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The Debate on Morton's Mississippi Resolution.

The Associated Press dispatches furnished a very meagre report of the debate in the Senate on the resolution of Mr. Morton, of Indiana, providing for the appointment of a committee of five Senators to investigate the truth of the allegations that the late election in Mississippi was characterized by great frauds committed upon and violence exercised toward the colored citizens of that State and the white citizens disposed to support their rights at the election, and especially that the colored voters, on account of their color, race or previous condition of servitude, were, by intimidation and force, deterred from voting or compelled to vote, contrary to their wishes, for candidates and in support of parties to whom they were opposed, and their right to the free exercise of the elective franchise, as secured by the fifteenth amendment to the constitution, thus practically denied and violated, and that such intimidation has been since continued for the purpose of affecting future elections.

The debate lasted for several days, and was participated in by the ablest men on both sides of the Senate.

On Friday, the thirtieth, Mr. Bayard, of Deleware, made the opening speech against the passage of the resolution. In the course of his remarks, he said:

Mr. President, I regret exceedingly the introduction of this measure, not only in its original form, but quite as much so in its present modification, and I regret that it has met the approval of so calm and judicial a mind as that of the Senator from Michigan [Mr. Christiancy]. It has been to me a matter of surprise that he should have found (that which I have no doubt he belives he has found) constitutional warrant for the measure which he proposes. Whether he would have drawn this resolution if the late decisions of the Supreme Court had been known to him, I doubt, because I believe that a careful analysis of the results of those decisions would have assured him of the more than doubtful validity of any such attempts as are now proposed in the way of legislation to enforce the provisions of the constitutional amendments in question.

Mr. President, this resolution is a claim for the exercise of congressional power to interfere with the elections or the result of elections in a State. It is fraught with danger to the public peace and destructive of our federal system of government. By this it is proposed to continue and expand a coercive system of centralized power in substitution for our American system of voluntary local self-government. Since the close of the war in 1865 this character of legislation has been unhappily adopted, and its operations have done more, in my opinion, to keep alive the ill-feeling and excitement generated by war between the people of the sections and the misunderstanding of their mutual feelings and interests and duties, than all other causes combined. The powers thus given to the officers of the United Seates have been grossly abused, and in most cases for the worst personal and party ends.

Why, sir, when one considers the mere money cost of these enforcement acts since their passage he will be shocked and surprised, and the country must be relieved by a decision which, if it did nothing else, saves the enormous outlays of money which were made under color of enforcing this law. Mr. President, remembering as I do the appropriations of money to support the so-called "Department of Justice" and to carry these enforcement laws into rigorous effect all over the country, I am shocked to think of the burdens so unnecessarily laid upon the people. Without having the figures before me, and desiring to keep entirely within a moderate estimate, I think I may truly say that millions upon millions, tens of millions of the money wrung by taxation from the people of this country have been expended to carry into effect these enforcement laws of Congress. Under the administration of the late Attorney General Williams I forget the vast sums which were expended in North Carolina, in Arkansas and other portions of the country, utterly disproportionate to the expenses in the State of New York, or Pennsylvania or Ohio. The public documents, however, of that day disclose the truth; but what I have said with regard to the frightful aggregate of expenditure is literally and simply true.

Mr. Boutwell—Will the Senator yield for an inquiry? I understood him to say that tens of millions had been wrung by taxation from the people, and expended for the execution of the so-called enforcement acts.

Mr. Bayard—Yes; I think so.

Mr. Boutwell—Does the Senator know of any appropriations, single or many, amounting to tens of millions of dollars, or even to a single ten million dollars?

Mr. Bayard—I will give the Senator the figures after I get through my speech. I do say to him—

Mr. Boutwell—I only desire to call the attention of the Senator to his statement now, because I think if it can be sustained we shall ask for the figures.

Mr. Bayard—My statement will be very moderate, and I propose to sustain it. I have not the figures before me, but I think the Senator will be fully gratified by the results that I shall show him. There has been a most monstrous outpouring of the public funds, spent by deputy marshals numbered by tens of thousands through the Southern country, by marshals who traversed the State of North Carolina with blank writs in their pockets to arrest and drag from their homes men for the purpose of making fees. All these are facts.

Mr. Boutwell—It will also be shown, whenever there is full inquiry made into this business, that whatever money was expended in those States for the execution of the so-called enforcement laws was money expended under the law for the protection of a people who were trampled under foot by the political associates of the Senator from Delaware, and that it was only an effort in behalf of human rights and equality of political rights.

Mr. Bayard—Mr. President, I congratulate the Senator that he has succeeded in injecting into my speech, under the pretense of asking me a question, a simple little bit of his same political tirade which I have listened to often before. If he is satisfied with that honor he is welcome to it. I know that of which I speak. I was a member of the committee who did go to the Southern States, and who knew something of the system of this enforcement of the laws, and I say it was not only a cruel enforcement, but it was most shockingly expensive to the government and people of the United States; that under the pretext of enforcing this law and protecting personal liberty the most outrageous crimes were committed. Spies were employed by thousands. Look at the history to-day of of the detective Whitley, running through the Southern States for the purpose of creating the very crimes which he afterward proposed to punish. I remember it all. All these things passed under my observation when I was upon this committee; and the report of the minority sent here to the Senate and the House will disclose the truth of what I have said. I merely repeat that, if nothing but the money cost alone to the people be considered, these enforcement laws have been a great cause of suffering to the people of this country.

