MEMPHIS APPEAL

BY

GALLAWAY & KEATING.

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MEMPHIS APPEAL

WEDNESDAY, : : APRIL 30, 1879.

PLAIN WORDS.

The New Orleans *Picayune* is a moderate, conservative paper, but it says: "The whole country might as well understand the fixed determination of the white people of Louisiana upon this subject now as ever. Black supremacy will not be tolerated here. The experiment has been tried, and the record of its failure is the foulest and bloodiest chapter in the history of the State. The conclusion, so far as the white people are concerned, has passed beyond the region of debate—it is on the list of fixed and stubborn facts. They are not going to have any more of that sort of thing, and that is all there is about it. It is not to be denied that these colored people are useful laborers, or that under certain conditions they might become good neighbors; but they are not yet prepared to govern us, and we are not prepared to submit to their government. These people clamor for manhood suffrage, and yet, while they claim a vast majority, they whine for Federal protection, and propose to assert their manhood by running away from the State! The war has been over some fourteen years now, and the black people of the country have advanced so far as that."

THE ISSUE FORCIBLY STATED.

There can be no question as to the political status of the New York *Post*. Long edited by W. C. Bryant, this paper has secured a reputation for candor and justice. Strong in its advocacy of the Republican party, it nevertheless discusses all questions on an elevated plane, and with the wisdom of the statesman. In discussing the probable action of the President the *Post* says: "The true course for the President, is to sign the bill. Although, with a proper reticence in the circumstances, he has not made known his views on the subject, we suspect that he assents to the substance of the rider. To discontinue the use of soldiers in elections is in harmony with what has been called his policy. When he came into office he ordered the retirement of Federal troops from southern capitals, and so signified that in his judgment the time for military rule to end had come. When martial law gives place to civil law the polling place is the first place from which the soldier should disappear. If the practice of the military supervisions of elections is to stop, the statutory authority for it may well be withdrawn. If the President is favor of this withdrawal he has the support of influential members of his own party. Mr. Garfield, who has led the opposition to the coercion scheme in congress, has said that he would vote for the repeal of the military clause as a separate measure. In the last hour of the forty-fifth congress it was understood that the Republicans were ready to compromise with the Democrats by conceding this repeal. In the present congress Mr. Conger, a lively and stalwart representative, lately proposed that the rider should be taken from the appropriation bill and the repeal be passed as a separate measure. Such a measure, standing by itself, we believe a majority of the members of the Republican party would sustain, as a majority of the people of the country certainly would do. If the President assents to the repeal, should he reject it because it comes before him in the shape of a rider? We think not. That form of legislation is indeed irregular and objectionable, but it has the sanction of precedent, and if the purpose of the particular legislation is favored by all the factors of the law-making power, no great harm can come of it. What the President ought to resist is the coercion of his official person in respect to his clear and constitutional right as to bills passed by congress. It is not coercion to ask him to sign a measure which he really approves, although it is sent to him in the irregular and objectionable shape of a rider on an appropriation bill.

THE OKOLONA LUNATIC.

EDITORS APPEAL—Republican papers in southern Ohio are just now very extensively quoting from the Okolona *States* for the purpose of manufacturing bloody-shirt sentiment to influence the coming election. They represent that the Okolona *States* is a true representative of southern Democratic sentiment, and quote the APPEAL to prove it. How is this? Do they not misrepresent you? An early reply will much oblige. Respectfully,

F. S. REEFY.

ELYRIA, O., April 24, 1879.

