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MEMPHIS APPEAL.

PUBLISHED DAILY & WEEKLY

—BY—

BENJAMIN F. DILL.

To whom all Letters should be Addressed.

PRICE OF SUBSCRIPTION.

Daily (in advance) per annum	$15 00
" per week	25
To carriers and news-dealers, per copy	5
Weekly per annum (in advance)	5 00

☞ Non-subscription entered on our mail books for a time less than one month.

RATES OF ADVERTISING.

One square one insertion	$1 00	
" " each additional insertion	75	
" " two weeks	6 00	
" " one month	8 00	

☞ All advertisements considered due after the first insertion.

☞ Eight lines of solid nonpareil constitute a square.

☞ All advertisements in the Special Notice column will be charged 20 cents per line.

☞ Marriages and death notices published as other advertisements.

☞ All advertisements to be inserted in the Weekly paper only, or at irregular intervals in either of the papers, will be charged $1 per square for each and every insertion.

☞ All advertisements not marked for a specified time will be discontinued, at the end of one week.

☞ All advertisements in the Appeal must be handed in at the Clerk's desk.

☞ Transient advertisements must be paid for in advance.

☞ No advertisement will appear in the Weekly paper, unless by special contract.

☞ Business notices are respectfully in the editorial form, and will be charged 10 cents per line for each insertion.

☞ Obituaries are respectfully requested to send our subscribers, and fill up our time, and also to forward any notice of news that may be of sufficient local importance to warrant their publication.

As an inducement to get up clubs, we have adopted the following scale of prices, which are as low as our current office expenses will admit of:

Single copy, per annum	$5 00
Five copies, per annum, each	4 00
Ten copies, per annum, each	3 50
Twenty copies, per annum, each	3 00
Fifty copies, per annum, each	2 50
One hundred copies, per annum, each	2 00

☞ Postmasters, Clergymen, Physicians, Teachers, Editors, and Young Men forming Clubs, are entitled to a copy gratis for every twenty subscribers.

☞ Subscribers who do not receive their papers promptly should immediately inform us of the fact.

☞ Subscribers who have paid in advance, and have not given orders for their papers to be discontinued at the expiration of their subscriptions, will be supplied a few days longer, when their subscriptions are nearly out, we will ask their friends to renew their subscriptions, or to see how many new subscribers they can add to our list.

☞ Postmasters are authorized to act as agents for the APPEAL.

THE METROPOLITAN POLICE BILL.

A New System of Patrol Duty and Discipline Proposed by the Legislature at Nashville.

Owing to the pressure on our news columns by a large number of advertisements on Sunday, we were compelled to postpone the publication of the following bill until to-day. We trust our readers will carefully peruse its provisions and acquaint themselves with the new method by which the Legislature propose to control a portion of our municipal affairs:

A Bill to be entitled An Act to establish a Metropolitan Police District, and to provide for the government thereof, do enact as follows:

SECTION 1. The county of Shelby is hereby constituted for the purposes of police government and police discipline therein, into a district, which shall be known and called the Metropolitan Police District of the State of Tennessee.

Sec. 2. The powers and duties connected with, and incident to the police government and discipline of the said district, shall be, as hereinafter more especially provided for, vested in and exercised by commissioners of the metropolitan police; and a board of metropolitan police, composed of said commissioners, and by a metropolitan police force, composed of captains of metropolitan police force, sergeants of metropolitan police force, and patrolmen of metropolitan police.

Sec. 3. On or before ——— day of ——— A. D., one thousand eight hundred and sixty-six, and thereafter from time to time as may become requisite, the governor shall nominate, and by and with the consent of the Senate shall appoint four fit persons, one from each of the metropolitan police district, three commissioners of metropolitan police who shall constitute the board of metropolitan police, and two of them shall form a quorum for the transaction of business. The Governor shall have power to fill up any vacancy or vacancies that may happen in such board during the recess of the Senate by appointing a commissioner or commissioners who shall hold office until appointment shall be made for the remainder of the unexpired term in the manner hereinbefore provided. Any one of the commissioners may be removed by the governor under the provisions of the statutes relating to the removal from office of sheriffs, which provisions are hereby extended so as to apply to each one of said commissioners, and in all cases where charges are made against a commissioner, he shall have an opportunity to present evidence in his behalf.