But, sir, it was not simply the money. The effects were worse than that. The power of intimidation confided thus to unworthy agents under these laws and used for party, political and personal ends has cost this country much; it has done much to destroy that feeling of good citizenship and love of this government which is, after all, our best security for peace and for prosperity. Sir, the class of men who flourished under those laws were petty tyrants and oftentimes men of the most infamous character. The powers they exerted were utterly undue and exerted for the sorrow and suffering of the people among whom they lived and the disgrace of the government that intrusted them with such powers. How many men have been imprisoned; how many to-day languish in prison under judgments which, under this last decision of the Supreme Court of the United States, if it have the meaning which I believe it does have, must be declared to have been invalid! How many fines have been extorted from men illy able to bear them, which I trust yet will be brought before Congress for repayment, because the laws under which they were enforced will be adjudicated to have been unconstitutional and void! * * * *

Mr. Boutwell—Mr. President, it has been the rule of my life, whenever I have given offense to any one, to defend or explain what I have said or apologize for it. The Senator from Delaware was pleased to say, under some excitement I think, in response to a suggestion from me (which meant only this: that I thought he would find it difficult to sustain the statement he had made), that I had succeeded in injecting into his speech a bit of political tirade such as he had often before listened to. I do not stop to consider the delicacy of that language, its appropriaten ss to the Senate, the quality of urbanity which it takes from the character of the Senator who pronounced that phrase, but I think the difficulty was in this: that I disturbed the harmony of his speech, and therefore disturbed him. I do not know but that this is a school in which manners are to be taught, and that the Senator from Delaware is self-constituted or otherwise authorized to teach good manners to his associates, but while he stands here peculiarly, in his own estimation, a non-partisan, having, as he has told us this morning, the judicial fairness of the bench to pass upon political questions which agitate the country, it might be well enough for him to illustrate his theories by an example now and then of the way in which those theories can be put in practice and commended to other people. I am neither a scholar here nor a teacher. I submit myself to argument, to reasoning, to justice; but I do not submit myself to the authority, to the dictation, to the schooling of the Senator from Delaware, or any one else. If the Senator desires to teach, let him find his pupils elsewhere, especially in teaching manners. There is an old English article upon truth and integrity, which commenced, as I remember it, in this way: "Truth and integrity have all the advantages of appearance, and many more."

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

Is it not something that after having defended and preserved the Union, the Republican party gave political rights to the men who had made war on it for four years, who crimsoned the face of the whole country with blood? Was it not something? Those very men to-day, fresh from these fields of treason and of blood, are engaged in investigating the men who carried on this war by which they were prostrated. The Senator from Delaware, under the sanction of the opinion of the Supreme Court rendered on Monday last, looks to the time when the Ku-Klux, some of whom were fined and others of whom are imprisoned, are to have their fines returned from the treasury of the United States and the doors of the prisons opened that he and his friends may welcome them. They are imprisoned because they did the behests of slavery; because they obeyed the policy of the ancient Democratic party; because they submitted to the spirit that always controlled that party, that controls it to-day.

Does the Senator from Delaware expect an uprising of the people of the North to defend his friends in the South? Let him beware of November. The people of this country are already awake to the truth that the spirit of the rebellion, which they supposed had been subdued by war, is still powerful in the South; that it oppresses four millions of human beings; that it instigates all sorts of outrage and wrong; that there is no freedom in these old States for the people who are not identified with the old slaveholding aristocracy of that section of the country. No, sir; the people of this country are going to do no such thing. If they fail to do their duty the government is lost. If they fail to overthrow the Democratic party by a vote so overwhelming that there can be no excuse for bribery, for falsehood, for double returns, this country a year from this will be involved in another civil war. Nothing but an overwhelming vote of the people, from which there can be no appeal by traitors, will save us from civil war. We are nearly in the same condition that we were in 1860 and 1861—eleven States without the power of free elections; and you call this a free government, and appeal to us for Union, for concession, for friendship, for justice! The Democratic party to-day has the power it had during the war. If at any time during the war the Democratic party of the North had said, "This war must cease; we will give no aid or comfort to the Democracy of the South in their attack against this government," the war would have ended. If you who co-operate with the Democracy of the South will say to them, "Do justice to the negro people there; give them their rights, civil, social and political," all occasion to appeal to the North for justice, for sympathy, for co-operation, for support, will pass away. There is no feeling in the North but a desire that you should be just to the people of the South, to the black man. We can take care of ourselves. We will co-operate with you when you do justice to those who sympathize with us; but, so long as you trample under your feet four millions of people entitled to rights under this government equivalent to your own, can you expect us to forget these outrages upon our fellow men and take you by the hand and say, "We are brethren, citizens of a common country; let the past be past, and by-gones be forgotten." Injustice can not be forgotten. The Democratic party of the North is to-day responsible for the outrages perpetrated upon the black men of the South, and they have been responsible from first to last. Their appeals to me are vain. When they do justice then there will be harmony; but until they do justice there can be no peace. "Let us have peace," said the President. Why did we not have peace? Because the political associates of the Senator from Delaware dominated over the Southern country, defied the laws, oppressed, persecuted and murdered citizens, and now they appeal for peace.

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Mr. Morton—Mr. President, I had not intended to say anything more upon this resolution. It is true I had material evidence collected in regard to the truth of the charges that have been made as to the Mississippi election, but I became satisfied that the Senate was sufficiently well informed upon that subject. I concluded to postpone the production of that testimony. The Senator from Delaware to-day has made this rather a personal issue. I have generally declined issues of that kind on this floor. I am not sure but what I could stand a hand, however, in a personal controversy, but I should regret to try it. The Senator had the record of my speech in his hand. He had the proofs that I offered of the truth of what I had said, nearly all collected from Democratic sources. The evidence was overwhelming. He said he would not undertake to answer, and he did not, for the simple reason that he can not. The evidence is conclusive; but the Senator directed his speech to myself.

