

ELECTION IN SOUTH CAROLINA.

The SPEAKER. Before putting the motion to adjourn, the Chair will announce as the select committee authorized by the resolution this day adopted to investigate the late election in South Carolina, Mr. SAYLER, of Ohio; Mr. ABBOTT, of Massachusetts; Mr. STENGER, of Pennsylvania; Mr. EDEN, of Illinois; Mr. JONES, of Kentucky; Mr. PHILLIPS, of Missouri; Mr. BANKS, of Massachusetts; Mr. HALE, of Maine, and Mr. LAWRENCE, of Ohio.

Mr. HOAR. Mr. HALE, of Maine, as I am informed, is not in this city. Putting him on that committee will deprive the republicans of this House of one of their number.

The SPEAKER. That is not the wish of the Chair, who will appoint Mr. WILLARD, of Michigan.

Mr. CONGER. I wish there might be a republican appointed in place of Mr. HALE.

Mr. SPRINGER. Is not Mr. WILLARD a republican?

Mr. CONGER. He voted with the other side.

Mr. WILLARD. I am already on an important committee, which will employ all my time during this entire month. I therefore ask to be excused.

The SPEAKER. Then the Chair will appoint Mr. LAPHAM, of New York.

The motion of Mr. HOLMAN was then agreed to; and accordingly (at seven o'clock and thirty minutes p. m.) the House adjourned till twelve m. to-morrow.

IN SENATE.

TUESDAY, December 5, 1876.

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

JAMES L. ALCORN from the State of Mississippi, GEORGE GOLDTHWAITE from the State of Alabama, TIMOTHY O. HOWE from the State of Wisconsin, JOHN W. JOHNSTON from the State of Virginia, JOHN P. JONES from the State of Nevada, SAMUEL J. R. McMILLAN from the State of Minnesota, and RICHARD J. OGLESBY from the State of Illinois, appeared in their seats to-day.

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

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, as follows:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has assembled, and that SAMUEL J. RANDALL, one of the Representatives from the State of Pennsylvania, has been chosen Speaker, and that the House is now ready to proceed to business.

Also that a committee of three on the part of the House has been appointed, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States and inform him that a quorum of each House has assembled and that Congress is ready to receive any communication which he may be pleased to make, and that the Speaker has appointed Mr. FERNANDO WOOD of New York, Mr. HEISTER CLYMER of Pennsylvania, and Mr. GEORGE F. HOAR of Massachusetts the said committee on the part of the House.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Interior, communicating, in obedience to law, an inventory of the property belonging to the United States in the buildings and grounds in the District of Columbia under the charge of the Interior Department; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. WRIGHT presented a resolution of the board of supervisors of Woodbury County, Iowa, in favor of dividing the State of Iowa into two judicial districts, to be known as the northern and southern districts, and fixing Sioux City as one of the places at which sessions of the United States courts shall be held in the northern district; which was ordered to lie on the table, to be referred to the Committee on the Judiciary when appointed.

He also presented the petition of T. A. Walker, a citizen of Iowa, praying to be re-imburged for the amount of certain money paid by him for clerk hire while acting as register of the United States land office at Des Moines, Iowa; which was ordered to lie on the table, to be referred to the Committee on Public Lands when appointed.

BILLS INTRODUCED.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1048) to establish the Territory of the Black Hills, and to provide a temporary government therefor; which was read twice by its title, and ordered to lie on the table and be printed.

POPULAR VOTE FOR PRESIDENT.

Mr. MORTON. I offer a joint resolution, which I ask to have printed and laid on the table until committees are appointed, and then referred to the Committee on Privileges and Elections.

The joint resolution (S. R. No. 28) proposing an amendment to the Constitution of the United States, so as to elect the President and Vice-President by the direct vote of the people, was read at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein.) That the following article is hereby proposed as an amendment to the Constitution of the United States, and, when ratified by the Legislatures of three-fourths of the several States, shall be valid, to all intents and purposes, as a part of the Constitution, to wit:

ARTICLE —.

I. The President and Vice-President shall be elected by the direct vote of the people in the manner following: Each State shall be divided into districts, equal in number to the number of Representatives to which the State may be entitled in the Congress, to be composed of contiguous territory, and to be as nearly equal in population as may be; and the person having the highest number of votes in each district for President shall receive the vote of that district, which shall count one presidential vote.

II. The person having the highest number of votes for President in a State shall receive two presidential votes from the State at large.

III. The person having the highest number of presidential votes in the United States shall be President.

IV. If two persons have the same number of votes in any State, it being the highest number, they shall receive each one presidential vote from the State at large; and if more than two persons shall have each the same number of votes in any State, it being the highest number, no presidential vote shall be counted from the State at large. If more persons than one shall have the same number of votes, it being the highest number in any district, no presidential vote shall be counted from that district.

V. The foregoing provisions shall apply to the election of Vice-President.

VI. The Congress shall have power to provide for holding and conducting the elections of President and Vice-President, and to establish tribunals for the decision of such elections as may be contested.

VII. The States shall be divided into districts by the Legislatures thereof, but the Congress may at any time by law make or alter the same.

Mr. MORTON. I desire to state that that is the identical proposition reported by the Committee on Privileges and Elections two years ago.

The PRESIDENT *pro tempore*. The joint resolution will lie on the table and be printed, being considered as read twice.

MANNER OF COUNTING ELECTORAL VOTES.

Mr. MORTON. Mr. President, I have here a compilation prepared by Major McDonald, our very able and experienced Chief Clerk, containing the action of the Senate and House of Representatives in regard to the manner of counting electoral votes for President and Vice-President from 1789 to 1873, with a statement in detail of the electoral votes for President and Vice-President for the same period. I think that the information contained in this compilation is very important and will be of great interest to Congress and to the country at this time. In this matter, Major McDonald has simply carefully and accurately compiled the action taken, and has given no opinion of his own. I move that 10,000 copies of this compilation be printed for the use of the Senate. The cost will be \$327.72.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the compilation presented by him be printed. The question is on that motion.

Mr. CONKLING. Mr. President, I should like to inquire whether this compilation was not made in pursuance of a resolution adopted by the Senate two or three years ago.

The PRESIDENT *pro tempore*. The Chair understands that two or three years ago there was a similar statement made in response to a resolution, but that there was no resolution inviting the present compilation.

Mr. CONKLING. It may not be important; but I am quite sure there was a resolution adopted by the Senate, I think in 1873 or 1874—

Mr. EDMUNDS, (to Mr. CONKLING.) Which was offered by yourself.

Mr. CONKLING. As my friend from Vermont reminds me, and that is my recollection, I had the honor to offer myself the resolution which was adopted by the Senate. It directed this compilation, and directed it to be made by the gentleman who has made it; and for that reason, as well as for others, it seems to me a matter of course that it should be printed. Although I speak from recollection, I am quite sure I am not mistaken.

The PRESIDENT *pro tempore*. The Chair is advised, in answer to the Senator from New York, that the Chief Clerk reported a statement, which was printed, in answer to the resolution referred to by the Senator, but it was not so full as the present compilation.

Mr. CONKLING. That is quite possible.

The PRESIDENT *pro tempore*. That is the statement of the Chief Clerk.

Mr. THURMAN. What is the motion?

The PRESIDENT *pro tempore*. The motion is to print 10,000 copies of the compilation.

Mr. THURMAN. That motion will have to go to the Committee on Printing, will it not?

The PRESIDENT *pro tempore*. It will, unless the motion be considered by unanimous consent.

Mr. THURMAN. I have no doubt of the general accuracy of the compiler of this statement, but I have not seen it at all and know nothing whatsoever about it. I should like to see it before ordering 10,000 copies of it to be printed for distribution among the people, of course. Ten thousand copies cannot be needed for the use of the Senate. I say this the more freely because I have seen what purport to be com-

pilations by other persons which my own researches have shown me to be extremely inaccurate; in some cases, inaccurate by way of omission, and in other cases inaccurate by way of misstatement; and while no one is more ready to bear testimony to the integrity, and assiduity, and ability of the compiler of this compilation than I am, yet I should like to see for myself what it is before distributing it among the people in the profuse manner that the Senator from Indiana proposes. If his motion were only for the printing of the ordinary number for the Senate, I would not have a word to say; but to order the printing of 10,000 copies of this work without knowing what it is, without anybody having examined it in the Senate or in committee, strikes me as being, in these times, rather unadvised. I may be wrong about it; but I should prefer very much myself to see it in print before ordering an extra number of copies.

Mr. HAMLIN. Mr. President, I think that by the rules of the Senate, under the construction which has been given, a motion to print an extra number must go to the Committee on Printing, such being the law, and we have no authority here to order it in violation of law; but the ordinary number we may order to be printed without such a reference. We shall then have it before us; and I agree with the Senator from Ohio entirely that it is well we should have it before us, so that each member for himself may examine it and test its accuracy, before we order an extra number. I hope therefore the usual number will be printed, and let the motion for an extra number stand until after we shall have examined it.

Mr. MORTON. I will move, then, Mr. President, that there be fifteen hundred copies printed for the use of the Senate, and I will subsequently submit another motion which can go to the committee to print eighty-five hundred extra copies.

The PRESIDENT *pro tempore*. The question is upon the motion of the Senator from Indiana as modified, that fifteen hundred copies be printed for the use of the Senate.

The motion was agreed to.

Mr. MORTON. I move now that eighty-five hundred extra copies be printed, and let that motion go to the Committee on Printing.

The PRESIDENT *pro tempore*. Is there objection to that course? The Chair hears none; and the motion to print extra copies will go to the Committee on Printing, when appointed.

VOTERS IN CERTAIN STATES—ELIGIBILITY OF ELECTORS.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the resolutions I offered yesterday directing the Committee on Privileges and Elections to make certain inquiries.

Mr. BAYARD. Let the resolutions be read for information.

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

The Chief Clerk read as follows:

Whereas it is provided by the second section of the fourteenth article of the amendments to the Constitution of the United States that "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

And whereas it is alleged that in several of the States, and particularly in the States of South Carolina, Georgia, Florida, Alabama, Louisiana, and Mississippi, the right of male inhabitants of said States, respectively, being twenty-one years of age and citizens of the United States, to vote at the late elections of the electors for President and Vice-President of the United States, and for Representatives in Congress, and for the executive and judicial officers of such States, and for members of the Legislature thereof, has been denied or greatly abridged: Therefore,

Resolved, That the Committee on Privileges and Elections, when appointed, be, and it hereby is, instructed to inquire and report as soon as may be—

1. Whether in any of the elections named in said amendment in said States in the years 1875 or 1876 the right of any portion of such inhabitants and citizens to vote as aforesaid has been in anywise denied or abridged.

2. To what extent such denial or abridgment has been carried.

3. By what means such denial or abridgment has been accomplished.

4. By whom has such denial or abridgment been affected.

5. With what motives and for what purposes has such denial or abridgment been carried on.

6. By what authority or pretended authority has such denial or abridgment been exercised.

Resolved further, That the said committee have power to employ such number of stenographers as shall be needful, and to send for persons and papers, and have leave to sit during the sessions of the Senate, and to appoint subcommittees with full power to make the inquiries aforesaid and report the same to the committee.

Resolved further, That said committee, in order to the more speedy performance of its duties, have power to provide for the taking of affidavits, on the subjects aforesaid, before any officer authorized by the laws of the United States to take affidavits, and to receive and consider the same.

Resolved further, That the said committee be, and is hereby, instructed to inquire into the eligibility to office under the Constitution of the United States of any persons alleged to have been ineligible on the 7th day of November last, or to be ineligible as electors of President and Vice-President of the United States, to whom certificates of election have been or shall be issued by the executive authority of any State as such electors; and whether the appointment of electors or those claiming to be such in any of the States has been made, either by force, fraud, or other means, otherwise than in conformity with the Constitution and laws of the United States and the laws of the respective States; and whether any such appointment or action of any such elector has been in anywise unconstitutional or unlawfully interfered with; and to inquire and report whether Congress has any constitutional power, and, if so, what, and the extent thereof, in respect of the appointment of or action of electors of President and Vice-President of the United States, or over returns, or certificates of votes of such electors, and that said committee have power to send for persons and papers, and to employ a stenographer, and have leave to sit during the session of the Senate.

The PRESIDENT *pro tempore*. The question is on taking up these resolutions for present consideration.

Mr. BAYARD. Mr. President, owing to my temporary absence from the Senate Chamber yesterday, when these resolutions were presented, I was not made aware of their purport until this morning. I have heard them read now for the first time. The subject-matters to which they relate are not only of the most fundamental character and of the deepest importance to our very system of government, but they are also, as plainly appears, exceedingly multifarious, touching not simply the existence of the forms of constitutional republican government in seven of the States of the Union, but also another and very different matter—the question of the eligibility of persons for the office of elector of President and Vice-President of the United States.

I need not say, sir, how deeply interesting and important are these subjects at any time, and perhaps never more than now, and I shall be most glad for every information and all light that can be given to my mind upon any and all of these subjects. If, therefore, it is the purpose of the honorable Senator from Vermont to discuss the origin of powers under which it is proposed that this committee shall act, and if indeed he shall discuss and give us in some way the result of his own study and opinion upon these important and as I say multifarious questions, I shall be a most willing and obedient listener. But I rose for the purpose of asking him, (unless he desire to discuss these matters at this time, and if so, as I said I shall be one of the most willing of his hearers,) to allow the resolutions to pass over, because I think there are many members, or, I was going to say, most members of this body, who would desire to be heard upon the subjects involved.

I do not now suggest objections or make a suggestion even of the separation of these questions, which might well perhaps occur, but merely ask the honorable Senator if he will consent to a postponement of the consideration of his resolutions for a short period, that there may be some preparation for a discussion, the importance of which can scarcely be exaggerated. I shall leave it to his own convenience and discretion as to what day he would prefer to postpone this discussion to, and not make any motion of my own on the subject, although I am one of those who desire to be heard upon the subject-matters of the resolutions.

Mr. EDMUNDS. Mr. President, nothing would give me greater pleasure personally than to yield to the wishes of my honorable friend; but in my opinion the condition of public affairs is such that the inquiries which I propose in these resolutions ought to be ordered at once; and my purpose in moving to take up these resolutions now was that the Senate should pass them to-day, with such changes and corrections as the wisdom of the Senate may think fit to introduce. But in the present attitude of public affairs and in the present movements of political inquiries in other quarters, I think the Senate of the United States would be wanting in its duty to the States and the people, and the Constitution, and peace, and justice if it spend much time in discussing the questions which these resolutions open, in advance of the report of the committee. If the Senate should be willing to take up the resolutions now, I think I can point out in a moment to my honorable friend, and to all other Senators, that, so far as the substance is concerned, the Senate commits itself to no opinion whatever; but I do not go into that now, because the resolutions are not up, and I prefer to adhere to the wise rule of the Senate that we are not to discuss the substance of a proposition until we have it before us. I hope therefore the Senate, without any objections from any quarter, will take up the resolutions now.

Mr. BAYARD. Mr. President, I regret that the suggestion made by me to the honorable Senator does not appear to meet his views and his sense of public duty at this time. It is perfectly plain that these resolutions open up anew the whole question of the relation of certain States of this Union to the Federal Union itself. They open up anew the whole question of the duty and powers of Congress to make inquiry into the domestic and internal affairs of the States themselves. It proceeds upon an allegation, unsupported by petition or even affidavit, that there is an occasion for the exertion of this power by the Government of the Union of inquiry anew into the condition of affairs in several of the States.

Mr. President, the preamble of these resolutions is copied in the words themselves from the second section of the fourteenth article of amendment, which provides for the appointment of representation among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. It declares that "when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

Now, sir, it will be observed that this amendment is addressed to the States and is an inhibition upon the States as separate political communities. Article 15, not referred to here, is in the same language prohibiting the denial or abridgment by the United States or any

State of the right to vote for certain causes. This is addressed to States; it is addressed to States as communities; and therefore, when it comes to be ascertained whether this abridgment or denial has been made, it will be ascertained by the examination of the State action; it will be ascertained by the examination of the State constitution, and the examination of the State laws. It is the action of the State as a political community which it is contemplated shall be made to control the question of the ratio of her representation in the popular branch of Congress. The State shall be deprived of her representation, and for what? By the State's refusal to grant equality of the right to vote, except where crime or participation in rebellion shall have authorized the denial and withholding of the right to vote. But, Mr. President, to suppose that the abridgment of the right of one man or the right of ten or a hundred men, or even more, by the wrongful act of fraud or violence of individual citizens of a State is to control the right of the State and to disfranchise the people of that State *pro tanto*, is to my mind the clearest abuse and perversion of the language and the meaning of this amendment to the Constitution. It was addressed to the States as political communities. It said to them, "You shall not abridge or deny this right; if you do your representation shall be shortened to that extent." How is that to be ascertained? It is the State, the community, whose representation is to be abridged in proportion to the denial which the laws and constitution and authority of that State shall have made in violation of the intent and language of the Constitution of the United States. But if you proceed on the basis now suggested, this will be a never-ending question.

There is not an election held in any State in the Union, and never will be until some political millennium shall come, in which officers of election willfully or ignorantly will not accept and receive votes which should not be accepted, or will not refuse votes which ought to be received. The experience of every man who hears me, the common sense and common experience of political affairs in this country assure it in the mind of every man who hears me, that there are errors made or willful abridgments made of the right to vote by partisan feeling or sometimes by the ignorance of those in whose charge is the receiving of votes; nay, further, that men are prevented from voting or their votes changed by inducements of a pecuniary and corrupt nature. That is often done, and men are prevented from exercising their free choice by the promise of office, by the promise of employment, by the withholding of employment, by a thousand of those reasons that cannot be defined, which influence the mind and the action of the citizen about to vote. There is that general name which seems of late to have been imported into our political dictionary, intimidation, whatever it may arise from, to whatever degree it may have been exerted; and that undefined and undefinable fact is sought to be created now into a cause of congressional inquisition. All these things have occurred and will occur while men are men, and subject to the hopes and the fears of humanity. And yet, if there be an abridgment of the right to vote, if votes be rejected wrongfully or received wrongfully, this power will exist if the construction contained in these resolutions be approved by the Senate, and this power will ever exist and we shall never have an end to the continual inquisition by Congress into the domestic and internal affairs of the States. The opportunities for the examination given to Congress would be, in the first place, most incomplete and unsatisfactory; and, in the second place, they are not within the spirit or the meaning of our form of government, or the charter of powers under which we act.

Therefore it is, Mr. President, that I think it most important that this Senate should pause before committing itself to such a doctrine as lies within the language of the first part of the preamble to these resolutions, that it is in the power of Congress, and it is the duty of Congress, to inquire, and by legislation to amend the ratio of representation of a State, because of the abridgment or denial of the right of suffrage to a greater or less extent, of the individual voters who reside within that State. Mr. President, no such power was ever given, and no such power was ever intended to be given. The constitutional amendment addresses itself to political communities which we call States, and which form this Union. It forbids them under penalty of decreased representation *pro tanto*, to abridge or deny suffrage for certain reasons, and if they do abridge or deny it must be by State authority, and that is expressed in the usual and only manner by which States can express their voice, to wit: by the Constitution of the State or by the statutes of the State. Why, sir, to adopt any other construction of this constitutional amendment would make us sit here the whole year round, and forever ascertaining how far at any given election the officers of election had honestly or justly, according to the laws of the State, conducted the election, and received or rejected votes.

I merely wished to point out to the Senate what a never-ending task they are now invited to. Need I say further that such powers are fatal to our Federal system? The exertion of such powers is incompatible with the performance of our regular and constitutional duties. We have no right to undertake this duty, and we cannot in reason, either in the years allotted to man to live or in the hours which are necessary for our other duties, embark upon this system which is nothing more nor less than that of contested election for every one of the officials mentioned in this preamble; for such is the necessary and logical result, that we must sit here to contest elections for the choice of electors for President and Vice-President, of Repre-

sentatives in Congress, of the executive and judicial officers of a State, because we must examine the basis upon which that choice is declared, the mass of the vote which was given, how it was given, how it was received, or how and why it was rejected.

Mr. President, this is a step beyond any that we yet have had. It is a step that undoes all that has been claimed to be done and is a confession of the worse than worthlessness of the congressional action of the last eleven years in relation to the States named and others. May not and will not the Senate pause to consider this question gravely and with more deliberation? These unprepared remarks fall from me on the first reading of these resolutions. My objection seems to me to be justified by that which appears upon "the very head and front" of the resolutions themselves, and I cannot shut my eyes to the consequences of assuming such a jurisdiction. I cannot shut my eyes to the fact that such a jurisdiction is forbidden. It is impracticable, if not forbidden, and it cannot be carried out and carried into effect without more than absorbing the time fixed by law for the continuation of this session of the Senate or any other session or any number of sessions of the Senate, because here are the elections of two years, 1875 and 1876, to be followed by the elections of 1877 and 1878, and so on *in eternam*, and of course we shall then become at all times the tribunal for the adjustment of all contests of elections where there has been any abridgment or denial of the right to vote.

Now, sir, the case is perfectly plain. The material for judgment on this subject is all at hand; it is here in the manner provided for by law and contemplated by the Constitution. It is here in your census upon which was based your ascertainment of the number of citizens and people of every sex and grade and age in every State and Territory of this Union. Upon that tabulation of the population your laws for the apportionment of Representatives have been duly approved according to the Constitution. When therefore—

Mr. MORTON. I should like to put an inquiry to the Senator from Delaware.

Mr. BAYARD. Allow me to finish the sentence, and then I will listen to the Senator with pleasure. When, therefore, these facts being before the country and the ratio of representation to which any State has been entitled having been ascertained and fixed by law, there shall arise the question whether that State has violated the letter and the spirit of the second section of the fourteenth amendment to the Constitution, that inquiry can be answered immediately by the production of the State's constitution and her statutes, and if upon them is found a denial and the State has assumed to deprive herself of the right of representation by excluding any class who were not to be excluded except under this penalty, the fact can be perceived and the information sought by these resolutions will be fully and accurately ascertained, and it can be ascertained in no other manner.

Mr. MORTON. I rise to inquire whether it is in order to discuss the constitutional power to pass these resolutions or the merits of them, on the mere motion to take up?

The PRESIDENT *pro tempore*. It is not.

Mr. MORTON. I make that point of order.

The PRESIDENT *pro tempore*. The Senator from Indiana has made the point of order indicated by him. The Chair sustains the point of order.

Mr. BAYARD. Mr. President, if I have in any degree passed beyond the question of taking up into the merits of the resolutions themselves, it has been unwittingly. I thought it was, and I still think it was, eminently proper to appeal to the Senate as a reason for not taking up or acting on these resolutions now, the importance of the questions involved and their far-reaching nature upon us and our present and future duties. In that I have sought to give some reasons, and perhaps I have been betrayed in some degree into a discussion of what may be called constitutional merits and powers in this matter.

I do not think it necessary to pursue this further; but I have said enough, and I think enough that is regular, to show why the consideration of these resolutions ought not to be pressed to a hasty determination, and therefore, to show why they should be allowed to remain over until such time as opportunity for their examination shall have been given. I do not know that this ever has been refused before at the opening of a session, and in a time like the present. I do trust that what I have said may have impressed the minds of those who have heard me to reach the determination that I have come to, that time should be given for the proper discussion of the important matters embraced in these resolutions.

Mr. EDMUNDS. Mr. President, I will not violate the rules by making any reply to the observations of the Senator from Delaware upon the subject-matter of these resolutions at this time. I will simply ask for the yeas and nays on the motion to take them up, as I wish to place myself—for one, on record, in the present state of the country, as to whether we are going to be forever in making this inquiry or not.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for the yeas and nays on the motion to take up the resolutions.