Sec. 4. The said two commissioners, after having been duly appointed, shall assemble together in the office of the secretary of state and there proceed to draw lots for their respective terms of office, expiring respectively on the first Monday of November, in the years eighteen hundred and sixty-seven and eighteen hundred and sixty-nine. At the expiration of each of the said respective terms, the full term succeeding shall be one of four years.

Sec. 5. Either of said commissioners who shall, during his term of office, accept, or hold any other place of public trust or civil emolument, or who shall, during his term of office, be publicly nominated for office, election by the people, and shall not, within ten days succeeding the same, publicly decline the said nomination, shall be, in either case, deemed to have resigned his commission to the governor, and to have vacated his office, and the governor shall proceed as in case of vacancy.

Sec. 6. The terms of office of five have been determined as aforesaid, by lot, and a certificate of the results, attested by each commissioner, having been filed in the office of the secretary of state, there shall be issued to each commissioner, from said office, the proper commission of appointment to office for the term so drawn by lot; and each commissioner shall, on receipt thereof, take and subscribe before the secretary of state for deposit in his office, the oaths required to be taken by judicial officers under the Constitution and laws of the State.

Sec. 7. One of the commissioners of metropolitan police appointed as aforesaid, shall be designated by the governor as superintending commissioner, and the other as financial and clerical commissioner. The superintending commissioner shall be the executive head of the metropolitan police force, shall nominate for appointment by the board of commissioners persons fit and competent for captains, sergeants and patrolmen of the metropolitan police force; shall enforce the disciplinary rules and orders prescribed by the board of commissioners for the government of the metropolitan police force; shall detail and assign captains, sergeants and patrolmen for duty, and shall see that the laws of the State and the ordinances of the city, town and other legal authorities of the metropolitan police district are enforced throughout the said district. He shall have power to suspend any captain, sergeant or patrolman member of the police force for misconduct, or violation of orders, or incompetency; and may discharge any member of the police force, captains, sergeants or patrolmen, subject to appeal to the board of metropolitan police commissioners. He shall keep records of losses by robbery and other crimes, and also of all suspicious persons and places, and shall make to the board of commissioners quarterly reports of the condition and duties of the metropolitan police force, with such statistics and suggestions as he may deem advisable for the improvement of the police government and discipline. The superintending commissioner, captains, sergeants and patrolmen shall be deemed to be always on duty. The financial and clerical commissioner shall have the safe keeping and disbursement, on orders of the board of commissioners of the metropolitan police, of the moneys appropriated for the support and maintenance of the metropolitan police. He shall make quarterly reports to the board of commissioners, of the receipts and disbursements, and of the condition of the finances of the metropolitan police department, with suggestions for their improvement when suggestions for that purpose shall be deemed advisable. The financial and clerical commissioner shall perform such clerical duties as may be prescribed by the board of commissioners and by the superintending commissioner, under the direction of the said board, shall have the custody and disposal for restoration to the owners, or the benefit of the police department, of all lost or stolen property recovered by the police, shall keep the financial or clerical commission, shall give such bond as may be required by the governor of the State, for the faithful discharge of his duties, and the safe keeping of the moneys and property in his hands, belonging to the metropolitan police department. The board of commissioners shall hear all appeals from the decisions of either commissioner.

Sec. 8. The quota of patrolmen for the city of Memphis shall not exceed one hundred, unless an additional number shall be authorized by a vote of the legal voters of Memphis, or the board of mayor and aldermen; and the board of commissioners shall not appoint more than two captains and four sergeants and one hundred patrolmen, unless an increase is authorized as aforesaid.

Sec. 9. The board of commissioners may appoint patrolmen for special service, or service in places within the metropolitan district, but not within the limits of the city of Memphis, provided citizens or authorities of any town, village or precinct of the metropolitan district, shall agree to pay the patrolmen so appointed, or may, on similar conditions, appoint as patrolmen, private watchmen of stores or other places of property within the limits of the city of Memphis.

