of the resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. HUNTON moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

RIVAL GOVERNMENTS IN LOUISIANA.

Mr. ELLIS. I ask unanimous consent to offer for reference to the Committee on the Judiciary a resolution, asking from the President all information in regard to the rival governments in Louisiana.

Mr. HURLBUT. Not to be brought back on a motion to reconsider. The SPEAKER. Under the rules, anything that comes in by unanimous consent cannot be brought back on a motion to reconsider. There being no objection, the resolution was referred to the Committee on the Judiciary.

PORTNER & RICKER.

Mr. BLISS, by unanimous consent, introduced a bill (H. R. No. 4461) for the relief of Portner & Ricker, of Alexandria, Virginia; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

COURTS IN ARKANSAS AND OTHER STATES.

Mr. MCCRARY, by unanimous consent, from the Committee on the Judiciary, reported back the bill (S. No. 153) to amend sections 533, 556, 571, and 572 of the Revised Statutes of the United States relating

to courts in Arkansas and other States, with a House amendment, and moved that the House recede from its amendment.

The motion was agreed to.

Mr. MCCRARY moved to reconsider the vote by which the House receded from its amendment to the bill; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN W. L. MATLOCK.

Mr. LANDERS, of Indiana, by unanimous consent, introduced a bill (H. R. No. 4462) to refund to John W. L. Matlock, of Indianapolis, Indiana, the sum of \$754.55, wrongfully collected from him by the collector of internal revenue of Clark County, Indiana, March 24, 1866, with interest on the same from that date; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

PAY OF CLERK OF COMMITTEE.

Mr. DOUGLAS, by unanimous consent, submitted the following resolution; which was read and referred to the Committee on Appropriations:

Resolved, That the Committee on Appropriations inquire into the propriety of paying the salary to the clerk of the Select Committee to Investigate the Freedman's Savings and Trust Company at the same rate of pay and in the same manner as other committee-clerks of this House.

ELIZABETH CARSON.

Mr. JOHN REILLY, by unanimous consent, from the Committee on Military Affairs, reported back the bill (S. No. 973) for the relief of Elizabeth Carson; and the committee was discharged from the further consideration of the same, and it was referred to the Committee on War Claims, not to be brought back on a motion to reconsider.

JOHN MILLER.

Mr. WATTERSON, by unanimous consent, introduced a bill (H. R. No. 4463) for the relief of John Miller, of Bourbon County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN S. LOGAN AND W. L. SHADWICK.

Mr. BRIGHT, by unanimous consent, from the Committee of Claims, reported back the bill (S. No. 890) for the relief of John S. Logan and W. L. Shadwick; and the committee was discharged from the further consideration of the same, and it was referred to the Committee on War Claims, not to be brought back on a motion to reconsider.

DANIEL LEWIS.

Mr. CLYMER, by unanimous consent, submitted a resolution authorizing the payment of Daniel Lewis for services rendered in the Doorkeeper's department; which was referred to the Committee on Accounts.

CONSTITUTIONAL AMENDMENTS—WOMAN SUFFRAGE.

Mr. EAMES, by unanimous consent, presented the petition of Catharine Cornell Knowles, John C. Nichols, and others—56 men and 70 women—126 citizens of the State of Rhode Island, asking for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex; which was referred to the Committee on the Judiciary.

A. P. FRICK.

Mr. SMITH, of Pennsylvania, by unanimous consent, introduced a bill (H. R. No. 4464) to authorize the President of the United States to appoint A. P. Frick an assistant surgeon in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JACKSON T. SORRELLS.

Mr. VANCE of North Carolina, by unanimous consent, introduced a bill (H. R. No. 4465) for the relief of Jackson T. Sorrells, of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FEES OF ATTORNEYS AND CLAIM AGENTS.

Mr. BAGBY, from the Committee on Invalid Pensions, reported a bill (H. R. No. 4466) to regulate the fees of attorneys and claim agents in certain cases and to amend sections 4768, 4785, and 4786 of the Revised Statutes; which was read a first and second time, recommended to the Committee on Invalid Pensions, and ordered to be printed.

THEODORE TEED.

Mr. HUNTON, by unanimous consent introduced a bill (H. R. No. 4467) for the relief of Theodore Teed; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

Mr. PAGE. I call for the regular order.

The SPEAKER. The regular order being called, the morning hour begins at twenty minutes to one o'clock, and the business of the morning hour, this being Friday, is the call of committees for reports of a private nature.

WILLIAM TABB.

Mr. WILSON, of Iowa, from the Committee on War Claims, reported a bill (H. R. No. 4468) for the relief of William Tabb, of Spot-

sylvania, Virginia; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRIVATE LAND CLAIMS IN NEW MEXICO.

Mr. JOYCE, from the Committee on Private Land Claims, reported back, with a favorable recommendation, the bill (H. R. No. 3112) to confirm a private land claim in the Territory of New Mexico; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. JOYCE also, from the same committee, reported a bill (H. R. No. 4469) to confirm private land claims in the Territory of New Mexico; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES E. HEDGES.

Mr. BOONE. I am directed by the Committee on Indian Affairs to report back, with a favorable recommendation, Senate bill No. 294, for the relief of Charles E. Hedges. I ask that this bill may be put upon its passage at this time.

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

The bill directs the Secretary of the Treasury to pay to Charles E. Hedges \$11,329, in full payment for supplies furnished by him to the Yankton Indians, at the request of the United States Indian agent, to prevent starvation among said Indians during the winter of 1866 and 1867, as found by the Interior Department and reported to Congress January 17, 1871, said sum to be re-imbursed to the Treasury of the United States out of annuities due and to become due to said Indians.

Mr. ATKINS. That bill makes an appropriation. Is it not required by the rule that it should receive its first consideration in Committee of the Whole?

The SPEAKER. Does the gentleman make that point of order?

Mr. ATKINS. I do.

The SPEAKER. The Chair sustains the point of order.

The bill was accordingly referred to the Committee of the Whole on the Private Calendar.

JOHN W. SKILES.

Mr. BANNING, from the Committee on Military Affairs, reported back the bill (H. R. No. 4411) for the relief of John W. Skiles, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on War Claims.

The motion was agreed to.

ADVERSE REPORTS.

Mr. JOHN REILLY, from the Committee on Military Affairs, reported adversely upon the following; which were laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2795) for an appropriation to repair the military bridge over the Big Sioux River, near Sioux City, in the State of Iowa; and

A joint resolution (H. R. No. 17) to correct the Army records and registry of Lieutenant George D. Hill.

DISPOSITION OF UNITED STATES TROOPS.

Mr. JOHN REILLY. I am directed by the Committee on Military Affairs to report for consideration and adoption at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Military Affairs be, and they are hereby, directed to inquire and report to this House what, if any, removals are now being made of arms and munitions of war from arsenals in one section of the country to another; the object and reason thereof; the present strength and location of the troops of the United States Army; what changes, if any, have been made within the last sixty days of those troops; how many, if any, have been withdrawn from the frontier; also if the frontier is left with a sufficient number of troops for its protection; the number of troops located in and around Washington; the object of collecting troops here; by whose order the changes of location of the troops and munitions of war have been and are being made; and that the committee have power to send for persons and papers.

Mr. HURLBUT. I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. HURLBUT. My point of order is that during the call of committees for reports of a private nature this resolution is not in order.

The SPEAKER. The Chair sustains the point of order, and the resolution is not before the House.

WILLIAM A. RUCKER.

Mr. THORNBURGH, from the Committee on Military Affairs, reported a bill (H. R. No. 4470) for the relief of William A. Rucker, late second lieutenant Company B, Third Regiment North Carolina Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. THORNBURGH. I am directed by the Committee on Military Affairs, to whom were referred sundry petitions and also a bill, to report them back and ask that the committee be discharged from their further consideration, and that they be laid upon the table, provision having been made in other bills for the purpose:

Accordingly the committee were discharged from the further consideration of the following, and they were laid on the table:

A bill (S. No. 1008) to increase the efficiency of the cavalry force in the suppression of Sioux Indian hostilities; and

Sundry petitions for the passage of a soldiers' bounty-land law.

Mr. STRAIT, from the Committee on Military Affairs, reported back adversely the following resolutions, bills, petitions, &c.; which were severally laid on the table, and the accompanying reports ordered to be printed:

Resolution relative to ordering troops from Fort Union to Colfax, New Mexico;

A bill (H. R. No. 4353) for the relief of Peter D. Ranke, late private of Company C, Fourteenth Regiment Pennsylvania Cavalry Volunteers;

Petition of T. Worthington, late colonel Forty-sixth Ohio Infantry Volunteers, for investigation into the charges on which he was dismissed the volunteer service;

Petition of William K. Griffith, for additional bounty;

Claim of John S. Horner, one of the heirs of Dr. Gustavus B. Horner, of the revolutionary war;

A bill (H. R. No. 412) for the relief of Charles Edwards;

A bill (H. R. No. 2574) for the relief of Louisa G. Chandler;

A bill (H. R. No. 2995) for the relief of Mrs. Mary J. Eddy;

A bill (H. R. No. 2413) for the relief of Rufus Ross;

A bill (H. R. No. 3153) for the relief of Joseph W. Parish;

A bill (H. R. No. 1262) for the relief of Mary A. Silvey;

A bill (H. R. No. 159) for the relief of Samuel J. Hanway;

A bill (H. R. No. 3554) for the relief of William L. Lenan, late first lieutenant, Company B, Thirty-eighth Indiana Volunteers;

A bill (H. R. No. 2083) for the relief of Samuel Coday;

A bill (H. R. No. 3647) to remove the charge of desertion against Harman Colley;

A bill (H. R. No. 4225) for the relief of Peter W. Taylor, late lieutenant-colonel Fortieth Regiment Ohio Volunteer Cavalry;

A bill (H. R. No. 2538) for the relief of John Bowles, late lieutenant-colonel Seventy-ninth Regiment United States Colored Troops;

Petition of Robert K. Byrd, late colonel First Regiment Tennessee Infantry Volunteers, asking pay for a horse lost in the service;

A bill (H. R. No. 1732) for the relief of John Chandler; and

A petition of Charles Upson, with proposed amendment, concerning the law affecting the organization of the Army.