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

Mr. BAYARD, (when Mr. SAULSBURY'S name was called.) I desire to state that my colleague is detained from his seat by the death of a member of his family.

The roll-call having been concluded, the result was announced—yeas 39, nays 22; as follows:

YEAS—Messrs. Alcorn, Allison, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Chaffee, Christiancy, Clayton, Conkling, Cragin, Dawes, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill, Morton, Oglesby, Paddock, Patterson, Sargent, Spencer, Teller, Wadleigh, West, Windom, and Wright—39.

NAYS—Messrs. Bayard, Boggy, Cooper, Davis, Dennis, Eaton, Goldthwaite, Johnston, Jones of Florida, Kernan, Key, McDonald, Maxey, Merrimon, Price, Randolph, Ransom, Stevenson, Thurman, Wallace, Whyte, and Withers—22.

ABSENT—Messrs. Anthony, Burnum, Blaine, Cockrell, Conover, Gordon, Hamilton, Kelly, McCreery, Norwood, Robertson, Saulsbury, Sharon, and Sherman—14.

The PRESIDENT *pro tempore*. The resolutions are before the Senate.

Mr. EDMUNDS. Mr. President, I wish to modify the language of the resolutions in several particulars at the suggestion of some Senators. I believe I have the power of modification, which will save putting the question to the Senate. I will add after the word "abridged," in the first clause after the preamble, the words "and that said committee be authorized to extend this inquiry to the elections of 1874." I make this modification because it has been suggested to me that in several State elections occurring in the year 1874 important circumstances, either under State authority or without it, occurred, which it is desirable that the committee should be authorized to look into.

[Mr. ANTHONY and Mr. MCCREERY, the committee appointed to wait upon the President of the United States and inform him that the two Houses were ready to receive any communication he had to make, appeared below the bar of the Senate.]

Mr. ANTHONY. Mr. President, the committee appointed by the two Houses of Congress to wait upon the President of the United States and inform him that the two Houses were organized and ready to receive any communication he might have to make have performed the duty with which they were charged, and the President replied that he would communicate to the two Houses of Congress forthwith in writing.

Mr. EDMUNDS. There are one or two other modifications which have been suggested to the mere phraseology of the latter resolutions, which I will make.

At the top of page 2 of the document print of the resolutions, lines 2 and 4, I strike out the word "affidavits" and insert the word "depositions" in each line, and after the word "made," in the last resolution, line 8, I wish to insert the words "declared or returned" before the comma and after the word "made," so as to leave no ground for doubt of the fullness of the power of the committee to make a complete inquiry. Then in line 11, I wish to strike out the word "such" where it first occurs, so as to read "whether any appointment or action of any such elector has been in any wise," &c.; and in line 14 after the word "Congress" to insert "or either House thereof." These modifications, I think, correct the phraseology to my present satisfaction.

Now, I merely wish to say, in reply to my honorable friend from Delaware, that I am greatly surprised at the views which he seems to entertain touching these resolutions. His points appear to be two: the first of which is that the Senate has no power to make inquiry into the fact whether there has been a denial or abridgment of the right of citizens of the several States to vote as provided in this section of the fourteenth article of amendments to the Constitution. I confess I am greatly surprised at that. The very phraseology itself declares, not what we can find in the statutes of the States or in their constitutions, but that representation shall be based upon the whole number of the inhabitants of a State, except when in any State there shall be either denial or abridgment to any class of citizens who ordinarily are voters, males over twenty-one years of age, and the ratio of that State shall be diminished in that proportion of denial or abridgment. Ever since the foundation of the Government, the Senator knows just as well as I do that the ascertainment of the amount of representation fixed by the Constitution, where this fixes it, has to be left to the legislative will. The Constitution cannot do it; and the legislative will, therefore, always has ascertained as a fact the whole number of inhabitants in the respective States; and, upon that ascertainment, it has fixed the proportion of members of the House of Representatives to which each State shall be entitled. Now, this Constitution says that, in a certain event, the whole number of inhabitants in a particular State shall not be the rule that fixes its representation, but that that whole number shall be diminished to a certain number, to be ascertained how? By the Constitution? No; by law of course; and the very article itself (if it were necessary to refer to it on a question of this kind) provides that Congress is to have the power to enforce this article by appropriate legislation. How are we to know what legislation is appropriate, whether any is needed, whether any such case in fact exists as is stated in half the newspapers of the country, as has been stated over and over again by petitions and memorials addressed to Congress and to this body of it, as appears from the testimony of committees more than once taken and reported to this body, unless we have a careful inquiry into the facts. We get at it by investigation. When we do get at it and know exactly what the truth is, then the question will come up—and it appears to me not before—whether the particular sort of abridgment or denial, if there be any, that has occurred in a particular State is that sort of abridgment and denial that the Constitution refers to.

The PRESIDENT *pro tempore*. If the Senator will suspend a moment, the Chair will receive a message from the President of the United States.

At one o'clock and eleven minutes p. m., Mr. U. S. GRANT, jr., Secretary to the President of the United States, appeared below the bar of the Senate and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

Mr. EDMUNDS. When we ascertain these facts, Mr. President, it may be—I wish I could believe it would be—that in every State there has been the free, unabridged, and undenied right of every citizen entitled to vote, in the exercise of that privilege. It may be unhappily, Mr. President, that in some one State, or two or three or six or seven, there has been, by law, by executive action or otherwise, a real revolution of that dark power whose crime heaves upward in perpetual turbulence, and that the net result of the constitutional amendments which have given representation, as a rule, based upon the total population of States, has been to increase the representation of certain States in Congress and in the electoral college to the number of 15 or 20 votes, while it has not been to increase the effective franchise of the citizens of those States; and that, therefore, the tendency of the government in those States has been toward an increase of aristocratic power, where the political franchises are in the hands of the few, rather than to a diminution of it. I say I wish I could believe that the report of this committee, if the Senate should order the inquiry, will show that any such fear is wholly ungrounded. But the way to ascertain the truth, let it hit where it will, in the interest of peace, order, and good government, in the interest of liberty under the law and not above it, is for the Senate of the United States, the representative of all the States, to inquire and learn what the real condition is. When we ascertain it, as I have said, there will be time enough to discuss whether the facts ascertained warrant or require any species of legislative or other action whatever.

I do not propose to be drawn into a discussion of hypothetical cases at this time. I only wish to say enough to show to my honorable friends who voted against taking up these resolutions, that an inquiry into the state of the country, under this article of the Constitution, to ascertain, for public information, and for the information of this responsible body, what the truth is upon matters that have been so much asserted, so much stated in petitions and in newspapers and in public speeches—sometimes denied; sometimes admitted and justified and defended—in order that we may give peace to this country, either by such legislation as shall be fit under the circumstances, or by making public to all the people of the country that these allegations are either the spurious statements of dishonest demagogues and politicians, or the mistaken opinions of people who have mistaken their rights.

As to the last resolution, or the last branch of the subject, no suggestion has yet been made in opposition to it. That resolution, like the first, does not commit this body to any opinion whatever in respect of our powers, the powers of Congress, the powers of the House of Representatives, of the whole Government together, or of any one of its political or judicial branches. It only, under the Constitution, which does provide for the election of a President and a Vice-President by general methods pointed out, assumes that it is desirable that we should know, in the present condition of affairs more perhaps than any other time that has recently occurred, what has taken place in respect of the subject to which this resolution refers; that is, the eligibility of the persons elected or claiming to have been elected electors of President and Vice-President. It has been stated in the newspapers, and I believe it to be true, that steps of various kinds have been taken and are being taken to question the eligibility, perhaps upon good grounds, perhaps upon grounds that are not good, (I do not say, for I do not know,) of various of these electors, some because they are office-holders, some because they are under disabilities imposed by the Constitution for participation in rebellion in spite of the oaths they had taken to support the Constitution, and some for other reasons. Other allegations are made which this resolution covers as an inquiry and not as a judgment, that these electors in some States have not been lawfully appointed; that returning boards or whatever they are called have given certificates to the men who did not get the majority of votes and that they threaten to give them to others. Other allegations have been made that terror, violence, coercion, fraud, the purchase of the votes of electors in the interest of one candidate or another, has been going on. Is it not fit, therefore, that the Senate of the United States, under the Constitution, should inquire into the truth of these allegations that so much agitate the country, and justly agitate it, in order that, if there be any foundation for any of these allegations upon either side of the political contest that is going on, some lawful and peaceable means shall be ascertained to cure whatever of wrong has occurred upon either side?

Mr. CONKLING. As this discussion seems likely to proceed, and as I learn that the annual message of the President is on the table, I hope everybody will consent that the pending resolution may be laid aside informally while the Chair opens the message of the President and allows it to be read, that it may be printed and found on our tables.

Mr. EDMUNDS. There is no possible objection to that.

Mr. THURMAN. I wish the Senator from Vermont would let the

resolutions go over until to-morrow morning, so that they may be printed with the amendments. The annual message probably will take up nearly the rest of to-day's session in reading, and I should like to see the resolutions, as they have been modified, in print before we act on them.

Mr. EDMUNDS. I regret extremely that I cannot oblige my friend by consenting to that course. The amendments that I have made to the resolutions are purely phraseological. My friend has a note of them. They are only two or three words. As I said before, the present condition of affairs, the interval of time between this day and the second Wednesday in February, when, if ever, it is desirable that we shall know something about the state of this case, makes me feel it to be my duty to ask the Senate, if it will, to act upon these resolutions to-day.

Mr. THURMAN. I made the suggestion not to waste any time upon the resolutions; I do not propose to waste a moment of time upon them. I have some few observations to make, and they are but few, before the vote is taken, and I should like very much to see them in the modified shape before doing so. I have no disposition whatsoever to prolong the debate.

Mr. EDMUNDS. I will send the resolutions over to my friend in the modified shape now.

Mr. THURMAN. Well, I should like to study them.

Mr. MORTON. I hope we shall hear the message read and then resume the consideration of the resolutions and not adjourn until they are disposed of.

The PRESIDENT *pro tempore*. Is there objection to laying aside the resolutions informally in order to hear the annual message of the President read? The Chair hears no objection. The Chair lays before the Senate the annual message of the President of the United States, which the Secretary will read.

PRESIDENT'S ANNUAL MESSAGE.

The Secretary of the Senate, Hon. GEORGE C. GORHAM, read the message, as follows:

To the Senate and House of Representatives:

In submitting my eighth and last annual message to Congress, it seems proper that I should refer to, and in some degree recapitulate, the events and official acts of the past eight years.

It was my fortune, or misfortune, to be called to the office of Chief Executive without any previous political training. From the age of seventeen I had never even witnessed the excitement attending a presidential campaign but twice antecedent to my own candidacy, and at but one of them was I eligible as a voter. Under such circumstances it is but reasonable to suppose that errors of judgment must have occurred. Even had they not, differences of opinion between the Executive, bound by an oath to the strict performance of his duties, and writers and debaters must have arisen. It is not necessarily evidence of blunder on the part of the Executive because there are these differences of views. Mistakes have been made, as all can see and I admit, but, it seems to me, oftener in the selections made of the assistants appointed to aid in carrying out the various duties of administering the Government, in nearly every case selected without a personal acquaintance with the appointee, but upon recommendations of the representatives chosen directly by the people. It is impossible, where so many trusts are to be allotted, that the right parties should be chosen in every instance. History shows that no administration, from the time of Washington to the present, has been free from these mistakes. But I leave comparisons to history, claiming only that I have acted in every instance from a conscientious desire to do what was right, constitutional within the law, and for the very best interests of the whole people. Failures have been errors of judgment, not of intent.

My civil career commenced, too, at a most critical and difficult time. Less than four years before, the country had emerged from a conflict such as no other nation had ever survived. Nearly one-half of the States had revolted against the Government, and of those remaining faithful to the Union a large percentage of the population sympathized with the rebellion and made an "enemy in the rear" almost as dangerous as the more honorable enemy in the front. The latter committed errors of judgment, but they maintained them openly and courageously. The former received the protection of the Government they would see destroyed and reaped all the pecuniary advantage to be gained out of the then existing state of affairs, many of them by obtaining contracts and by swindling the Government in the delivery of their goods.

Immediately on the cessation of hostilities, the then noble President, who had carried the country so far through its perils, fell a martyr to his patriotism at the hands of an assassin.

The intervening time to my first inauguration was filled up with wranglings between Congress and the new Executive as to the best mode of "reconstruction," or, to speak plainly, as to whether the control of the Government should be thrown immediately into the hands of those who had so recently and persistently tried to destroy it, or whether the victors should continue to have an equal voice with them in this control. Reconstruction as finally agreed upon means this, and only this, except that the late slave was enfranchised, giving an increase, as was supposed, to the Union-loving and Union-supporting votes. If free, in the full sense of the word, they would not disap-

point this expectation. Hence at the beginning of my first administration the work of reconstruction—much embarrassed by the long delay—virtually commenced. It was the work of the legislative branch of the Government. My province was wholly in approving their acts, which I did most heartily, urging the Legislatures of States that had not yet done so to ratify the fifteenth amendment to the Constitution. The country was laboring under an enormous debt contracted in the suppression of rebellion, and taxation was so oppressive as to discourage production. Another danger also threatened us—a foreign war. The last difficulty had to be adjusted and was adjusted without a war and in a manner highly honorable to all parties concerned.

Taxes have been reduced within the last seven years nearly \$300,000,000 and the national debt has been reduced in the same time over \$435,000,000. By refunding the 6 per cent. bonded debt for bonds bearing 5 and $4\frac{1}{2}$ per cent. interest, respectively, the annual interest has been reduced from over \$130,000,000 in 1869 to but little over \$100,000,000 in 1876. The balance of trade has been changed from over \$130,000,000 against the United States in 1869 to more than \$120,000,000 in our favor in 1876.

It is confidently believed that the balance of trade in favor of the United States will increase, not diminish, and that the pledge of Congress to resume specie payments in 1879 will be easily accomplished, even in the absence of much desired further legislation on the subject.

A policy has been adopted toward the Indian tribes inhabiting a large portion of the territory of the United States which has been humane and has substantially ended Indian hostilities in the whole land, except in a portion of Nebraska, and Dakota, Wyoming, and Montana Territories—the Black Hills region and approaches thereto. Hostilities there have grown out of the avarice of the white man, who has violated our treaty stipulations in his search for gold. The question might be asked why the Government has not enforced obedience to the terms of the treaty prohibiting the occupation of the Black Hills region by whites. The answer is simple: The first immigrants to the Black Hills were removed by troops, but rumors of rich discoveries of gold took into that region increased numbers. Gold has actually been found in paying quantity, and an effort to remove the miners would only result in the desertion of the bulk of the troops that might be sent there to remove them. All difficulty in this matter has, however, been removed, subject to the approval of Congress, by a treaty ceding the Black Hills and approaches to settlement by citizens.

The subject of Indian policy and treatment is so fully set forth by the Secretary of the Interior and the Commissioner of Indian Affairs, and my views so fully expressed therein, that I refer to their reports and recommendations as my own.

The relations of the United States with foreign powers continue on a friendly footing. Questions have arisen from time to time in the foreign relations of the Government, but the United States have been happily free during the past year from the complications and embarrassments which have surrounded some of the foreign powers.

The diplomatic correspondence submitted herewith contains information as to certain of the matters which have occupied the Government.

The cordiality which attends our relations with the powers of the earth has been plainly shown by the general participation of foreign nations in the exhibition which has just closed, and by the exertions made by distant powers to show their interest in and friendly feelings toward the United States in the commemoration of the centennial of the nation. The Government and people of the United States have not only fully appreciated this exhibition of kindly feeling, but it may be justly and fairly expected that no small benefits will result both to ourselves and other nations from a better acquaintance and a better appreciation of our mutual advantages and mutual wants.

Congress at its last session saw fit to reduce the amount usually appropriated for foreign intercourse, by withholding appropriations for representatives of the United States in certain foreign countries and for certain consular offices, and by reducing the amounts usually appropriated for certain other diplomatic posts, and thus necessitating a change in the grade of the representative.

For these reasons, immediately upon the passage of the bill making appropriations for the diplomatic and consular service for the present fiscal year, instructions were issued to the representatives of the United States at Bolivia, Ecuador, and Colombia, and to the consular officers for whom no appropriation had been made, to close their respective legations and consulates and cease from the performance of their duties; and in like manner steps were immediately taken to substitute *chargés d'affaires* for ministers resident in Portugal, Denmark, Greece, Switzerland, and Paraguay.

While thoroughly impressed with the wisdom of sound economy in the foreign service as in other branches of the Government, I cannot escape the conclusion that in some instances the withholding of appropriations will prove an expensive economy, and that the small retrenchment secured by a change of grade in certain diplomatic posts is not an adequate consideration for the loss of influence and importance which will attend our foreign representatives under this reduction. I am of the opinion that a re-examination of the subject will cause a change in some instances in the conclusions reached on these subjects at the last session of Congress.

The court of commissioners of Alabama claims, whose functions were continued by an act of the last session of Congress until the 1st day of January, 1877, has carried on its labors with diligence and general satisfaction. By a report of the clerk of the court, transmitted herewith, bearing date November 14, 1876, it appears that within the time now allowed by law the court will have disposed of all the claims presented for adjudication. This report also contains a statement of the general results of the labors of the court to the date thereof. It is a cause of satisfaction that the method adopted for the satisfaction of the classes of claims submitted to the court, which are of long standing and justly entitled to early consideration, should have proved successful and acceptable.

It is with satisfaction that I am enabled to state that the work of the joint commission for determining the boundary line between the United States and British Possessions from the northwest angle of the Lake of the Woods to the Rocky Mountains, commenced in 1872, has been completed. The final agreements of the commissioners, with the maps, have been duly signed, and the work of the commission is complete.

The fixing of the boundary upon the Pacific coast by the protocol of March 10, 1873, pursuant to the award of the Emperor of Germany by article 34 of the treaty of Washington, with the termination of the work of this commission, adjusts and fixes the entire boundary between the United States and the British Possessions, except as to the portion of territory ceded by Russia to the United States under the treaty of 1867. The work intrusted to the commissioner and the officers of the Army attached to the commission has been well and satisfactorily performed. The original of the final agreement of the commissioners, signed upon the 29th of May, 1876, with the original "List of astronomical stations observed," the original official "List of monuments marking the international boundary line," and the maps, records, and general reports relating to the commission, have been deposited in the Department of State. The official report of the commissioner on the part of the United States, with the report of the chief astronomer of the United States, will be submitted to Congress within a short time. I reserve for a separate communication to Congress a statement of the condition of the questions which lately arose with Great Britain respecting the surrender of fugitive criminals under the treaty of 1842.

The Ottoman government gave notice under date of January 15, 1874, of its desire to terminate the treaty of 1862, concerning commerce and navigation, pursuant to the provisions of the twenty-second article thereof. Under this notice the treaty terminated upon the 5th day of June, 1876. That government has invited negotiations toward the conclusion of a new treaty.

By the act of Congress of March 23, 1874, the President was authorized, when he should receive satisfactory information that the Ottoman government or that of Egypt had organized new tribunals likely to secure to citizens of the United States the same impartial justice enjoyed under the exercise of judicial functions by diplomatic and consular officers of the United States, to suspend the operation of the act of June 22, 1860, and to accept for citizens of the United States the jurisdiction of the new tribunals. Satisfactory information having been received of the organization of such new tribunals in Egypt, I caused a proclamation to be issued upon the 27th of March last, suspending the operation of the act of June 22, 1860, in Egypt according to the provisions of the act. A copy of the proclamation accompanies this message. The United States has united with the other powers in the organization of these courts. It is hoped that the jurisdictional questions which have arisen may be readily adjusted and that this advance in judicial reform may be hindered by no obstacles.

The necessary legislation to carry into effect the convention respecting commercial reciprocity concluded with the Hawaiian Islands in 1875 having been had, the proclamation to carry into effect the convention as provided by the act approved August 15, 1876, was duly issued upon the 9th day of September last. A copy thereof accompanies this message.

The commotions which have been prevalent in Mexico for some time past, and which, unhappily, seem to be not yet wholly quieted, have led to complaints of citizens of the United States of injuries by persons in authority. It is hoped, however, that these will ultimately be adjusted to the satisfaction of both governments. The frontier of the United States in that quarter has not been exempt from acts of violence by citizens of one republic on those of the other. The frequency of these is supposed to be increased and their adjustment made more difficult by the considerable changes in the course of the lower part of the Rio Grande River, which river is a part of the boundary between the two countries. These changes have placed on either side of that river portions of land which by existing conventions belong to the jurisdiction of the government on the opposite side of the river. The subject of adjustment of this cause of difficulty is under consideration between the two republics.

The government of the United States of Colombia has paid the award in the case of the steamer *Montijo*, seized by authorities of that government some years since, and the amount has been transferred to the claimants.

It is with satisfaction that I am able to announce that the joint commission for the adjustment of claims between the United States and Mexico, under the convention of 1868, the duration of which has been several times extended, has brought its labors to a close. From the

report of the agent of the United States, which accompanies the papers transmitted herewith, it will be seen that within the time limited by the commission one thousand and seventeen claims on the part of citizens of the United States against Mexico were referred to the commission. Of these claims, eight hundred and thirty-one were dismissed or disallowed, and in one hundred and eighty-six cases awards were made in favor of the claimants against the Mexican Republic amounting in the aggregate to \$4,125,622.20. Within the same period nine hundred and ninety-eight claims on the part of citizens of the Mexican Republic against the United States were referred to the commission. Of these claims eight hundred and thirty-one were dismissed or disallowed, and in one hundred and sixty-seven cases awards were made in favor of the claimants against the United States amounting in the aggregate to \$150,498.41. By the terms of the convention the amount of these awards is to be deducted from the amount awarded in favor of our citizens against Mexico, and the balance only to be paid by Mexico to the United States, leaving the United States to make provision for this proportion of the awards in favor of its own citizens. I invite your attention to the legislation which will be necessary to provide for the payment. In this connection I am pleased to be able to express the acknowledgments due to Sir Edward Thornton, the umpire of the commission, who has given to the consideration of the large number of claims submitted to him much time, unwearied patience, and that fairness and intelligence which are well known to belong to the accomplished representative of Great Britain, and which are likewise recognized by the representative in this country of the republic of Mexico.

Monthly payments of a very small part of the amount due by the government of Venezuela to citizens of the United States on account of claims of the latter against that government continue to be made with reasonable punctuality. That government has proposed to change the system which it has hitherto pursued in this respect by issuing bonds for part of the amount of the several claims. The proposition, however, could not, it is supposed, properly be accepted, at least without the consent of the holders of certificates of the indebtedness of Venezuela. These are so much dispersed that it would be difficult, if not impossible, to ascertain their disposition on the subject.

In former messages I have called the attention of Congress to the necessity of legislation with regard to fraudulent naturalization and to the subject of expatriation and the election of nationality.

The numbers of persons of foreign birth seeking a home in the United States, the ease and facility with which the honest immigrant may after the lapse of a reasonable time become possessed of all the privileges of citizenship of the United States, and the frequent occasions which induce such adopted citizens to return to the country of their birth render the subject of naturalization and the safeguards which experience has proved necessary for the protection of the honest naturalized citizen of paramount importance. The very simplicity in the requirements of law on this question affords opportunity for fraud, and the want of uniformity in the proceedings and records of the various courts and in the forms of the certificates of naturalization issued affords a constant source of difficulty.