Sec. 10. Each member of the metropolitan police force of the metropolitan district, shall hold office during his good behavior, but may at any time be suspended or removed for misconduct, disobedience of orders, or incompetency, and may be suspended from pay for violations of discipline or orders.

Sec. 11. The board of police may, upon any emergency or apprehension of riot, appoint as many special patrolmen, without pay, from among the citizens as it may deem advisable, and may appoint as many special patrolmen for service on any election day as they may deem necessary, and shall pay three dollars a day to each of said special patrolmen who performs his duty faithfully on election day.

Sec. 12. No expenses other than salaries and pay herein provided, shall ever be incurred by the board of police, except for rents, stationery, printing, advertising, fuel and lights, unless the same shall be expressly authorized and provision be made therefor as a separate county or city charge, by the county court of that county of the district which is specially interested.

Sec. 13. All fines of deductions of pay made by the board of commissioners for violations of discipline or orders, shall be credited to and paid into a special fund of the metropolitan police department, and shall be used for paying policemen rewards for unusual energy, faithfulness or success in preventing or detecting crime.

Sec. 14. The superintending commissioner of the metropolitan police shall receive a salary of two thousand five hundred dollars a year. The financial and clerical commissioner shall receive a salary of two thousand dollars a year; each captain of the metropolitan police force shall receive a salary of fifteen hundred dollars a year; each sergeant of the metropolitan police force shall receive a salary of twelve hundred dollars a year, and each patrolman of the metropolitan police force shall receive a salary of one thousand dollars a year. No member of the police force shall directly or indirectly receive or accept any fee, perquisite, or reward, other than his regular salary for police services, unless the written permission of the superintending commissioner shall first have been given.

Sec. 15. No person shall be appointed to membership in the police force of the metropolitan district, or shall continue to hold membership therein who is not a citizen of the United States and a citizen of the State of Tennessee, or who has ever been convicted of crime, or who cannot understandingly read and write in the English language, or is not physically, mentally and morally well qualified for the performance of police duties.

Sec. 16. The board of metropolitan police shall provide such office and business accommodations as it shall deem requisite for the transaction of the business of the metropolitan police.

Sec. 17. It shall be a misdemeanor for any person not being a regular member of the police force of the metropolitan district, or of the police of any city of the State of Tennessee, or a constable or sheriff of this State, or the usual deputy of said sheriff, to serve a criminal process within the said metropolitan district.

Sec. 18. The board of metropolitan police shall have power to issue subpoenas, vested in the name of the superintending commissioner, to compel the attendance of witnesses upon any proceedings authorized by its rules and regulations. Each commissioner is hereby authorized and empowered to administer affirmations and oaths to any person summoned and appearing in any proceeding authorized by, or aforesaid, or to make any deposition necessary to be made under the rules and regulations of the board; of police. Any willful and corrupt false swearing by any witness or person to any material fact in any necessary proceeding under the said rules and regulations, shall be deemed perjury, and punished in the manner now prescribed by law for such offense.

Sec. 19. The board of metropolitan police commissioners in furtherance of the police government of the said metropolitan police district, and for the prevention and perfecting the police discipline of subordinates, and of the members of the metropolitan police force, are empowered to enact, modify and repeal from time to time, rules and regulations of general discipline wherein in addition to such other provisions as may be deemed expedient by said board, there shall be particularly defined, enumerated and distributed, the powers and duties of the captains, sergeants and patrolmen of the metropolitan police force, and wherein shall be specified the mode of appointment and removal from office of the said captains, sergeants and patrolmen, and the manner of discipline of the said police force, provided that such bylaws, rules or regulations shall not conflict with the constitution or laws of the State.

Sec. 20. The members of the police force of the said metropolitan police district shall furthermore possess, in every part of the State of Tennessee, all the common law and statutory powers of constables, except the service of civil process; and every warrant for search or process, issued by any magistrate of this State, may be executed in any part thereof by any member of the police force of the said metropolitan police district.