HENRY SIMONS.

Mr. STRAIT, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 2234) for the relief of Henry Simons, late private in Company D, Fourth Regiment Iowa Infantry Volunteers.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay, out of any money not otherwise appropriated, to Henry Simons, late private in Company D, Fourth Regiment Iowa Infantry Volunteers, \$100 as bounty due for enlistment under the proclamation of the President of May 3, 1861, and the orders from the War Department issued in pursuance thereof, he having subsequently been honorably discharged.

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

Mr. STRAIT 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.

RICHARD H. BIRMINGHAM.

Mr. COOK, from the same committee, reported back the petition of Richard H. Birmingham, for bounty, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Invalid Pensions.

The motion was agreed to.

ADVERSE REPORTS.

Mr. COOK also, from the same committee, reported back adversely the following bills; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 759) for the relief of William Shelton and Wiley Gaskell;

A bill (H. R. No. 213) to fix the brevet and real rank of officers of the regular and volunteer Army, and for other purposes;

A bill (H. R. No. 70) for the relief of Jacob Dice, of Fountain County, Indiana; and

A bill (H. R. No. 4256) for the relief of A. W. Greely, Fifth Cavalry.

DR. GEORGE M'COY.

Mr. BANNING, from the same committee, reported back the petition of Dr. George McCoy, acting assistant surgeon United States Army, for a pension, on account of disability incurred in the line of his duty, and moved that the committee be discharged from its further consideration and that it be referred to the Committee on Invalid Pensions.

The motion was agreed to.

LEGAL REPRESENTATIVES OF JOHN W. GALL.

Mr. JOHN REILLY, from the same committee, reported back adversely a bill of the following title; which, with an amendment of

the Senate thereto, was laid on the table, and the accompanying report ordered to be printed:

A bill (H. R. No. 262) for the relief of the legal representatives of John W. Gall, deceased, late of Company A, One hundred and thirtieth Regiment Illinois Volunteers.

DAHLGREN CLAIM.

Mr. LEWIS, from the Committee on Naval Affairs, reported as a substitute for House bill No. 975 a bill (H. R. No. 4471) authorizing the settlement of the claim of the estate of the late Rear-Admiral John A. Dahlgren; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICK R. SMITH.

Mr. WILLIS, from the same committee, reported back a bill (H. R. No. 4336) for the relief of Frederick R. Smith, with the recommendation that it do pass; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. CORNELL.

Mr. WILLIS also, from the same committee, reported back adversely a bill (H. R. No. 2222) for the relief of William H. Cornell, late acting third assistant engineer of the United States steamer Winnebago; and the same was laid on the table, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. BURLEIGH, from the same committee, reported back adversely in the following cases; which were laid on the table:

A bill (H. R. No. 2553) for the relief of Rufus P. Tryon, surgeon United States Navy;

A bill (H. R. No. 3234) to restore William J. Montgomery, late first assistant engineer United States Navy, to the active list of the Navy;

A bill (H. R. No. 1829) for the relief of Alexander H. Wallis, George Russell, and Henry Russell;

A bill (H. R. No. 2578) to require the construction of paymasters' offices on all naval vessels; and

The memorial of J. W. Gardner, passed assistant engineer in the United States Navy, praying that his pay in his present grade may commence at the time the vacancy occurs to which he was promoted.

NAVAL OFFICERS ALLOWED TO ACCEPT DECORATIONS.

Mr. BURLEIGH also, from the same committee, reported back a joint resolution (S. R. No. 4) authorizing Captain Temple and Lieutenant-Commander Whiting, of the Navy, to accept a decoration from the King of the Hawaiian Islands, with the recommendation that it do pass.

The joint resolution authorizes Captain William G. Temple and Lieutenant-Commander William H. Whiting, of the United States Navy, to accept the cross of officers of the Order of Kamehameha I, conferred upon them by the King of the Hawaiian Islands as evidence of His Majesty's appreciation of those officers in connection with his visit to Washington, District of Columbia.

Mr. BURLEIGH demanded the previous question.

Mr. KASSON. May I ask whether this involves a title or not; whether in accepting this cross of officers of the Order of King Kamehameha they also accept titles? If it does involve the acceptance of a title, I cannot support the bill.

Mr. BURLEIGH. It is merely, as I understand, a medal of honor. The House divided; and there were—ayes 31, noes 12; no quorum voting.

Mr. BLAND demanded tellers.

Tellers were ordered; and Mr. BURLEIGH and Mr. BLAND were appointed.

The House again divided: and the tellers reported—ayes 92, noes 60.

So the previous question was seconded.

The main question was ordered to be now put; and under the operation thereof the joint resolution was ordered to a third reading, and it was accordingly read the third time.

Mr. BUCKNER. I should like to ask what active services these officers of the Navy did to this King of the Hawaiian Islands?

The SPEAKER. Debate is not in order.

Mr. O'BRIEN demanded the yeas and nays on the passage of the joint resolution.

The House divided; and there were—ayes 21, noes 125.

So (one-fifth of those present not having voted in the affirmative,) the yeas and nays were not ordered.

Mr. BLAND demanded a division on the passage of the joint resolution.

The House divided; and there were—ayes 108, noes 42.

So the joint resolution was passed.

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

Mr. HOLMAN. This is so ridiculous a proposition that I must demand the yeas and nays on the motion to lay upon the table, so we may have a record.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 112, nays 106, not voting 71; as follows:

YEAS—Messrs. Adams, Bagby, William H. Baker, Banks, Bliss, Bradley, Burleigh, Carr, Caswell, Conger, Cox, Crapo, Davis, Davy, Denison, Dibble, Dobbins, Dunnell, Durham, Eames, Eden, Evans, Flyn, Fort, Franklin, Frye, Garfield, Gause, Goode, Goodin, Gunter, Hale, Hancock, Benjamin W. Harris, Haymond, Hender, Henderson, Hoar, Hoge, Hooker, Hoskins, Hubbard, Hunter, Hyman, Frank Jones, Joyce, Kehr, Kimball, Lamar, Franklin Landers, George M. Landers, Lapham, Lawrence, Leavenworth, Levy, Luttrell, Mackey, Magoon, MacDonaid, McDill, McFarland, Meade, Miller, Morgan, Neal, Odell, O'Neill, Pierce, Plaisted, Platt, Powell, Pratt, Purman, Rainey, Reagan, John Reilly, John Robbins, Roberts, Robinson, Rusk, Sampson, Schumaker, Sheakley, Singleton, Sinnickson, Slemmons, Smalls, A. Herr Smith, Stanton, Strait, Stenger, Stevenson, Stone, Terry, Thompson, Throckmorton, Martin I. Townsend, Turney, Van Vorhes, Robert B. Vance, Waldron, Charles C. B. Walker, Gilbert C. Walker, Erastus Wells, Whitthorne, Wike, William B. Williams, Willis, Wilshire, James Wilson, Fernando Wood, and Yeates—112.

NAYS—Messrs. Ainsworth, Ashe, Ballou, Bell, Blair, Bland, Blount, Boone, Bradford, Bright, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Cate, Caulfield, Chapin, Chittenden, John B. Clark of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Collins, Cook, Cowan, Culbertson, Cutler, De Bolt, Douglas, Felton, Finley, Forney, Andrew H. Hamilton, Robert Hamilton, Henry R. Harris, Harrison, Hartridge, Hartzell, Hatcher, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Holman, Hopkins, Humphreys, Hunton, Hurlbut, Thomas L. Jones, Kasson, Kelley, Knott, Le Moynes, Lynde, Maish, McMahon, Metcalfe, Milliken, Mills, Mutchler, New O'Brien, Oliver, Packer, John P. Phillips, Piper, Poppleton, Potter, Rea, Rice, Riddle, William M. Robbins, Savage, Scales, Schleicher, Seelye, William E. Smith, Southard, Sparks, Springer, Tarbox, Thomas, Thorburgh, Tucker, Tufts, John L. Vance, Wadde'l, Wait, John W. Wallace, Walsh, Warner, Warren, Watterson, Willard, Alpheus S. Williams, Charles G. Williams, Jeremiah N. Williams, Benjamin Wilson, Alan Wood, jr., Woodworth, and Young—106.

NOT VOTING—Messrs. Abbott, Anderson, Atkins, George A. Bagley, John H. Bagley, jr., John H. Baker, Banning, Bass, Beebe, Blackburn, Cason, Clymer, Crouse, Danford, Darrall, Durand, Egbert, Ellis, Faulkner, Field, Foster, Freeman, Fuller, Gibson, Glover, Haralson, Hardenbergh, John T. Harris, Hathorn, Hays, Hereford, Hill, House, Hurd, Jenks, King, Lane, Lewis, Lord, Lynch, McCrary, Money, Monroe, Morrison, Nash, Norton, Page, Payne, Phelps, William A. Phillips, James B. Reilly, Miles Ross, Sobieski Ross, Saylor, Stephens, Stowell, Swann, Teese, Washington Townsend, Alexander S. Wallace, Walling, Ward, G. Wiley Wells, Wheeler, White, Whitehouse, Whiting, Wigginton, Andrew Williams, James Williams, and Woodburn—71.

So the motion to reconsider was laid on the table.

During the roll-call,

Mr. WELLS, of Missouri, stated that his colleague, Mr. GLOVER, was confined to his room by sickness.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. SNIFFEN, one of his secretaries, who further announced that the President had approved and signed bills of the following titles:

A bill (H. R. No. 4281) to amend an act entitled "An act authorizing the removal of Pennsylvania avenue," and the act amendatory thereof;

An act (H. R. No. 4120) making appropriations for the payment of invalid and other pensioners of the United States for the year ending June 30, 1878; and

An act (H. R. No. 1237) for the relief of Benjamin F. Reynolds.

ORDER OF BUSINESS.

Mr. BRIGHT and Mr. WELLS addressed the chair.

The SPEAKER. The gentleman from Tennessee.

Mr. BRIGHT. I move that the House resolve itself into Committee of the Whole on the Private Calendar.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. WELLS, of Missouri. I desire to move that the House resolve itself into Committee of the Whole House on the state of the Union, to consider the Indian appropriation bill.

CONSTITUTIONAL AMENDMENT—WOMAN SUFFRAGE.