I suggest no additional requirements to the acquisition of citizenship beyond those now existing; but I invite the earnest attention of Congress to the necessity and wisdom of some provisions regarding uniformity in the records and certificates, and providing against the frauds which frequently take place, and for the vacating of a record of naturalization obtained in fraud. These provisions are needed in aid and for the protection of the honest citizen of foreign birth, and for the want of which he is made to suffer not infrequently. The United States has insisted upon the right of expatriation and has obtained after a long struggle an admission of the principle contended for by acquiescence therein on the part of many foreign powers and by the conclusion of treaties on that subject. It is, however, but justice to the governments to which such naturalized citizens have formerly owed allegiance, as well as to the United States, that certain fixed and definite rules should be adopted governing such cases and providing how expatriation may be accomplished. While immigrants in large numbers become citizens of the United States, it is also true that persons, both native-born and naturalized, once citizens of the United States either by formal acts or as the effect of a series of facts and circumstances, abandon their citizenship and cease to be entitled to the protection of the United States, but continue on convenient occasions to assert a claim to protection in the absence of provisions on these questions.

And in this connection I again invite your attention to the necessity of legislation concerning the marriages of American citizens contracted abroad and concerning the status of American women who may marry foreigners and of children born of American parents in a foreign country.

The delicate and complicated questions continually occurring with reference to naturalization, expatriation, and the status of such persons as I have above referred to induce me to earnestly direct your attention again to these subjects.

In like manner I repeat my recommendation that some means be provided for the hearing and determination of the just and subsisting claims of aliens upon the Government of the United States within a reasonable limitation, and of such as may hereafter arise. While by existing provisions of law the Court of Claims may in certain

cases be resorted to by an alien claimant, the absence of any general provisions governing all such cases and the want of a tribunal skilled in the disposition of such cases upon recognized, fixed, and settled principles, either provide no remedy in many deserving cases or compel a consideration of such claims by Congress or the Executive Departments of the Government.

It is believed that other governments are in advance of the United States upon this question, and that the practice now adopted is entirely unsatisfactory.

Congress, by an act approved the 3d day of March, 1875, authorized the inhabitants of the Territory of Colorado to form a State government with the name of the State of Colorado, and therein provided for the admission of said State, when formed, into the Union, upon an equal footing with the original States.

A constitution having been adopted and ratified by the people of that State, and the acting governor having certified to me the facts as provided by said act, together with a copy of such constitution and ordinances as provided for in the said act, and the provisions of the said act of Congress having been duly complied with, I issued a proclamation upon the 1st of August, 1876, a copy of which is hereto annexed.

The report of the Secretary of War shows that the Army has been actively employed during the year in subduing, at the request of the Indian Bureau, certain wild bands of the Sioux Indian Nation, and in preserving the peace at the South during the election. The commission constituted under the act of July 24, 1876, to consider and report on the "whole subject of the reform and re-organization of the Army," met in August last, and has collected a large mass of statistics and opinions bearing on the subject before it. These are now under consideration and their report is progressing. I am advised, though, by the president of the commission, that it will be impracticable to comply with the clause of the act requiring the report to be presented through me to Congress on the first day of this session, as there has not yet been time for that mature deliberation which the importance of the subject demands. Therefore I ask that the time of making the report be extended to the 29th day of January, 1877. In accordance with the resolution of August 15, 1876, the Army regulations prepared under the act of March 1, 1875, have not been promulgated, but are held until after the report of the above-mentioned commission shall have been received and acted on.

By the act of August 15, 1876, the cavalry force of the Army was increased by 2,500 men, with the proviso that they should be discharged on the expiration of hostilities. Under this authority, the cavalry regiments have been strengthened, and a portion of them are now in the field pursuing the remnants of the Indians with whom they have been engaged during the summer. The estimates of the War Department are made up on the basis of the number of men authorized by law, and their requirements, as shown by years of experience, and also with the purpose, on the part of the bureau officers, to provide for all contingencies that may arise during the time for which the estimates are made. Exclusive of engineer estimates (presented in accordance with acts of Congress calling for surveys and estimates for improvements at various localities) the estimates now presented are about six millions in excess of the appropriations for the years 1874-'75 and 1875-'76. This increase is asked in order to provide for the increased cavalry force (should their services be necessary) to prosecute, economically, work upon important public buildings, to provide for armament of fortifications, and manufacture of small-arms, and to replenish the working-stock in the supply departments. The appropriations for these last named have, for the past few years, been so limited that the accumulations in store will be entirely exhausted during the present year, and it will be necessary to at once begin to replenish them.

I invite your especial attention to the following recommendations of the Secretary of War:

First. That the claims under the act of July 4, 1864, for supplies taken by the Army during the war, be removed from the offices of the Quartermaster and Commissary Generals and transferred to the southern claims commission. These claims are of precisely similar nature to those now before the southern claims commission, and the War Department bureaus have not the clerical force for their examination, nor proper machinery for investigating the loyalty of the claimants.

Second. That Congress sanction the scheme of an annuity fund for the benefit of the families of deceased officers and that it also provide for the permanent organization of the Signal Service both of which were recommended in my last annual message.

Third. That the manufacturing operations of the Ordnance Department be concentrated at three arsenals and an armory, and that the remaining arsenals be sold and the proceeds applied to this object by the Ordnance Department.

The appropriations for river and harbor improvements for the current year were \$5,015,000. With my approval, the Secretary of War directed that, of this amount, \$2,000,000 should be expended, and no new work should be begun and none prosecuted which were not of national importance. Subsequently this amount was increased to \$2,237,600, and the works are now progressing on this basis.

The improvement of the South Pass of the Mississippi River under James B. Eads and his associates is progressing favorably. At the present time there is a channel of 20.3 feet in depth between the

jetties at the mouth of the pass and 18½ feet at the head of the pass. Neither channel, however, has the width required before payments can be made by the United States. A commission of engineer officers is now examining these works and their reports will be presented as soon as received.

The report of the Secretary of the Navy shows that branch of the service to be in condition as effective as it is possible to keep it with the means and authority given the Department. It is, of course, not possible to rival the costly and progressive establishments of great European powers with the old material of our Navy, to which no increase has been authorized since the war, except the eight small cruisers built to supply the place of others which have gone to decay. Yet the most has been done that was possible with the means at command, and, by substantially rebuilding some of our old ships with durable material and completely repairing and refitting our monitor fleet, the Navy has been gradually so brought up that, though it does not maintain its relative position among the progressive navies of the world, it is now in a condition more powerful and effective than it ever has been in time of peace. The complete repairs of our five heavy iron-clads are only delayed on account of the inadequacy of the appropriations made last year for the working bureaus of the Department, which were actually less in amount than those made before the war, notwithstanding the greatly enhanced price of labor and materials and the increase in the cost of the naval service growing out of the universal use and great expense of steam-machinery. The money necessary for these repairs should be provided at once, that they may be completed without further unnecessary delay and expense.

When this is done, all the strength that there is in our Navy will be developed and useful to its full capacity, and it will be powerful for purposes of defense, and also for offensive action, should the necessity for that arise within a reasonable distance from our shores. The fact that our Navy is not more modern and powerful than it is, has been made a cause of complaint against the Secretary of the Navy, by persons who at the same time criticize and complain of his endeavors to bring the Navy that we have to its best and most efficient condition; but the good sense of the country will understand that it is really due to his practical action that we have at this time any effective naval force at command.

The report of the Postmaster-General shows the excess of expenditures (excluding expenditures on account of previous years) over receipts for the fiscal year ended June 30, 1876, to be \$4,151,988.66.

Estimated expenditures for the fiscal year ending June 30, 1878, are.....	\$36,723,432 43
Estimated revenue for same period is.....	30,645,165 00

Leaving estimated excess of expenditure to be appropriated as a deficiency of.....	6,078,267 43
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The Postmaster-General, like his predecessor, is convinced that a change in the basis of adjusting the salaries of postmasters of the fourth class is necessary for the good of the service as well as for the interests of the Government, and urgently recommends that the compensation of the class of postmasters above mentioned be based upon the business of their respective offices, as ascertained from the sworn returns to the Auditor, of stamps canceled.

A few postmasters in the Southern States have expressed great apprehension of their personal safety, on account of their connection with the postal service, and have specially requested that their reports of apprehended danger should not be made public, lest it should result in the loss of their lives. But no positive testimony of interference has been submitted, except in the case of a mail messenger at Spartanburgh, in South Carolina, who reported that he had been violently driven away while in charge of the mails, on account of his political affiliations. An assistant superintendent of the railway mail service investigated this case, and reported that the messenger had disappeared from his post, leaving his work to be performed by a substitute. The Postmaster-General thinks that this case is sufficiently suggestive to justify him in recommending that a more severe punishment should be provided for the offense of assaulting any person in charge of the mails, or of retarding or otherwise obstructing them by threats of personal injury.

"A very gratifying result is presented in the fact that the deficiency of this department during the last fiscal year was reduced to \$4,081,790.18, as against \$6,169,938.88 of the preceding year. The difference can be traced to the large increase in its ordinary receipts (which greatly exceeded the estimates therefor) and a slight decrease in its expenditures."

The ordinary receipts of the Post-Office Department for the past seven fiscal years have increased at an average of over 8 per cent. per annum, while the increase of expenditures for the same period has been about 5.50 per cent. per annum, and the decrease of deficiency in the revenues has been at the rate of nearly 2 per cent. per annum.

The report of the Commissioner of Agriculture accompanying this message will be found one of great interest, marking as it does the great progress of the last century in the variety of products of the soil, increased knowledge and skill in the labor of producing, saving, and manipulating the same to prepare them for the use of man; in the improvements in machinery to aid the agriculturist in his labors, and in a knowledge of those scientific subjects necessary to a thorough system of economy in agricultural production, namely, chemis-

try, botany, entomology, &c. A study of this report by those interested in agriculture, and deriving their support from it, will find it of value in pointing out those articles which are raised in greater quantity than the needs of the world require, and must sell therefore for less than the cost of production; and those which command a profit over cost of production, because there is not an over-production. I call special attention to the need of the Department for a new gallery for the reception of the exhibits returned from the centennial exhibition, including the exhibits donated by very many foreign nations, and to the recommendations of the Commissioner of Agriculture, generally.

The reports of the District commissioners and the board of health are just received, too late to read them and to make recommendations thereon, and are herewith submitted.

The international exhibition held in Philadelphia this year in commemoration of the one hundredth anniversary of American independence has proved a great success, and will, no doubt, be of enduring advantage to the country. It has shown the great progress in the arts, sciences, and mechanical skill made in a single century and demonstrated that we are but little behind older nations in any one branch, while in some we scarcely have a rival. It has served, too, not only to bring peoples and products of skill and labor from all parts of the world together, but in bringing together people from all sections of our own country, which must prove a great benefit in the information imparted and pride of country engendered.

It has been suggested by scientists interested in and connected with the Smithsonian Institution, in a communication herewith, that the Government exhibit be removed to the capital and a suitable building be erected or purchased for its accommodation as a permanent exhibit. I earnestly recommend this; and, believing that Congress would second this view, I directed that all Government exhibits at the centennial exhibition should remain where they are, except such as might be injured by remaining in a building not intended as a protection in inclement weather or such as may be wanted by the Department furnishing them, until the question of permanent exhibition is acted on. Although the moneys appropriated by Congress to enable the participation of the several Executive Departments in the international exhibition of 1876 were not sufficient to carry out the undertaking to the full extent at first contemplated, it gives me pleasure to refer to the very efficient and creditable manner in which the board appointed from the several Departments to provide an exhibition on the part of the Government have discharged their duties with the funds placed at their command. Without a precedent to guide them in the preparation of such a display, the success of their labors was amply attested by the sustained attention which the contents of the Government building attracted during the period of the exhibition from both foreign and native visitors. I am strongly impressed with the value of the collection made by the Government for the purposes of the exhibition, illustrating as it does the mineral resources of the country, the statistical and practical evidences of our growth as a nation, and the uses of the mechanical arts and the applications of applied science in the administration of the affairs of government. Many nations have voluntarily contributed their exhibits to the United States to increase the interest in any permanent exhibition Congress may provide for. For this act of generosity they should receive the thanks of the people, and I respectfully suggest that a resolution of Congress to that effect be adopted.

The attention of Congress cannot be too earnestly called to the necessity of throwing some greater safeguard over the method of choosing and declaring the election of a President. Under the present system there seems to be no provided remedy for contesting the election in any one State. The remedy is partially, no doubt, in the enlightenment of electors. The compulsory support of the free school and the disenfranchisement of all who cannot read and write the English language—after a fixed probation—would meet my hearty approval. I would not make this apply, however, to those already voters, but I would to all becoming so after the expiration of the probation fixed upon. Foreigners coming to the country to become citizens who are educated in their own language would acquire the requisite knowledge of ours during the necessary residence to obtain naturalization. If they did not take interest enough in our language to acquire sufficient knowledge of it to enable them to study the institutions and laws of the country intelligently, I would not confer upon them the right to make such laws, nor to select those who do. I append to this message for convenient reference a synopsis of administrative events and of all recommendations to Congress made by me during the last seven years. Time may show some of these recommendations not to have been wisely conceived, but I believe the larger part will do no discredit to the administration.

One of these recommendations met with the united opposition of one political party in the Senate and with a strong opposition from the other, namely, the treaty for the annexation of Santo Domingo to the United States, to which I will specially refer, maintaining, as I do, that if my views had been concurred in the country would be in a more prosperous condition to-day, both politically and financially.

Santo Domingo is fertile, and upon its soil may be grown just those tropical products of which the United States use so much and which are produced or prepared for market now by slave labor almost exclusively, namely: sugar, coffee, dye-woods, mahogany, tropical fruits, tobacco, &c. About 75 per cent. of the exports of Cuba are

consumed in the United States. A large percentage of the exports of Brazil also find the same market. These are paid, for almost exclusively in coin, legislation, particularly in Cuba, being unfavorable to a mutual exchange of the products of each country. Flour shipped from the Mississippi River to Havana can pass by the very entrance to the city on its way to a port in Spain; then pays a duty fixed upon articles to be re-exported; transferred to a Spanish vessel and brought back almost to the point of starting, paying a second duty, and still leave a profit over what would be received by direct shipment. All that is produced in Cuba could be produced in Santo Domingo. Being a part of the United States, commerce between the island and main-land would be free. There would be no export duties on her shipments nor import duties on those coming here. There would be no import duties upon the supplies, machinery, &c., going from the States.

The effect that would have been produced upon Cuban commerce, with these advantages to a rival, is observable at a glance. The Cuban question would have been settled long ago in favor of "Free Cuba." Hundreds of American vessels would now be advantageously used in transporting the valuable woods and other products of the soil of the island to a market and in carrying supplies and emigrants to it. The island is but sparsely settled, while it has an area sufficient for the profitable employment of several millions of people. The soil would have soon fallen into the hands of United States capitalists. The products are so valuable in commerce that emigration there would have been encouraged; the emancipated race of the South would have found there a congenial home, where their civil rights would not be disputed and where their labor would be so much sought after that the poorest among them could have found the means to go. Thus in cases of great oppression and cruelty, such as have been practiced upon them in many places within the last eleven years, whole communities would have sought refuge in Santo Domingo. I do not suppose the whole race would have gone, nor is it desirable that they should go. Their labor is desirable—indispensable almost—where they now are. But the possession of this territory would have left the negro "master of the situation" by enabling him to demand his rights at home on pain of finding them elsewhere.

I do not present these views now as a recommendation for a renewal of the subject of annexation; but I do refer to it to vindicate my previous action in regard to it.

With the present term of Congress my official life terminates. It is not probable that public affairs will ever again receive attention from me further than as a citizen of the Republic, always taking a deep interest in the honor, integrity, and prosperity of the whole land.

U. S. GRANT.

EXECUTIVE MANSION, December 5, 1876.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A Proclamation.

Whereas, by the first section of an act entitled "An act to authorize the President to accept for the citizens of United States the jurisdiction of certain tribunals in the Ottoman dominions, and Egypt, established, or to be established, under the authority of the Sublime Porte, and of the government of Egypt," approved March twenty-third, eighteen hundred and seventy-four, it was enacted as follows:

That whenever the President of the United States shall receive satisfactory information that the Ottoman government, or that of Egypt, has organized other tribunals on a basis likely to secure to citizens of the United States, in their dominions, the same impartial justice which they now enjoy there under the judicial functions exercised by the minister, consuls, and other functionaries of the United States, pursuant to the act of Congress approved the 22d of June, 1860, entitled "An act to carry into effect provisions of the treaties between the United States, China, Persia, and other countries, giving certain judicial powers to ministers and consuls, or other functionaries of the United States in those countries, and for other purposes, he is hereby authorized to suspend the operations of said acts as to the dominions in which such tribunals may be organized, so far as the jurisdiction of said tribunals may embrace matters now cognizable by the minister, consuls, or other functionaries of the United States in said dominions, and to notify the government of the Sublime Porte, or that of Egypt, or either of them, that the United States during such suspension will, as aforesaid, accept for their citizens the jurisdiction of the tribunals aforesaid over citizens of the United States which has heretofore been exercised by the minister, consuls, or other functionaries of the United States.

And whereas satisfactory information has been received by me that the government of Egypt has organized other tribunals on a basis likely to secure to citizens of the United States in the dominions subject to such government the impartial justice which they now enjoy there under the judicial functions exercised by the minister, consul, or other functionaries of the United States, pursuant to the said act of Congress, approved June 22, 1860:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the power and authority conferred upon me by the said act, approved March 23, 1874, do hereby suspend, during the pleasure of the President, the operation of the said act approved June 22, 1860, as to the said dominions, subject to the government of Egypt in which such tribunals have been organized, so far as the jurisdiction of said tribunals may embrace matters now cognizable by the minister, consuls, or other functionaries of the United States in said dominions, except as to cases actually commenced before the date hereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-seventh day of March, in the year of our Lord one thousand eight hundred and [SEAL.] seventy-six, and of the Independence of the United States of America the one hundredth.

U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A Proclamation.

Whereas the Congress of the United States did, by an act approved on the 3d day of March, one thousand eight hundred and seventy-five, authorize the inhabitants of the Territory of Colorado to form for themselves out of said Territory a State government with the name of the State of Colorado, and for the admission of such State into the Union, on an equal footing with the original States upon certain conditions in said act specified;

And whereas it was provided by said act of Congress that the convention elected by the people of said Territory to frame a State constitution should, when assembled for that purpose and after organization, declare on behalf of the people that they adopt the constitution of the United States, and should also provide by an ordinance irrevocable without the consent of the United States and the people of said State, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship, and that the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States;

And whereas it was further provided by said act that the constitution thus formed for the people of the Territory of Colorado should by an ordinance of the convention forming the same be submitted to the people of said Territory for ratification or rejection at an election to be held in the month of July, 1876, at which election the lawful voters of said new State should vote directly for or against the proposed constitution, and the returns of said election should be made to the acting governor of the Territory, who, with the chief-justice and United States attorney of said Territory, or any two of them, should canvass the same, and if a majority of legal votes should be cast for said constitution in said proposed State, the said acting governor should certify the same to the President of the United States, together with a copy of said constitution and ordinances; whereupon it should be the duty of the President of the United States to issue his proclamation declaring the State admitted into the Union on an equal footing with the original States without any further action whatever on the part of Congress;

And whereas it has been certified to me by the acting governor of said Territory of Colorado that within the time prescribed by said act of Congress a constitution for said proposed State has been adopted, and the same ratified by a majority of the legal voters of said proposed new State in accordance with the conditions prescribed by said act of Congress.

And whereas a duly authenticated copy of said constitution and of the declaration and ordinance required by said act has been received by me:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, do, in accordance with the provisions of the act of Congress aforesaid, declare and proclaim the fact that the fundamental conditions imposed by Congress on the State of Colorado to entitle that State to admission to the Union have been ratified and accepted, and that the admission of the said State into the Union is now complete.

In testimony whereof I have hereunto set my hand and have caused the seal of the United States to be affixed.

Done at the city of Washington this 1st day of August, in the year of our Lord one thousand eight hundred and seventy-six, and of the Independence of the United States of America the one hundred and first.

U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A Proclamation.

Whereas, by article 5 of a convention concluded at Washington upon the 30th day of January, 1875, between the United States of

America and His Majesty the King of the Hawaiian Islands, it was provided as follows, viz:

The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America. Such assent having been given and the ratifications of the convention having been exchanged as provided in article 6, the convention shall remain in force for seven years from the date at which it may come into operation; and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years or at any time thereafter.

And whereas such convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and has been ratified and duly proclaimed on the part of the United States, and a law to carry the same into operation has been passed by the Congress of the United States, and the ratifications of the convention have been exchanged as provided in article 6 thereof;

And whereas the Acting Secretary of State of the United States and His Majesty's envoy extraordinary and minister plenipotentiary at Washington have recorded in a protocol a conference held by them at Washington on the 9th day of September, 1876, in the following language:

Whereas it is provided by article 5 of the convention between the United States of America and His Majesty the King of the Hawaiian Islands concerning commercial reciprocity, signed at Washington on the 30th day of January, 1875, as follows:

"ARTICLE V. The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until the law to carry it into operation shall have been passed by the Congress of the United States of America. Such assent having been given and the ratifications of the convention having been exchanged as provided in article 6, the convention shall remain in force for seven years from the date at which it may come into operation; and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years or at any time thereafter;"

And whereas the said convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and has been ratified and duly proclaimed on the part of the Government of the United States;

And whereas an act was passed by the Senate and House of Representatives of the United States of America in Congress assembled, entitled "An act to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875," which was approved on the 15th day of August in the year 1876;

And whereas an act was passed by the Legislative Assembly of the Hawaiian Islands, entitled "An act to carry into effect a convention between His Majesty the King and the United States of America, signed at Washington on the 30th day of January, 1875," which was duly approved on the 18th day of July in the year 1876;

And whereas the ratifications of the said convention have been exchanged as provided in article 6:

The undersigned, William Hunter, acting Secretary of State of the United States of America, and Hon. Elisha H. Allen, chief justice of the supreme court, chancellor of the kingdom, member of the privy council of state, and His Majesty's envoy extraordinary and minister plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, have met together at Washington, and having found the said convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands and has been ratified and duly proclaimed on the part of the Government of the United States, and that the laws required to carry the said treaty into operation have been passed by the Congress of the United States of America on the one part and by the Legislative Assembly of the Hawaiian Islands on the other, hereby declare that the convention aforesaid concluded between the United States of America and His Majesty the King of the Hawaiian Islands on the 30th day of January, 1875, will take effect on the date hereof.

Now, therefore, I, Ulysses S. Grant, President of the United States of America, in pursuance of the premises, do declare that the said convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and been ratified and duly proclaimed on the part of the Government of the United States, and that the necessary legislation has been passed to carry the same into effect, and that the ratifications of the Convention have been exchanged as provided in article 6.

In testimony whereof I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done in the city of Washington this ninth day of September, in the year of our Lord one thousand eight hundred and seventy-six, and of the Independence of the United States of America [SEAL.] the one hundred and first.

U. S. GRANT.

By the President:
W. HUNTER,
Acting Secretary of State.

The diplomatic correspondence referred to in the message being in print will be so transmitted to the Senate and House of Representatives.

RECOMMENDATIONS AND EVENTS.

FIRST ANNUAL MESSAGE, DECEMBER 6, 1869.

Gradual return to specie payments.

"I earnestly recommend to you, then, such legislation as will insure a gradual return to specie payments and put an immediate stop to fluctuations in the value of currency."

Six and 5 per cent. United States bonds due and coming due "may be replaced by bonds bearing a rate of interest not exceeding 4½ per cent.," and also suggesting the "propriety of redeeming currency at market value, at the time the law goes into effect, increasing the rate at which currency shall be bought and sold, from day to day, or week to week, at the same rate of interest as Government pays upon its bonds."

Renewal of income tax.

"I also suggest the renewal of the tax on incomes, but at a reduced rate, say of 3 per cent., and this tax to expire in three years."

Enslavement of Chinese.

Advising "such legislation as will forever preclude the enslavement of the Chinese upon our soil under the name of coolies, and also prevent American vessels from engaging in the transportation of coolies to any country tolerating the system."