Sec. 21. It shall be made the duty of the metropolitan police force, at all times of the day and night, within the said metropolitan police district, and the members thereof are accordingly hereby severally empowered to especially preserve the public peace, prevent crime, detect and arrest any offenders, suppress riots, protect the rights of persons and property, guard the public health, preserve order at elections, see that nuisances are removed from streets, roads, places and highways; repress and restrain disorderly houses, houses of ill-fame, gaming houses; to assist, advise and protect strangers and travelers in public streets, or at steamboat landings or railway stations; enforce every law relative to the suppression and punishment of crime, or in the public health, or to disorderly persons, or any ordinance or resolution of the board of aldermen of Memphis, or town or village authorities in other parts of the district relative to police, health and criminal procedures.

Sec. 22. The several members of the police force shall have power and authority to immediately arrest, without warrant, and to take into custody any persons who shall commit, or threaten or attempt to commit, in the presence of such member, or within his view, any breach of the peace or offense directly prohibited by act of the Legislature or by any ordinance of the city, town or village within which the offense is committed, threatened or attempted; but such member of the police force shall immediately and without delay, upon such arrest, convey in person such offender before the nearest magistrate, that he may be dealt with according to law; and the officer making such arrest shall at once, without delay, report the arrest and the alleged cause, to his superior officer or to the superintending commissioner.

Sec. 23. The county court of the county of Shelby shall levy and raise, by tax upon the estates real and personal, taxable within said county, such sum or sums of money as may be required to carry into effect the fiscal provisions of this act affecting said county.

Sec. 24. No person holding office under this act shall be liable to military or jury duty, nor to arrest on civil process, nor to service or subpoenas from civil courts, while actually on duty.

Sec. 25. The board of metropolitan police shall, on or before the first Monday in November in each year, make a report in writing to the governor of the State upon the condition and operations of the metropolitan police within the metropolitan district.

Sec. 26. The board of metropolitan police shall cause to be kept books of registration of lost, missing or stolen property, for the general convenience of the public. The said board shall also cause to be kept books of record of the metropolitan police district, wherein shall be entered the name of every member of the metropolitan police force, with the time and place of his nativity; the time when and place where he became a citizen, if he was born out of the United States; his age upon becoming such member, and his former occupation; number of his family and the residence thereof, and the date of his appointment or of his resignation or withdrawal or of dismissal from office, with the cause of the latter; and against all such entries sufficient space shall be left wherein to make record of any special arrests made from time to time, by such member of the police force, or of any special service deemed meritorious by the said board. The said board shall also cause to be kept in proper books the accounts of the treasurer and all receipts for money expended, or for warrants or for checks for money issued by the treasurer, shall be written in books kept for that purpose; and the said receipts shall be signed by the person or persons receiving said money, warrants or checks from the treasurer. Such books shall be, at all business hours and when not in actual use, open to public inspection. The board of metropolitan police shall also cause to be kept and bound all police returns and reports from any member of the metropolitan police force, and all minutes of the proceedings of said board, which returns, reports and minutes shall only be open for public inspection in the discretion of said board.

Sec. 27. Each member of the metropolitan police force shall take an oath of office and subscribe the same in a book kept for the purpose, which oath of office may be taken before any commissioner of metropolitan police, who is hereby empowered to administer the same and write acknowledgment thereof.

Sec. 28. It is hereby declared to be the duty of the mayor and board of aldermen of the city of Memphis, in accordance with the practice and ordinances existing therein, to provide at the expense of said city, the necessary accommodation within such precincts of the said metropolitan police district, as shall be contained within the boundaries of the said city for a station-house, for the accommodation of the police force of such city, and for the temporary detention of persons arrested for offenses; and in case the mayor and board of aldermen of said city of Memphis refuse or neglect within thirty days after having been there to in writing requested by said board of metropolitan police, to provide accommodation as aforesaid, and the same when made shall become a proper charge and debt against the said city, whose mayor and board of aldermen shall have refused or neglected to make provision in manner and form aforesaid.