Mr. KELLEY. Pending those motions, I ask unanimous consent to present the petition of Caroline S. Broomall and others—249 men and 314 women—563 citizens of the State of Pennsylvania, asking for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex, for reference to the Committee on the Judiciary.

There was no objection, and the petition was referred to the Committee on the Judiciary.

Mr. W. B. WILLIAMS. I ask unanimous consent to present the petition of C. U. Church and others—181 men and 248 women—429 citizens of the State of Michigan, asking for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex, for reference to the Committee on the Judiciary.

There was no objection, and the petition was referred to the Committee on the Judiciary.

REFUSANT WITNESSES—J. MADISON WELLS AND THOMAS C. ANDERSON.

Mr. LYNDE. The Sergeant-at-Arms is ready to present at the bar the witnesses arraigned for contempt of the authority of the House in refusing to obey a subpoena of the Louisiana committee.

The SERGEANT-AT-ARMS, (JOHN G. THOMPSON, esq.,) appeared at the bar and said:

Mr. Speaker, in obedience to the orders of the House, I have arrested and have now at the bar of the House the witnesses J. Madison Wells and Thomas C. Anderson, of Louisiana.

The SPEAKER. The Sergeant-at-Arms reports that he has now at the bar of the House J. Madison Wells and Thomas C. Anderson,

of Louisiana, who, by a resolution of the House of the 17th of January, were ordered to be brought to its bar.

It is the duty of the Chair, Mr. Wells, to ask you what excuse you have to offer for your failure to appear before a committee of this House sitting in the city of New Orleans, Louisiana, on the 12th day of December, 1876, and to produce before the said committee certain books and papers called for in the *subpœna duces tecum* duly served upon you. It is also the duty of the Chair, Mr. Anderson, to ask you what excuse you have to offer for your failure to appear before a committee of this House sitting in the city of New Orleans, Louisiana, on the 12th day of December, 1876, and to produce before said committee certain books and papers called for in the *subpœna duces tecum* duly served upon you?

J. MADISON WELLS, (a witness.) I would ask the indulgence of the House until the other members of the board reach here, that we may make our answer together, remaining in the custody of the Sergeant-at-Arms until they arrive.

The SPEAKER. The witness J. Madison Wells asks further time to make his answer, until the arrival of the two remaining members of the returning board.

Mr. LYNDE. Before any action is taken by the House, I would ask that the other witness may answer the interrogatory propounded by the Speaker.

THOMAS C. ANDERSON, (a witness.) I make the same answer as J. Madison Wells, and make the same request.

Mr. LYNDE. I offer the resolution which I send to the desk, and on it call the previous question.

Resolved, That the report of the Louisiana investigating committee in relation to the refusal of J. Madison Wells and Thomas C. Anderson to obey a *subpœna duces tecum*, and the answer of said witnesses just made at the bar of the House, be referred to the Judiciary Committee with instructions to report upon the same at as early a day as practicable; and the said J. Madison Wells and Thomas C. Anderson in the mean time to remain in the custody of the Sergeant-at-Arms of the House.

Mr. HOAR. I ask the gentleman from Wisconsin to permit me to make a suggestion before he insists on the demand for the previous question.

Mr. LYNDE. I yield to the gentleman from Massachusetts.

Mr. HOAR. As I understand it, the witnesses desire to make a further answer concerning the action of the board of which they are members when the other members of that board, who are expected daily in Washington, arrive. The resolution refers the report of the committee and this answer to a committee of this House with directions to report thereon as early as practicable; the result of which is to refer to the Judiciary Committee the case, when the witnesses at the bar have not made their answer, but desire time to make it. I suggest to my friend from Wisconsin, therefore, that he should add to his resolution the words "together with such further answer as the witnesses may hereafter be permitted to make."

Mr. LYNDE. I think that is a proper subject for consideration by the Committee on the Judiciary, and I therefore prefer that the resolution should be adopted as presented to the House.

Mr. HOAR. The witnesses have made no answer; they have made a request for time to answer. This resolution refers to the Committee on the Judiciary the "answer" of the witnesses, and directs that committee to report upon it. There is no difference in principle, I presume, between the gentleman from Wisconsin [Mr. LYNDE] and myself.

Mr. LYNDE. I am willing to modify the resolution by striking out the word "answer" and inserting the word "request."

Mr. HOAR. Very well; that will be sufficient.

The SPEAKER. If no objection be made, the resolution will be modified as suggested.

No objection was made, and the resolution was modified accordingly. The previous question was seconded and the main question ordered; and under the operation thereof the resolution, as modified, was adopted.

Mr. LYNDE 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.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 4251) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1878, and for other purposes.

ORDER OF BUSINESS.

Mr. BRIGHT. I call for the regular order.

The SPEAKER. The regular order being called for, the Chair will state the question before the House. The gentleman from Tennessee [Mr. BRIGHT] moves that the House now resolve itself into Committee of the Whole on the Private Calendar. Pending that motion the gentleman from Missouri [Mr. WELLS] moves that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of considering the Indian appropriation bill. This being Friday, and private-bill day, the question will first be taken upon the motion of the gentleman from Tennessee, [Mr. BRIGHT,] that motion taking precedence on private-bill day.

Mr. BUCKNER. Pending that motion, I ask that all debate in Committee of the Whole upon the pending bill, being the bill for the relief of the mission of Saint James, in Washington Territory, shall be limited to fifteen minutes.

The motion to limit debate was agreed to.

The question was then taken upon the motion of Mr. BRIGHT; and upon a division there were—ayes 111, noes 37.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. MILLIKEN in the chair.

MISSION OF SAINT JAMES, WASHINGTON TERRITORY.

The CHAIRMAN. The Clerk will now report the bill pending when the committee rose on Friday last, being the bill (H. R. No. 820) for the relief of the mission of Saint James, in Washington Territory, reported, with amendments, from the Committee on Private Land Claims.

The Clerk read as follows:

Whereas Congress, in the act entitled "An act to establish the territorial government of Oregon," passed on the 14th of August, 1848, provided "that the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, together with the improvements thereon, be confirmed and established in the several religious societies to which said missionary societies respectively belong," and by the act entitled "An act to establish the territorial government of Washington," passed on the 2d of March, 1853, provided "that the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, or that may have been so occupied as missionary stations prior to the passage of the act establishing the territorial government of Oregon, together with the improvements thereon, be, and is hereby, confirmed and established to the several religious societies to which said missionary societies respectively belong;"

And whereas the honorable Secretary of the Interior, by his official and final decision, under date of January 29, 1872, after taking cognizance of the testimony and law in the case, acknowledges that a Catholic mission, called the mission of Saint James, existed at Vancouver, Territory of Washington, on the 14th of August, 1848, within the meaning and provision of the aforesaid acts, and that the said mission is entitled to whatever quantity of land these acts are intended to grant;

And whereas the intention of the aforesaid acts is to grant to each missionary station among the Indian tribes in Oregon and Washington Territories on the 14th of August, 1848, and 2d of March, 1853, respectively, the quantity of six hundred and forty acres of the public lands of the United States, where this quantity can be found in compact form, so as to include the mission improvements, or so much of said land as can be found, not to exceed six hundred and forty acres;

And whereas by order of the Commissioner of the General Land Office, dated September 29, 1859, a survey of said claim was made, and a plat thereof, dated December, 1861, approved by the surveyor-general of Washington Territory, was forwarded, and is now on file in the General Land Office of the Department of the Interior, such survey placing the mission improvements as near the center of the claim as possible, and interfering with no prior legal rights: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby made the duty of the Secretary of the Interior, within two months after the passage of this act, to cause a patent to be issued for the claim of the Saint James mission of Washington Territory, in accordance with the aforesaid plat of survey, dated in December, 1861.

The amendments were to strike out the third paragraph of the preamble, and to add to the bill the following:

Provided, That nothing in this act shall operate in any way to affect, impair, or defeat any adverse claim to the land described in said patent, or to any part thereof; And provided further, That the United States shall have the right to remove therefrom any property, buildings, or fixtures it may have thereon.

The CHAIRMAN. By order of the House, all debate upon this bill has been limited to fifteen minutes.

Mr. JACOBS. As this bill appertains to Washington Territory, I would like to be heard for a short time in answer to some arguments made by the gentleman from Missouri [Mr. BUCKNER] when this bill was last under consideration in Committee of the Whole. I stated on Friday last that this bill covered a portion of a very important military reservation upon the Pacific coast, the most important military reservation north of San Francisco. It was intimated by the gentleman from Missouri, if not expressly stated by him, that this military reservation had been vacated. I send to the Clerk's desk a letter from the Secretary of War and ask the Clerk to read the portions I have marked.

Mr. BUCKNER. The gentleman is mistaken in saying that I said this reservation had been vacated. What I said was that the rights of the United States could not prevail against the claims of this mission.

Mr. JACOBS. I ask the Clerk to read the paper I have sent to his desk.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, D. C., January 17, 1877.

SIR: In reply to your letter of the 15th instant, in regard to the Fort Vancouver military reservation, in Washington Territory, and the Saint James Catholic mission claim, I have the honor to inform you that the reservation is still occupied as a military station, and is at present the regimental headquarters of the Twenty-first Infantry, and companies D, E, H, and I of said regiment are stationed there.

The reservation was intended for six companies, and embraces six hundred and forty acres, fronting twelve hundred yards on the Columbia River, and extending back about a mile and a half. It is regarded as one of the most important military posts on the Pacific coast, and was valued by the late General Canby at not less than \$1,000,000.

I inclose copy of the opinion of Assistant Attorney-General W. H. Smith, dated January 29, 1872, on the claim to certain lands in Washington Territory by the Roman Catholic mission of Saint James, copy of the letter of the Attorney-General approving said opinion, and copy of the letter of the Secretary of the Interior to the Commissioner of the General Land Office directing him to carry into effect the views set forth in the opinion.

The possessory rights of the Hudson Bay Company covered all the land at Fort Vancouver and vicinity claimed by the mission, and hence the Saint James mission

could not have any title to the land even if it were an existing mission under the act of 14th August, 1848, as the possessory rights were secured by treaty, and only waived in the case of the United States military reservation.