He said that I had calumniated the people of the South; that I had garbled newspaper extracts. He has a copy of that garbling in his hands, and I should be glad for him to undertake to show in a single instance where I have made a misrepresentation. But the Senator was exceedingly unfortunate in one thing. He undertook to show that I was inconsistent. He read an extract from my report in the Louisiana case to show that I denied the power of the Senate to go back and inquire whether the members of a Legislature had been elected, to inquire whether the tribunals of the State, which had passed upon the qualification of members of the Legislature, could be impeached, and that we are bound to take the Legislature as the State gave it to us. I stand upon that doctrine to-day. I have not in any speech on the Mississippi resolution said one word in conflict with that position, and the Senator can not point it out.

I am consistent; but the Senator unfortunately is not, and he stands up here today in contradiction of the ground that he occupied all through the Louisiana controversy. It is within the memory of the members of this body that he argued we had a right to inquire whether the members of the Legislature who elected Pinchback had themselves been elected, denied the legality of the State tribunals to pass upon that election, and by his vote finally insisted and stood upon that doctrine. Day after day he has advocated that doctrine here; but to-day he comes in and denies that doctrine, and insists that we can not inquire into the election in Mississippi. It was perfectly competent to inquire into it in Louisiana in the Pinchback case, but it is not competent to inquire into it in Mississippi, in the Lamar case. As the lawyer said to the farmer, "circumstances alter cases." The doctrine in regard to Louisiana, which the Senator, so ably, so eloquently, and so often advocated, he expressly repudiates here today. Therefore I say I have an immense advantage over the Senator. I am consistent and he is not. He seemed to think consistency was an important thing. I rather like it myself; but he is a most melancholy evidence that men may be inconsistent and apparently not know it. It is said that the ostrich, when pursued by the hunters in the desert, will stick his head into the sand and be under the impression that his whole body is concealed.

The Senator said in the conclusion of his first speech, "Let us have peace." I echo that sentiment. Let us have peace. When the murder business stops, when intimidation and outrage in the Southern States stop, then we shall have peace; but not until then. When a majority of 30,000 in Mississippi can be overcome by murder, by violence and fraud, and a Democratic majority of 50,000 put in its place, so long as those things are done we can not have peace. When a majority in Lousiana of 20,000 can be overcome by fraud and violence and bloodshed we can not have peace. When a majority in Alabama of 10,000 to 15,000 can be overcome in the same way it is idle for those persons who sympathize with them or defend them to talk about peace. "Peace when there is no peace." When this violence shall cease, and when men of all parties and of all colors in the South have equal rights, then there will be peace. It is a short and an easy road. It seems the crime is not in committing murder. The crime is not in the intimidation and oppression of millions of people, but the crime is in talking about it here, making a fuss about it and disturbing the former serenity of the Senate and of the country. The Senate has not one word to say about all this scene of bloodshed and violence in the South, but his whole complaint is that we talk about it here and create feeling in the country.

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The Senator represented me as having assailed all the white population of the South. I have never done so. I assailed the murderers of the South; those who trampled upon the rights of white and black Republicans; and I do it again. Not only that, but I assail their defenders. To the loyal people of the South, the peaceable and the law-abiding people, I extend fellowship and fraternity; and I say here what every man from the North knows is true, that in the North there is no animosity toward the South; there is no feeling of hatred toward the people of the South. If Republicans in the South, white and black, could enjoy the same rights that Democrats enjoy everywhere in the North there would be a return of fraternity, of fellowship, of national love. It is the existence of these wrongs that keeps alive this bitterness of feeling, but it does not extend to the whole South; it extends to the perpetrators and to their aiders and abettors, be they North or South.

The Senator has referred to the decision of the Supreme Court on Monday. I shall be frank enough to say that I regard those decisions as unfortunate, but it is not my business or duty here to criticise them or endeavor to explain them. The Senator read an extract from the case of Cruikshank, I believe from Louisiana, which I should be glad to have.

Mr. Bayard—I will hand it to the Senator.

Mr. Morton—I can not refer to the passage, but he quoted to this effect: That the fourteenth amendment in its first section went no further than to deny to a State, acting affirmatively, a right to deny equal protection of the laws, or the right to withhold the enjoyment of the rights and privileges of a citizen of the United States; that the constitution went no further than prohibiting a State by her legislation—the Senator used the word "legislation"—from denying the right of a colored man to vote, or denying the equal protection of the laws; and that, unless the State did that, the Congress of the United States could not interfere. I do not know whether the Supreme Court said that, but if they did, so far as I am concerned I repudiate it utterly. I have some knowledge of the circumstances under which those amendments were adopted. I read the debates which occurred. I was present when one of them passed this body, and took some little part in it, and I profess to understand what was the spirit of Congress at that time and the understanding of the country. What is it for a State to deny the equal protection of the laws? When a State by her legislation expressly withholds from part of her people the equal protection of the laws, that is one thing; but when a State government utterly fails to protect a large class of her people that is denying to them the equal protection of the laws. It is the duty of the State to protect every class of her population; and when a State fails to do it, I do not care whether that failure is intentional on the part of the officers or the result of the weakness or imbecility of the State government, it is denying the equal protection of the laws, and Congress can come in and furnish that protection.