Sec. 29. The commissioner of the metropolitan police and the comptroller of the city of Memphis, convened as a board of estimate, shall annually, on or before the first day of September, make up a financial estimate of the sums required annually for expenses in the fitting up, warming, lighting and furnishing accommodations for the police force, and for office accommodation, and printing and stationery, and for fixtures, and for badges and equipments for the police force, and also of the sums necessary for counsel fees, law expenses and disbursements incurred by the board of metropolitan police or by commissioners of metropolitan police, or rendered necessary in criminal or civil actions or proceedings against any members of the board of police or of the police force for acts done in the discharge of duty, and to defray the salaries and pay required by this act, and such other general expenses as may from time to time in the judgment of such apportionment board become necessary. Such estimate shall then be submitted to the board of aldermen of the city of Memphis.—If the said Board of Aldermen object by resolution to such estimate or any portion thereof, and notify or cause to be notified, the board of estimate, it shall be the duty of the latter to immediately and carefully revise the same and consider the said objections. If such board of estimate shall adhere to its original action of estimate, or if they shall modify the same, then their final determination shall be binding upon the county of Shelby.

Sec. 30. The county court of the county of Shelby are empowered and directed annually to order, and cause to be raised and collected by tax upon the estates, real and personal, subject to taxation according to law, within the said county of Shelby, city or such civil district, a sufficient sum of money to defray the expenses of the aforesaid metropolitan police during the current year.

Sec. 31. The several sums of money provided for by the preceding sections shall be paid into the treasury of the State, and shall be paid therein and therefrom under the fiscal regulations relating to county offices and offices.

Sec. 32. The salaries and pay prescribed in aforesaid sections shall be paid monthly to each person entitled thereto, in modes to be prescribed by the rules and regulations subject to such deductions each month from the salary or pay of members of the metropolitan police force, as may be made by the board of police to satisfy fines imposed on any member of the metropolitan police force by way of discipline or punishment, and as prescribed by the rules and regulations of the board. The salaries of each commissioner of the metropolitan police shall be paid by the comptroller of the State out of the metropolitan police fund.

Sec. 33. All property and money that shall remain in the custody of the financial and clerical commissioner of the metropolitan police for the period of six months without any lawful claimant thereto, after having been twice duly advertised in daily papers, shall be sold at public auction, and the proceeds of such sale shall be paid into the special fund for the rewarding of meritorious officers.

Sec. 34. This act shall take effect (immediately) from and after its passage.

SMITH, of Hardeman.

THE TEST OATH.

Able and Convincing Minority Report by Representative Rogers, of New Jersey, Against the Perpetuation of the Oath.

The house judiciary committee, having instructed their chairman, Mr. Wilson, of Iowa, to report against the proposition submitted to them of modifying the test oath in accordance with the recommendations of the secretary of the treasury and the postmaster general, Mr. Rogers, of New Jersey, from the same committee, dissenting from the views of the majority, submitted on Monday the following report:

Andrew J. Rogers, from the committee on the judiciary, to which was referred, by direction of the house, the message of his excellency the President of the United States, transmitting communications from the honorable secretary of the treasury and the honorable postmaster general, recommending a modification of the test oath prescribed by act of congress of July 2, 1862, presents to the house a minority report in favor of a modification of said oath, as recommended by the President and said secretaries, and submits the following reasons:

The honorable secretaries and the President are in a situation to know better the necessities for a modification of such oath than any other persons. Their honesty, loyalty and love of country cannot be justly questioned, and where such high authority recommends the passage or modification of a law, it should have great weight, and furnishes to the house good evidence that the oath should be modified. It is but a small asking, simply to urge the modification of an oath unknown to the constitution, and established in time of war, for the purposes of war, and I am a little surprised that they did not recommend its entire repeal. The war is ended, and peace has been proclaimed. The only question that ought to be raised is, are they loyal men, and if they can take an oath to support the constitution they can take that oath and more than can be required of them. The most of the people of the south cast their fortunes with the rebellion, upon honest conviction that their allegiance to state sovereignty was superior to their allegiance to federal authority. Some held offices under the rebel government as the only measure they had for support. Some sided with rebellion to avoid conscription. Some were compelled by conscription to take up arms in defense of the so-called Confederate States. Yet the present oath prevents every one of them from holding any office under the federal government. In fact, nearly one-half the people were compelled, by the force of a despotism, to sustain the Confederate cause, and yet the federal government could not protect them, it has no right to complain of persons who were forced to give allegiance to the only organization that could give them protection. The honorable secretary of the treasury says that not one of those who now hold office in the south were movers in disunion or unfriendly to the government at the commencement of the war. He says that a very slight change in the oath, a change that would not cover a particle of present disloyalty, would enable the most of them to hold the offices they are now so acceptably filling. He also says:

"For those offices that must soon become vacant if congress should not deem it safe or proper to modify the oath, I am at a loss to know where the right men are to be obtained or how the revenue in many of the southern districts is to be collected. I fear it may drive further to remark that I do not consider it advisable for the government to attempt to collect taxes in the southern States by the hands of strangers. After having given the subject careful consideration, anxious as I am to increase the revenue and to lighten by distributing and equalizing the burdens of the people, with no party interest to promote, and with nothing but the good of the government at heart, I have come to the deliberate conclusion that it would be better for the country, politically and financially, to suspend the collection of internal revenue taxes in the southern States, except in commercial cities, for months, if not for years to come, rather than to undertake to collect them by men not identified with the tax payers in sympathy or in interest.

"The rebellion grew out of an antagonism of opinion between the people of the free and slave States, the legitimate result of a difference of institutions. With the abolition of slavery all real differences of opinion and all serious causes of estrangement ought rapidly to disappear. It will be a calamity, the extent of which cannot now be estimated, both to this nation and to the cause of civil liberty throughout the world, if, instead of looking toward reconciliation and harmony, the action of the government shall tend to harden and intensify a sectionalism between the northern and southern States. It is difficult to conceive of a more unfortunate course for the government of the United States to pursue than to make tax gatherers at the south of men who are strangers to the people. It needs no reference to history, although it is full of lessons upon this subject, to illustrate the fatal consequences of such a policy."

"This is the language of a faithful, true and devoted patriot, and who is not under the influence of party passion, radicalism or fanaticism, and whose love for his country has been fully tested, and never found wanting; one who has been the guardian of our finances and acquired a reputation for honor, purity and statesmanship unequaled by any of the age in which we live. Let us bury passion, hate and revenge in the deep ocean of oblivion, and rise to the true standard of our country, forgiving our southern brethren their past offenses, as we would that they, in like circumstances, should forgive us. The secretary of the treasury says:

"It is true that there are still some applicants for office in the Southern States, who present what they call a clean record for loyalty, but, with rare exceptions, they are persons who would have been able to present an equally fair record for peace under the Confederate government if the rebellion had been a success, or persons lacking the qualifications which are needed in revenue positions.

"In regard to the matter of compensation, I have only to remark that the law fixes definitely the salaries and commissions of most officers, and that the pay of subordinate officers is altogether inadequate to tempt northern men to assume the risk and incur the odium of collecting taxes in the southern States, except, perhaps, in the commercial cities of the seaboard."

In speaking of a clean record for loyalty the honorable secretary does not mean to speak sneeringly of those who have really a clean record, as the majority report would seem to imply, but he has reference to those who were not liable to draft, and who were never placed in a situation to test their loyalty to the United States or so-called Confederate governments.

The honorable postmaster general says:

"As a remedy for the future I would venture to suggest a modification, the oath by inserting the words 'voluntarily' immediately preceding the word 'sought,' so that the clause would read, 'That I have never voluntarily sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States.' This would enlarge the class of persons who could qualify as postmasters and mail contractors, and be in harmony, as it seems to me, with the general provisions and purposes of the oath, and thus facilitate the speedy re-establishment of the postal service to the common benefit of all sections of the country; for it must be borne in mind that while the people of the southern States are more directly interested in the restoration of this service, the citizens of all the other States, are also largely interested.