Lord Lyons (in his letter, inclosed in letter of the Secretary of State to the Secretary of War, dated May 19, 1859) says: "The unfounded character of this claim appears from documents of which copies have been laid before Her Majesty's government. Her Majesty's government are confident that the Government of the United States will give no countenance to this unreasonable pretension on the part of the Roman Catholic mission."

On the 23d of May, 1853, Peter Skeen Ogden, on the part of the Hudson Bay Company, notified the surveyor-general of Oregon that no such mission (as the Saint James mission) ever existed at Fort Vancouver; that the Catholic church there was sustained in part by the Hudson Bay Company for their servants. "Its clergy have resided here at the sufferance only and by the permission of the company; have always been paid by the company \$500 per annum."

The Hudson Bay Company's title and possessory rights were adjudicated by the British and American joint commission under the treaty of July 1, 1864.

Under section 7 of the act of September 27, 1850, no claim could attach to land selected for a military post, or within one mile thereof.

Your attention is invited to the decision of the Supreme Court in the case of *Lonsdale et al. vs. Parrish*, (21 Howard, 290:) "Congress passed no law in any wise affecting the title to land in Oregon till September 27, 1850."

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

Hon. O. JACOBS,
House of Representatives.

Mr. JACOBS. I stated on Friday last that the construction uniformly given to the proviso in the organic act of Oregon and Washington Territory by the courts of Oregon and of Washington Territory was that these mission claims, of which many existed, were entitled—

Mr. BUCKNER. I desire to claim the floor. I yielded to the gentleman only for the purpose of having a paper read, and I object to his occupying all the time allowed for debate.

Mr. JACOBS. I will merely make a statement, and then I will send to the Clerk's desk another paper to be read.

Mr. FORT. I fear the gentleman from Missouri [Mr. BUCKNER] has made too short a limit of time. I am surprised that he should have proposed, on his own motion, to limit debate and then refuse to allow any other gentleman to be heard.

The CHAIRMAN. That cannot be helped in Committee of the Whole.

Mr. FORT. When the proper time comes I will move that the committee rise in order to extend the time for debate.

Mr. JACOBS. I would like to conclude my statement, which is that the uniform decisions of the courts of Oregon and Washington Territory, and of the Department in Washington, are to the effect that these missions are entitled to no more land than they actually need for mission purposes. I send to the Clerk's desk, and ask him to read, an opinion of the Attorney-General of the United States, given at the time, and also a paper in connection with it showing the decision of the Department, which opinion and decision are in harmony with the statement which I made on Friday last.

Mr. BUCKNER. If there is any time left I desire to send to the Clerk's desk to be read the report of the Commissioner of the Land Office in 1859, as to the rights of these missions.

The CHAIRMAN. The Chair would ask the gentleman upon what terms he yielded to the gentleman from Washington Territory?

Mr. BUCKNER. I yielded to him to have a document read.

The CHAIRMAN. All that he desires to be read has not yet been read. The Clerk will now read the remaining paper sent up by the gentleman from Washington Territory.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., January 29, 1872.

SIR: I have carefully considered the case presented by the claim of the Roman Catholic mission of Saint James at Vancouver, Washington Territory, for six hundred and forty acres of land, coming up to your office upon appeal from a decision of the Commissioner of the General Land Office, of November 10, 1862, adverse to the said mission, and referred to me by you for my advice. I herewith submit my views upon the several questions of law and facts involved.

From the facts stated substantially above the mission station at Vancouver now claim under the proviso quoted six hundred and forty acres of land, including improvements thereon. The claim of the mission is opposed by three different interests, as follows:

First. The military authorities, in charge of the United States military reserve at Vancouver, a portion of which is covered by the claim of the mission.

The record shows that in 1849 the military authorities, then in Oregon, with the consent and at the request of the Hudson Bay Company established a reserve at Vancouver.

For this purpose a written agreement was entered into between Peter Skeen Ogden, on the part of the company, and Rufus Ingalls, on the part of the United States, by which the company agreed to allow the United States to take post there and put up such buildings and occupy such vacant lands as might be necessary.

In consequence of this agreement troops were stationed at this point. In May, 1850, by order of General P. F. Smith, under directions from the War Department, Colonel W. W. Loring, United States Army, declared a reserve of four miles square.

On the 20th of October, 1853, in consequence of the passage of the act of February 14th of that year, the reserve was reduced by order of the War Department to six hundred and forty acres.

On this reserve the Government erected very valuable improvements, estimated at from \$200,000 to \$1,000,000.

Second. The widow and heirs-at-law of Amos M. Short, who claims under the act of September 27, 1850, (9 stat., 498, sec. 4.) six hundred and forty acres of land, partly covered by the claim of the mission.

It is shown that as early as 1844 or 1845 Short made repeated efforts to obtain a permanent settlement on the land now claimed by his widow and heirs; that he was twice driven off by the agents of the Hudson Bay Company, and was once ejected, under legal process, by one Ettinger; that he finally obtained a settlement

which he maintained until his death in 1853; and that his family have, since his death, continuously resided on the tract.

Third. The citizens of the town of Vancouver, who claim under the town-site act of 1844 (5 stat., 657) the right to enter a certain tract of land situated between the claim of Short on the west and the military reservation on the east, and included within the claim of the mission.

It is shown that at an early day this tract, having been excluded by the order of the War Department referred to from the reserve, and being to the east of the Short claim, was settled upon and occupied by a number of persons, who commenced to build a town, and that there were, in 1862, some three hundred persons on the tract, which, at that time, had been surveyed into blocks and lots.

Proceeding now to the case under consideration, I am of opinion that the proviso in the first section of the act of 1848 conferred an immediate vested right upon all societies then within its provisions; "That the title to the land" to be confirmed and established" is the language. Here is a confirmation of title, immediately, operating *proprio vigore* for the benefit of all who should at that date be within its provisions. This construction of the law is the one adopted by Attorney-General Bates in his opinion of May 27, 1864, by the Commissioner of the General Land Office in his instructions to the Surveyor-General, by Secretary Hallam in his review of Attorney-General Bates's opinion; and, so far as I know, it has never been anywhere seriously questioned. The only real questions are, therefore, first, who are within its provisions and, second, what is confirmed!

First, occupancy as a missionary station among the Indians at the date of the passage of the act to the qualification prescribed.

Whenever it is found that any religious society had, at the date of the act, a missionary station among any of the Indian tribes in said Territory, such society has conclusively shown a vested right, as of that date, under the proviso. As to what constitutes a "missionary station" among the Indian tribes, I shall say more in another place.

Second. What is confirmed to a religious society, shown to be within the limits of the proviso? In my opinion, only the land actually occupied as a mission, and which was with reasonable clearness set forth by specific boundaries, together with all improvements thereon, the amount in no case to exceed six hundred and forty acres. This is contrary to the view heretofore entertained by the Commissioner of the General Land Office, who in his instructions to the surveyor-general of Oregon of August 18, 1853, said, "Such provision [referring to the proviso] is understood to grant six hundred and forty acres to each separate and distinct missionary station referred to."

The words of the proviso are, "now occupied as missionary stations." As nothing appears to show that the word "occupied" is here used in any other than its generally received and popular signification, which is that of possession, this meaning should be given it. This possession, like any possession, must be demonstrated in some way by recognized boundaries. I would not be understood to say that in every case where land is claimed under this proviso the claimants should be obliged to show an actual corporeal possession of all the land claimed by such evidence as having it inclosed, cultivating it, building upon it, or the like; but in my opinion there must be something to show, with reasonable certainty, the amount really claimed at the date of the act.

There must be such an assertion of the claim as would be notice to any other person attempting to gain possession. An inclosure would of course be the best evidence; but I think such inferior evidence as the marking out of this claim by stakes, or blazed trees, or the common reputation among the settlers and Indians, as to its bounds would be sufficient.

For the charitable purpose of the proviso, I would give the language a most liberal construction; but I know of no rule so liberal as to hold land "occupied" which has never been included in any inclosure nor in any asserted claim, and upon which no improvements have ever been made. I am unable to see how Commissioner Wilson reached the conclusion contained in his instructions to the surveyor-general. It is, in my opinion, an erroneous construction of the proviso; and as the question is now for the first time presented to the Department as an independent proposition, and as the claim under consideration is the first of these mission claims to be finally determined, so far as departmental action is concerned, I recommend that you give the proviso the construction I have laid down. Now to apply this construction of the law to the case under consideration.

On the 14th day of August, 1848, the date of the passage of the act, the mission of Saint James was in actual possession of a small piece of land, upon which had been erected a church in which the priests there stationed held religious worship. The mission at that day had never asserted any claim whatever, had no inclosure, and was therefore only in the occupancy of the land covered by the church edifice and such land as was appendant to it. This it occupied, in my opinion, as a missionary station among the Indians.

The society to which said mission belongs has, therefore, a vested title, under the act of 1848, to the land upon which the church edifice stands and as much appurtenant thereto as at the date of the passage of the act was within the inclosure, or used for church purposes.

DEPARTMENT OF JUSTICE,
Washington, March 2, 1872.

SIR: I herewith return the opinion of Assistant Attorney-General Smith upon the claim of the Roman Catholic mission of Saint James for six hundred and forty acres of land at Vancouver, in Washington Territory.

I have not examined the questions of fact discussed and decided by him, and upon them therefore express no opinion. But I have examined and approve his views to the effect that the Land Department of the Government has jurisdiction to determine whether or not the said Catholic mission has acquired title to six hundred and forty acres or any other quantity of land at Vancouver, in Washington Territory, under and by virtue of section 1, of the act of August 14, 1868, entitled "An act to establish the territorial government of Oregon."

What effect the decision is to have if judicially questioned, the courts will decide for themselves.

Very respectfully,

GEO. H. WILLIAMS,
Attorney-General.

Hon. COLUMBUS DELANO,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 11, 1872.

SIR: I transmit herewith a copy of the opinion of Hon. Walter H. Smith, Assistant Attorney-General, of 29th January last, on the claim of the Roman Catholic mission of Saint James to certain lands in the Vancouver district, Washington Territory, under the act of 14th August, 1848, (9 Statutes, 323.)