This was the understanding with which both those amendments were passed. I know it, and we all know it. It was to place the enforcement of each amendment in the power of Congress; and it was then the understanding—and I can tell the Supreme Court, humble as I am, if they do not know it—that if the State by its government failed to protect a part of her people, or if she were unable to do it, if anarchy prevailed, that failure on the part of the State was a denial. The failure of the State is denial by the State. That was the understanding which we had of the fourteenth and fifteenth amendments.

Mr. Bayard—The Supreme Court of the United States does not recognize your understanding.

Mr. Morton—The Supreme Court of the United States use some general phrases. I do not know exactly what they mean; I shall not stop to consider; but what I am speaking of now is what was understood, and this whole country knows it; and if the Supreme Court does not know it, it is the only body of men in this country that do not. When we came to the fifteenth amendment, that no State shall deny to any citizen on account of his race, his color or his previous condition of servitude the right to vote, and provided that Congress might by law enforce it, what did we mean by it? We meant to look to just what has occurred in Kentucky and Mississippi and other States, that if by violation of the law they should deny colored the right to vote, trample on their right, and the State authorities were powerless or unwilling to enforce that right, that condition of weakness or that unwillingness must be considered a denial on the part of the State. Why? Because it is the duty of the State to enforce the right; and if the State fails to do so from any cause, the State denies the right. That is the construction we gave to that amendment when it passed this body; and there are Senators all around me who know it, who were present on that memorable night when the amendment passed. The recorded debates show it; and if it is now to be narrowed down and confined simply to a case where a State passes a law denying the right of suffrage to colored men, it is frittering the amendment away.

Mr. Christiancy—If that were the whole effect of it, would it not render to power given to Congress to pass appropriate legislation simply nonsensical? Would it not be simply a judicial question for the federal courts to decide?

Mr. Morton—The Senator states the point very clearly; and I remember that very point was discussed on this floor on the night of the passage of the fifteenth amendment. If it is confined to a case where a State by law denies a colored man the right to vote, Congress has nothing to do with it, because that act is in violation of the constitution of the United States, and every State and United States Court would be bound to hold it so, and it is not important for Congress to legislate on the subject. It is not the business of Congress to say that a State law is unconstitutional; Congress has never done that; that is for the courts; but when Congress had the power given to it to enforce that amendment, it was intended to enable Congress to punish the men who deprived the colored men of the right of suffrage.

Mr. Frelinghuysen—There is one part of these constitutional amendments which I do not think the Supreme Court has ever attempted to weaken, and which seems to me to be the very foundation of liberty and order in this country. I will read it:

"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. * * * The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

When you make a man a citizen of the United States, you do something more than give him a pleasant name; you do something more than put a badge upon him. You invest him with the rights of citizenship—freedom, the protection of the law, the right to suffrage when conferred by law. The people of this nation have declared, and no Supreme Court has yet questioned it, that Congress has the right to enforce that citizenship by appropriate legislation. The argument which is made, that this is opening the field of all criminal jurisprudence to Congress, has nothing in it. You can readily distinguish between infraction and infringement of a right which is an an infringement of the rights of a citizen and of those natural rights which the State protects. I simply wished to call the attention of my friend in this connection to that important view of these amendments.

Mr. Morton—Mr. President, I agree with the Senator from New Jersey; I think his position is impregnable; and I venture to say that when once it comes to be the established doctrine that the fourteenth and fifteenth amendments only prohibit the States by legislation from depriving the colored people of the right of suffrage or the equal protection of the laws—whenever that comes to be the doctrine, then the fourteenth and fifteenth amendments will be destroyed, and what we have done will be lost. I repel that construction for myself, now, here, and forever.

My friend from Michigan [Mr. Christiancy] suggests that the decision of the Supreme Court does not cover that ground at all; they do not put themselves upon that ground. I hope he is right. He has read those decisions more carefully than I have; but, if he is right, the Senator from Delaware is necessarily wrong.

Mr. Bayard—May I ask the Senator from New Jersey, did I understand him to say that he considered that the fourteenth amendment gave the right of suffrage as a right to a citizen?

Mr. Frelinghuysen—No, sir. I trust my friend did not understand me so. If it had done that it certainly would have been unnecessary to pass the fifteenth amendment, in order to confer that right.

Mr. Bayard—Does the Senator consider that the fifteenth amendment conferred the right of suffrage?

Mr. Frelinghuysen—I consider that the fifteenth amendment prohibits any citizen of the United States from being deprived of suffrage on account of race, color or previous condition of servitude.

Mr. Bayard—That I might have learned without the Senator being put to the trouble of a reply; but I misunderstood him possibly at first when he read with such emphasis the first paragraph of the fourteenth amendment, that all persons naturalized in the United States or born in a State should be citizens of the United States and citizens of the State where they reside; and I understood him to say that that gave them something more than a mere name; gave them rights and gave the right to vote. I may have misunderstood him.

Mr. Frelinghuysen—It gave them a right to be protected by Congress under the exercise of all the rights of citizenship, and by a subsequent enactment suffrage was made to be one of the rights of citizenship so far as race, color or previous condition of servitude was concerned.

Mr. Bayard—I have the impression that the Supreme Court have in the most distinct manner decided, not only in these two last cases, but long before, that neither the fourteenth nor the fifteenth amendment bestowed any right of suffrage upon anybody; that it is a right given by the State, with one single prohibition, and that is that the States shall not discriminate in bestowing it as to race, color or previous condition of servitude; that is all.