Recommending that the mission to China be raised to one of the first class.

Total repeal of tenure-of-office acts.

Indian policy.

Management of a few reservations of Indians given to Society of Friends, and selection of agents thrown upon them. For superintendents and Indian agents, not on reservations, officers of the Army selected. As a substitute for old system, suggests, the placing of all Indians on large reservations, giving them absolute protection there, and inducing them, as soon as they are fitted for it, to take their lands in severalty and to set up territorial governments for their own protection.

Special attention of Congress called to recommendation of the Postmaster-General for total abolition of franking privilege; and also to that of Secretary of War for repeal of act March 3, 1869, prohibiting promotions and appointments in staff corps of the Army.

SECOND ANNUAL MESSAGE, DECEMBER 5, 1870.

San Domingo.

Treaty for annexation of, rejected, and suggesting that by joint resolution of Congress the Executive be authorized to appoint a commission to negotiate a treaty for the acquisition of the island.

Tien-Tsin massacre.

France and North Germany invited to make an authorized suspension of hostilities in the East, and to act together for the future protection in China of the lives and properties of Americans and Europeans.

Slave trade.

Ratifications of treaty with Great Britain for abolishing the mixed courts for suppression of slave trade, and of the naturalization convention between that country and the United States—exchanged.

Boundary line.

Boundary line between the United States and British Possessions discovered to be 4,700 feet south of true position of forty-ninth parallel, leaving Hudson's Bay Company at Pembina within territory of the United States. Joint commission of the two governments proposed, to fix definitely the boundary line.

Alabama claims.

Regrets that no conclusion has been reached for the adjustment of Alabama claims, and recommends that Congress authorize appointment of a commission to take proof of amounts and ownership of claims, &c.

Anticipating that an attempt may possibly be made by Canadian authorities in the coming season to repeat unneighborly acts toward American fishermen; recommends that authority be conferred upon the Executive to suspend by proclamation operation of laws authorizing transit of goods, &c., in bond across United States territory to Canada, and should an extreme measure become necessary, the suspension of the operation of any laws whereby Canadian vessels are permitted to enter the waters of the United States.

Manifestation on the part of Canada to exclude United States citizens from the navigation of the Saint Lawrence. It is hoped that Great Britain will see the justice of abandoning the narrow and inconsistent claim to which her Canadian provinces have urged her adherence.

Recommends a liberal policy toward American steamers plying between the Pacific States and China and Japan, and encouragement, even if it should be at some cost to the national Treasury, of American ship-building.

Recommends an appropriation for the construction of a building for the State Department.

Recommends the transfer from State to Interior Department of all powers and duties in relation to the Territories, and from the Interior to the War Department the Pension Bureau.

Recommends the payment of naval pensions by one of the bureaus of Navy Department.

Congress should look to a policy which would place our currency at par with gold at no distant day.

Taxes.

Tax collected from the people reduced more than \$80,000,000 per annum.

Suggests that revenue-stamps be dispensed by postmasters, and a tax on liquors and tobacco, and the imposition of duty only on luxuries.

Recommends an appropriation for a new War Department building, and a reform in the entire civil service of the country.

The experiment of making the management of Indian affairs a missionary work found to work most advantageously. Submits as a question worthy of serious consideration whether the residue of our national domain should not be wholly disposed of under the provisions of the homestead and pre-emption laws.

Land-grant subsidies.

"The United States should not loan their credit in aid of any enterprise undertaken by States or corporations, nor grant lands in any instance, unless the projected work is of acknowledged national importance. I am strongly inclined to the opinion that it is inexpedient and unnecessary to bestow subsidies of either description; but should Congress determine otherwise, I earnestly recommend that the rights of settlers and of the public be more effectually secured and protected by appropriate legislation."

Untrammelled ballot.

Where every man entitled to cast a vote may do so, just once, at each election, without fear of molestation or proscription on account of his political faith, nativity, or color.

THIRD ANNUAL MESSAGE.

"I recommend Congress at an early day to make the necessary provision for the tribunal at Geneva, and for the several commissioners, on the part of the United States, called for by the treaty."

"I recommend the legislation necessary on the part of the United States to bring into operation the articles of the treaty relating to the fisheries, and to the other matters touching the relations of the United States toward the British North American possessions, to become operative so soon as the proper legislation shall be had on the part of Great Britain and its possessions."

"I have addressed a communication * * * to the governors of New York, Pennsylvania, Ohio, Indiana, Michigan, Illinois, and Wisconsin, urging upon the governments of those States, respectively, the necessary action on their part to carry into effect the object of the article of the treaty which contemplates the use of the canals, on either side, connected with the navigation of the lakes and rivers forming the boundary, on terms of equality by the inhabitants of both countries."

"I renew the recommendation for an appropriation for determining the true position of the forty-ninth parallel of latitude where it forms the boundary between the United States and the British North American possessions, between the Lake of the Woods and the summit of the Rocky Mountains. The early action of Congress on this recommendation would put it in the power of the War Department to place a force in the field during the next summer."

"The resumption of diplomatic relations between France and Germany has enabled me to give directions for the withdrawal of the protection extended to Germans in France by the diplomatic and consular representatives of the United States in that country."

"The ratifications of the consular and naturalization conventions with the Austro-Hungarian Empire have been exchanged."

"The ratifications of the new treaty of commerce between the United States and Italy have been exchanged. The two powers have agreed in this treaty that private property at sea shall be exempt from capture in case of war between the two powers."

"The Forty-first Congress at its third session made an appropriation for the organization of a mixed commission for adjudicating upon the claims of citizens of the United States against Spain growing out of the insurrection in Cuba. That commission has since been organized."

"It has been made the agreeable duty of the United States to preside over a conference at Washington between the plenipotentiaries of Spain and the allied South American republics, which has resulted in an armistice, with the reasonable assurance of a permanent peace."

"The intimate friendly relations which have so long existed between the United States and Russia continue undisturbed."

With Japan we continue to maintain intimate relations.

Our minister at Peking instructed to endeavor to conclude a convention with Corea, Admiral Rodgers to accompany him. The party were attacked, and after punishing the criminals, the expedition returned, not concluding the convention. Subject left for such action as Congress may see fit to take.

"The Republic of Mexico has not yet repealed the very objectionable laws establishing what is known as the Free Zone," &c.

"I recommend some action by Congress regarding the overdue installments under the award of the Venezuelan claims commission of 1866."

"The ratification of an extradition treaty with Nicaragua has been exchanged."

Congratulation that Brazil has taken steps to abolish slavery. Regrets that Spain has failed to carry out its promised reforms in this direction.

Attention directed to the fact that citizens of the United States are large holders of slaves in foreign lands.

Recommends that Congress provide a remedy against the holding, owning, &c., of slaves by citizens of the United States.

Disturbed condition of affairs in the island of Cuba. Recommends that an appropriation be made to support four American youths, to serve with our ministers in Japan and China, and liberal support to American lines of steamers now plying between San Francisco and Japan and China, and the Australian line.

Extent of reduction of the national debt. Modification of tariff and revenue laws recommended: "I recommend that all taxes from internal sources be abolished, except those collected from * * * liquors, tobacco, * * * and from stamps."

Suggestions—in view of a re-adjustment of the tariff.

Attention invited to subject of moieties.

Continued fluctuations in gold: "If the question can be met as to how to give a fixed value to our currency * * * a very desirable object will be gained."

Recommendations for filling vacancies in the staff corps of the Army.

The suggestions in report of Secretary of the Navy as to the necessity for increasing and improving the *matériel* of the Navy, and the plan recommended for reducing the *personnel* of the service to a peace standard, &c., deserve the thoughtful attention of Congress.

"I also recommend that all promotions in the Navy above the rank of captain be by selection instead of by seniority."

Suggestions of the Postmaster-General for improvements in his Department recommended to special attention.

"I recommend * * * plan for uniting the telegraphic system of the United States with the postal system."

Execution of act approved April 20, 1871, known as the Ku-Klux law in South Carolina.

Suggestions in relation to polygamy in Utah.

"I recommend liberal appropriations to carry out the Indian peace policy," * * * and granting a territorial government to Indians in Indian Territory.

"I renew my recommendation that the public lands be regarded as a heritage to our children."

Attention invited to subject of compensation to heads of bureaus and officials holding positions of responsibility, &c.

The removal of disabilities imposed by the fourteenth amendment.

Organization of territorial government in the District of Columbia, act of February 21, 1871. Liberal appropriations recommended.

Appropriation recommended for purchase of remainder of square in Chicago on which burned public buildings stood, and for erection of new buildings.

Congressional action suggested for protection of immigrants. Civil service reform.

FOURTH ANNUAL MESSAGE, DECEMBER 2, 1872.

Alabama claims.

The tribunal which convened at Geneva on the 14th of September last (1872), awarded the sum of \$15,500,000, in gold, as the indemnity to be paid by Great Britain for the satisfaction of all claims referred to its consideration.

Treaty of Washington, June 15, 1846—United States and Great Britain boundary line.

Treaty of Washington, United States, and Great Britain, construction of treaty of June 15, 1846, defining the boundary line between their respective territories, submitted to the arbitration and award of His Majesty the Emperor of Germany, who, on the 21st of October last (1872), signed his award in writing to the effect that it should be drawn through the Haro Channel, which leaves us for the first time in the United States as a nation, without a question of disputed boundary between our territory and the possessions of Great Britain on this continent.

Treaty of Washington May 8, 1871, relating to fisheries, &c.

"In my last annual message, I recommended the legislation necessary on the part of the United States to bring into operation the articles of the Treaty of Washington, of May 8, 1871, relating to the fisheries, and to other matters touching the relations of the United States toward the British North American Possessions, to become operative so soon as the proper legislation should be had on the part of Great Britain and its possessions. This question has since been disposed of, the imperial parliament and the legislatures of the provincial governments have passed laws to carry the provisions of the treaty on

the matters referred to, into operation. I therefore recommend your early adoption of the legislation in the same direction necessary on the part of this Government."

Boundary line between Lake of the Woods and Rocky Mountains, United States and British possessions.

Recommends that the force be increased in order to the completion of the survey and determination of the boundary line between the United States and the British Possessions, between Lake of the Woods and the Rocky Mountains.

"To this end I recommend a sufficient appropriation be made."

Depredations on Texan frontier.

"The commissioners appointed pursuant to joint resolution of Congress on the 7th of May last (1872) to inquire into the depredations upon the Texan frontier have diligently made investigations in that quarter. Their researches were necessarily incomplete, partly on account of limited appropriation made by Congress."

"I recommend that a special appropriation be made to enable the commissioners on the part of the United States to return to their labors without delay."

Cuba.

"It is with regret that I have again to announce a continuance of the disturbed condition of the Island of Cuba. * * *

The parties stand apparently in the same relative attitude which they have occupied for a long time past. * * * I cannot doubt that the continued maintenance of slavery in Cuba is among the strongest inducements to the continuance of this strife. A terrible wrong is the natural cause of a terrible evil. The abolition of slavery and the introduction of other reforms in the administration or government of Cuba could not fail to advance the restoration of peace and order." * * *

"In my last annual message I referred to this subject, and I again recommend such legislation as may be proper to denounce and, if not prevent, at least to discourage American citizens from holding or dealing in slaves."

Venezuela.

"It is with regret, however, I announce that the government of Venezuela has made no further payments on account of the awards under the convention of April 25, 1866. This subject is again recommended to the attention of Congress for such action as may be deemed proper."

Japan and China.

"Our treaty relations with Japan remain unchanged. The embassy which visited this country during the year (1872) that is passing, being unprovided with powers for the signing of a convention in this country, no conclusion in that direction was reached. In this connection, I renew my recommendation of one year ago, that 'to give importance and to add to the efficiency of our diplomatic relations with Japan and China, and to further aid in retaining the good opinion of those peoples, and to secure to the United States its share of the commerce destined to flow between those nations and the balance of the commercial world, an appropriation be made to support at least four American youths in each of those countries, to serve as a part of the official family of our ministers there.' Our representatives would not even then be placed upon an equality with the representatives of Great Britain and of some other powers. As now situated our representatives in Japan and China have to depend for interpreters and translators upon natives of those countries who know our language imperfectly, or procure for the occasion the services of employes in foreign business houses or the interpreters to other foreign ministers."

"I renew the recommendation made on a previous occasion of the transfer to the Department of the Interior of all the powers and duties in relation to the Territories with which the Department of State is now charged by law or by custom."

Congressional appropriation recommended for the relief of citizens of the United States in distress abroad.

"Congress, from the beginning of the Government, has wisely made provision for the relief of distressed seamen in foreign countries. No similar provision, however, has hitherto been made for the relief of citizens in distress abroad, other than seamen. A similar authority, and an appropriation to carry it into effect, are recommended in the case of citizens of the United States destitute, or sick, under such circumstances.

War Department.

"The report of the Secretary of War, showing expenditures of the War Department for fiscal year ending June 30, 1871, and for fiscal year ending June 30, 1872, showing a reduction in favor of the last fiscal year of \$427,834.62."

"The attention of Congress will be called during its present session to various enterprises for the more certain and cheaper transportation of the constantly increasing surplus of western and southern products to the Atlantic seaboard."

Navy Department.

"I recommend careful consideration by Congress of the recommendations made by the Secretary of the Navy."

Interior Department.

Territories: "I recommend a careful revision of the present laws of the Territory of Utah, and the enactment of such a law (the one proposed in Congress at its last session, or something similar to it,) as will secure peace, the equality of all citizens before the law, and the ultimate extinguishment of polygamy."

Civil service.

Hopes that "Congress may reach a satisfactory solution of this question, and secure to the public service, for all time, a practical method of obtaining faithful and efficient officers and employes."

FIFTH ANNUAL MESSAGE, DECEMBER 1, 1873.

Geneva award.

"The money awarded to the United States by the tribunal of arbitration at Geneva was paid by Her Majesty's government a few days in advance of the time when it would have become payable according to the terms of the treaty. In compliance with the provisions of the act of March 3, 1873, it was at once paid into the Treasury, and used to redeem, so far as it might, the public debt of the United States; and the amount so redeemed was invested in a 5 per cent. registered bond of the United States for \$15,500,000, which is now held by the Secretary of State, subject to the future disposition of Congress."

Alabama, Florida, and Shenandoah losses.

"I renew my recommendation, made at the opening of the last session of Congress, that a commission be created for the purpose of auditing and determining the amounts of the several 'direct losses growing out of the destruction of vessels and their cargoes' by the Alabama, the Florida, or the Shenandoah, after leaving Melbourne, for which the sufferers have received no equivalent or compensation, and of ascertaining the names of the persons entitled to receive compensation for the same, making the computations upon the basis indicated by the tribunal of arbitration at Geneva; and that payment of such losses be authorized to an extent not to exceed the awards of the tribunal at Geneva."

Northwest water-boundary of the United States.

"By an act approved on the 14th day of February last, Congress made provision for completing, jointly with an officer or commissioner to be named by Her Britannic Majesty, the determination of so much of the boundary line between the territory of the United States and the possessions of Great Britain as was left uncompleted by the commissioners appointed under the act of Congress of August 11, 1856. Under the provisions of this act the northwest water-boundary of the United States has been determined and marked in accordance with the award of the Emperor of Germany. A protocol and a copy of the map upon which the line was thus marked are contained in the papers submitted herewith."

The Ottoman government and Egypt.

"The Ottoman government and that of Egypt have latterly shown a disposition to relieve foreign consuls of the judicial powers which heretofore they have exercised in the Turkish dominions, by organizing other tribunals. As Congress, however, has by law provided for the discharge of judicial functions by consuls of the United States in that quarter under the treaty of 1830, I have not felt at liberty formally to accept the proposed change without the assent of Congress, whose decision upon the subject, at as early a period as may be convenient, is earnestly requested."

Protectorate for Santo Domingo.

"I transmit herewith for the consideration and determination of Congress an application of the republic of Santo Domingo to this Government to exercise a protectorate over that republic."

Expatriation and the election of nationality.

"I invite Congress now to mark out and define when and how expatriation can be accomplished; to regulate by law the condition of American women marrying foreigners; to fix the status of children born in a foreign country of American parents residing more or less permanently abroad, and to make rules for determining such other kindred points as may seem best to Congress."

"I invite the earnest attention of Congress to the existing laws of the United States respecting expatriation and the election of nationality by individuals. Many citizens of the United States reside permanently abroad with their families. Under the provisions of the act approved February 10, 1855, the children of such persons are to be deemed and taken to be citizens of the United States, but the rights of citizenship are not to descend to persons whose fathers never resided in the United States."

Virginian seizure.

"Pending negotiations between the United States and the government of Spain on the subject of this capture, I have authorized the Secretary of the Navy to put our Navy on a war footing, to the extent, at least, of the entire annual appropriation for that branch of the service, trusting to Congress and the public opinion of the American people to justify my action."

Constitutional amendments.

"Assuming from the action of the last Congress, in appointing a 'Committee on Privileges and Elections,' to prepare and report to this Congress a constitutional amendment to provide a better method of electing the President and Vice-President of the United States, and also from the necessity of such an amendment that there will be submitted to the State Legislatures, for ratification, such an improvement in our Constitution, I suggest two others for your consideration:

"First. To authorize the Executive to approve of so much of any measure passing the two Houses of Congress as his judgment may dictate, without approving the whole, the disapproved portion, or portions, to be subjected to the same rules as now, to wit, to be referred back to the House in which the measure, or measures, originated, and if passed by a two-thirds vote of the two Houses, then to become a law without the approval of the President. I would add to this a provision that there should be no legislation by Congress during the last twenty-four hours of its sittings, except upon vetoes, in order to give the Executive an opportunity to examine and approve or disapprove bills understandingly.

"Second. To provide, by amendment, that when an extra session of Congress is convened by Executive proclamation, legislation during the continuance of such extra session shall be confined to such subjects as the Executive may bring before it, from time to time, in writing.

"The advantages to be gained by these two amendments are too obvious for me to comment upon them. One session in each year is provided for by the Constitution, in which there are no restrictions as to the subjects of legislation by Congress. If more are required, it is always in the power of Congress, during their term of office, to provide for sessions at any time. The first of these amendments would protect the public against the many abuses, and waste of public moneys, which creep into appropriation bills, and other important measures passing during the expiring hours of Congress, to which, otherwise, due consideration cannot be given."

Specie payments—Elastic currency—Panic of 1873.

"My own judgment is that, however much individuals may have suffered, one long step has been taken toward specie payments; that we can never have permanent prosperity until a specie basis is reached; and that a specie basis cannot be reached and maintained until our exports, exclusive of gold, pay for our imports, interest due abroad, and other specie obligations, or so nearly so as to leave an appreciable accumulation of the precious metals in the country from the products of our mines.

"Elasticity in our monetary system, therefore, is the object to be attained first, and next to that, as far as possible, a prevention of the use of other people's money in stock and other species of speculation. To prevent the latter, it seems to me that one great step would be taken by prohibiting the national banks from paying interest on deposits, by requiring them to hold their reserves in their own vaults, and by forcing them into resumption, though it would only be in legal-tender notes. For this purpose I would suggest the establishment of clearing-houses for your consideration.

"To secure the former many plans have been suggested, most, if not all, of which look to me more like inflation on the one hand, or compelling the Government, on the other, to pay interest, without corresponding benefits, upon the surplus funds of the country during the seasons when otherwise unemployed.

"I submit for your consideration whether this difficulty might not be overcome by authorizing the Secretary of the Treasury to issue, at any time, to national banks of issue, any amount of their own notes below a fixed percentage of their issue, say 40 per cent., upon the banks depositing with the Treasurer of the United States an amount of Government bonds equal to the amount of notes demanded, the banks to forfeit to the Government, say 4 per cent. of the interest accruing on the bonds so pledged during the time they remain with the Treasurer, as security for the increased circulation, the bonds so pledged to be redeemable by the banks at their pleasure, either in whole or in part, by returning their own bills for cancellation to an amount equal to the face of the bonds withdrawn. I would further suggest for your consideration the propriety of authorizing national banks to diminish their standing issue at pleasure, by returning for cancellation their own bills, and withdrawing so many United States bonds as are pledged for the bills returned.

"In any modification of the present laws regulating national banks, as a further step toward preparing for resumption of specie payments, I invite your attention to a consideration of the propriety of exacting from them the retention, as a part of their reserve, either the whole or a part of the gold interest accruing upon the bonds pledged as security for their issue. I have not reflected enough on the bearing this might have in producing a scarcity of coin with which to pay duties on imports to give it my positive recommendation. But your attention is invited to the subject."

Interstate canals—with Government aid.

"There is one work, however, of a national character, in which the greater portion of the East and the West, the North and the South, are equally interested, to which I will invite your attention.

"The State of New York has a canal connecting Lake Erie with tide-water on the Hudson River. The State of Illinois has a similar work connecting Lake Michigan with navigable water on the Illinois River, thus making water-communication inland, between the East and the West and South. These great artificial water-courses are the property of the States through which they pass, and pay toll to those States. Would it not be wise statesmanship to pledge these States that if they will open these canals for the passage of large vessels the General Government will look after, and keep in navigable condition, the great public highways with which they connect, to wit, the overslaugh on the Hudson, the Saint Clair Flats, and the Illinois and Mississippi Rivers? This would be a national work; one of great value to the producers of the West and South in giving them cheap transportation for their produce to the sea-board and a market; and to the consumers in the East in giving them cheaper food, particularly of those articles of food which do not find a foreign market, and the prices of which, therefore, are not regulated by foreign demand. The advantages of such a work are too obvious for argument. I submit the subject to you, therefore, without further comment."

Exploration of Amazon and Madeira Rivers.

"In attempting to regain our lost commerce and carrying-trade, I have heretofore called attention to the states south of us offering a field where much might be accomplished. To further this object I suggest that a small appropriation be made, accompanied with authority for the Secretary of the Navy to fit out a naval vessel to ascend the Amazon River to the mouth of the Madeira; thence to explore that river and its tributaries into Bolivia, and to report to Congress at its next session, or as soon as practicable, the accessibility of the country by water, its resources, and the population so reached. Such an exploration would cost but little; it can do no harm, and may result in establishing a trade of value to both nations.

"In further connection with the Treasury Department I would recommend a revision and codification of the tariff laws, and the opening of more mints for coining money, with authority to coin for such nations as may apply.

"While inviting your general attention to all the recommendations made by the Secretary of War, there are two which I would especially invite you to consider: First, the importance of preparing for war in time of peace by providing proper armament for our sea-coast defenses. Proper armament is of vastly more importance than fortifications. The latter can be supplied very speedily for temporary purposes when needed; the former cannot. The second is the necessity of re-opening promotion in the staff corps of the Army. Particularly is this necessity felt in the Medical, Pay, and Ordnance Departments.

"I invite the favorable consideration of Congress to the suggestions and recommendations of the Postmaster-General for an extension of the free-delivery system in all cities having a population of not less than ten thousand; for the prepayment of postage on newspapers and other printed matter of the second class; for a uniform postage and limit of weight on miscellaneous matter; for adjusting the compensation of all postmasters, not appointed by the President, by the old method of commissions on the actual receipts of the office, instead of the present mode of fixing the salary in advance upon special returns; and especially do I urge favorable action by Congress on the important recommendations of the Postmaster-General for the establishment of United States postal savings depositories.

"Your attention is also again called to a consideration of the question of postal telegraphs, and the arguments adduced in support thereof, in the hope that you may take such action in connection therewith as in your judgment will most contribute to the best interests of the country."

Utah.

"To prevent anarchy there, it is absolutely necessary that Congress provide the courts with some mode of obtaining jurors, and I recommend legislation to that end; and also that the probate courts of the Territory, now assuming to issue writs of injunction and *habeas corpus*, and to try criminal cases and questions as to land-titles, be denied all jurisdiction not possessed ordinarily by courts of that description."