I also transmit a copy of a letter on the subject, addressed to the Department on the 2d instant by Hon. G. H. Williams, Attorney-General, to whom the opinion of the Assistant Attorney-General was submitted. I fully concur in the views set forth in the opinion, and you will give the necessary orders to carry them into effect.

The papers accompanying your letter of 18th April last are herewith returned. I am, sir, very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

Hon. WILLIS DRUMMOND,
Commissioner General Land Office.

Before the reading of the foregoing was concluded,

Mr. BRIGHT. I rise to a point of order. The House limited debate on this question to fifteen minutes, and that time, I understand, has expired. I understand from several gentlemen that they desire further discussion of the subject; and therefore, if it be agreeable, I will move that the committee rise with the view of extending the time for debate one-half hour, fifteen minutes on each side.

Mr. LAWRENCE. I think it very doubtful whether half an hour is sufficient. I understand that this bill involves property in which the United States has a large interest, property worth perhaps a million of dollars, and which will probably be taken away by this bill.

Mr. O'BRIEN. I rise to a point of order. I submit that the Committee of the Whole has not the power to extend the time for debate.

Mr. BRIGHT. There is no proposition that the committee shall make such an extension. I move that the committee rise in order that the House may extend the time.

The motion was agreed to.

The committee accordingly rose; and Mr. WILSON, of Iowa, having taken the chair as Speaker *pro tempore*, Mr. MILLIKEN reported that the Committee of the Whole on the Private Calendar had had under consideration the bill (H. R. No. 820) for the relief of the mission of Saint James, in Washington Territory, and had come to no resolution thereon.

Mr. BRIGHT. I move that when the House shall again resolve itself into Committee of the Whole on the Private Calendar debate on the pending bill (H. R. No. 820) be limited to one-half hour, fifteen minutes on each side.

The motion was agreed to.

Mr. ELKINS. I move that all debate in Committee of the Whole on the bill (H. R. No. 344) to confirm certain private land claims in the Territory of New Mexico be limited to one hour and a half.

The motion was agreed to.

Mr. BRIGHT. I move that the House again resolve itself into the Committee of the Whole on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, (Mr. MILLIKEN in the chair,) and resumed the consideration of the bill (H. R. No. 820) for the relief of the mission of Saint James, in Washington Territory.

Mr. JACOBS. I ask the Clerk to continue the reading, in which he was interrupted by the rising of the Committee of the Whole.

The Clerk resumed and concluded the reading of the document as already given.

Mr. JACOBS. In addition to what appears by the papers which have been read, I simply wish to state a few facts that ought to be taken into consideration in passing on this question. In the first place a portion of this land to the extent of one hundred and sixty acres has already been patented to the city of Vancouver. Another tract of one hundred and sixty acres is claimed by some heirs under the donation law for Oregon and Washington Territory. The city of Vancouver, containing from fifteen hundred to eighteen hundred inhabitants, is upon this land. Now, if I understand the gentleman from Missouri correctly, he says that the only object of this bill is to obtain a trial of the title to this land. But what will be the effect of the bill? Immediately upon its passage, these citizens of Vancouver who have purchased this land from the city or from the Short heirs will have to pay rent to this mission. Notwithstanding the fact that after a long, tedious, and exhaustive litigation, continued for years in the Land Department of the Government, the decisions have all been against this mission, it is now proposed that the Congress of the United States shall turn round and give to this defeated party a patent to the property. What would this mission have thought if they had been the successful party and the Congress of the United States had undertaken after all the litigation to give the patent to the opposite party?

Mr. BUCKNER. Will the gentleman allow me just one question?

Mr. JACOBS. No, sir; not if it is to be taken out of my time.

Furthermore, as I have before stated, the Government of the United States has established upon this land a military reservation which the Secretary of War says is worth \$1,000,000. It is proposed now to give to this mission the title to this military reservation. The whole property proposed to be given to the mission under this patent is worth at least \$2,000,000. In view of these facts I ask whether the Congress of the United States is prepared to pass this bill, especially when the decisions of the Land Department, as I have already remarked, have been uniformly in opposition to the claim of the mission?

I maintain that there is no necessity for the passage of the bill in order that the mission may test the title to the property. A patent for one hundred and sixty acres of this land has already been issued by the Government; and if the only object is to test the validity of the title, the mission can commence suit in the courts of the Territory and have that question passed upon.

Furthermore, this was a legislative grant; and it is not necessary that a patent should issue from the Government. Such has been the opinion of the Attorneys-General of the United States, and also, I believe, the construction of the courts. All that it was necessary for the mission to do, if their construction of the law be correct, was to furnish their proof in the local land office. The act of 1848, under which they claim, gives them a legislative title; and all that was

necessary was for them to furnish their proof, and afterward they could institute a suit in the courts to test the validity of their title. Now, this is about all I desire to say on the matter.

The gentleman from Missouri [Mr. BUCKNER] intimated, in the remarks which he made last Friday, that possibly I was connected with some of these parties as their attorney. I have never had anything to do with this case as attorney, neither with the Short heirs nor the city of Vancouver.

Mr. BUCKNER. Mr. Chairman, in the first place I want to say that the gentleman from Washington Territory is incorrect when he supposes I meant to insinuate he was acting as the agent of anybody or any party. I presumed he was doing what he supposed was his duty in reference to the interest of the country, as well as in reference to his constituents.

This bill has been twice reported upon favorably by two committees of this House, one in the Forty-third Congress and one in this Congress. The gentleman from Iowa [Mr. PRATT] in the last Congress reported from the Committee on Private Land Claims, with the unanimous recommendation of the members of that committee, a bill in favor of the rights of this mission to this six hundred and forty acres of land, and that too after one of the most exhaustive and learned arguments by the attorneys of the parties representing the various interests involved. The Committee on Private Land Claims at this session made a similar report after the matter was thoroughly investigated. They reported this bill so as to present all these questions to Congress as to the right to this land.

It is said there is a large amount of land, two or three million dollars' worth of land, involved. Grant that to be true, and I know not whether it is true or false, but this bill proposes to take the land from no human being unless the courts so decide. This bill does not provide that any right shall be affected except the mere transfer of the right of the United States. In other words, it is equivalent merely to a quitclaim deed from the United States, and nothing more.

The gentleman says that a patent has been issued by the Land Office during the last few years to the town of Vancouver. That patent expressly recognizes the right of the Saint James mission, and I undertake to say there has been no decision on this question, except that opinion of Mr. Smith, and in reference to that opinion every member of the Committee on Private Land Claims held that it was not only not law, but the object was to prevent these parties getting their rights.

Now, in every other case, certainly in the case of the mission at Dalles in Oregon, certainly in one or two other cases of Lutheran and Presbyterian missions, the Government of the United States has given to these missions their lands.

Mr. LUTTRELL. In every one of them.

Mr. BUCKNER. But the Catholic mission is located here, and the real question at the bottom of all this is whether you are going to make a discrimination against the Catholic Church. If they have no right, all that is asked is let them go into the courts and the courts, I presume, will decide correctly.

The gentleman talks of the rights of the United States. No one pretends the Government of the United States has any rights in the matter if the mission is entitled to the land. That is a question which it is proposed to have settled in the courts. No member of the committee supposed, no one pretended to set up any right on the part of the Government of the United States, because the reservation was made subject to the rights of these parties.

I send to the Clerk's desk to be read, Mr. Chairman, an extract from the report of Commissioner Wilson on this very question—a gentleman not only a most faithful officer of the Government, but who is regarded as a fine lawyer—when he settled the question as to the rights of these missions.

The Clerk read as follows:

The rights of the United States fully ceased and determined on the 14th August, 1848. The tract was subject then to the *possessory rights* of the Hudson Bay Company, for the treaty said those rights should be respected. Those rights continued by their license until May, 1850, and when that incubus was removed, by the extinction of those rights, it left the grant to the mission of Saint James full, ample, and complete, now entitled to enjoy the same in all its parts, with the right to ask for and receive from the United States a deed of confirmation or patent so soon as the lands could be surveyed.

The papers on file show that the mission notification was on file before any claims were asserted to contiguous lands. It is the oldest claim. Its recognition is coeval with the organization of Oregon, and was a positive grant more than two years before any American settler could acquire an interest in or title to *unoccupied public lands*. The mission had been used since the winter of 1838. It is not my province to comment upon the wisdom or policy of such a law, and it is a matter of regret that private interests may by such decision apparently suffer; but the law making grants to missions is so clear and positive, the evidence so direct and long continuing, bringing this station or mission within the purview of the law, that there is but one duty to perform: confirm to the mission six hundred and forty acres of land, in accordance with said grant, and as shown by the accompanying plat and field-notes of the official survey.

Mr. BUCKNER. Mr. Chairman, I said on last Friday that the Government of the United States had recognized the rights of every other mission in this Territory except this, and this only partially. The Government so far recognized the right of the mission at Dalles that when there was a United States reservation placed upon that land the Government paid \$23,000 to the mission as payment for the land taken up for that reservation, the Government thereby recognizing the right of the mission to that property. Nor do the papers which the gentleman read here from Mr. Smith, and the late Commissioner of the

General Land Office, affect the right to some of the property at this mission. They have issued patents, in point of fact, to a quarter of an acre, or one acre, merely covering the ground upon which the mission buildings are located, thereby recognizing the existence of the mission; and the question to be determined was whether the mission extended beyond the mere personal, actual occupancy of ground for buildings, or whether it included six hundred and forty acres, the same granted to every other mission, and which Mr. Wilson, the Commissioner of the General Land Office, decided that this mission was entitled to.

This bill cannot affect the rights of anybody save the rights of the United States; and nobody has ever pretended that the United States ever have put up any claim there. And there is no pretense but the United States did either grant the property to these citizens who are now claiming and are represented by my friend from Washington Territory [Mr. JACOBS] or to the Saint James mission; and this bill is for the purpose of letting these parties assert their rights to this land in the courts of the country. Here the patent is authorized to be issued. The effect of that patent is merely to grant a quit-claim deed on the part of the Government, and leave for the decision of the courts the question as to whether they or Vancouver or Short's heirs are entitled to this land.