"It may not be uninteresting to you to know that of the 2558 mail routes in operation in the disloyal States at the breaking out of the rebellion, the service of 757 only has been restored; and that of 982 postoffices in those States, only 2042 appointments of postmasters have been made, of whom 1177 only have been qualified for office, 757 of them being males, and 420 females. Of the 865 who have not qualified it is believed that quite all of them have not done so because of the oath."

I called upon the honorable secretary of the treasury to be informed by him what modification of the test oath would be satisfactory to him, and was informed by him that the amending of the third clause in the oath, by striking out the words "neither sought nor accepted, nor attempted to exercise the functions," or and inserting the words "not voluntarily sought," so that it would read, "that I have voluntarily sought no office whatever under any authority or pretended authority in hostility to the United States," would answer the purpose for which the modification was recommended. I do not deem it material that all the dotings of the President in time of war should be vindicated, in order to sustain his views in time of peace. We must deal with things as they now are, and not pursue the same course to fallen foes that we would pursue toward them were they in arms against the government. This test oath must at some time, and that is not far distant, be repealed. It cannot remain always unless it is the determination of the people to deprive the present generation in the South from a voice in the affairs of the nation. That cannot be and this country remain a republic. The people of the south are ready and anxious to participate in the affairs of the government and defend and support the constitution of their country. The worst despotisms of the old world have been established through the forms of test oaths; and to exclude 7000 of people from participating in federal affairs, by making the taking of an oath unknown to the constitution a condition precedent, and one which they cannot take without false swearing, is despotism, pure and simple. The constitution of the United States provides, in article six, that executive and judicial officers of the United States shall be bound by oath to support it. That is the only oath that can be legally required of the persons who are to execute the offices of the treasury and postoffice departments. These are clearly executive officers of the United States within the meaning of the constitution. Justice Story, in his commentaries on the constitution, speaking of the house of representatives, section 624, says:

"It would seem but fair reasoning upon the plainest principles of interpretation, that the express enumeration of persons, and certain qualifications as necessary to office, it meant to exclude all others. From the very nature of such a provision the affirmation of these qualifications would seem to imply a negative of all others."

Mr. Madison, in the *Federalist*, commenting upon the same subject, says:

"The qualifications of the elected being less carefully and properly defined by the State constitutions, and being at the same time more susceptible of uniformity, have been very properly considered and regulated by the constitution. A representative of the United States must be of the age of 25 years; must have been seven years a citizen of the United States; must, at the time of his election, be an inhabitant of the State he is to represent, and during the time of his service must be in no office under the United States. Under these reasonable limitations the door of this great council is open to every man, who for reasons of merit of every description, whether native or adoptive, whether young or old, and without regard to poverty or any other circumstance or circumstance or religious faith."—*Federalist, No. 52.*

The first act of the first Congress was to prescribe the oath of office, and which was as follows:

"That the oath or affirmation required by the sixth article of the constitution of the United States shall be administered in the following form, to wit: I, A. B., do solemnly swear or affirm, as the case may be, that I will support the constitution of the United States."

If congress has power to add to the oath its own construction, it has also power to diminish it or set it aside. If it can add the conditions it now does, it can add any number more. The constitutional oath to be administered has relation to the future only, and not to the past, and if the officer would swear to support the constitution that was all that could be required of him.

Our constitution was made soon after the close of the war, and our fathers did not deem it wise to provide test oaths, in order to prohibit those who gave aid and comfort to the rebellion from holding office under the federal government. At the time of the formation of the constitution many of the followers of King George resided here, and continued here until their decease, any of whom could have held any office in the gift of the people, even that of president, by simply taking the oath provided for in the constitution. Might we not to be as charitable to our southern brethren as were our fathers to those in this country who adhered to the government of Great Britain all through the revolutionary war?

Every just consideration demands that we so shape our legislation as to restore kindly and friendly relations between the two sections of the country. The masses of the people in the South had no hand in originating the rebellion, and it was simply the result of the action of certain leading secessionists of the South and certain railroads and lunatics in the North. It is therefore uncharitable, anti-christian and unfair to visit punishment upon a whole people because of the sins of a few. Leading men and leading journals of the radical school in the north invited the south to secede. I will only quote from one leading journal of the north. The New York *Tribune*, of Feb. 22, 1861, says:

"Whenever it shall be clear that the great body of the southern people have become conclusively alienated from the Union, and anxious to escape it, we shall do our best to forward their views."