Mr. Frelinghuysen—The question as to whether these citizens have the right to suffrage is not before us. We all know that they have the right of suffrage in every one of the States, no matter how they got it. Having the right of suffrage, that is one of the rights of citizenship, and we are authorized by the fourteenth amendment to enact all laws to protect that citizenship in all its rights; and suffrage is, no matter how they got it, an admitted right of these citizens.

Mr. Morton—Mr. President, I have occupied the floor longer than I intended to do. I think there need be no obscurity on this question. The point is a vital one, and can not be asserted too strongly here, that where a State fails by its weakness, or willfully, or ignorantly, to protect colored men in the right of suffrage, the government of the United States has the power to do it, and it is its duty to do it; and wherever a State fails willfully, weakly or ignorantly to give to all the equal protection of the laws, and where the equal protection of the laws is denied to one class of men, the government of the United States has the power to enforce the enjoyment of that right, and it is the duty of the government to do it. That is what Congress meant when it passed those two amendments. That is what the debates show; and whenever those amendments are narrowed down to the mere point of these things being denied by legislation on the part of a State, the amendments are virtually destroyed, and the concluding part of each one is made nonsense where it is said that Congress shall enforce the same by appropriate legislation.

Mr. President, in regard to this resolution of investigation, I find just here an argument that is unanswerable, if there were no other, in regard to the right and the power of the Senate. In the Kentucky case just decided there was an indictment containing four counts, under sections three and four of the act of May 31, 1870:

"Against two of the inspectors of a municipal election in the State of Kentucky, for refusing to receive and count at such election the vote of William Garner, a citizen of the United States of African descent."

And the Supreme Court says in conclusion:

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

We have a right to investigate what wrongs have been inflicted, to see what legislation may be required. We have a right on every ground to have the whole country understand what are the enormous wrongs that have been inflicted in the State of Mississippi; for, if under our form of government a majority of 30,000 people can be suppressed by violence and a fraudulent majority of 50,000 on the other side put in its place, Legislatures captured, Governors driven out of office—if all this can be done by violence and there is no remedy anywhere, I say that our constitution is a failure; I say that any State may become a despotism under the constitution of the United States. The highest duty of any government is to protect its citizens in the enjoyment of their rights as citizens of the United States. If we can not do that, then our constitution is a failure. Let me state that again. The highest duty of this government, or of any government, is to protect its citizens in the enjoyment of their rights as citizens, and when the government fails to do that it is recreant, and if it has not the power, then the government itself is a failure.

Mr. Morton was followed by Mr. Withers, of Virginia, and Mr. Maxey, of Texas. Mr. Bruce, of Mississippi, claimed the floor, but gave way to a motion to adjourn.

A BALLAD OF THE BELKNAPPERS.

Gentleman George was a Greenbacker bold,
And his words were sweet as honey,
As he traveled about the country, and told
The people they wanted more money.

And Belknap, he was a warrior brave,
His face was genial and sunny,
And the only thing that trouble gave
Was his serious need of more money.

Mistress Belknap was a lady fair,
With lips as sweet as honey,
But her laces rich and diamonds rare
Made a terrible need of more money.

Now, Gentleman George was a very nice man,
Democracy's favorite sonny,
And nobody dreamed he would lay a plan
To go for the people's money.

But Georgie, he, Mrs. Belknap, she,
With lips as sweet as honey,
And warrior Belknap, he—all three
Agreed that they wanted more money.

George thought he was cunning and wide-awake,
Too sly an old fox for trapping,
But, alas! he has made a fatal mistake,
The people have caught him Belknapping.

The Battle of Powder River.

The New York *Tribune* had a special correspondent with General Crook's expedition against the Indian marauders, and the following interesting description of the fight is furnished under date of March 18:

Thursday last the command moved across the country to the headwaters of Otter creek, eighteen miles over rough, broken mesas, and on descending into the creek the scouts saw two Indians. A halt was called here, the command was divided, quarter forage issued to the animals and one day's rations to the men. General Reynolds, with six companies of cavalry and half the scouts, moved from camp at 10 P. M. and marched toward Powder river, leaving four companies and the pack train behind. These General Crook was to bring to the same stream at the mouth of Lodgepole creek. The night was bitterly cold, and on the high mountain ridges snow lay a foot deep. Light snow fell during the first part of the night, but not enough to prevent the scouts from following, dark as it was, a fresh Indian trail leading toward Powder river. The country was terribly rough and broken, so that the companies experienced much difficulty in keeping the column in good order. At 4:20 A. M. we had marched thirty miles, and were, as near as we could tell, near the Powder river breaks. A halt was called here, and the column took shelter in a ravine. No fires were allowed to be kindled, nor even a match lighted. The cold was more intense than we had yet felt, and seemed to be at least 30° below zero. The command remained here till about six o'clock, doing their utmost to keep from freezing, the scouts meantime going out to reconnoiter. At this hour they returned, reporting a larger and fresher trail leading down to the river, which was about four miles distant. The column immediately started on this trail. The approach to the river seemed almost impracticable. Before reaching the final precipices which overlooked the river bed, the scouts discovered that a village of about 100 lodges lay in the valley at the foot of the bluffs. It was now eight o'clock. The sun shone brightly through the cold, frosty air. The column halted, and Major Noyes' battalion, Second Cavalry, was ordered up to the front. It consisted of Company I, Second Cavalry, Captain H. E. Noyes and Lieutenant C. T. Hall, and Company K, Second Cavalry, Captain James Egan. This battalion was ordered to descend to the valley, and while Captain Egan charged the camp, Captain Noyes was to cut out the herd of horses feeding close by and drive it up the river. With this column Lieutenant Bourke, of General Crook's staff, and R. E. Strahorn went as volunteer aids. Captain Moore's battalion, consisting of Company F, Third Cavalry (Captain Alex. Moore and Lieutenant B. Reynolds) and Company E, Second Cavalry (First Lieutenant W. C. Rawolle and Lieutenant F. H. Sibley) was ordered to dismount and proceed along the edge of the ridge to a position covering the eastern side of the village, opposite to that from which Captain Egan was to charge. Major Stanton accompanied this column. Captain Mills' battalion was ordered to follow Egan, dismounted, and support him in the engagement which might follow the charge. These columns began the decent of the mountain through gorges that were almost perpendicular, and it seemed almost impossible that horses could be taken through them. Nearly two hours were occupied in getting the horses of the charging column down these rough sides of the mountain, and even there, when a point was reached where the men could mount their horses and proceed toward the village in the narrow valley beneath, Moore's battalion had not been able to gain its position on the eastern side, after clambering along the edges of the mountain. A few Indians could be seen with the herd, driving them to the edge of the river, but nothing indicated that they knew of our approach. Just at nine o'clock Captain Egan turned the point of the mountain nearest the river, and first in a walk and then at a rapid trot started for the village. The company went first in a column of twos, but when within 200 yards of the village the command "Left front into line" was given, and with a yell they rushed into the encampment. Captain Noyes had in the meantime wheeled to the right and started the herd up the river. With the yell of the charging column the Indians sprang up as by magic and poured in a rapid fire from all sides. Egan charged through and through the village before Moore's and Mill's battalions got within supporting distance, and finding things getting very hot, formed his line in some high willows on the south side of the camp, from which point he poured in rapid volleys upon the Indians. Up to this time the Indians supposed that one company was all they had to contend with, but when the other battalions appeared, rapidly advancing, deployed as skirmishers, and pouring in a galling fire of musketry, they broke on all sides and took refuge in the rocks along the side of the mountain. The camp, consisting of 110 lodges, with immense quantities of robes, fresh meat and plunder of all kinds, with over 700 head of horses, was in our possession. The work of burning began immediately, and soon the whole encampment was in flames. Large quantities of ammunition, especially powder, were stored in the tepees, and explosions followed the burning of every tent. The camp was well supplied with bedding, cooking utensils and clothing, all from Red Cloud Agency, while fixed ammunition, percussion caps, lead and powder were in great abundance. While the work of demolition was going on under the direction of General Reynolds, the Indians poured in a well directed fire from the sides of the mountain and from every available hiding place. Not satisfied with this, they made a determined attack on the troops about noon, with a view to regaining possession of the camp. Captain Mills, who had charge of the skirmish line, perceived their movement, and asked for additional men. These were sent in promptly from Egan's, Noyes', Lieutenant J. B. Johnson's, Lieutenant Rawolle's and Captain Moore's companies, and the attack was quickly and handsomely repulsed, the Indians retiring in in disorder. After the work of destruction had been completed, the withdrawal of the troops began, Lieutenant C. T. Hall, Second Cavalry, drawing in the last line of skirmishers, and the whole command moved rapidly up the river twenty miles to the mouth of Lodgepole creek, where it went into camp, after two days and one night of constant marching.

The camp attacked was that of Crazy Horse, who is chief of the only remaining band of Ogalalla Sioux now openly hostile. The usual estimate employed in numbering Indians is seven persons to a lodge or tepee. This would give over 700 Indians in the encampment, but there did not seem to be over five hundred in this one. Probably several war parties were out on plundering expeditions at the time of attack. What the Indian loss was could not be ascertained, but about thirty were killed near the camp, and doubtless many more fell under the sharpshooting of the troops. Our casualties were as follows:

KILLED.

Sergeant Peter Dowdy, Company E, Third Cavalry.

Private George Schneider, Company K, Second Cavalry.

Private Michael McCammon, Company F, Third Cavalry.

Private George E. Ayres, Company M, Third Cavalry.

WOUNDED.

Artificer Patrick Goings, Company K, Second Cavalry, flesh wound, left shoulder, slightly.

Private Edward Egan, Company K, Second Cavalry, right lower part of chest, dangerously.

Private John Droege, Company K, Second Cavalry, through left arm.

Corporal John Lang, Company E, Second Cavalry, through right ankle.

Sergeant Charles Kaminski, Company M, Third Cavalry, left knee, slightly.

Lieutenant Bourke, Mr. Strahorn and Hospital Steward W. C. Bryan went with Egan on the charge, and behaved with decided gallantry. The last named had a horse killed under him, and Lieutenant Bourke had his bridle-rein shot away. Captain Egan's horse was shot through the neck, and most of the horses in his company were wounded, and nearly every man had bullet holes through clothing or equipments. Lieutenant Bourke and Mr. Strahorn were conspicuous for their coolness and courage throughout the engagement.

The Indians occupied what seemed to them an impregnable camp. The walls of the mountains on both sides of the river were of great hight, precipitious, and full of gorges. The descent made by the troops was over these obstacles, and of course from a point where an enemy was least expected. If Captain Moore's battalion had reached the position assigned to it, scarcely an Indian could have escaped. That it did not, was one of the mistakes which possibly could have been foreseen and provided for, but was not. As it was, a band of the most troublesome Indians on the whole Wyoming frontier received a severe chastisement, and is so badly crippled that it will probably now go to Red Cloud agency, and remain. At all events it is certain that such a result can not be long delayed, for other expeditions will soon follow this, and the country will be made so hot for them that they will have to abandon it. The material found in this camp proves conclusively that these Indians, though openly hostile, obtain ammunition, arms and supplies of all sorts from the agency at Red Cloud. This agency should at once be moved to the Missouri river, and the most important bases of supply for hostile Indians be broken up. It is hardly fair that the Indian Department should be permitted to furnish arms and powder to hostile Indians; but as long as there is money to be made in this way and thieving agents are to be supported the system will probably continue.