But the gentleman from Washington Territory says that there is no necessity for any action of the Government in order to give these parties a right in court. I say that, so far as concerns the land that has been severed from the public domain and surveyed under the decision of the late Commissioner, that is enough; but that only gives them a half acre of ground—the ground covered by their church and school-building—cutting off the orchard and much of the land proved to have been occupied for the last twenty-five or thirty years by this mission.

I understood the gentleman from Washington Territory to say that until the land is severed from the public domain by a survey no man can go into court and have any status there; that in order to this the Government must sever private land from the public domain. But while this may be the case under a legislative grant, the question is whether that grant contained six hundred and forty acres, or half an acre, or a quarter of an acre; and the object of the bill is to enable the courts to decide that, and nothing more. That I undertake to say, and the gentleman does not deny it. But I intended to ask him the question whether the Vancouver patent did not save the rights of the Saint James mission? Will the gentleman answer?

Mr. JACOBS. I am not able to say.

Mr. BUCKNER. I know it as a fact that when the patents were issued to the inhabitants of Vancouver those patents expressly, in so many words, preserved the right of this mission, and they get nothing as against it. But how are they in a condition to sue, provided they are entitled, as I believe and as the committee of both Houses unanimously believe, provided they are entitled to an amount of land not exceeding six hundred and forty acres, to be laid off as Mr. Wilson instructed the surveyor-general? How can they assert anything beyond the half acre given by this patent? It is utterly impossible. And yet when they assert this claim, they have no rights against anybody having a better title. If these Vancouver parties have a right to this one million or two millions of dollars' worth of property, let them have it, but let them have it by a judgment of the court. And this bill enables them to have it decided by a court; and so it is with the Short heirs.

There is another claim, what is called the donation claim, in which the Short heirs have a right. If they are entitled to it as against this mission, by the judgment of the courts this bill enables this question to come before them and to be decided.

Mr. LUTTRELL. Will the gentleman yield to me for a question?

Mr. BUCKNER. Yes, sir.

Mr. LUTTRELL. Have they not proposed to cut off even the cemetery from this mission?

Mr. BUCKNER. Certainly. The patent given to the mission, and which was a recognition of the existence of that mission as far back as 1838, actually cuts off everything except the buildings—the church and school-house; it cuts off their orchard, their burial ground, and all their farm which they had been occupying almost from 1838 to the present time. That is the effect of it.

Now we do not say that there shall be an absolute patent. We do not pretend to settle the question who is entitled to this land. But we do say the only way by which this question can be settled is to put it in the courts. The gentleman from Washington Territory says it may be settled otherwise. There is no doubt it may be settled in this way. I do not know, I have never heard, and I do not believe now that there is any way by which the right of the Saint James mission can ever be settled by any adjudication of a court until this land is severed and a quit-claim given by the Government to these parties. And the effect of not passing this bill is absolutely to deny their right to go into court and have the question passed upon whether they are entitled to six hundred and forty acres or only half an acre. That will be the effect of your action on this bill.

I hope there will be no dispute about this. I will read the provision of the bill by which, as I say, this is nothing in the world but a quit-claim deed on the part of the General Government. If the Government has any claim that is valuable they will, as in the case of the Dalles mission, pay us the value. But the land was patented prior to

the military reservation being established. Now, this bill does not deal in any doubtful words. Its language says that these parties represented here are willing that this question shall be presented to the courts. This is the language of the proviso:

Provided, That nothing in this act shall operate in any way to affect, impair, or defeat any adverse claim to the land described in said patent or to any part thereof: *And provided further*, That the United States shall have the right to remove therefrom any property, buildings, or fixtures it may have thereon.

Now, I say that there is certainly some respect due to two committees of this House, composed of twenty-two men, all of them lawyers, I believe, who have investigated this subject. It was investigated during the last Congress; and after a very exhaustive argument some gentlemen, who had taken up the opinion that this mission was entitled to only a quarter of an acre of land, or just enough to hold their buildings, came to the conclusion that they were entitled to six hundred and forty acres. That is my deliberate judgment. I have no more doubt, as a question of law, about the right of this Saint James mission to six hundred and forty acres of land than I have that I am standing here. But in order to obviate the objection made to our deciding this question by this bill, it is in point of fact remitted to the courts, and it is left to them to determine whether Fort Vancouver reservation is entitled to six hundred and forty acres of land, or whether the Short heirs are entitled to six hundred and forty acres, or whether this mission of Saint James is entitled to that amount of land.

Mr. MAGOON. Will the gentleman allow me to ask him a question?

Mr. BUCKNER. Certainly.

Mr. MAGOON. From what committee was this bill reported?

Mr. BUCKNER. From the Committee on Private Land Claims.

Mr. MAGOON. Is there any minority report?

Mr. BUCKNER. No, and there was none in the last Congress when a bill was reported much stronger than this, because it gave to the mission the absolute right to six hundred and forty acres of land.

Mr. MAGOON. Is this a unanimous report of the committee?

Mr. BUCKNER. It is. It is not only reported unanimously now, but it was unanimously reported by the committee of the last Congress.

Mr. CONGER. What was the date of the law giving to missions generally six hundred and forty acres each?

Mr. BUCKNER. It was the law of 1848 establishing the Territory of Oregon. I will read the provision under which these missions were allowed six hundred and forty acres each:

That the title to the land, not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in said Territory, together with the improvements thereon, be confirmed and established in the several religious societies to which said missionary stations respectively belong.

The committee have construed the term "improvements" as intended to locate the mission, and not to affect the quantity of land given to each mission. That has been the uniform construction of all acts of Congress on that subject. When, for instance, the law gives to settlers one hundred and sixty acres of land, in such a law the term "improvements" is commonly used. Now to the mind of every gentleman at all acquainted with the laws of Congress on that subject and the history of the action of the Department under those laws, the word "improvements" is understood to designate the *locum quo* of the land given. In this case the land is not to exceed six hundred and forty acres, but you cannot confine it to the actual amount which you may happen to have *possessio pedis*, or under foot, that you have your foot upon.

This matter was fully investigated under the instructions of the commission of the land office in 1860, under the direction of Commissioner Wilson, to ascertain whether this mission had a station, when the station began, to what extent the mission occupied it, and what was the character of the improvements upon it. All these matters were investigated when a land office was first opened in the Territory of Washington. The decision which I have had read by the Clerk was the result of the action of the commission of the land office on the report which was then made to it. Until the Land Office here took a different view within the last two or three years, there never was any doubt upon the subject; it was held that this mission was entitled to six hundred and forty acres. It is admitted by the opponents of this bill that there was a mission at this place, and they proposed to give the mission one-half of one-quarter of an acre, just enough to contain their church and building. Now I say to this Committee of the Whole, and I am sure that every lawyer who has examined the subject will say the same thing, that this mission is entitled to every part of the six hundred and forty acres, provided their possessions extend to that much, and it has been shown that they have occupied far more than that amount.

Mr. FORT. How did it come that Attorney-General Bates was called upon to make a decision upon this subject?

Mr. BUCKNER. Attorney-General Bates decided that this was a legislative grant, and there is no doubt about that. The difficulty is that you have not severed the land, and hence the Government has to act by its surveyor in order to designate how much land there is. I have no doubt that this is a legislative grant by the Government of the United States. That, however, is not the question. The question is how much land did the Government give? And this bill provides that that question shall be settled by the courts.

Mr. LUTTRELL. And the only point at issue is whether the courts shall settle the amount?

Mr. BUCKNER. That is the only question this bill undertakes to settle; we leave it to the courts. I see my friend from Iowa here, Judge PRATT. In the last Congress he reported to the House a bill which gave absolutely the six hundred and forty acres, according to the construction of Commissioner Wilson.

The CHAIRMAN. The time allotted by the order of the House for debate upon this bill has expired.

Mr. BUCKNER. I ask, then, that the committee now proceed to vote.

Mr. JACOBS. I move to strike out the enacting clause of the bill. The question was taken upon the motion to strike out the enacting clause; and upon a division there were—ayes 27, noes 62.

Mr. JACOBS. No quorum has voted, and I ask that tellers be appointed.

Tellers were ordered; and Mr. BUCKNER and Mr. TOWNSEND of New York were appointed.

The committee again divided; and the tellers reported that there were—ayes 51, noes 87.

No further count being called for, the motion to strike out the enacting clause was not agreed to.

The amendments reported by the committee were read, as follows:

Strike from the preamble the following:

Whereas the intention of the aforesaid acts is to grant to each missionary station among the Indian tribes in Oregon and Washington Territories on the 14th of August, 1843, and 21 of March, 1853, respectively, the quantity of six hundred and forty acres of the public lands of the United States, where this quantity can be found in compact form, so as to include the mission improvements, or so much of said land as can be found, not to exceed six hundred and forty acres; and

Add to the bill the following:

Provided, That nothing in this act shall operate in any way to affect, impair, or defeat any adverse claim to the land described in said patent, or to any part thereof: And provided further, That the United States shall have the right to remove therefrom any property, buildings, or fixtures it may have thereon.

Mr. HOLMAN. I move to amend by adding to the bill the following, to come before the proviso just read.

Or for such part of said land as the Secretary of the Interior may find that said society is entitled to upon a review of all the facts which have been or shall be submitted to him in connection with the said grant.

I ask that the bill be read with the amendment, so as to show its connection.

The Clerk read as follows:

Be it enacted, *etc.* That it is hereby made the duty of the Secretary of the Interior, within two months after the passage of this act, to cause a patent to be issued for the claim of the Saint James mission of Washington Territory, in accordance with the aforesaid plat of survey, dated in December, 1861; or for such part of said land as the Secretary of the Interior may find that said society is entitled to upon a review of all the facts which have been or shall be submitted to him in connection with the said grant.

Mr. BUCKNER. That will defeat the whole object of the bill; it brings up again the very difficulty we want to cure.

Mr. HOLMAN. It provides for a proper tribunal to decide the case; that is all.

Mr. BRIGHT. I call for the regular order. Debate is exhausted.

Mr. HOLMAN. I ask that the amendments of the committee be read.

The bill, as proposed to be amended, was again read.

Mr. O'BRIEN. I think there is some mistake. What has just been read, as I understand, is the substitute reported by the committee. The only amendment pending is that of the gentleman from Indiana, [Mr. HOLMAN.]