Again, in the same paper, of date March 2, 1861, we have this clear statement on the same point:

"We have repeatedly said, and we once more insist, that the great principle embodied by Jefferson in the declaration of independence, that governments derive their just powers from the consent of the governed, is sound and just; and that, if the slave States, the cotton States, or the gulf States only, choose to form an independent nation, they have a moral right to do so."

But while we were in the midst of the war, Mr. Greeley, in the *Tribune*, on the 21st February, 1863, said:

"I was willing, in the winter of 1860-'61, to let the cotton States go if they really desired it. I was not only then willing that the union should in good faith make them the offer, but I now deeply regret that it was not made and acted on."

The people of the south had at least as consequences from the north to secede, and had a right to believe that the principal papers of the republican party enunciated its sentiments.

The test oath ought to be repealed, at least as to all who have received pardon, for the legal effect of a pardon is to restore them to all the rights they enjoyed before the commission of the offense, the same as if no offense had ever been committed, and as most of them have been pardoned, the repeal or modification of the oath to them would not make it difficult to procure suitable persons in the south to execute the business of the treasury and the postoffice department to be executed there.

Chief Justice Marshall, in the case of the United States vs. Wilson, 7 Peters, 162, speaking on this subject of pardons in England, said:

"As the power has been exercised from time immemorial by the executive of that nation whose language is our language, and to whose judicial institutions ours bear a close resemblance, we adopt their principles respecting the operation and effect of a pardon, and look into their books for the rules prescribing the manner in which it is to be used by the person who would avail himself of it."

In 7 Bacon's abridgement, page 419, it is said:

"It was formerly doubted whether a pardon could do more than take away the punishment, leaving the crime and its disabling consequences unremoved. But it is now settled that a pardon, whether by the king or by an act of parliament, removes not only the punishment but all the legal disabilities consequent upon the crime."

The doctrine is thus stated in Bishop on criminal law, 7th:

"The effect of a full pardon is to absolve the party from all the legal consequence of his crime, and of his conviction direct and collateral, including the punishment, whether of imprisonment, pecuniary penalty, or whatever else the law provided."

Also in 5 Bacon's abridgment it is laid down:

"It seems agreed that a pardon of treason or felony, even after an attender, so far clears the party from the infamy, and all other consequences flowing, that he may have an action against any who shall afterwards call him a traitor or felon, for the pardon makes him as it were a new man."

Blackstone says:

"A pardon may be pleaded in bar as at once destroying the end and purpose of the indictment, by remitting the punishment which the prosecution is calculated to inflict."

Also:

"The effect of such a pardon by the king is to make the offender a new man; to acquit him of all corporeal punishment and forfeitures annexed to that offense for which he obtains his pardon."

In Lilly's abridgement the doctrine is thus laid down:

"A pardon doth discharge not only the punishment which was to have been inflicted upon the person that did commit the offense pardoned, but also the guilt of the offense itself. It pardons *culpa* so clear that in the eye of the law the offender is as innocent as if he had never committed the offense."

In view then of all the surrounding circumstances, it does appear that we should lay our party prejudices aside, elevate ourselves to the situation of affairs, and modify the oath, so far at least as is recommended by the honorable secretary of the treasury and the honorable postmaster-general and the President of the United States. It is to be hoped that our revenue will be collected, and our means of communication through the postoffice department extended over all the vast domain of our common country, without the necessity of taking such measures as will tend to alienate the affections of one-third of our land. For the reason herein set forth, it is recommended that congress pass a law modifying the test oath that the third clause may be stricken out, and a clause inserted therein to read as follows: "That I have not voluntarily sought any office whatever under any authority or pretended authority in hostility to the United States."

All of which is respectfully submitted.

(Signed) ANDREW J. ROGERS.

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