Bankruptcy and fictitious claims.

"I recommend that so much of said act as provides for involuntary bankruptcy on account of the suspension of payment be repealed.

"Your careful attention is invited to the subject of claims against the Government, and to the facilities afforded by existing laws for their prosecution. Each of the Departments of State, Treasury, and War have demands for many millions of dollars upon their files, and they are rapidly accumulating. To these may be added those now pending before Congress, the Court of Claims, and the southern claims commission, making in the aggregate an immense sum. Most of these grow out of the rebellion, and are intended to indemnify persons on both sides for their losses during the war; and not a few of them are fabricated and supported by false testimony. Projects are on foot, it is believed, to induce Congress to provide for new classes of claims, and to revive old ones through the repeal or modification of the statute of limitations, by which they are now barred. I presume these schemes, if proposed, will be received with little favor by Congress, and I recommend that persons having claims against the United States, cog-

nizable by any tribunal or department thereof, be required to present them at an early day, and that legislation be directed as far as practicable to the defeat of unfounded and unjust demands upon the Government; and I would suggest, as a means of preventing fraud, that witnesses be called upon to appear in person to testify before those tribunals having said claims before them for adjudication. Probably the largest saving to the national Treasury can be secured by timely legislation on these subjects of any of the economic measures that will be proposed."

Support of Indians east of Rocky Mountains.

"As a preparatory step for this consummation, I am now satisfied that a territorial form of government should be given them, which will secure the treaty rights of the original settlers, and protect their homesteads from alienation for a period of twenty years."

Census.

"It is believed, however, that a regular census every five years would be of substantial benefit to the country, inasmuch as our growth hitherto has been so rapid that the results of the decennial census are necessarily unreliable as a basis of estimates for the latter years of a decennial period."

Colorado—and irrigation from eastern slope of Rocky Mountains to Missouri River.

"I would recommend for your favorable consideration the passage of an enabling act for the admittance of Colorado as a State in the Union. It possesses all the elements of a prosperous State, agricultural and mineral, and, I believe, has a population now to justify such admission. In connection with this, I would also recommend the encouragement of a canal for purposes of irrigation from the eastern slope of the Rocky Mountains to the Missouri River. As a rule, I am opposed to further donations of public lands for internal improvements, owned and controlled by private corporations, but in this instance I would make an exception."

Civil-service reform.

"In three successive messages to Congress I have called attention to the subject of 'civil-service reform.'

"Action has been taken so far as to authorize the appointment of a board to devise rules governing methods of making appointments and promotions, but there never has been any action making these rules, or any rules, binding, or even entitled to observance where persons desire the appointment of a friend, or the removal of an official who may be disagreeable to them.

"To have any rules effective they must have the acquiescence of Congress as well as of the Executive. I commend, therefore, the subject to your attention, and suggest that a special committee of Congress might confer with the civil-service board during the present session for the purpose of devising such rules as can be maintained, and which will secure the services of honest and capable officials, and which will also protect them in a degree of independence while in office.

"Proper rules will protect Congress, as well as the Executive, from much needless persecution, and will prove of great value to the public at large."

"I renew my previous recommendation to Congress for general amnesty. The number engaged in the late rebellion yet laboring under disabilities is very small, but enough to keep up a constant irritation. No possibly danger can accrue to the Government by restoring them to eligibility to hold office.

"I suggest for your consideration the enactment of a law to better secure the civil rights which freedom should secure, but has not effectually secured, to the enfranchised slave."

SIXTH ANNUAL MESSAGE, DECEMBER 7, 1874.

Resumption of specie payments.

"In view of the pledges of the American Congress when our present legal-tender system was adopted, and debt contracted, there should be no delay—certainly no unnecessary delay—in fixing, by legislation, a method by which we will return to specie. To the accomplishment of this end I invite your special attention. I believe, firmly, that there can be no prosperous and permanent revival of business and industries until a policy is adopted—with legislation to carry it out—looking to a return to a specie basis. It is easy to conceive that the debtor and speculative classes may think it of value to them to make so-called money abundant until they can throw a portion of their burdens upon others. But even these, I believe, would be disappointed in the result if a course should be pursued which will keep in doubt the value of the legal-tender medium of exchange. A revival of productive industry is needed by all classes; by none more than the holders of property, of whatever sort, with debts to liquidate from realization upon its sale. But admitting that these two classes of citizens are to be benefited by expansion, would it be honest to give it? Would not the general loss be too great to justify such relief? Would it not be just as honest and prudent to authorize each debtor to issue his own legal-tenders to the extent of his liabilities? Than to do this would it not be safer—for fear of over-issues by unscrupulous creditors—to say that all debt obligations are obliterated

in the United States, and now we commence anew, each possessing all he has at the time free from incumbrance? These propositions are too absurd to be entertained for a moment by thinking or honest people. Yet every delay in preparation for final resumption partakes of this dishonesty, and is only less in degree as the hope is held out that a convenient season will at last arrive for the good work of redeeming our pledges to commence. It will never come, in my opinion, except by positive action by Congress, or by national disasters which will destroy, for a time at least, the credit of the individual and the state at large. A sound currency might be reached by total bankruptcy and discredit of the integrity of the nation and of individuals. I believe it is in the power of Congress at this session to devise such legislation as will renew confidence, revive all the industries, start us on a career of prosperity to last for many years, and to save the credit of the nation and of the people. Steps toward the return to a specie basis are the great requisites to this devoutly to be sought for end. There are others which I may touch upon hereafter."

"It is the duty of Congress to devise the method of correcting the evils which are acknowledged to exist, and not mine. But I will venture to suggest two or three things which seem to me as absolutely necessary to a return to specie payments, the first great requisite in a return to prosperity. The legal-tender clause to the law authorizing the issue of currency by the National Government should be repealed, to take effect as to all contracts entered into after a day fixed in the repealing act; not to apply, however, to payments of salaries by Government, or for other expenditures now provided by law to be paid in currency in the interval pending between repeal and final resumption. Provision should be made by which the Secretary of the Treasury can obtain gold as it may become necessary from time to time from the date when specie redemption commences. To this might and should be added a revenue sufficiently in excess of expenses to insure an accumulation of gold in the Treasury to sustain permanent redemption.

"I commend this subject to your careful consideration, believing that a favorable solution is attainable, and if reached by this Congress that the present and future generations will ever gratefully remember it as their deliverer from a thralldom of evil and disgrace."

"With resumption, free banking may be authorized with safety, giving the same full protection to bill-holders which they have under existing laws. Indeed, I would regard free banking as essential. It would give proper elasticity to the currency. As more currency should be required for the transaction of legitimate business, new banks would be started, and, in turn, banks would wind up their business when it was found that there was a superabundance of currency. The experience and judgment of the people can best decide just how much currency is required for the transaction of the business of the country. It is unsafe to leave the settlement of this question to Congress, the Secretary of the Treasury, or the Executive. Congress should make the regulation under which banks may exist, but should not make banking a monopoly by limiting the amount of redeemable paper currency that shall be authorized. Such importance do I attach to this subject and so earnestly do I commend it to your attention that I give it prominence by introducing it at the beginning of this message."

Chinese immigration.

"In connection with this subject I call the attention of Congress to a generally-conceded fact: that the great proportion of the Chinese immigrants who come to our shores do not come voluntarily to make their homes with us and their labor productive of general prosperity, but come under contracts with head-men who own them almost absolutely. In a worse form does this apply to Chinese women. Hardly a perceptible percentage of them perform any honorable labor, but they are brought for shameful purposes, to the disgrace of the communities where settled and to the great demoralization of youth of those localities. If this evil practice can be legislated against, it will be my pleasure as well as duty to enforce any regulation to secure so desirable an end."

Japanese indemnity fund.

"I submit the propriety of applying the income of a part if not of the whole of this fund to the education in the Japanese language of a number of young men to be under obligations to serve the Government for a specified time as interpreters at the legation and the consulates in Japan. A limited number of Japanese youths might at the same time be educated in our own vernacular, and mutual benefits would result to both governments. The importance of having our own citizens, competent and familiar with the language of Japan, to act as interpreters and in other capacities connected with the legation and the consulates in that country, cannot readily be overestimated."

Claims of aliens against the United States.

"In this connection, I renew my recommendation, made at the opening of the last session of Congress, that a special court be created to hear and determine all claims of aliens against the United States arising from acts committed against their persons or property during the insurrection. It appears equitable that opportunity should be offered to citizens of other states to present their claims, as well as to those British subjects whose claims were not admissible under the late commission, to the early decision of some competent tribunal.

To this end, I recommend the necessary legislation to organize a court to dispose of all claims of aliens of the nature referred to, in an equitable and satisfactory manner, and to relieve Congress and the Departments from the consideration of these questions."

Boundary between the United States and British Possessions.

"A copy of the report of the commissioner appointed under the act of March 19, 1872, for surveying and marking the boundary between the United States and the British Possessions, from the Lake of the Woods to the summit of the Rocky Mountains, is herewith transmitted. I am happy to announce that the field-work of the commission has been completed, and the entire line, from the northwest corner of the Lake of the Woods to the summit of the Rocky Mountains, has been run and marked upon the surface of the earth. It is believed that the amount remaining unexpended of the appropriation made at the last session of Congress will be sufficient to complete the office-work. I recommend that the authority of Congress be given to the use of the unexpended balance of the appropriation in the completion of the work of the commission in making its report and preparing the necessary maps."

Expatriation and the election of nationality.

"I have again to call the attention of Congress to the unsatisfactory condition of the existing laws with reference to expatriation and the election of nationality. Formerly, amid conflicting opinions and decisions, it was difficult to exactly determine how far the doctrine of perpetual allegiance was applicable to citizens of the United States. Congress by the act of the 27th July, 1868, asserted the abstract right of expatriation as a fundamental principle of this Government. Notwithstanding such assertion and the necessity of frequent application of the principle, no legislation has been had defining what acts or formalities shall work expatriation or when a citizen shall be deemed to have renounced or to have lost his citizenship. The importance of such definition is obvious."

Fraudulent naturalization.

"Without placing any additional obstacles in the way of the obtainment of citizenship by the worthy and well-intentioned foreigner who comes in good faith to cast his lot with ours, I earnestly recommend further legislation to punish fraudulent naturalization and to secure the ready cancellation of the record of every naturalization made in fraud."

Means of increasing the revenue.

"The Secretary of the Treasury in his report favors legislation looking to an early return to specie payments, thus supporting views previously expressed in this message. He also recommends economy in appropriations; calls attention to the loss of revenue from repealing the tax on tea and coffee, without benefit to the consumer; recommends an increase of ten cents a gallon on whisky, and, further, that no modification be made in the banking and currency bill passed at the last session of Congress, unless modification should become necessary by reason of the adoption of measures for returning to specie payments. In these recommendations I cordially join."

"I would suggest to Congress the propriety of re-adjusting the tariff so as to increase the revenue and, at the same time, decrease the number of articles upon which duties are levied. Those articles which enter into our manufactures, and are not produced at home, it seems to me should be entered free. Those articles of manufacture which we produce a constituent part of, but do not produce the whole, that part which we do not produce should enter free also. I will instance fine wool, dyes, &c. These articles must be imported to form a part of the manufacture of the higher grades of woollen goods. Chemicals, used as dyes, compounded in medicines, and used in various ways in manufactures, come under this class. The introduction, free of duty, of such wools as we do not produce would stimulate the manufacture of goods requiring the use of those we do produce, and, therefore, would be a benefit to home production. There are many articles entering into "home manufactures" which we do not produce ourselves, the tariff upon which increases the cost of producing the manufactured article. All corrections in this regard are in the direction of bringing labor and capital in harmony with each other, and of supplying one of the elements of prosperity so much needed."

Treaties ratified.

"Since my last annual message the exchange has been made of the ratification of treaties of extradition with Belgium, Ecuador, Peru, and Salvador; also of a treaty of commerce and navigation with Peru, and one of commerce and consular privileges with Salvador; all of which have been duly proclaimed, as has also a declaration with Russia with reference to trade-marks."

Wants and necessities of the Army.

"All the recommendations of the Secretary of War I regard as judicious, and I especially commend to your attention the following: The consolidation of Government arsenals; the restoration of mileage to officers traveling under orders; the exemption of money received from the sale of subsistence stores from being covered into the Treasury; the use of appropriations for the purchase of subsistence stores without waiting for the beginning of the fiscal year for which the appropriation is made; for additional appropriations for the collection of torpedo material; for increased appropriations for the manu-

facture of arms; for relieving the various States from indebtedness for arms charged to them during the rebellion; for dropping officers from the rolls of the Army without trial for the offense of drawing pay more than once for the same period; for the discouragement of the plan to pay soldiers by checks; and for the establishment of a professorship of rhetoric and English literature at West Point. The reasons for these recommendations are obvious, and are set forth sufficiently in the reports attached. I also recommend that the status of the staff corps of the Army be fixed, where this has not already been done, so that promotions may be made and vacancies filled as they occur in each grade when reduced below the number to be fixed by law. The necessity for such legislation is specially felt now in the Pay Department. The number of officers in that department is below the number adequate to the performance of the duties required of them by law."

Certain operations of the Navy.

"Much has been accomplished during the year in aid of science and to increase the sum of general knowledge and further the interests of commerce and civilization. Extensive and much-needed soundings have been made for hydrographic purposes and to fix the proper routes of ocean telegraphs. Further surveys of the great isthmus have been undertaken and completed, and two vessels of the Navy are now employed, in conjunction with those of England, France, Germany, and Russia, in observations connected with the transit of Venus, so useful and interesting to the scientific world."

Education of the people essential to general prosperity.

"Education of the people entitled to exercise the right of franchise I regard essential to general prosperity everywhere, and especially so in republics, where birth, education, or previous condition does not enter into account in giving suffrage. Next to the public school, the post-office is the great agent of education over our vast territory."

Unsettled condition of affairs in some of the Southern States.

"I regret to say that, with preparations for the late election, decided indications appeared in some localities in the Southern States of a determination, by acts of violence and intimidation, to deprive citizens of the freedom of the ballot, because of their political opinions. Bands of men, masked and armed, made their appearance; White Leagues and other societies were formed; large quantities of arms and ammunition were imported and distributed to these organizations; military drills, with menacing demonstrations, were held; and, with all these, murders enough were committed to spread terror among those whose political action was to be suppressed, if possible, by these intolerant and criminal proceedings. In some places colored laborers were compelled to vote according to the wishes of their employers, under threats of discharge if they acted otherwise; and there are too many instances in which, when these threats were disregarded, they were remorselessly executed by those who made them. I understand that the fifteenth amendment to the Constitution was made to prevent this and a like state of things, and the act of May 31, 1870, with amendments, was passed to enforce its provisions, the object of both being to guarantee to all citizens the right to vote and to protect them in the free enjoyment of that right. Enjoined by the Constitution "to take care that the laws be faithfully executed," and convinced by undoubted evidence that violations of said act had been committed, and that a wide-spread and flagrant disregard of it was contemplated, the proper officers were instructed to prosecute the offenders, and troops were stationed at convenient points to aid these officers, if necessary, in the performance of their official duties. Complaints are made of this interference by Federal authority; but if said amendment and act do not provide for such interference under the circumstances as above stated, then they are without meaning, force, or effect, and the whole scheme of colored enfranchisement is worse than mockery, and little better than a crime. Possibly Congress may find it due to truth and justice to ascertain, by means of a committee, whether the alleged wrongs to colored citizens for political purposes are real, or the reports thereof were manufactured for the occasion.

"The whole subject of Executive interference with the affairs of a State is repugnant to public opinion, to the feeling of those who, from their official capacity, must be used in such interposition, and to him or those who must direct. Unless most clearly on the side of law, such interference becomes a crime; with the law to support it, it is condemned without a hearing. I desire, therefore, that all necessity for Executive direction in local affairs may become unnecessary and obsolete. I invite the attention, not of Congress, but of the people of the United States, to the causes and effects of these unhappy questions. Is there not a disposition on one side to magnify wrongs and outrages, and on the other side to belittle them or justify them? If public opinion could be directed to a correct survey of what is, and to rebuking wrong, and aiding the proper authorities in punishing it, a better state of feeling would be inculcated, and the sooner we would have that peace which would leave the States free indeed to regulate their own domestic affairs. I believe on the part of our citizens of the Southern States—the better part of them—there is a disposition to be law-abiding, and to do no violence either to individuals or to the laws existing. But do they do right in ignoring the existence of violence and bloodshed in resistance to constituted authority? I sym-

pathize with their prostrate condition, and would do all in my power to relieve them; acknowledging that in some instances they have had most trying governments to live under, and very oppressive ones in the way of taxation for nominal improvements, not giving benefits equal to the hardships imposed; but can they proclaim themselves entirely irresponsible for this condition? They cannot. Violence has been rampant in some localities, and has either been justified or denied by those who could have prevented it. The theory is even raised that there is to be no further interference on the part of the General Government to protect citizens within a State where the State authorities fail to give protection. This is a great mistake. While I remain Executive all the laws of Congress, and the provisions of the Constitution, including the recent amendments added thereto, will be enforced with rigor, but with regret that they should have added one jot or tittle to Executive duties or powers. Let there be fairness in the discussion of southern questions, the advocates of both, or all political parties, giving honest, truthful reports of occurrences, condemning the wrong and upholding the right, and soon all will be well. Under existing conditions the negro votes the republican ticket because he knows his friends are of that party. Many a good citizen votes the opposite, not because he agrees with the great principles of state which separate parties, but because, generally, he is opposed to negro rule. This is a most delusive cry. Treat the negro as a citizen and a voter—as he is and must remain—and soon parties will be divided, not on the color line, but on principle. Then we shall have no complaint of sectional interference."

Increase of judicial districts.

"I respectfully suggest to Congress the propriety of increasing the number of judicial districts in the United States to eleven, the present number being nine, and the creation of two additional judgeships. The territory to be traversed by the circuit judges is so great, and the business of the courts so steadily increasing, that it is growing more and more impossible for them to keep up with the business requiring their attention. Whether this would involve the necessity of adding two more justices of the Supreme Court to the present number I submit to the judgment of Congress."

Management of Indian affairs.

"I commend the recommendation of the Secretary for the extension of the homestead laws to the Indians, and for some sort of territorial government for the Indian Territory. A great majority of the Indians occupying this Territory are believed yet to be incapable of maintaining their rights against the more civilized and enlightened white man. Any territorial form of government given them, therefore, should protect them in their homes and property for a period of at least twenty years, and before its final adoption should be ratified by a majority of those affected."

Pensions to survivors of war of 1812 residing in southern States.

"The act of Congress providing the oath which pensioners must subscribe to before drawing their pensions cuts off from this bounty a few survivors of the war of 1812 residing in the Southern States. I recommend the restoration of this bounty to all such. The number of persons whose names would thus be restored to the list of pensioners is not large. They are all old persons who could have taken no part in the rebellion, and the services for which they were awarded pensions were in defense of the whole country."

Civil service.

"The rules adopted to improve the civil service of the Government have been adhered to as closely as has been practicable with the opposition with which they meet. The effect, I believe, has been beneficial on the whole, and has tended to the elevation of the service. But it is impracticable to maintain them without direct and positive support of Congress. Generally the support which this reform receives is from those who give it their support only to find fault when the rules are apparently departed from. Removals from office without preferring charges against parties removed are frequently cited as departures from the rules adopted, and the retention of those against whom charges are made by irresponsible persons and without good grounds is also often condemned as a violation of them. Under these circumstances, therefore, I announce that, if Congress adjourns without positive legislation on the subject of 'civil-service reform,' I will regard such action as a disapproval of the system, and will abandon it, except so far as to require examinations for certain appointees, to determine their fitness. Competitive examinations will be abandoned."

District of Columbia.

"In my opinion the District of Columbia should be regarded as the grounds of the national capital, in which the entire people are interested. * * * I think the proportion of the expenses of the government and improvements to be borne by the General Government, the cities of Washington and Georgetown, and the county should be carefully and equitably defined."

SEVENTH ANNUAL MESSAGE, DECEMBER 7, 1875.

Compulsory education by constitutional amendment.

"As the primary step, therefore, to our advancement in all that has marked our progress in the past century, I suggest for your earnest

consideration, and most earnestly recommend it, that a constitutional amendment be submitted to the Legislatures of the several States for ratification, making it the duty of each of the several States to establish and forever maintain free public schools adequate to the education of all the children in the rudimentary branches within their respective limits, irrespective of sex, color, birthplace, or religions; forbidding the teaching in said schools of religious, atheistic, or pagan tenets; and prohibiting the granting of any school funds, or school taxes, or any part thereof, either by legislative, municipal, or other authority, for the benefit or in aid, directly or indirectly, of any religious sect or denomination, or in aid or for the benefit of any other object of any nature or kind whatever."

Taxation of church property.

"I would suggest the taxation of all property equally, whether church or corporation, exempting only the last resting-place of the dead, and, possibly, with proper restrictions, church edifices."

Virginian indemnity.

"In March last an arrangement was made through Mr. Cushing, our minister in Madrid, with the Spanish government, for the payment by the latter to the United States of the sum of \$80,000 in coin, for the purpose of the relief of the families or persons of the ship's company and certain passengers of the *Virginian*. This sum was to have been paid in three installments at two months each. It is due to the Spanish government that I should state that the payments were fully and spontaneously anticipated by that government, and that the whole amount was paid within but a few days more than two months from the date of the agreement, a copy of which is herewith transmitted. In pursuance of the terms of the adjustment, I have directed the distribution of the amount among the parties entitled thereto, including the ship's company and such of the passengers as were American citizens. Payments are made accordingly, on the application by the parties entitled thereto."

Cuba.

Recognition of its independence deemed impracticable and accordance of belligerent rights regarded indefensible as a measure of right. Mediation and intervention of other nations apparently the only alternative to be invoked for the termination of strife.

Depredations by armed bands from Mexico on the people of Texas.

"The military force of this Government disposable for service in that quarter is quite inadequate to effectually guard the line even at those points where the incursions are usually made. An experiment of an armed vessel on the Rio Grande for that purpose is on trial, and it is hoped that, if not thwarted by the shallowness of the river and other natural obstacles, it may materially contribute to the protection of the herdsmen of Texas."

Claims of aliens against the United States.

"I recommend that some suitable provision be made, by the creation of a special court or by conferring the necessary jurisdiction upon some appropriate tribunal, for the consideration and determination of the claims of aliens against the Government of the United States which have arisen within some reasonable limitation of time, or which may hereafter arise, excluding all claims barred by treaty provisions or otherwise. It has been found impossible to give proper consideration to these claims by the Executive Departments of the Government. Such a tribunal would afford an opportunity to aliens other than British subjects to present their claims on account of acts committed against their persons or property during the rebellion, as also to those subjects of Great Britain whose claims, having arisen subsequent to the 9th day of April, 1865, could not be presented to the late commission organized pursuant to the provisions of the treaty of Washington."

Occupation of New State Department.

"In the month of July last the building erected for the Department of State was taken possession of and occupied by that Department. I am happy to announce that the archives and valuable papers of the Government in the custody of that Department are now safely deposited and properly cared for."

Treasury—partial repeal of legal-tender act, &c.

A repeal of so much of the legal-tender act as makes these notes receivable for debts contracted after a day to be fixed in the act itself, say not later than the 1st of January, 1877.

Second, that the Secretary of the Treasury be authorized to redeem say not to exceed \$2,000,000 monthly of legal-tender notes, by issuing in their stead a long bond, bearing interest at the rate of 3 $\frac{1}{2}$ % per cent. per annum, of denominations ranging from \$50 up to \$1,000 each. This would in time reduce the legal-tender notes to a volume that could be kept afloat without demanding a redemption in large sums suddenly.