The CHAIRMAN. The amendments just read are those reported by the committee.

Mr. O'BRIEN. But they are in the nature of an original bill, and require no vote of the Committee of the Whole.

The CHAIRMAN. Whether reported as a substitute or as separate amendments, they have to be voted on.

Mr. HOLMAN. I submit as a question of order, that the substitute being before the committee for amendment, the amendment I have submitted is to be voted on in the first instance and then the question will be whether the substitute (amended or not amended, as the case may be) shall be adopted.

I desire to add to the amendment I have already submitted the following words:

Or the society may institute a suit in the United States district court for the district of Washington against the United States and all other parties concerned, to determine its interest and right in the said land.

The question being taken on the amendment of Mr. HOLMAN, as modified, there were—ayes 10, noes 47.

Mr. HOLMAN. No quorum has voted; but I will waive that point if it be understood that a vote may be had on my amendment in the House.

Mr. O'BRIEN. There is no objection to that.

Mr. BUCKNER. I have no objection to the bill being reported with that understanding.

The CHAIRMAN. The amendment of the gentleman from Indiana [Mr. HOLMAN] is not agreed to.

The question being taken on the amendments reported as a substitute by the Committee on Public Lands, they were agreed to.

Mr. HOLMAN. Of course it is understood that when the bill as amended by the committee has been reported to the House, my amendment shall be submitted to a vote.

Mr. BUCKNER. I have no objection to that. I move that the committee rise and report the bill as amended to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. WILSON, of Iowa, having taken the chair as Speaker *pro tempore*, Mr. MILLIKEN reported that the Committee of the Whole on the Private Calendar, having had under consideration the bill (H. R. No. 820) for the relief of the mission of Saint James, in Washington Territory, had directed him to report the same with certain amendments, and with a recommendation that it be passed as amended.

CONTINGENT FUND OF THE HOUSE.

Mr. FOSTER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4370) making appropriations to supply certain deficiencies in the contingent fund of the House of Representatives, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment numbered 14, and agree to the same;

That the Senate recede from its disagreement to the amendment numbered 12, and agree to the same;

That the House recede from its disagreement to the amendment numbered 7, and agree to the same, amended as follows:

Strike out all of said amendment after the word "of," in line 3, and insert in lieu thereof the following: "\$1,200 per annum, \$1,864.17."

And the Senate agree to the same.

CHARLES FOSTER,

WILLIAM S. HOLMAN,

J. H. BLOUNT,

Managers on the part of the House.

WILLIAM WINDOM,

W. B. ALLISON,

R. E. WITHERS,

Managers on the part of the Senate.

The report was adopted.

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

The latter motion was agreed to.

MISSION OF SAINT JAMES, WASHINGTON TERRITORY.

The SPEAKER *pro tempore*, (Mr. WILSON, of Iowa, in the chair.) The question now recurs on the bill (H. R. No. 820) for the relief of the mission of Saint James, Washington Territory, reported from the Committee of the Whole on the Private Calendar, with an amendment in the nature of a substitute.

Mr. BUCKNER. I demand the previous question.

Mr. HOLMAN. It was the understanding, when the committee rose and consent was given to report this bill to the House with the recommendation that it do pass, that I should have an opportunity to present my amendment. I did not insist on my objection that no quorum had voted, on the understanding that I should have an opportunity to have a vote on my amendment in the House.

Mr. BUCKNER. I do not object to that, as that was the understanding, but after the gentleman submits his amendment I demand the previous question.

Mr. HOLMAN. I ask to make a change in my amendment.

Mr. BUCKNER. The understanding was that the gentleman should present his amendment as it was offered in the committee, and not another amendment.

Mr. HOLMAN. I merely desire to perfect my amendment, and I hope the gentleman will abide by the understanding of the House.

Mr. BUCKNER. I am willing to abide by the understanding of the House, and I ask that the gentleman's amendment be read.

Mr. HOLMAN. I trust the gentleman from Missouri will allow me to perfect the phraseology of my amendment. I wish to add to the amendment as it was offered in the committee these words:

Or the said society may institute a suit in the district court of the United States for the Territory of Washington against the United States and all other persons concerned, to determine its rights in said land; and jurisdiction is conferred upon said court for the full determination thereof.

Mr. BUCKNER. I do not see the propriety of any such amendment. The object is evidently to defeat the bill.

The SPEAKER *pro tempore*. Does the gentleman from Missouri yield to that amendment?

Mr. BUCKNER. I do not object to allowing the gentleman to change the phraseology of his amendment.

Mr. HOLMAN. I now ask the Clerk to read the whole amendment as it now stands before the House.

The Clerk read as follows:

Or for such part of said land as the Secretary of the Interior may find that said society is entitled to upon a review of all the facts which have been or shall be submitted to him in connection with the said grant; or the said society may institute a suit in the district court of the United States for the Territory of Washington against the United States and all other persons concerned, to determine its rights in said land; and jurisdiction is conferred on said court for a full determination thereof.

Mr. WHITE. That is entirely satisfactory.

Mr. BUCKNER. The object is to defeat the bill, and I hope it will be voted down.

Mr. JACOBS. There is no objection to that amendment.

Mr. BUCKNER. I insist on the demand for the previous question. The previous question was seconded and the main question ordered.

The House divided; and there were—ayes 48, noes 67.

Mr. SAVAGE demanded the yeas and nays.

The House divided; and there were ayes 18; not a sufficient number.

Mr. WHITE demanded tellers on the yeas and nays.

Tellers were not ordered.

So the amendment was rejected.

The question next recurred on the substitute reported from the Committee of the Whole House.

The House divided; and there were—ayes 72, noes 39; no quorum voting.

The Speaker *pro tempore* appointed Mr. HOLMAN and Mr. BUCKNER as tellers.

The House again divided; and the tellers reported—ayes 124, noes 17.

So the substitute was adopted.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOLMAN demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—ayes 129, nays 65, not voting 95; as follows:

YEAS—Messrs. Ainsworth, Ashe, Atkins, John H. Bagley jr., Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochran, Collins, Conger, Cook, Cowan, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Ellis, Felton, Finley, Forney, Fort, Franklin, Gause, Goode, Goodin, Gunter, Robert Hamilton, Hancock, Henry R. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hopkins, House, Humphreys, Hunton, Thomas L. Jones, Joyce, Kehr, Knott, Lamar, Franklin Landers, George M. Landers, Lapham, Le Moyne, Levy, Lewis, Luttrell, Mackey, Magoon, Milliken, Mills, Morgan, Mutchler, New, O'Brien, Odell, Payne, Piper, Powell, Rainey, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Sampson, Scales, Schleicher, Schumaker, Sheakley, Slemmons, William E. Smith, Southard, Sparks, Springer, Stanton, Stenger, Stone, Tarbox, Terry, Thomas, Thompson, Throckmorton, Martin I. Townsend, Tucker, Turney, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Walsh, Warner, Watterson, Erastus Wells, Whitthorne, Wike, Alphus S. Williams, Jeremiah N. Williams, Willis, Wilshire, Benjamin Wilson, and Yeates—129.

NAYS—Messrs. John H. Baker, William H. Baker, Bell, Blair, Bradley, William R. Brown, Horatio C. Burchard, Caswell, Clymer, Crapo, Cutler, Danford, Denison, Dobbins, Dunnell, Evans, Flye, Frye, Hale, Andrew H. Hamilton, Benjamin W. Harris, Hendee, Henderson, Hoge, Holman, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Frank Jones, Kasson, Kelley, Kimball, Leavenworth, MacDougall, McCrary, Monroe, Nash, Norton, Oliver, O'Neill, Page, Pierce, Plaisted, Poppleton, Potter, Robinson, Sinnickson, Smalls, A. Herr Smith, Strait, Stowell, Thornburgh, Tufts, Waliron, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, White, Andrew Williams, Charles G. Williams, William B. Williams, James Wilson, and Alan Wood, jr.—65.

NOT VOTING—Messrs. Abbott, Adams, Anderson, Bagby, George A. Bagley, Ballou, Banks, Banning, Bass, Beebe, Blackburn, Bliss, Carr, Cason, Chapin, Chittenden, Cox, Crouse, Culberson, Darrall, Davy, Durand, Eames, Egbert, Faulkner, Field, Foster, Freeman, Fuller, Garfield, Gibson, Glover, Haralson, Hardenbergh, John T. Harris, Hathorn, Hays, Hereford, Hill, Hoar, Hooker, Hurd, Jenks, King, Lane, Lawrence, Lord, Lynch, Lynde, Maish, McDill, McFarland, McMahon, Meade, Metcalfe, Miller, Money, Morrison, Neal, Packer, Phelps, John F. Phillips, William A. Phillips, Platt, Pratt, Purman, James B. Reilly, Miles Ross, Sobieski Ross, Rusk, Savage, Saylor, Seelye, Singleton, Stephens, Stevenson, Swann, Teese, Washington Townsend, Van Vorhes, Wait, Charles C. B. Walker, Walling, Ward, Warren, Wheeler, Whitehouse, Whiting, Wigginton, Willard, James Williams, Fernando Wood, Woodburn, Woodworth, and Young—95.

So the bill was 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.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN, from the Committee on Appropriations, reported a bill (H. R. No. 4472) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1878, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, made a special order therein for Tuesday next after the morning hour, and from day to day thereafter until disposed of, and ordered to be printed.

Mr. KASSON. I reserve all points of order on the bill.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 231) for the relief of Robert Erwin; and

An act (H. R. No. 1850) granting a pension to Harvey B. Kilborn, private in Company C, Thirtieth Regiment Pennsylvania Militia.

PROVISIONAL GOVERNMENT OF THE DISTRICT.

The SPEAKER. The Chair lays before the House a message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

At the request of the Attorney-General, I have the honor to transmit herewith a report in answer to the resolutions of the House adopted on the 1st of August, 1876, relative to certain matters occurring in the administration of the provisional government of the District of Columbia, and chiefly affecting the commissioners and the late board of audit.

EXECUTIVE MANSION, January 19, 1877.

U. S. GRANT.

The message and accompanying papers were referred to the Committee for the District of Columbia, and ordered to be printed.