After the fighting was over the troops marched rapidly up the river to the mouth of Lodgepole creek. This point was reached at nightfall by all except Captain Moore's battalion and Captain Egan's company, Company E, Second Cavalry, was the rear guard, and assisted Major Stanton and the scouts in bringing up the herd of horses. Many of these were shot on the road, and the remainder reached camp about 9 P. M. The troops had been in the saddle for thirty-six hours, with the exception of five hours during which they were fighting, and all, officers and men, were much exhausted. The horses had no grazing, and began to show signs of complete exhaustion. Upon arriving at Lodgepole it was found that General Crook and the other four companies and pack train had not arrived, so that everybody was supperless and without a blanket. The night, therefore, was not a cheerful one, but not a murmur was heard. The wounded men lay upon the snow or leaned against a tree, and slept as best they could on so cold a night.

Owing to some misunderstanding, our four dead men were left on the field to be mutilated by the Indians. How this occurred is not fully explained, and may be the subject of investigation. These men could have been removed easily, but they were not, and that they were not caused a great deal of dissatisfaction among the troops.

To-day (Saturday) at noon General Crook and the remainder of the command arrived. In the meantime a portion of the herd of ponies had straggled into the ravines and fallen into the hands of the Indians. The village was very rich in plunder—the accumulations of a great many stealing expeditions. This was all effectually destroyed, not enough being left to make a respectable bed for a pappoose.

It does not seem probable that there are half as many hostile Indians in this northern country as the War Department has supposed. For nearly two weeks this command has been marching through the best part of the whole unceded Sioux lands, and it has not seen 1000 Indians in all. I doubt if there are 3000 hostile people south of the Missouri and east of the Big Horn mountains. Other military expeditions will soon follow this one, and in the end all these tribes will be glad to take agency rations, poor and insufficient as they generally are, for the rest of their days.

The scene of this engagement is on the left bank of the main Powder river, about eighty-five miles north of old Fort Reno, very near the southern boundary of Montana. This region is terribly rough and sterile, and only the narrow river bed, running deep down in the canons, affords water and limited pasturage. It has scarcely ever been visited by white men since Raynolds made his reconnoissance in 1835. On every side the country is broken up into barren "bad lands," with high brutes, almost attaining the magnitude of mountains, overlooking the general plain. These buttes are composed of clays and sands, with coal seams plainly visible, but do not afford fossil remains of any value, so far as we could discover. The country has no attractions for a civilized man, and can offer nothing in mitigation of its general sterility and worthlessness. I must decidedly agree with General Hazen in his view of the barrenness and utterly valueless character of this whole region of country, in respect to its adaptability to agricultural and pastoral uses. As a fastness for a few wretched Indians it has its advantages. Even these can only live in it by stealing from the frontier and the agencies. To rely upon game would be to embrace starvation, for there is very little to be found.

It is hardly proper to close this sketch of the engagement without referring more particularly to those causes which prevented its complete success. First among these was the failure of Captain Moore's battalion to reach the position assigned in the rear of the village, or a point covering the rear, before the charge was made by Captain Egan. This failure allowed the Indians to make good their escape to the rocky fastnesses of the mountains overlooking the valley, from which they subsequently poured in a galling fire upon our troops.

Moore's battalion was a strong one in numbers, and needed only to be led to the front where it could be effective to do good service. When it was discovered that the battalion would not be at the place assigned it, and that its commander did not apparently intend to put it there, Major Stanton and Lieutenant Sibley, with five men, left it and went on, taking up the position which the battalion should have occupied, and gave the flying savages the best enfilading fire they could. But they were too few to prevent the escape of the Indians. This was the first serious blunder. The next was that after the herd of ponies, numbering over 700, had been captured, driven twenty miles from the scene of action, and turned over to General Reynolds, commanding the troops, he failed to place a guard around them, so that the greater portion of them strayed off during the night, and were picked up by the Indians. When informed next morning that the herd had escaped, and the scouts reported that it was being driven off by Indians, only two or three miles from camp, he positively declined to send a man or horse to recapture them, thus allowing the most substantial fruits of the victory to be taken away without an opposing effort. The next blunder was in leaving his dead upon the field and directing that they be so left, when it was perfectly easy to have thrown them upon horses and borne them away for burial. It was even stated that one wounded man had been left behind in the village, belonging to Company M, Third Cavalry, and that the line of skirmishers covering the withdrawal of the troops, saw the Indians rush into camp and scalp him. If these statements are true (and all except the last undoubtedly are) they should lead to an investigation. If they were the result of incompetency or inefficiency it should be known. Furthermore, there were large quantities of buffalo meat and venison in the village, which General Crook had directed, in case of capture, to be brought out for the use of the troops, who were on half rations of fresh meat. This was not done, and as a result the soldiers have had no fresh meat except ponies since that time.

I can not omit in this account of our long march and the fight on Powder river to mention the gallantry and soldier-like conduct of Captain Egan, Second United States Cavalry. For skill in the management of his company, which is composed of excellent men, for coolness and daring and all the qualities of a good soldier, commend me to him every time. Frank Drouard, too, the Society Island scout, has proved his courage, boldness, quickness and accuracy of perception in hunting Indians, as well as his unfailing knowledge respecting the country through which we have operated, a guide of the very first quality. General Crook has found his services of great value, and will undoubtedly give him more work to do before long. Such men are not picked up every day.