"Third, that an additional power be given to the Secretary of the Treasury to accumulate gold for final redemption, either by increasing revenue, curtailing expenses, or both—it is preferable to do both; and I recommend that reduction of expenditures be made wherever it can be done without impairing Government obligations, or crippling the due execution thereof. One measure for increasing the revenue—and the only one I think of—is the restoration of the duty on tea and

coffee. These duties would add, probably, \$18,000,000 to the present amount received from imports, and would in no way increase the prices paid for those articles by the consumers."

Annuities for families of deceased Army officers.

"The enactment of a system of annuities for the families of deceased officers by voluntary deductions from the monthly pay of officers. This, again, is not attended with burden upon the Treasury, and would for the future relieve much distress which every old Army officer has witnessed in the past—of officers dying suddenly or being killed, leaving families without even the means of reaching their friends if fortunate enough to have friends to aid them."

Signal-service corps.

Permanent organization of Signal-Service Corps recommended.

Centennial celebration.

"The powers of Europe, almost without exception, many of the South American states, and even the more distant eastern powers, have manifested their friendly sentiments toward the United States, and the interest of the world in our progress, by taking steps to join with us in celebrating the centennial of the nation, and I strongly recommend that a more national importance be given to this exhibition by such legislation and by such appropriation as will insure its success. Its value in bringing to our shores innumerable useful works of art and skill, the commingling of the citizens of foreign countries and our own, and the interchange of ideas and manufactures, will far exceed any pecuniary outlay we may make."

Geological explorations in Colorado, Utah, and New Mexico Territories.

"The geological explorations have been prosecuted with energy during the year, covering an area of about forty thousand square miles in the Territories of Colorado, Utah, and New Mexico, developing the agricultural and mineral resources, and furnishing interesting scientific and topographical details of that region."

Utah—Polygamy.

"In nearly every annual message that I have had the honor of transmitting to Congress, I have called attention to the anomalous, not to say scandalous, condition of affairs existing in the Territory of Utah, and have asked for definite legislation to correct it. That polygamy should exist in a free, enlightened, and Christian country, without the power to punish so flagrant a crime against decency and morality, seems preposterous. True, there is no law to sustain this unnatural vice, but what is needed is a law to punish it as a crime, and at the same time to fix the status of the innocent children, the offspring of the system, and of the possibly innocent plural wives. But, as an institution, polygamy should be banished from the land."

Importation of Chinese women.

"While this is being done, I invite the attention of Congress to another, though perhaps no less an evil, the importation of Chinese women, but few of whom are brought to our shores to pursue honorable or useful occupations."

Necessity for amendment of public land and mining laws.

"Observations while visiting the Territories of Wyoming, Utah, and Colorado, during the past autumn, convinced me that existing laws regulating the disposition of public lands, timber, &c., and probably the mining laws themselves, are very defective, and should be carefully amended and at an early day. In territory where cultivation of the soil can only be followed by irrigation, and where irrigation is not practicable the lands can only be used as pasturage, and this only where stock can reach water, (to quench its thirst,) cannot be governed by the laws as to entries as lands every acre of which is an independent estate by itself.

"Land must be held in larger quantities to justify the expense of conducting water upon it to make it fruitful or to justify utilizing it as pasturage. The timber in most of the Territories is principally confined to the mountain regions, which are held for entry in small quantities only and as mineral lands. The timber is the property of the United States for the disposal of which there is now no adequate law. The settler must become a consumer of this timber whether he lives upon the plain or engages in working the mines. Hence every man becomes either a trespasser himself or knowingly a patron of trespassers.

"My opportunities for observation were not sufficient to justify me in recommending specific legislation on these subjects, but I do recommend that a joint committee of the two Houses of Congress—sufficiently large to be divided into subcommittees—be organized to visit all the mining States and Territories during the coming summer, and that the committee shall report to Congress at the next session such laws or amendments to laws as it may deem necessary to secure the best interests of the Government and the people of these Territories, who are doing so much for their development."

Summary of questions deemed of vital importance.

"As this will be the last annual message which I shall have the honor of transmitting to Congress before my successor is chosen, I will repeat or recapitulate the questions which I deem of vital importance, which may be legislated upon and settled at this session:

"First. That the States shall be required to afford the opportunity of a good common-school education to every child within their limits

"Second. No sectarian tenets shall ever be taught in any school supported in whole or in part by the State, nation, or by the proceeds of any tax levied upon any community. Make education compulsory, so as to deprive all persons who cannot read and write from becoming voters after the year 1890, disfranchising none, however, on grounds of illiteracy who may be voters at the time this amendment takes effect.

"Third. Declare church and State forever separate and distinct, but each free within its proper spheres, and that all church property shall bear its own proportion of taxation.

"Fourth. Drive out licensed immorality, such as polygamy and the importation of women for illegitimate purposes. To recur again to the centennial year, it would seem as though now, as we are about to begin the second century of our national existence, would be a most fitting time for these reforms.

"Fifth. Enact such laws as will insure a speedy return to a sound currency, such as will command the respect of the world."

Mr. CONKLING. I move that the message lie on the table and be printed; and I also offer the customary motion, for reference under the laws to the Committee on Printing, for the printing of a number of extra copies.

Mr. EDMUNDS. Your first motion is to print the accompanying documents.

The PRESIDENT *pro tempore*. The law authorizes the number.

Mr. CONKLING. Of course I mean the message and all that accompanies it.

The PRESIDENT *pro tempore*. The reference of the motion to print extra copies will be made to the Committee on Printing, when appointed, and the usual number authorized by law will be printed.

FINANCE REPORT.

The PRESIDENT *pro tempore* laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances; which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. DAWES, it was

Ordered, That James Schoutter have leave to withdraw from the files a paper bearing a commission of Abram How; also certain letters on file with the William T. Eustis case, to which they do not belong.

FEDERAL TROOPS IN VIRGINIA.

Mr. WITHERS. I offer the following resolution:

Resolved, That the President be, and he is hereby, requested to inform the Senate, if not incompatible with public interest, under what authority and for what purpose troops of the United States occupied the city of Petersburg, in the State of Virginia, on the 7th of November, 1876, the day of the general election.

Mr. EDMUNDS. That will lead to debate. Let it lie over.

The PRESIDENT *pro tempore*. The resolution will lie over under the rule.

Mr. WITHERS. I ask that it be printed.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the resolution will be printed.

VOTERS IN CERTAIN STATES—ELIGIBILITY OF ELECTORS.

The Senate resumed the consideration of the resolutions yesterday submitted by Mr. EDMUNDS and modified by him this morning.

Mr. THURMAN. Mr. President, I shall not take up much of the time of the Senate in submitting some views and observations on these resolutions. I have nothing to say in any spirit of faction. It is not a time for faction. I voted against considering the resolutions to-day because I thought more time ought to be given to their study by those who are to be called to vote upon them. The majority of the Senate thought otherwise, and I submitted, and I shall say, therefore, what occurs to me on reading them for the first time this morning, and without that study which I should like to give them. I shall not be drawn into anticipating any question that may arise hereafter. "Sufficient unto the day is the evil thereof." I shall hold myself perfectly free whenever questions shall arise calling upon us for their determination, in the progress of events, then to give my best judgment upon those questions. But now we are called upon to vote on these resolutions, and we have to decide as we are informed to-day. That makes it necessary that we should see what the resolutions are. The first thing that strikes me is that every inquiry proposed here is an inquiry in relation to a matter of fact. The Senator from Vermont said, if I understood him correctly, that these resolutions commit no Senator to any particular doctrine or dogma. It will be found upon examining them, and it certainly was the purport of the remarks he made, that if they be adopted the Senate is committed to a particular doctrine and dogma.

The preamble to the first resolution goes upon the assumption that, although there may be not one word in the constitution of a State, not one word in the statute law of a State denying suffrage to any class of male citizens, although that State may have been in the control of the party to which the Senator belongs ever since the close of the war, yet that it may be deprived of a portion of its representation in Congress, and consequently of a portion of its vote in the electoral college, if by unlawful means, means denounced by the State government, means punished by the State government, any number of men have been deprived of their right to vote. That is said to be based upon the fourteenth amendment to the constitution. I suppose there is no amendment to the constitution that cannot be practically executed;

and I want the attention of my friend from Vermont to see how he would practically execute this new idea that we are to inquire whether the Ku-Klux, or some White League, or some other organization has intimidated voters in the six States he has mentioned in order that we may ascertain what shall be the representation of those States in the House of Representatives and what shall be their vote in the electoral college. What is this fourteenth amendment? What does it say? It provides that—

When the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens—

That is, the number of such as are denied the right of suffrage—shall bear to the whole number of male citizens twenty-one years of age in such State.

We have an act of Congress, passed on the 2d of February, 1872, fixing the representation of the six States that are named in this resolution; providing that Georgia shall have nine Representatives, Alabama eight Representatives, South Carolina five, Louisiana six, and so on. The Senator from Vermont proposes that the Committee on Privileges and Elections shall find out whether, in the year 1875, there were citizens of those States denied the right of suffrage. Denied by the constitutions of the States? No; the Senator knows there is no such denial there. Denied by the statutes of the States? No; the Senator knows there is no such denial there. Denied by the judgments of the courts of those States? No; the Senator knows there is no such denial. Denied how, then? Denied by violence and intimidation of lawless individuals; for that is all that is complained of in the memorials and petitions and newspaper articles to which the Senator referred and upon which he bases his resolutions.

Suppose this committee should go into an investigation in six States; six States which used to be called sovereign States; six States that in common with other States the Supreme Court of the United States has fifty times in solemn decisions called sovereign States; suppose the Senate, by its Committee on Privileges and Elections, inquires how many persons in those six States have been unlawfully denied the right of suffrage by intimidation or other foul means; and suppose the committee make a report on that subject, and a committee of one single branch of Congress makes a report that 10,000 men in the State of South Carolina, in the year 1875, were deprived by intimidation of the right to vote; are you going to change the representation of South Carolina upon that report? Are you going to amend this act of Congress which says that South Carolina shall have five representatives? Suppose the same committee report that in 1876 anybody was intimidated there; that anybody was denied the right of suffrage; what are you going to do? Are you going to assume further that, because there was violence in 1875 or 1876, there will be violence in 1877 and in 1878, when the Forty-fifth Congress will have its existence? And are you then, upon the assumption of continued violence, of continued disregard of law, to proceed to reduce the representation of that State in the Congress and reduce its influence in the electoral college at the next presidential election? Does not any one see how utterly impossible it is to proceed upon any such basis? It is the same way with each of the States. Let the committee make their report; and how are we to get a census, pray, upon which Congress can act of all persons who were intimidated in Georgia, or Alabama, or Louisiana, or Arkansas, or Texas? How are you to get a census of the men, so that you can make the calculation required by the fourteenth amendment and find "the proportion which the number of such male citizens" who are thus denied the right of suffrage "shall bear to the whole number of male citizens twenty-one years of age?" How are you to do it? Does not every one see that it is an impossibility? Does not every one see at once that such an idea as that never entered into the minds of the people when they adopted the fourteenth amendment? It could not have entered into the minds of the people. It is utterly impossible that any such idea could have had place in their minds. As the Senator from Delaware has very properly stated, the fourteenth amendment is a direction to the States as States. No one can be denied the right of suffrage within the meaning of this provision of the Constitution unless he is denied it by the constitution or by the law of a State, if the Constitution permits it to be denied by the law.

The fourteenth amendment held out to the Southern States this alternative, and gave it to them freely: "Admit the negroes to vote and have an increased representation, or deny them the right to vote and have a reduced representation." The alternative was offered to them. They had a right to choose between the two. It is very true they cannot prevent a man's voting by reason of race, color, or previous condition of servitude under the fifteenth amendment. Under the fourteenth they might have done so, for the fourteenth confers the right of suffrage on nobody, and the fifteenth only prevents a man's exclusion on account of race, color, or previous condition of servitude; but it was still perfectly within their competency to make a property qualification or an educational qualification that would exclude nine-tenths of the colored people in the South. By the fourteenth and fifteenth amendments the people of the United States said to them: "You may have your choice; you may by requiring an educational qualification or a property qualification exclude the bulk

of these colored people from the ballot-box; but if you do it, you reduce your representation in the Congress, and your power in the electoral college shall be diminished in the same proportion that those excluded persons bear to the whole number of white inhabitants in the State. On the other hand, you may give the suffrage to all these people without any such restrictive qualifications that would deny it to any; and if you do give it to them all, then, instead of the old representation under the old Constitution of two-fifths of the colored population, you shall have representation for the whole of them. The choice was fairly offered to the people of those States. In perfect good faith they accepted the alternative of giving the suffrage to everybody, colored as well as white. They put it in their constitutions. They denied to their Legislatures the power to deprive the colored people of suffrage. They took that horn of the dilemma. And now after having thus chosen as you authorized them to choose, it is said that we can get up an inquiry here, outside of the Constitution in fact, to ascertain whether, by fraud, by violence, by intimidation, or the like, some people have been denied the right of suffrage, and, if so, then the representation of those States shall be diminished and their weight in the electoral college shall also be diminished.

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

Mr. THURMAN. Yes, sir.

Mr. EDMUNDS. I ask the Senator to point out to the Senate whereabouts it is in these resolutions that there is any such declaration or assumption as he speaks of. He says that the resolutions assume and foreclose the question that Congress has power to deal with, by diminishing representation, any illegal or fraudulent or violent deprivation of suffrage, whether the government of the State has had anything to do with it or not. Now, I wish him to point out whereabouts it is in the resolutions that anything of that kind is either said or implied.

Mr. THURMAN. Why, Mr. President, it is implied by the fact that there is not one word in the preamble nor one word in the instructions that requires the committee to investigate any constitution of those States, any law of those States, any judicial decision of those States, or any action of any governmental person in those States.

Mr. EDMUNDS. Will the Senator allow me to suggest to him that he had better read the language again. The first branch of the preamble recites the words of the Constitution. I believe that the Senator has not denied that. The second branch of the preamble states again the very words of the Constitution, by the statement that it is alleged that in these States the very descriptions of citizens named have been denied or abridged of their rights, using the very language of the Constitution, no more and no less. Therefore, the first resolution goes on to provide that we shall inquire into the condition of the thing, and then we shall be able to ascertain whether there has been a violation of the Constitution or not.

Mr. THURMAN. What are the things which the committee are to inquire into?

Mr. EDMUNDS. Exactly the things that the Constitution requires.

Mr. THURMAN. Let me speak. What are the things they are to inquire into? Whether the constitution of South Carolina denies the right of suffrage to any man there? Whether the constitution of Georgia does it, or that of Alabama or Louisiana?

Mr. EDMUNDS. That is one of the things.

Mr. THURMAN. No, sir; nothing of the kind. The Senator knows and every Senator knows that there is not one word of denial in either of those constitutions.

Mr. EDMUNDS. I do not know anything of the kind.

Mr. THURMAN. The Senator ought to know it, if he does not.

Mr. EDMUNDS. That may be. I doubt if the Senator from Ohio knows it.

Mr. THURMAN. The Senator ought to take judicial notice of that fact. But there is no inquiry to be made by the committee as to that. Then as to the statutes; is there any inquiry to be made whether the statutes of the States deny the right of suffrage to any of these people? Not one word of that. What was the foundation given by the Senator in his speech for this resolution? That half the newspapers in the land said that men had been denied the right of suffrage down there; that there had been reports of committees to this body that men had been denied the right of suffrage down there; that there had been petitions and memorials. Now, I put it to the Senator, has he ever seen in a newspaper, if that is sufficient authority, any assertion that a constitution of any of those States, or a statute of any of those States, denied the right of suffrage to any of the class of people to whom he refers?

Mr. EDMUNDS. Does the Senator want an answer now? If he does he can have it.

Mr. THURMAN. I should like to have an answer. The Senator can give it to me categorically.

Mr. EDMUNDS. Yes. I give it categorically; yes.

Mr. THURMAN. That the Senator has seen that the constitution of one of those States denied it?

Mr. EDMUNDS. I have not spoken of their constitutions. I have said that I have seen it, as the Senator put it to me, that the laws and governmental provisions of several of those States do operate to deny suffrage.

Mr. THURMAN. I should like to see such a statute. No one has ever shown such a statute. No one ever can show such a statute.

I defy the Senator to point to a single statute of any one of those States that does not bear alike upon the white man and the colored man with perfect equality and with perfect justice. There cannot be one shown. No, sir; that is not it at all. What are the memorials that the Senator speaks of? Memorials against any statute law of those States? No, sir; he cannot find one. Memorials against their constitutions? He cannot find one. What are the reports of the committees to which he refers? Reports that there are constitutions which deny the right of suffrage? No, sir. Reports that there are laws which deny the right of suffrage? No, sir; not at all. Does he talk about the laws of those States? Who has had possession of South Carolina ever since the close of the war but the republican party? Who has had possession of Louisiana ever since the close of the war but the republican party? Who has had possession of Alabama until two years ago, for the greater part of the time, at least, but the republican party? No, sir; that will not do at all. It is simply to go into this "intimidation" business. It is simply to furnish a pretense for returning boards vetoing the voice of the people and electing other men than those whom the people have chosen—a thing that can always be alleged, however false, and with such judges as have acted upon the so-called proofs, a thing that will always have precisely the same effect and the same result. Let us see what this committee are to inquire into:

1. Whether, in any of the elections named in said amendment in said States, in the years 1875 or 1876, the right of any portion of such inhabitants and citizens to vote as aforesaid has been in anywise denied or abridged.
2. To what extent such denial or abridgment has been carried.
3. By what means such denial or abridgment has been accomplished.

Not whether there is a statute or a constitution that denied it, but what are the means by which the denial has been accomplished.

4. By whom has such denial or abridgment been effected.

Not whether by the people in the framing of their constitution; not whether by the legislature in the enactment of their laws; not whether by the judiciary in their interpretation of the constitution and the laws; but by whom, in its most general sense, has this denial been effected.

5. With what motives and for what purposes has such denial or abridgment been carried on.

What has that to do with the question of reducing their representation? If their motives had been as pure as those of angels, and they had framed a constitution containing educational clauses or property qualifications that would necessarily exclude a large portion of these people, the effect would necessarily be to reduce their representation in the House and to give them a reduced weight in the electoral college; but what would we have to do with their motives? Again:

6. By what authority or pretended authority has such denial or abridgment been exercised.

It is not sufficient to ask for authority, but by what "pretended authority" has this denial taken place. O, Mr. President, there is no concealing the fact that this is not an inquiry warranted by the Constitution for the purpose of basing upon it any action to reduce the representation of those States, or for the purpose of affecting their weight in the electoral college. The Constitution deals with certainties and not with uncertainties. When it says that the representation shall be in proportion to the number of male inhabitants it means that; and when it says that persons excluded from the right of suffrage shall not be counted in fixing the representation it means persons denied by the State the right of suffrage; and that can be well ascertained. It means nothing less than that, and nothing more than that. It does not propose to us an inquiry which shall be shifting with every year, as was well said by the Senator from Delaware. The State to-day, owing to a fact which is past, not an existing fact, owing to the denial of suffrage in 1875, a year ago and more, is to be shorn, forsooth, of a portion of its representation. I should like to know how you would execute such a provision. Suppose you say the State of Georgia shall not have nine Representatives but only seven Representatives in Congress, because it is alleged that men have been denied the right of suffrage there; but Georgia has, pursuant to your laws, elected nine Representatives. Which two of those nine are to vacate their seats in the House of Representatives? Who is to select the two and turn them out? Georgia has voted for presidential electors. Her electors of President and Vice-President will cast her vote to-morrow. She has voted in pursuance of your Constitution and in pursuance of your laws. How are you to raze her votes and cut them down accordingly, by making a calculation of the proportion which the number of the people who are kuklaxed or intimidated down there bears to the whole population of that State? And that is to be done by the second Wednesday of February!

That leads me to another feature. Six States are involved in this business. Why did not the Senator from Vermont extend it everywhere? Did the Senator never hear of the operatives in great manufactories being marched up to the polls while their employers stood at the window and saw every man of them deposit the ticket which his employer dictated to him he should deposit? Has the Senator never heard of such intimidation as that? Does the Senator propose to go into that matter?

Mr. EDMUNDS. I have heard of but one instance, and that was where a Democrat in Connecticut issued a notice to all his employes that he would turn them off if they did not vote his way.

Mr. THURMAN. Then the Senator is the most ignorant man who lives in New England, without exception. [Laughter.]

Mr. EDMUNDS. That may be. I agree with the Senator. [Laughter.]

Mr. THURMAN. I do not except those who have not the educational qualification, the Senator is the most ignorant man who lives in those six States. Let him go around on election day, when there is high excitement, in New England, in a manufacturing district, and he will not need to be reminded here of intimidation. But the Senator does not propose to inquire into that. No, sir; these Southern States are to be in the Union like the State of Georgia according to that famous resolution which was once passed, to vote if they will not change the result, but not to vote if their vote will change the result. The same game that was played then is to be played again, or its play is to be attempted.

Sir, you cannot tell, even by this resolution of the Senator, what States are to be embraced in this inquiry. We know that six are, but how many more, pray? Let me call the attention of the Senate to that.

And whereas it is alleged that in several of the States, and particularly in the States of South Carolina, Georgia, Florida, Alabama, Louisiana, and Mississippi, the right of male inhabitants of said States, respectively, being twenty-one years of age and citizens of the United States, to vote, * * * has been denied or greatly abridged; Therefore,

Resolved, That the Committee on Privileges and Elections, when appointed, * * * inquire and report as soon as may be—

1. Whether in any of the elections named in said amendment in said States in the years 1875 or 1876—

What does that "said" refer to? To the six named States? If it does it falls short of the very reason which is given in the preamble, for the preamble only notices those States as particularly guilty. It says that in several of the States, and particularly in these six States—that is intensified—the thing has run more flagrant than elsewhere, but it exists elsewhere; it exists outside of these States. Now where is this committee to make its investigation? Is it limited to these six States or is it to go all over the United States to find whether in any State in this Union there has been a denial of the right of suffrage? Nobody can tell; under this resolution it is impossible to tell.

But now, what kind of a task is this that is to be imposed on this committee limited to the six States? What kind of a task is this that is to be imposed on this committee composed of nine Senators? Nine Senators are to investigate, find out, and take a census of the number of persons who are denied the right of suffrage in six States of the Union, six States, too, of such magnitude, both in territory and population, as Georgia, Alabama, Mississippi, and Louisiana. How can they do it? How can they make any satisfactory report, this single committee of nine persons, attending to their duties here in the Senate all the time, or the greater part of the time, and sitting here in Washington? It is practically impossible for them to do it; every man must see that it is impossible. We are to have this report by the second Wednesday of February, we are told, when the electoral votes are to be counted. How is this committee, unless the Almighty shall endow it with the power of being ubiquitous, of being everywhere at the same time, to discharge this duty? It cannot do it at all.

But you can have depositions or you can have affidavits; and it does not better it much to strike out "affidavits" and insert "depositions." Who is to be served with notice to cross-examine, I should like to know? A deposition is an examination of a witness and reducing his testimony to writing, where both parties have opportunity to participate in the examination. It is not an *ex parte* thing at all. It is not *ex parte* even in the Federal courts, where a deposition *de bene esse* may be taken, because the other party has a right to cross-examine after having notice of the time and place when the deposition is to be taken. A deposition is the regular taking of testimony with parties to the examination who can examine and cross-examine. Who are to be the parties to be served with notice here of the taking of these depositions?