ROCKLAND, MAINE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, recommending that Rockland, Maine, be made a port of delivery; which was referred to the Committee on Commerce.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. WILLIAMS, of Delaware, till Monday on account of important business;

To Mr. ODELL, till Wednesday next.

LEWIS PETOSKEY.

On motion of Mr. BRADLEY, by unanimous consent, the bill (S. No. 920) to authorize Lewis Petoskey, of Michigan, to enter a certain tract of land which embraces his home and improvements was taken from the Speaker's table, read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on Public Lands.

COUNT OF THE ELECTORAL VOTE.

Mr. A. S. WILLIAMS. I ask unanimous consent to present and have read a petition from the Detroit Board of Trade, touching the count of the electoral vote for President and Vice-President.

Mr. TOWNSEND, of New York. I object.

NATHANIEL S. CLARKE.

Mr. WILSON, of West Virginia, by unanimous consent, submitted the following resolution; which was read and referred to the Committee of Accounts:

Resolved, That the Clerk of this House be, and he is hereby, directed to pay to Nathaniel S. Clarke, out of the contingent fund, \$100 per month for services rendered by him as messenger to this House since the first Monday of December, 1876, and that he be paid at the same rate for such services as he may render in the same capacity during the residue of this session.

Mr. PAGE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and twenty-five minutes p. 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. J. H. BAGLEY: The petition of Charles M. Thomas and others, of Kingston, New York, that pensioners be paid from the date of their discharge from the Army, to the Committee on Invalid Pensions.

By Mr. BLAIR: The petition of citizens of Cambridge City, Indiana, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. BURLEIGH: The petition of Samuel L. Paine, late a private in the Ninth Regiment Maine Infantry, for a pension, to the Committee on Invalid Pensions.

By Mr. COX: The petition of Jonas R. Levy, that the Secretary of State be directed to return to him the title deeds and other documents belonging to him and others he represents, turned over to the State Department by the Mexican commission, to the Committee on Foreign Affairs.

By Mr. CRAPO: The petition of Caroline S. Webster, widow of Colonel Fletcher Webster, for an increase of pension, to the Committee on Invalid Pensions.

Also, the petition of S. W. Hall and others, of Marion, Massachusetts, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

By Mr. CUTLER: The petition of citizens of Woodbridge, New Jersey, of similar import, to the same committee.

Also, the petition of the Friends' Temperance Union of New York, signed by its officers, for the passage of the Senate bill providing for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. FINLEY: The petition of citizens of Florida, for authority to construct a ship-canal at the head of Lake George, Florida, to the Committee on Railways and Canals.

By Mr. HUBBELL: The petition of Israel Frost and 40 other citizens of Oxford County, Michigan, for the enforcement of the provisions of the act of July 24, 1866, providing for the purchase of telegraph lines by the General Government, to the Committee on the Post-Office and Post-Roads.

By Mr. HUNTON: The petition of the heirs of Jacob Dehaven, to refund the money advanced by said Dehaven to carry on the Revolutionary War, to the Committee on Revolutionary Pensions.

By Mr. KASSON: The petition of citizens of Iowa, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

By Mr. LAPHAM: The petition of citizens of New York, of similar import, to the same committee.

Also, the petition of citizens of New York, that pensioners be paid from the date of their discharge from the Army, to the Committee on Invalid Pensions.

By Mr. LUTTRELL: The petition of P. O. Shattuck, and 50 others, of California, for cheap telegraphy, to the Committee on the Post-Office and Post-Roads.

By Mr. O'NEILL: Preamble and resolutions of the Legislature of Pennsylvania, recommending their Representatives and instructing their Senators to adhere to the constitutional provisions in declaring who has been elected President and Vice-President of the United States, to the committee on counting the electoral vote.

By Mr. SHEAKLEY: The petition of citizens of Crawford County, Pennsylvania, for the removal of limitations in the pension laws, to the Committee on Invalid Pensions.

By Mr. STEPHENS, of Georgia: The petition of John Bohn, for compensation for services rendered as a laborer on the public grounds, to the Committee on Public Buildings and Grounds.

By Mr. VANCE, of North Carolina: The petition of J. T. Sorrells, of Asheville, North Carolina, that he be paid \$223.50 for property taken by the United States Army, to the Committee on War Claims.

By Mr. WALLING: The petition of H. T. Gooley and 24 others, of New Holland, Ohio, for the enforcement of the act of July 24, 1865, relating to the purchase of telegraph lines by the General Government, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

SATURDAY, January 20, 1877.

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

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

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Navy, transmitting, in compliance with a resolution of the Senate of the 15th instant, information relative to the use by the Government of any machine or machines for making bullets or molding shells, patented by W. H. Ward; which was ordered to lie on the table and be printed.

CREDENTIALS.

Mr. MORTON presented the credentials of William Pitt Kellogg, elected by the Legislature of the State of Louisiana a Senator from that State for the term beginning March 4, 1877; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. SARGENT. I present the petition of Elizabeth Schenck, Mrs. C. C. Calhoun, and others—94 men and 108 women—being 202 citizens of the State of California, praying for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex.

It is imperatively necessary in a republic that every adult person of sound mind and innocent before the law should have the right to express opinions upon public affairs. The State is entitled to the benefit of such counsel; the individual has a natural right to give it and needs it for personal protection. Such opinion can only be effectively expressed through the ballot. To deny the ballot to one-half of the people of the United States, who are recognized as citizens by the Constitution, is an injury to the country if those excluded have at least the average virtue and intelligence of the voting class. I claim that the women of the United States are the equals in intelligence and the superiors in virtue and good intention to the men, and that their influence at the polls would purify elections and give us a better class of public officials. The State would therefore be benefited by their votes.

It cannot be insisted that women do not need the ballot for self-protection while laws exist in so many States putting them under disabilities as to property, inheritance, business, and even the custody of their children.

This movement grows year by year. It has passed the period of ridicule, both in this country and in England. Earnest men and women, of the highest character, are devoted to the still further application of the principle that there shall not be taxation without representation. Already women vote in two Territories of the United States. In some of the States they vote for the election of school boards. Kansas and Michigan have recently submitted constitutional amendments to their people giving the right of suffrage to women, and one-third of the voters cast their ballots for it—men only voting. Such a result would have been extraordinary ten or five years ago. Colorado has required the question to be submitted in its new constitution.

But the advocates of this measure should not be left to the Herculean labor of applying to the States in detail. The colored man would never have had a vote, left to that process. Congress should fairly submit the question to the people, as is its custom in such matters; and the people can be safely trusted to decide it rightly.

I move the reference of the petition to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. McCREERY. At the request of a fair lady of varied acquirements and of acknowledged capacity, I present the petition of 30 men and 66 women, citizens of Kentucky, praying for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising citizens of the United States on

account of sex. I move its reference to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. HAMLIN. I present a petition signed by 73 men and 70 women of the State of Maine, being similar in its import, I believe word for word, with those presented by the Senator from California and the Senator from Kentucky. I move that it be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. SHERMAN. I present the petition of Sarah Langdon Williams, Richard Mott, and others—403 men and 425 women—828 citizens of the State of Ohio, praying for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex. I move its reference to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. THURMAN. I have been requested to present a similar petition from 90 men and 109 women of the State of Kansas. I will say, looking at this petition, that all the signatures appear to be in the same handwriting; but I infer from the indorsements on the back that it is a copy of an original petition which has been presented in the House of Representatives. As the lady who sent this to me is a lady of character, integrity, and varied acquirements, I have no doubt that this is an honest petition, and I move that it be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. SARGENT. I understand it to be a fact that the petition presented by the Senator is a copy of an original petition yesterday presented in the House of Representatives.

Mr. THURMAN. So I understand. I also present a petition praying for an amendment to the pension laws. The petition is signed very numerously by citizens of Marion County, Ohio, most of whom were officers and soldiers in the late war. I move its reference to the Committee on Pensions.

The motion was agreed to.

Mr. DAWES. I present the petition of Julie B. Hunt, E. S. Hammond, A. P. Lillie, and others—76 men and 127 women—203 citizens of the State of Massachusetts, praying for a sixteenth amendment to the Constitution of the United States, prohibiting the several States from disfranchising United States citizens on account of sex. This, as the Senator from Ohio [Mr. THURMAN] observed of the paper presented by him, is upon its face a copy, and I make the same inference that the Senator from Ohio did, that it is a copy of a petition or attached to another petition which has been presented in the other branch. I desire to say in reference to it that the subject-matter of this petition is engaging the attention of both political parties in my own State to some extent, and that the members of both political parties are committing themselves to it. I think the better way would be to pass upon its merits rather than to give it the go-by in any other way. I move its reference to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. DAWES presented the petition of Lucinda Hervey, a pensioner, praying that for the peculiar reasons set forth her pension may, by special act, be made to date back to the time of injury received; which was referred to the Committee on Pensions.

Mr. DAWES. I also desire to present the petition of W. H. Dunbar and many other citizens and soldiers in the late war, praying for legislation to remedy what they deem to be, and in which I agree with them, the unjust limitations upon the pension laws. I ask that it be referred to the Committee on Pensions.

Mr. INGALLS. The Committee on Pensions have reported a bill relating to the subject, and I suggest that the petition lie on the table.

The PRESIDENT *pro tempore*. The petition will lie on the table, a bill being upon the Calendar upon the subject.

Mr. CHRISTIANCY. I present the petition of C. W. Church, Adell M. Garrigues, Catharine X. Odin, Margaret Hinman, and others—181 men and 248 women—429 citizens of the State of Michigan, asking for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex. I move its reference to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. MORRILL. I present the petition of 3 men and 7 women of Guilford Center, citizens of the State of Vermont, including Sarah M. Lynde and S. H. Edwards, praying for a sixteenth amendment to the Constitution prohibiting the several States from disfranchising citizens of the United States on account of sex. This purports to be a copy for the Senate; I suppose the original has been presented in the other House. I move its reference to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. WINDOM. I present the petition of Sarah Burger Stearns, Susan C. Burger, 37 men and 25 women, 62 in all, citizens of Minnesota, praying for a sixteenth amendment to the Constitution of the United States prohibiting the several States from disfranchising United States citizens on account of sex. I move its reference to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. MITCHELL. I present the petition of Lucinda F. Proebstel,