Parish of Iberville.

At a large and enthusiastic mass meeting of the Republicans of the eighth ward of Iberville parish, held for the purpose of denouncing the action of the parish committee in electing delegates to the national and State conventions, the following named gentlemen were elected officers thereof, viz: President, Mingo Edwards; vice president, David Grandison; secretary, Thomas Scott.

The president having stated the object of the meeting, several speakers denounced the arbitrary action of the parish executive committee at its meeting held Saturday, March 25, 1876.

The following preamble and resolutions were then unanimously adopted:

WHEREAS, The Republican executive committee of this parish met in the town of Plaquemine on March 25, 1876, at the call of their president, Hon. P. G. Deslonde, for the purpose of filling any vacancies that might have occurred by death or otherwise; and

Whereas, Said executive committee took upon themselves the audacity to elect themselves as delegates to the national and State conventions, to be held in New Orleans on the thirtieth of May, 1876, and on the twenty-seventh of June, of the same year, in violation of the rights and usages of the Republican party, to whom the matter has been referred by the executive committee of the State of Louisiana; and

Whereas, Such audacious usurpation meets with general indignation from the Republican voters of this banner Republican parish, whose rights can not be trampled upon with impunity without endangering the harmony of the party in this grand Republican parish; therefore, be it

Resolved, That we, in mass meeting assembled, indignantly condemn the action of the executive committee of this parish, at its meeting of the twenty-fifth March, 1876, in electing themselves to both the national and State conventions to be held in New Orleans, respectively on the thirtieth of May and June 27, next. Such an election of delegates of right belongs to the Republican voters of the parish, to whom it has been referred by the executive committee of the State of Louisiana; that their action is in violation of party usages of the Republican party.

Resolved, That we pledge ourselves to neither obey, support or adhere to the election of delegates by the executive committee of Iberville. But that we endure, obey and support the action of the mass meeting held in the town of Plaquemine on the first of April, 1876, for a call of a Republican convention to meet at the courthouse in this parish on the thirteenth of May next, and will and shall elect delegates to the said convention.

Mingo Edwards, president; David Grandison, vice president; Thomas A. Scott, secretary; Lucien Dardenne.

Clouds—Experiments Upon their Formation.

M. Conlier has recently contributed to the *Journal de Pharmacie et de Chimie* an account of some very remarkable experiments upon the formation of clouds. His apparatus consisted of a three necked flask, containing a little water. Two of the necks were provided with cocks, the other communicating with a hollow ball of India-rubber. Upon compressing the rubber ball (the cocks being closed), the air within the flask becomes slightly condensed, and, on removing the pressure, expanded again, and a cloud was formed within the flask. The cloud spherules thus produced were of various sizes and in constant motion. On looking at a lighted candle through the vapor, the well known colored cloud rings became visible. Thus far there was nothing very new in the experiment, it being a familiar fact that vapor is precipitated as cloud whenever the air containing it is suddenly rarefied.

The remarkable point discovered is that, after the apparatus had been standing for some days, the phenomenon could no longer be produced. Vigorously shaking the flask containing the cloud-giving air produced the same effect; and further experiment proved that if the air were filtered through cotton wool so as to remove all sordid particles, it became quite incapable of producing a cloud when suddenly rarefied. In the first instance the solid matter suspended in the air gradually fell to the bottom; in the second it was taken up by the water, and in the third it was excluded by the cotton-filter.

The "motes in the sunbeam" are growing, it would appear, in scientific importance. For Pasteur and Burdon-Sanderson have shown that they are essential to the processes of fermentation and putrefaction. Tyndall has very recently proven that filtered air is incapable of diffusing light, and now M. Conlier tells us that these minute specks of solid matter are at least one powerful agent of the formation of clouds. It is difficult to conceive how the suspended solid matter acts in cloud formation, but M. Muscart, who has been repeating Conlier's experiments, finds that even filtered air which has been ozonized regains its power of forming clouds perfectly. Alcohol and benzine in vapor are precipitated in the same way as water.

Mark of a Gentleman.

No man is a gentleman who, without provocation, would treat with incivility the humblest of his species. It is a vulgarity for which no accomplished dress or address can ever atone. Show us the man who desires to make every one around him happy, and whose greatest solicitude is never to give cause of offense to any one, and we will show you a gentleman by nature and by practice, though he may never have worn a suit of broadcloth nor ever heard of a lexicon. We are proud to say, for the honor of our species, there are men in every throb of whose heart there is a solicitude for the welfare of mankind, and whose every breath is perfumed with kindness.

A æthetic Ohio editor writes: "I don't know why it is or how it is, but one woman steals over the senses like a bower of honeysuckles, twined with graceful tendrils and odorous blossoms; she is harmoniously perfect throughout as a faultless vine or gladiolus; there is no touch of color or fold of drapery lacking; one would as soon think of adorning a rose bush with elephant's ears as to imagine any evolution of more fitness in the perfect symetry of form and color. Another, with estimable qualities of mind and heart, looks like a Dutch farmyard in Pennsylvania, with hollyhocks and sunflowers dabbed on with a tack hammer, on the side of her head, the flat of her back, or wherever there is vacant space among the garden vegetables. Men and brethren, we can not be expected to know why this is onewise, while that is otherwise. The same wise Creator that gives us apple-blossoms gives us also onions, and we can only be silent and adore."