Why, Mr. President, it does seem to me that it can hardly be necessary to pursue this further. This whole thing goes upon a hypothesis which the Constitution does not warrant. I am speaking about the first resolution. As to the last resolution, I do not know that as it has been amended I should object to it. I should like to study it a little more before I commit myself to vote for it. But I do not know that I should object to it, for if there is one man in all this broad land who wants the very truth to be ascertained—if there is one man in all this broad land who wants it to be shown, if it can be shown, that these returning boards that overthrow majorities shown by the official returns of eight and ten thousand in a State were warranted in what they did, for the credit of the American people and the American nation I want it to be shown, and if it cannot be shown I want the villainy to be exposed. I want the facts to be known. So far as we have any right to examine them, so far as the Constitution authorizes us to examine, so far as it may authorize us to examine—and I am willing to hear argument on that—I want the truth, and the naked truth, hurt whom it may, benefit whom it may. I want it, as I said, for the institutions of my country. I want it for the peace of my country. I want it for the credit of the American name. I want it for the credit of republican institutions. But I do not want or care one straw about electioneering documents that are

ex parte out and out, only designed to inflame the public mind and divert it from a consideration of the constitutional law and the real truth of the case.

I cannot vote for the first resolution, but I can vote, perhaps—at least I am inclined so to think, though I want a little more time to study it—for the last. The first one goes upon a false assumption, and I cannot vote for it.

Mr. EDMUNDS. Mr. President, I hope I shall not be obliged to speak again on this subject; but while it is fresh in my mind I wish to say a word or two.

My honorable friend from Ohio began by laying down a very good rule, and that was that he did not wish to foreclose this question in any of its aspects until we should know the facts, and then he proceeded, as some wise men have sometimes done before him, to take a straight departure from his own rule, and to decide, without waiting for a report of the committee, what the Constitution of the United States exactly means, what is exactly the power, or rather the want of power, of Congress under the fourteenth amendment, and so to dismiss the whole subject. It is a peculiar circumstance, that has sometimes been noticed before, that my honorable friend from Ohio and a good many of those who agree with him in their general politics have never yet found an occasion when any one of the three amendments to the Constitution last adopted was thought to be capable of being effectuated by any possible action of Congress. Neither the liberty of the thirteenth, nor the equal rights and fair play of the fourteenth, nor the security against distinctions of class and color of the fifteenth have sufficient value to them to enable them on any occasion, either in debate or by vote, to suppose that Congress has any power whatever to carry them into effect. I, of course, do not question the sincerity of the honorable gentlemen; but I am surprised at their attitude because, as they are not the most ignorant persons in New England, whatever else may be said of the rest of the country, I should have supposed that, when the Constitution itself in its general clause and each one of these amendments in their particular provisions say, in what appear to be plain terms, that Congress shall be invested with full power by appropriate legislation, to see that they are made effectual, they would not be unable to perceive, under any possible state of circumstances, either by vote or in debate, even by inquiry, that it is competent for either House of Congress to inquire into the state of this Union, and to let the Senate know its condition in order that we may then consider in calmness under the law whether we have any power or not.

The honorable Senator from Ohio said that the first resolution and what I stated before undertook to put a construction upon this clause in the Constitution. I asked him to point out whereabouts it was in the resolution, and he went into a generality and did not point it out. It cannot be pointed out. The resolution states what the Constitution is. It states that it is alleged that that provision of the Constitution has been violated, and directs the committee to inquire whether that violation has occurred or not, in the very language of the Constitution, and then it proceeds under subdivisions, referring in each one to the first clause, which recites the language of the Constitution, to classify all reasonably conceivable methods by which such a denial may have occurred. It would be just as sound for the Senator to say that, if we had the constitutional power to inquire who was elected President on the 7th of November, a resolution of that kind immediately committed the Senate to the result that Mr. Hayes or Mr. Tilden, according to our political views and opinions, I suppose, had been elected. Nobody would maintain that. If the Senator will give me leave to say so, it is absurd in my opinion. The resolution directs this committee to make an inquiry. The language of the resolution, I admit, is broad enough, and I intended it should be, to cover every attitude in which the case may be presented when the report comes in, in order that we may know whether the state of facts reported is one within the reach of constitutional redress by legislation or not. But the Senator objects to such an inquiry as that; he always has objected to it; he always will. It seems impossible to refer to any one of these amendments without immediately exciting the mind of my honorable friend and some of his associates with the supposition that there is at once great danger to the country, and great danger of a violation of the Constitution, when we are taking the only earthly means in the world to find out whether it has been violated or not.

The Senator says that this resolution must be directed to the denial of suffrage in fact instead of by constitutions and laws, because the mover of the resolution knows that no one of the constitutions, statutes, or judicial decisions of any one of these States in any manner interferes with suffrage. I stated that I did not know it, and I repeat that statement. On the contrary, I believe that the laws of more than one of these States do deny or abridge the right of suffrage of some of its male citizens above the age of twenty-one years. The Senator seems to have fallen into the error that this resolution is directed to race or color or previous condition of servitude. Not at all alone. It would embrace that, to be sure; but this article of the Constitution does not refer to a denial by one means or for one reason; it refers to every means, in language that has no limitation, by which in any State of this Union the free right of the people that he professes to desire to see maintained in their liberties and in their right of suffrage has been interfered with; and when we ascertain that it has been interfered with, that will be time enough to inquire whether the particular kind of interference, whether by statute or constitu-

tion or courts or otherwise, is one that this Constitution authorizes us by legislation in some measure to redress by an abridgment of representation.

Mr. THURMAN. Will the Senator tell us what State and what law he refers to?

Mr. EDMUNDS. No, Mr. President, I will not. Inasmuch as I am set down as the most ignorant man in New England, which I admit, the Senator ought not to ask me any such question. [Laughter.] As I suppose my honorable friend is perhaps not the most ignorant man in Ohio, it is just possible that if he would devote a part of his valuable time to studying the constitutions and the laws of the several States of this Union—if he should think that would not be unconstitutional; I do not know how he would feel about that—the most learned man in Ohio would find out, as the saying is, something to his advantage in that respect.

Mr. President, my honorable friend said that it is well known—I think he said that—in New England it is frequent, even general, that artisans and operatives in manufacturing and industrial establishments are, against their will, by some species of coercion, marched to the polls in the interest of their employers and compelled to vote for a particular candidate.

Mr. THURMAN. I did not say "general."

Mr. EDMUNDS. Well I will say "particular" then; I do not wish myself to overstate what in any other place than this I should say was something in the nature of a libel upon the working classes of the six New England States. I wish to tell my honorable friend from Ohio, although I am the most ignorant man in New England, that the artisans and operatives of that hilly and somewhat inhospitable climate are men of intelligence, as a whole, men of education, men of property, men of independence, men of self-respect, and it is only now and then a very hardy man indeed, and he so far as I have ever heard, a democrat, who even ventures to suggest to his employes, much less to force them, how they shall exercise the supreme right of an American citizen in the elective franchise. They are the men who earn money by honest labor and know how to preserve it and expend it in the education of their children, in the payment of their taxes, income and all. They are the men who build churches and school-houses, and sometimes carry, as they have in days gone by, their industry, their education, their institutions to the western country, even to Ohio. But, Mr. President, I need not waste your time to-day in vindicating the character of the laboring classes of that part of the Union from which I happen to come. They do not need it.

My honorable friend has said that this is an impossible inquiry, that it cannot be effectuated, that we must have the report before the second Wednesday in February. He is entirely mistaken about that. I hope he does not imagine that this first resolution, which refers to the clause of the Constitution to which I have alluded, is designed, or that I conceive it possible under it, that it can have any effect upon the present representation of any of these States in Congress, or upon the present electoral vote of any such States. The resolution does not bear any such construction. It is a resolution of inquiry in order to get at facts connected with the state of the Union in one of its most vital respects, in order that if there be an evil which we may constitutionally redress by legislation in fixing the next representation in the House of Representatives, it may be done, and that is all. And yet the Senator sees in it some fearful assault upon the liberty of the country. He seems to be afraid from what he has said, that it will turn out that there has been, to use his own expression, kukluxing and intimidation in order to control votes in the States referred to, and in others. I am very much afraid that it will turn out to be true also, Mr. President. My fears go hand-in-hand with his in that respect. If it does turn out so, whether we shall have the power by legislation under this article to correct it or to protect the people of the whole Union against a representation which is thus made false and untrue, I do not profess to say at this time. I reserve my opinion upon that subject until I shall hear the report of that committee and be prepared to consider it. But I am surprised that any Senator should refuse to hear the truth of this thing and the naked truth, as the Senator says about the other branch of the resolution, because he is afraid that it will turn out that we cannot do anything about it if it is true. The truth merely inquired for and obtained will not hurt any honest man or any honest and just party. It may, it is true, affect the intelligent public opinion of the people of these United States as to the general situation of this Union; and whatever the truth is it ought to affect their intelligent opinion. Ought it not? If the truth turns out to be that there is peace, justice, equal rights, and no denial of this essential and most sacred right of citizenship in any of these States, then the people of the whole Union will rejoice and be exceeding glad. If it turns out to be exactly the reverse, it will be time for the people of this Union to consider whether the institutions under which they live ought not to be brought in some constitutional way into an exercise of protection to the people of this country against wrongs of that kind. And yet the Senator objects to it all; he says "no, shut out the light; do not let us look into this matter; whether the Constitution means one thing or another, never have an inquiry; keep away from the truth as far as possible." Well, it is a question of choice. The Senator is entitled to his way, and I am entitled to mine. I prefer to get at the truth. When we do get at it, I hope we shall all be ready to act in a spirit of justice and of constitutional law. I have no doubt we shall.

As to the last resolution, Mr. President, my honorable friend thinks he is in favor of that, although he is not quite sure. I am glad he is in favor of the last resolution. I do not know that we have any constitutional power to do anything about it; I do not say that we have; nor does the resolution; but it is based, exactly like the first resolution, on the ground that here is a matter arising under the Constitution of the United States, or said to be arising in both these respects, that deeply affects the institutions and the peace and the good order of our country; and yet as to one branch of it he is indisposed to know the truth, and as to the other he is graciously willing. Well, sir, I must express my obligation for that. I hope we shall pass both resolutions.

Mr. MORTON. Mr. President, I will occupy the attention of the Senate but a few moments. The preamble to these resolutions recites one provision of the fourteenth amendment. After thus reciting it it proceeds as follows:

"Resolved, That the Committee on Privileges and Elections, when appointed, be, and it hereby is, instructed to inquire and report as soon as may be—

1. Whether in any of the elections named in said amendment in said States in the years 1875 or 1876, the right of any portion of such inhabitants and citizens to vote as aforesaid has been in any wise denied or abridged.
2. To what extent such denial or abridgment has been carried.
3. By what means such denial or abridgment has been accomplished.
4. By whom has such denial or abridgment been effected.

If you cut off the preamble entirely, is there any doubt about the power of the Senate to adopt the rest of the resolution; and if there is not, what difference does the preamble make? It does not control the body of the resolution, and could not unless there was some doubtful phrase in that which might be interpreted by reference to the preamble. But if there is any doubtful phrase in the body of the resolution, you can cut off the preamble without affecting the duties to be performed by the committee under the body of the resolution. The preamble is there, doubtless, for information, and in the nature somewhat of directing the examination; but if you cut it off you do not, in any respect, affect the body of the resolution.

Mr. President, I suppose that we have, on a great many grounds, the right to pass this resolution. If the right of suffrage has been denied, we have a right to inquire into the cause of that denial, and to inquire into the remedy for it; or if any State is enjoying a representation in the other House, or is enjoying a representation in the electoral college on account of the existence in that State of a class which is denied political rights, we have a right to inquire into that fact. Whether we can inquire into it so as to affect the pending election, or one two years, four years, or eight years hence, is another question. We have an unquestionable right to inquire into it. We have a right to make any inquiry.

I suppose, Mr. President, that precedent has weight with this body. What has been done in other times and in other deliberative bodies might be received, perhaps, as giving a construction to the Constitution, and as forming a precedent upon which we may act. I turn to the CONGRESSIONAL RECORD and I find that yesterday the House of Representatives, a co-ordinate body of this Congress, passed the following resolution—

Mr. THURMAN. Do you propose to read it?

Mr. MORTON. I propose to read the resolution, with which we have nothing to do here now or hereafter, and can have nothing to do. It is as much a matter of history as it will be twenty years hence, and I propose to read it.

Resolved, That three special committees, one of fifteen members to proceed to Louisiana, one of six members to proceed to Florida, and one of nine members to proceed to South Carolina, shall be appointed by the Speaker of the House to investigate recent elections therein and the action of the returning or canvassing boards in the said States in reference thereto, and to report all the facts essential to an honest return of the votes received by the electors of the said States for President and Vice-President of the United States, and to a fair understanding thereof by the people, and whether the electoral votes of the said States should be counted, &c.

If it is legitimate for a democratic House to inquire into these things, it ought to be for a republican Senate to do so. That resolution was carried in the House by a two-thirds vote and, I have heard it stated by better parliamentarians than I am, by trampling on the rules of that body; but with that we have nothing to do. I am simply showing the understanding of two-thirds of that body of what its powers are in reference to an inquiry. As I said before, precedent carries with it some authority; and I merely refer to them as showing that what has been done in the other body, and so recently that the ink is hardly dry from recording it, might be done here without that gross violation of the Constitution of which we have heard so much this morning.

Mr. THURMAN. Mr. President, I do not rise to further discuss the subject just now, if, indeed, I had anything to say in addition to what I have already said; but I wish at once to say, and I attempted to get the floor as soon as the Senator from Vermont concluded, to say, that there was not one word uttered by me which justified the inference he seemed to draw from my remarks, that I was disposed to shut out the light, or that I had any fear that an investigation would disclose any serious intimidation or kukluxing. There was nothing in my remarks that, properly construed, would bear any such interpretation.

Mr. BEYARD. Mr. President, for many years I have believed that the peace of the country, the permanence of our institutions, and the "domestic tranquillity" which the Constitution of the United States was intended to create and protect, have all been placed in great

jeopardy by laws passed by the Congress of the United States; and since I have been a member of the Senate, I have felt it was my duty, however unavailingly, to oppose all that class of measures which assumed the authority in Congress to surpass what I believed to be the limits of their just powers and undertake the control of those questions which, under our federal form of government never were relinquished, and of necessity belonged to the several States, and to them alone. I believe to-day that efforts to restrain congressional power and to recognize and uphold in the several States their powers and just responsibilities are needed as much as ever, and indeed more than ever. I say to you, most frankly, sir, that I have entered upon this session of Congress more seriously impressed with the overhanging presence of dangers to our form of government than I have ever experienced before; and I have come here convinced more than ever that it is my duty, successfully or not, to oppose at every stage, at every step of its progress, this march toward consolidated power which the party to which you belong have entered upon in this country. There is this constant and persistent effort to invade and overthrow those necessary State powers without which our Government cannot exist, nor can free republican institutions be preserved.

It is not with me a question of party advantage or party power. So thoroughly am I convinced of the necessity of adhering to a strict construction of the Federal Constitution, that I should oppose the party with which I act just as readily as I should another where I thought it transgressed that theory of government which I believe to be essential to the safety and permanence of this Union and of the republican institutions existing under it. I have nothing now to say to the honorable Senator from Indiana [Mr. MORTON] when he quotes, as I think against both the letter and spirit of the rules of this body the proceedings in the House of Representatives. If it were in order for me to discuss the resolution and proceedings of that House, which in disregard of parliamentary rule have been read and referred to by the Senator, I would not ask whether the hand that drew the resolution was that of a republican or of a democrat; I would put each to the same test and mete to both the same measure of constitutional criticism.

Mr. President, I did desire more time for deliberation on this important subject, but it has been denied, and it seems to be the will of those who control the action of the Senate that these resolutions shall be hastily pressed to a sudden vote. Here is my objection to them, that they assert a power in the Senate of the United States and the Congress to interfere in matters not confided to them, but the control of which is essential to the existence and the self-government of the States.

The honorable Senator from Vermont, who has these resolutions in charge, [Mr. EDMUNDS,] and from whose hand they come, tells us that because he recites the language of the fourteenth amendment of the Constitution, therefore the objects of his resolution must be in accordance with it. Why, sir, truly he has used the language, but he has used that language to pervert the meaning, he has used the language constructively in such manner as to destroy the object and intent for which the amendment was adopted. The very inquiries, six in number, which the resolutions contain, and the quarters to which they are directed, all show that he proposes to inquire into the infractions of the fourteenth amendment in quarters and of parties never contemplated by the amendment. Look, sir, for one moment at the language of the fourteenth article of amendment, which declares that:

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

A simple declaration. Then follows:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Then comes the second section:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

Then pass to the clause limiting the representation of the States in the House of Representatives of the United States in case there is denied by the State to any of the male inhabitants, being twenty-one years of age and citizens of the United States, the right to vote at any election for electors of President and Vice-President or Representatives in Congress or the executive and judicial officers of the State.

Mr. President, in 1875 at the October term the Supreme Court of the United States considered this very amendment in its general scope as well as in its application to the case then before the court. I read from page 554 of the second volume of Otto's Supreme Court Reports, the case of *The United States vs. Cruikshank et al.*, this declaration:

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

The fourteenth amendment—

Say they again—

prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it and which we have just considered, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights

of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States; and it still remains there. The only obligation resting upon the United States is to see *that the States* do not deny the right. *This the amendment guarantees, but no more.* The power of the National Government is limited to the enforcement of this guarantee.

Passing on further, they declare:

In *Minor vs. Happersett*, (21 Wallace, 178,) we decided that the Constitution of the United States has not conferred the right of suffrage upon any one, and that the United States have no voters of their own creation in the States. In *United States vs. Reese et al.*, *supra*, page 214, we held that the fifteenth amendment has invested the citizens of the United States with a new constitutional right; which is, exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude.

Mr. President, I have merely fortified myself by this declaration of the intent, the purview, and the scope of this article of the Constitution which has been referred to, and is supposed to justify the present resolution. The basis of authority is to be found in the preamble. The Senator from Indiana says you may strike out the preamble and the power will still exist. There is no doubt that the preamble does not give the power, but in this case it affects to recite it; it is paraded as the authority, and the sole authority for this exercise of power.

Now, sir, construing the fourteenth amendment as this tribunal of last resort in this country, this voice of authority declares to us that it should be construed, what is it? It is intended to prevent encroachments by the States upon members of their society, and the only obligation that rests upon us is to see that the States do not deny the right in question. How can a State act? By what voice can a State speak? Only by its authorized agents, only by the voice of its legislature, expressed by the acts of its executive officers in carrying out the legislative will. That written charter of government of every State which our form of government prescribes, and those laws passed in pursuance of it, and of the Constitution of the United States all written and in plain English. Therefore it is to the legislative acts of the State, as a political community, that you must look; and the alleged fact of denial or abridgment is to be tested by inspection of the statute books of the States and not by the acts of individual citizens or classes of men. And yet what does this resolution inquire of? Tested by the authority I have cited, assuming that the sole object of the amendment is to check the States and not the unauthorized action of individual citizens of the States, to prevent the encroachment of State authority upon citizens within their limits.

But examine the inquiries proposed and see how absurd and impossible it will be to apply them to the action of States.

1. Whether in any of the elections named in said amendment in said States in the years 1875 or 1876, the right of any portion of such inhabitants and citizens to vote as aforesaid has been in any wise denied or abridged, and that said committee be authorized to extend this inquiry to the elections of 1874.

2. To what extent such denial or abridgment has been carried.

3. By what means such denial or abridgment has been accomplished.

4. By whom has such denial or abridgment been effected.

5. With what motives and for what purposes has such denial or abridgment been carried on.

6. By what authority or pretended authority has such denial or abridgment been exercised.

Does not every man see that these are inquiries as to the acts of individuals, the motives of men, not the action of a State? It is not proposed that the action of a State shall be brought under criticism by the resolution. It is intended to bring the individual or bodies of men, the human motive, into review; you shall ask with what motive he did an act. You cannot question as to the motive of an amendment to a State constitution or a statute of a State. That is presumed to mean that which it expresses, and there is no latent ambiguity to be hunted out as to what was the intent and meaning of the Legislature in passing the law. The act speaks for itself.

And let me here ask, is the rectification of irregular or unwarranted State action to be redressed by the legislative power of Congress, or will it not properly fall under the corrective power of the judicial branch in their power and duty to annul all such action by their judgments?

It is plain that this resolution, upon its face, means not that the question shall be raised and decided as to the action of the State, but shall inquire of the individual and unauthorized action of citizens. The honorable Senator from Vermont, whose brain has conceived, whose hand has written, and whose will here forces upon the Senate this present resolution, intelligent, able, and pains-taking as we know him to be, has been unable to answer the simple question put by my friend from Ohio, whether he knew of any law or constitution, or part of a law or constitution of any of these six named States, which did abridge or deny the free right to vote of any man of any race or class in any of these named States, and he sheltered himself behind some humorous response to the Senator from Ohio, saying that he would not answer him or give him the information. Well, sir, the matter is rather grave for jocularity. The question was respectful and pertinent, and I regret exceedingly that the honorable Senator did not answer it in that straightforwardness and good faith in which it was asked. Yet, Mr. President, I cannot forbear here to state that I can scarcely think that honorable Senator believes, or that any man in this country believes, that there has been in any of these named States a discrimination against voters by reason of race or color, or that any statute or constitutional provision of any one of these six States gives a shadow of right to believe that such a thing has been attempted. Therefore, believing that this amendment to

the Constitution of the United States has been falsely quoted—I mean by “falsely quoted,” quoted for a purpose totally different from its first object and intent. I do not propose by my vote to aid it; but on the contrary, to oppose it, because I think it is a clear misuse and misappropriation of power to direct against the public power of a State and the acts of citizens or classes of citizens of a State, those powers which were intended only to be prohibitory of State action in the line which is alleged and complained of.

Mr. President, I have no profession here to make of my love of equity or of my revolting sense against injustice, my desire for peace and right to the uttermost in this land; but I do know that these blessings only can be secured by standing by the Constitution as it is written, and by the law as it truly is. Claims of irregular power will find no champion or advocate in me, but ever and always a constant, even though unsuccessful, opponent.

Mr. President, I stated before how perfectly endless is the task upon which the Senate by this resolution proposes to enter. If every allegation of abridgment or denial of the right of suffrage in a State, by individuals singly or in combination, is to be followed by congressional inquisition, the task of labor will never end, nor will the expense ever cease. One of these very States here named—Mississippi—was the subject last summer of a most searching and vigorous inquisition. There stands upon the files of the Senate, published at great cost, a document of twenty-two hundred printed pages of testimony and reports relating to Mississippi alone, which I am sure no Senator could yet have read, unless it be one or two of those who shared in the great labors of that committee and may have some knowledge of the contents. It was not printed until long after the adjournment of Congress; and yet it is proposed now to duplicate that labor. Sir, the pecuniary expense of this proceeding is its most trivial feature. That is a matter perhaps not worthy of so much consideration, although there is a duty in economy. It is not that, Mr. President. It is the assumption of powers that do not belong to this body; it is the perpetuation of a system of inquisition and interference that has never produced other fruits than those of discord and unhappiness; it is the deliberate continuance of a system that has plainly met with the reprobation of the people of the United States, without respect to political party, and I can see that the substance of this inquiry is nothing less than the grasp at a jurisdiction over the domestic and internal affairs of the States boundless in its extent and unending in its application. We are, according to the meaning of these resolutions, to sit upon contested elections in all the States wherever an allegation shall be made that by classes or by individuals the right to vote has been abridged or denied. Look upon it and see how perfectly impracticable it is. See how perfectly without warrant is the attempted exercise of jurisdiction. I say nothing of motive; I cannot know men's motives and am not given to impugning them. I only feel that there is coming close upon this Senate and upon the people of the United States a time when law and their love of law is to be severely tested; and I propose to stand upon the law and let the consequences take care of themselves. Therefore it is now that I resist this attempt to open up again and continue a system called “reconstruction of States” that has been found worse than worthless, whose fruits have been nothing but anarchy, disgrace, and loss; a system which begins by disregarding the limits within which a just exercise of power under the Constitution would confine us, and branches off into a jurisdiction which, as I said before, will be boundless in its extent, interminable as to its time of execution, and fatal in its consequences.

As to the last resolution providing for an inquiry touching the question of the eligibility of electors of President and Vice-President and the power to judge of the regularity of their appointment and the power of Congress over counting the electoral vote, I can only say that perhaps the memory of Senators, but certainly the records of the Senate, will bear me witness how earnestly and indefatigably I strove to have that question considered at the last session of Congress. The honorable Senator who now occupies the chair [Mr. ANTHONY] remembers the debates, for I recall his taking part in them and the interest he exhibited in them. I felt then and feel now that those were the hours and those were the days in which these questions should have been considered and settled before the result upon party welfare could be predicted from the action of the law. Then was the time I did seek to withdraw the question from the heat of partisan discussion, to protect it from the feelings that are engendered even by debate alone, and to consign the question to a carefully chosen committee of able and intelligent and patriotic men of the two Houses, differing in their party politics, that they might possibly, with care, with thought, prepare some method which, not being touched by the fires of opposition or discussion on either side, could be returned to us as something upon which they quietly and in seclusion had agreed. I believed then that this question should have no taint of party. I believed then that calmness, sedateness, and serenity of mind were essential to a settlement of the question that should remain as law and be obeyed as law. Unfortunately my wishes did not prevail. Unfortunately those who controlled the action of this body did not see the matter as I saw it then or feel toward it as I did. We are here now at the end of an exciting canvass to pass a law the effect of which necessarily will betray in advance that as we vote upon the law so may we in effect decide the result of the election.

Mr. President, I regard that as unfortunate, and yet our duty remains to do the best that we can under the circumstances; and, not as party men, but as Americans, not as republicans or democrats, but as men loving their whole country, that we should dismiss from our minds the question of party advantage and believe that we can have no road so firm to walk upon as in our written Constitution with its limitations upon our power, not undertaking irregular power for the purpose of any imagined party advantage. Sir, it is in that spirit that I trust this Congress will be guided; it is with that spirit I know I speak to-day, and hope to be actuated throughout, and therefore it is that I have uttered these words of caution and, as I believe, of warning, and somewhat of protest, against the assumption of power to undertake the examination of questions not confided to us by the charter of our Government.

As to the last resolution, I am disposed to vote for it if it can be severed so that a separate vote can be taken; but even as to that I should desire time for examination. It has been materially changed since it was brought before the Senate this morning; so much so as to raise exceedingly interesting and important questions not touched by it before; for instance, this most important question of inquiry “whether Congress has any constitutional power, and, if so, what, and the extent thereof, in respect of the appointment of or action of electors of President and Vice-President of the United States.” That has been amended by the interpolation of the words “or either House of Congress,” raising a question which, of course, we see is fraught with the very deepest importance and is of the greatest gravity at this present time. That is the question of all questions that the American people to-day are asking; it is not simply the co-ordinate power of Congress, it is the separate power and responsibility of one House of Congress to control the count of the electoral votes that to-day is the mighty question before which the American people are standing, and which must be answered at the present session of Congress. Yet that has been put into this resolution only to-day. All this opens up new fields of inquiry. I do not mean to say the mere inquiry would bind any one, I do not mean to say that it ought not to be made; but I do say that questions of this kind should be passed upon most deliberately, and not pressed through, as is now sought to be done, in what may be called the very first working day of the meeting of the Senate; scarcely that, because the custom of the Senate has been heretofore that when the message of the President of the United States has been received, and it has been read, the Senate adjourns for the purpose of considering this new and weighty communication. That has not been done in the present case. The message and its consideration have been laid aside informally, as some casual and ordinary message during the session. That is not usual, Mr. President. In matters of this kind it behooves us all to act with great deliberation; and there is no disposition for delay. If it shall be the will of the Senate to come at once to a vote upon this question, I shall not stand longer in the way.

Mr. WHYTE. Mr. President, I rise for the purpose of merely asking that these resolutions, comprising as they do so many subjects, may be voted upon separately. The first three resolutions I shall vote against, because I accept the decision of the Supreme Court of the United States in construing the fourteenth amendment, and I believe that that amendment refers solely to a denial or abridgment of the right of a citizen of the United States to vote by a State, and not by any turbulent faction in a State or parties for whom the State government is not responsible. I shall certainly, therefore, vote against the first branch of this proposition. In regard to the investigation of the recent elections in some of the States, I am for immediate and prompt action, and as soon as the vote is taken on the first three resolutions I propose to offer a substitute for the last resolution inviting thorough scrutiny and investigation into certain transactions in those States.

Mr. MERRIMON. Without detaining the Senate in debating it, I move to add the following:

Provided, nevertheless. That such examination shall be confined to the inquiry whether the right of any such persons as are described in said section of said article has been in any manner or measure denied or abridged by the constitution and laws, or any of them, of said States.

Mr. EDMUNDS. I ask for the yeas and nays on that amendment. The yeas and nays were ordered, and taken.

Mr. MERRIMON. Before the vote is announced I desire to state that my intention is that the amendment should come in at the end of the first resolution.

Mr. KERNAN, (who had not voted on the call of the roll.) With that explanation I desire to vote. I vote “yea.”

Mr. COCKRELL, (who had not voted during the call of the roll.) With that explanation I vote “yea.”

The result was announced—yeas 24, nays 39; as follows:

YEAS—Messrs. Bayard, Bogy, Cockrell, Cooper, Davis, Dennis, Eaton, Goldthwaite, Johnston, Jones of Florida, Kernan, McCreery, McDonald, Maxey, Merrimon, Norwood, Price, Randolph, Rausen, Stevenson, Thurman, Wallace, Whyte, and Withers—24.

NAYS—Messrs. Alcorn, Allison, Anthony, Blaine, Boutwell, Bruce, Burnside, Cameron of Wisconsin, Chaffee, Christiancy, Clayton, Conkling, Conover, Crazin, Dawes, Dorsey, Edmunds, Frelinghuysen, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Logan, McMillan, Mitchell, Morrill, Morton, Oglesby, Paddock, Patterson, Sargent, Spencer, Teller, Wadleigh, West, Windom, and Wright—39.

ABSENT—Messrs. Barnum, Booth, Cameron of Pennsylvania, Ferry, Gordon, Jones of Nevada, Kelly, Key, Robertson, Salsbury, Sharon, and Sherman—12.

So the amendment was rejected.

Mr. BOGY. I move to amend the resolution by striking out the preamble, all down to the word "resolved."

Mr. McDONALD. Would it be in order for me to move to strike out the first clause of the preamble?

The PRESIDING OFFICER. (Mr. ANTHONY in the chair.) Such a motion would be in order.

Mr. McDONALD. I desire, then, to offer that amendment.

The PRESIDING OFFICER. The Senator from Indiana moves to strike out the first clause of the preamble. It will be reported.

The Chief Clerk read the words proposed to be stricken out, as follows:

Whereas it is provided by the second section of the fourteenth article of the amendments to the Constitution of the United States that "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens over twenty-one years of age in such State;"

And."

Mr. McDONALD. I desire to make one remark. I have listened to the mover of these resolutions, and he said that it was not the intention of the resolutions to express any opinion as to the force and effect of the fourteenth amendment as to what class of cases the denial of the right to vote shall apply to. If the purpose of these resolutions is simply to ascertain what facts have transpired in the States named in the resolutions with reference to the election, outside of any legal status or question, I would be very willing to vote for them. If this portion of the preamble is stricken out, it seems to me that then the implication which has been claimed, and which it seems to me is very clear upon it, would not appear. I desire the yeas and nays upon my amendment.

The yeas and nays were ordered.

Mr. EDMUNDS. How much of the preamble does the Senator move to strike out?

Mr. McDONALD. All that which refers to the fourteenth amendment, the first clause.

Mr. EDMUNDS. I have seen a good deal in this body, but I did suppose our friends on the other side would be willing to let the Constitution stay in the preamble. I hope we shall stick to it.

The question being taken by yeas and nays, resulted—yeas 21, nays 40; as follows:

YEAS—Messrs. Bayard, Boggy, Cooper, Davis, Dennis, Goldthwaite, Johnston, Jones of Florida, Key, McCreery, McDonald, Maxey, Merrimon, Norwood, Price, Randolph, Ransom, Stevenson, Thurman, Wallace, and Withers—21.

NAYS—Messrs. Alcorn, Allison, Anthony, Blaine, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Chaffee, Christianity, Clayton, Conkling, Cragin, Dawes, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill, Morton, Oglesby, Paddock, Patterson, Sargent, Teller, Wadleigh, West, Windom, and Wright—40.

ABSENT—Messrs. Barnum, Booth, Cockrell, Conover, Eaton, Gordon, Kelly, Kernan, Robertson, Sargent, Saulsbury, Sharon, Sherman, and Whyte—14.

So the amendment was rejected.

The PRESIDING OFFICER. A division having been ordered the question recurs upon the first resolution, upon which the yeas and nays have been ordered. The preamble will be reserved till after the resolutions have been voted on.

The question was taken by yeas and nays on the first resolution in the following words:

Resolved, That the Committee on Privileges and Elections, when appointed, be, and it hereby is, instructed to inquire and report as soon as may be—

1. Whether, in any of the elections named in said amendment in said States in the years 1875 or 1876, the right of any portion of such inhabitants and citizens to vote as aforesaid has been in any wise denied or abridged; and that said committee be authorized to extend this inquiry to the elections of 1874.

2. To what extent such denial or abridgment has been carried.

3. By what means such denial or abridgment has been accomplished.

4. By whom has such denial or abridgment been effected.

5. With what motives and for what purposes has such denial or abridgment been carried on.

6. By what authority or pretended authority has such denial or abridgment been exercised.

The result was announced—yeas 41, nays 25; as follows:

YEAS—Messrs. Allison, Anthony, Blaine, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Chaffee, Christianity, Clayton, Conkling, Conover, Cragin, Dawes, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill, Morton, Oglesby, Paddock, Patterson, Sargent, Spencer, Teller, Wadleigh, West, Windom, and Wright—41.

NAYS—Messrs. Bayard, Boggy, Cockrell, Cooper, Davis, Dennis, Eaton, Goldthwaite, Johnston, Jones of Florida, Kernan, Key, McCreery, McDonald, Maxey, Merrimon, Norwood, Price, Randolph, Ransom, Stevenson, Thurman, Wallace, Whyte, and Withers—25.

ABSENT—Messrs. Alcorn, Barnum, Booth, Gordon, Kelly, Robertson, Saulsbury, Sharon, and Sherman—9.

So the first resolution was agreed to.

The PRESIDING OFFICER. The question recurs on the second resolution, on which the yeas and nays have been ordered.

Mr. WHYTE. The second resolution I presume is the one at the bottom of the first page:

Resolved further, That the said committee have power to employ such number of stenographers as shall be needful, and to send for persons and papers, and have leave to sit during the sessions of the Senate, and to appoint subcommittees with full power to make the inquiries aforesaid and report the same to the committee.

The PRESIDING OFFICER. The Senator is right.

Mr. EDMUNDS. Have these resolutions been separated, each one?

The PRESIDING OFFICER. Yes, sir.

Mr. EDMUNDS. I presume the Senators do not wish the yeas and nays on that resolution.

Mr. WHYTE. No; but to the next one I want to ask the attention of the Senate.

The PRESIDING OFFICER. If there be no objection the Chair will put the question on the second resolution without having the yeas and nays taken.

The second resolution was agreed to.

The question recurred upon the third resolution, as follows:

Resolved further, That said committee, in order to the more speedy performance of its duties, have power to provide for the taking of depositions, on the subjects aforesaid, before any officer authorized by the laws of the United States to take depositions, and to receive and consider the same.

Mr. WHYTE. This third resolution I do think opens the door to a great deal of misconduct on the part of bad people in the South, in any of these States where the committee is directed to make inquiry. We all recollect the testimony of Theodore Jacques, in the Louisiana case a few years ago, who openly avowed that he had manufactured, I think thirteen hundred and odd affidavits to order. The resolution which has just been adopted gives ample power to the Committee on Privileges and Elections, by itself or by its sub-committee, to take full testimony and to cross-examine witnesses who may be testifying on these subjects; but to open the door to depositions taken without notice, without cross-examination, before a United States commissioner, and sent here, will really not inform the Senate as to the actual truth of the transactions to which the deponents testify. Investigation into Louisiana affairs, as reported to the Senate, established the fact that too many affidavits were made, the affiants really not knowing what they swore to. I hope, therefore, that this resolution will not pass.

Mr. EDMUNDS. I am sorry the Senator objects to this resolution. I think myself that the committee will have power to receive depositions without it, but it does not require them to receive depositions. It says they shall have the power to provide for the taking of depositions. I think this authority may be safely left to the committee to get evidence in such manner as courts of justice receive it, at any rate.

Mr. THURMAN. Heretofore where the amount of duty devolved upon a committee has been such as to make it impossible for the whole committee to act together in the discharge of that duty, it has been customary to have subcommittees especially for the purpose of taking testimony; but if I understand the scope of this resolution it is to authorize this committee to say that A B or C D or E F may proceed to take depositions. There is no provision that anybody shall be notified. The whole proceeding will be essentially *ex parte*; and the matter is not helped one particle by calling them depositions instead of affidavits. What then will be the result? We are told that in Louisiana the mills for the manufacture of depositions on both sides have been running with great industry now for more than a month, and I see it stated that gentlemen are coming on here to Washington on one side and the other, to use the language I saw in a newspaper, each of them with two bushels of affidavits to be laid before Congress, *ex parte* of course. Here is a proposition, as I understand it, to clothe the committee with power to name some person to take depositions. How can that person take depositions, for instance, under the sanctions necessary to the ascertainment of the truth? Suppose, for instance, that a witness shall refuse to answer, how is he to be punished for contempt; how is he to be compelled to answer? Besides, what is more than that, does not every one see that these will all be *ex parte* depositions, or affidavits rather, got up, so to speak, in the dark, upon which no court in the world would determine a case of five shillings? That will certainly be the result of this thing, and nothing else. Your Committee on Privileges and Elections, containing some of the leading members of the Senate, whose duties require them to be here, will stay here, while a set of affidavit-takers, and I fear affidavit-makers, will perambulate these States to accumulate this kind of stuff which will be called testimony. My own impression about it is that, instead of throwing light upon the subject, it will only darken instead of enlightening; that they will only get up a mass of stuff that will be called testimony, but that would not be received in the lowest court in the United States, or in any civilized country. If you had the presence of one of the members of the committee, then his high character would be some security that the investigation would be honest, that the words of the witness would be taken down correctly; that the truth would be got out of him so far as it was possible for examination to get it; that if he was swearing falsely his falsehood would be exposed as far as cross-examination would expose it. You would have some security for that in the character of the member of your committee, a Senator of the United States; but to say that Tom, Dick, and Harry may go about on a mission to hunt up sensational stories and reduce them into the form of depositions or affidavits and pile them in here as a basis for congressional action, seems to me to be one of the most unwise things that could possibly be conceived.

Mr. EDMUNDS. Do Senators wish the yeas and nays on this little matter of taking testimony?

Mr. THURMAN. I did not demand the yeas and nays. I do not know who did.

Mr. EDMUNDS. The yeas and nays were demanded on the whole

proposition; but the resolutions were divided. That is how it happens.

Mr. THURMAN. It is wholly indifferent to me whether the yeas and nays are taken or not. I know very well if they are taken the resolution will be adopted. I see that the whole thing was foreordained, perhaps from the foundation of the world.

Mr. EDMUNDS. Yes, Mr. President, the Senator is right; it was foreordained before the foundation of the world, as truth, and justice, and the means of getting at it, in spite of all opposition, factious or otherwise, will always live.

Mr. THURMAN. Yes, because the Senator from Vermont has a firm conviction that orthodoxy is his doxy and heterodoxy is everybody else's doxy.

Mr. EDMUNDS. It is. I am right about that.

The PRESIDING OFFICER. The call for the yeas and nays will be regarded as withdrawn by general consent.

The third resolution was agreed to.

The question recurred on the fourth and last resolution, as follows:

Resolved further, That the said committee be, and is hereby, instructed to inquire into the eligibility to office under the Constitution of the United States of any persons alleged to have been ineligible on the 7th day of November last, or to be ineligible as electors of President and Vice-President of the United States, to whom certificates of election have been or shall be issued by the executive authority of any State as such electors; and whether the appointment of electors or those claiming to be such in any of the States has been made, declared, or returned, either by force, fraud, or other means, otherwise than in conformity with the Constitution and laws of the United States and the laws of the respective States; and whether any appointment or action of any such elector has been in any wise unconstitutional or unlawfully interfered with; and to inquire and report whether Congress, or either House thereof, has any constitutional power, and, if so, what, and the extent thereof, in respect of the appointment of or action of electors of President and Vice-President of the United States, or over returns, or certificates of votes of such electors; and that said committee have power to send for persons and papers, and to employ a stenographer, and have leave to sit during the session of the Senate.

Mr. WHYTE. The first resolution and its tender, the two other resolutions, having been adopted, relating to the enforcement of the fourteenth amendment, and this last resolution having reference to the presidential election, I offer this as a substitute for the last resolution:

Resolved, That a select committee of nine members of the Senate be appointed to investigate the recent elections in the States of South Carolina, Florida, and Louisiana, and the action of the returning boards in the said States in reference thereto, and to report all the facts essential to an honest return of the votes received by the electors for the said States for President and Vice-President of the United States; and whether the said States are entitled to be considered in the count of the electoral votes of the States; and, for the speedy execution of this purpose, the said committee shall have power to send for persons and papers, to administer oaths, to take testimony, and at their discretion to detail subcommittees with like authority to send for persons and papers, to administer oaths and take testimony; and said committee and subcommittees are empowered to employ stenographers, clerks, and messengers, and shall be attended by a deputy sergeant-at-arms. That the said committee be, and hereby is, instructed to inquire into the eligibility to office under the Constitution of the United States of any persons alleged to have been ineligible on the 7th day of November last, or to be ineligible as electors of President and Vice-President of the United States, to whom certificates of election have been or shall be issued by the executive authority of any State as such electors; and whether the appointment of electors, or those claiming to be such in any of the States, has been made either by force, fraud, or other means other than in conformity with the Constitution and laws of the United States and the laws of the respective States; and whether any such appointment or action of any such elector has been in any wise unconstitutional or unlawfully interfered with; and that said committee shall have leave to report by bill or otherwise at any time.

Mr. EDMUNDS. Mr. President, the substance of what the honorable Senator from Maryland has proposed, although apparently not in accordance with the views he expressed last year, is the substance of the last resolution which I have had the honor to offer. The only difference in substance, as my resolution covers all three of these States in every possible aspect of the case—fraud, force, violence, or any other means in respect of the appointment of electors or their behavior—is that if the amendment be adopted it constitutes a special committee, of which, by the usage of the Senate, my honorable friend would be the proper chairman, (and we certainly could not confide the duty to any more valuable member,) instead of confiding it to the Committee on Privileges and Elections. I should hope, therefore, that my resolution would not be interfered with, as it covers the whole subject, and we should leave the proper committee, instead of this special committee, to perform the duty.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland as a substitute for the last resolution.

Mr. CONKLING. I should like to understand this before I vote. Does the Senator from Maryland move to strike out any part of the resolution?

The PRESIDING OFFICER. He moves this amendment as a substitute for the last resolution.

Mr. CONKLING. So I heard; but as the Secretary read, I thought that succeeding the new matter introduced by the amendment there followed what seemed to be literally the present resolution. I should like to know how that is? The Senator from Maryland can inform me no doubt. Does he strike out any portion of the last resolution, or does he merely in offering his substitute introduce certain matter of his own and also include the whole of the present resolution?

Mr. WHYTE. I amend a part of the present resolution and add to it also.

Mr. CONKLING. So that the motion is both to strike out and to add, and it proposes a separate committee?

Mr. WHYTE. Yes, sir; for the reason, the Senator from New York will allow me to say, that the duties imposed upon the Committee on Privileges and Elections by the first resolution will certainly occupy all their time for the next two months.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland.

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on the last resolution. Is the call for the yeas and nays insisted upon on the last resolution?

Mr. EDMUNDS. Yes, sir.

The PRESIDING OFFICER. The yeas and nays are ordered, and the Secretary will call the roll.

The yeas and nays were taken, and resulted—yeas 49, nays 11; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Blaine, Booth, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Chaffee, Christiancy, Clayton, Cockrell, Conkling, Conover, Cragin, Dawes, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Kernan, Logan, McDonald, McMillan, Mitchell, Morrill, Morton, Oglesby, Paddock, Patterson, Randolph, Ransom, Sargent, Spencer, Teller, Wadleigh, Wallace, West, Windom, and Wright—49.

NAYS—Messrs. Eaton, Goldthwaite, Johnston, Key, McCreery, Maxey, Merrimon, Norwood, Stevenson, Whyte, and Withers—11.

ABSENT—Messrs. Barnum, Bayard, Boggy, Cooper, Davis, Dennis, Gordon, Jones of Florida, Kelly, Price, Robertson, Sausbury, Sharon, Sherman, and Thurman—15.

So the resolution was agreed to.

The PRESIDING OFFICER. The question recurs on the preamble.

Mr. EDMUNDS. I presume we do not need the yeas and nays on that.

The PRESIDING OFFICER. Is the call for the yeas and nays insisted upon on the preamble? The Chair hears no objection to the call being withdrawn. The question is on the preamble.

The preamble was agreed to.

COUNTING OF ELECTORAL VOTES.

Mr. EDMUNDS. I wish to give notice that to-morrow, if I can get the floor, I shall move to take up Senate resolution No. 10, being a joint resolution proposing an amendment to the Constitution of the United States respecting the method of counting and ascertaining the result and deciding upon the electoral votes of the States for President and Vice-President of the United States, that was reported from the Committee on the Judiciary on the 12th of May last, and I give notice of an amendment which I shall propose to offer, which I ask may be printed, which makes it, if adopted in season, applicable to the present election.

The PRESIDING OFFICER. The order to print will be made, if there be no objection.

PRESIDENTIAL ELECTORS.

Mr. MERRIMON. I ask unanimous consent, without previous notice, to introduce a bill and to accompany its introduction with a word of explanation. I believe that the election of electors of President and Vice-President is a State election, and experience has proven that the several States ought to provide some means for contesting such elections. The time which intervenes between the election of electors and the day when the electoral colleges meet is so short that no regular contest can be made. The purpose of my bill is to so alter the law that the election shall take place on the first Tuesday of October and the electoral college meet on the first Wednesday in January, so as to give reasonable time to make contest if one shall be deemed proper in any State.

I move that the bill be printed and laid on the table for the present.

By unanimous consent, leave was granted to introduce a bill (S. No. 1049) to alter the time prescribed for holding the elections for electors for President and Vice-President and casting the vote in the electoral college for President and Vice-President; which was read twice by its title and ordered to lie on the table and be printed.

Mr. WRIGHT. I move that the Senate adjourn.

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

HOUSE OF REPRESENTATIVES.

TUESDAY, December 5, 1876.

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

The Journal of yesterday was read.

The SPEAKER. If there be no objection, the Journal as read will be regarded as approved by the House.

ORDER OF BUSINESS.

The SPEAKER. The morning hour will now begin at half past twelve o'clock.

Mr. HAMILTON, of Indiana. I ask unanimous consent to submit a resolution to which I am sure there will be no objection.

The SPEAKER. The Chair will recognize gentlemen to offer resolutions which are not objected to.