We infer from a postscript to the above letter that a reply was expected in the shape of a private letter. But our reply shall be made public, so that our readers can bear witness that we have said nothing not in perfect accord with the tone and position of the APPEAL for the past eight years. In the first place, we brand the charge that our Ohio friend says has been made against the APPEAL as a willful, premeditated falsehood, manufactured out of the whole cloth. Instead of indorsing the absurd vagaries of the Okolona lunatic, we have explicitly and unequivocally condemned them. There is no paper published in Alabama, Mississippi, Arkansas and Tennessee which has a larger circulation than that of the APPEAL. Our correspondence and personal intercourse with the Democracy of the four States named is quite extensive, and we have no hesitancy in saying, without the fear of successful contradiction, that not a single Democrat can be found in either of the fourteen southern States who will indorse the sensational ravings of the Ohio capetbagger, who propagates his silly babble through the columns of the Okolona *States*. The southern Democracy have acquiesced in all the constitutional amendments, and we venture to assert that there is not a solitary Democrat in any of the southern States that would repeal these amendments if he could, save the Ohio editor of the Okolona *States*. The APPEAL has warred upon the diabolisms called carpet-bag governments, which so long cursed and crushed the south. But it would be equally as hostile to any effort to disturb any of the constitutional amendments, or to revive the issues settled by the war. In the interest of peace the south supported Greeley upon a platform constructed by Liberal Republicans, and would make a similar sacrifice, if by so doing there would be an end to the mad passions born in war. When the troops were removed from Louisiana and South Carolina, and the people were left to the rights of self-government, the southern people were happy in the belief that the fires of sectional hate were forever extinguished, and that as the broken bone when firmly set is stronger than before, so would the Union be made stronger by the new brotherhood. But it seems the Republicans of the north are determined never to see the south except through the murky atmosphere of passion filled with horrid phantoms, which have no existence save in the maddened brain of these ministers of hate. The people of the south see with deep regret that the Republicans have opened a new war upon them. It seems that they are determined that the two sections shall never again be united in the bonds of living sympathy. In this new contest the southern Democracy will stand by their northern friends and allies, and if our friend, F. S. Reefy, of Elyria, Ohio, would know where the APPEAL stands in politics, he has only to learn the position of the national Democracy.

ENGLISH VS. AMERICAN HORSES.

Opinion of an American Owner as to the Merits of English Horses.

New York *World*: Among the recent arrivals from Europe was an American who, since the formation of what was known as the M'Daniel confederacy, has taken an active interest in the thoroughbred horse, not only as an owner in his own name, but as a dashing speculator, a purchaser of yearlings and an enthusiast generally about racing. Indeed, his enthusiasm has taken him from the Atlantic to the Pacific to witness what promises to be a good race. About the beginning of the Jerome park meeting, last fall, business called this gentleman to England. On his arrival he found that the Newmarket second October meeting was in progress; he at once visited the racing metropolis of the world, as the English press style Newmarket. Fortunately, perhaps, he missed the first two days, or he might have been induced to back Mr. Sanford's filly Start for the Cesarewitch. But reaching Newmarket on the third day, he witnessed, as he says, the first real races of his life, for the management was perfect, being prompt in all things and utterly devoid of fuss. The spectators seemed to know without effort, which horses would start, and no one had any difficulty in backing his opinions as to a result, for money could be invested with equal ease upon any given horse winning or getting a place. Indeed, everything went as smoothly as though run by magic. He said that he had thought that things were managed to perfectly at Jerome park and Saratoga as was possible, but he was convinced that our turfmen could go to England as to a school. As the gentleman, who is well known in this city, is a New Englander by birth, with decided American preferences, his opinions on certain racing points are decidedly worthy of attention. He says that Lord Falmouth has not only the best stable in England, but that Silvio is the best horse he ever saw, and he believes that with one hundred and forty pounds on him last fall, he could have beaten any American four-year-old at fourteen pounds difference in weight. As to Jannette, whom he saw win the Champion stakes at Newmarket, he thought that she was about the best filly which he ever saw of her age. Such outspoken opinions from such a source quickly challenged questions which, when sifted out, left but one subject, and he was asked if he had seen Peter. "Yes," said the gentleman, "I saw Peter, but compare him with Wheel of Fortune is like comparing American with English racing. I saw Wheel of Fortune win the Dewhurst plate at the Houghton meeting, and the way she galloped away from the field at the end of the race was something to be remembered. I would rather own her than a dozen Peters, for Peter, I think, will turn out to be a very good horse at a mile, or at the most a mile and a furlong, but beyond that a very common horse will beat him. The gentleman further said he had witnessed some finishes between Fordham, Archer and Constance that he will remember as long as he lives, for the contest was all made in the last hundred yards. This he declared to be thoroughly artistic. And he felt sure that comparatively we have never seen the like in this country. In regard to Sir John Astley's two-year-old colt, Chocolate, he said that he had seen him win over the Cesarewitch course (two miles, two furlongs and twenty-eight yards), from a field of twenty-three horses, with several pounds up, in a style that he did not deem possible for a two-year-old. Other conversation followed, in which the gentleman expressed his warm admiration of such owners as the Duke of Hamilton, Lord Falmouth and Lord Rosebery, and he finished by saying that if he had Wheel of Fortune in this country he would bet even money that he would beat Spendthrift or any other American three-year-old in every race they started for.

Treasure Trove in Texas.

The Waco *Telephone* gives the following account of the late finding of money: Mr. M'L. D. M'Kissick settled on the Brazos, near Rock dam, some twenty-five years ago. Mr. M'Kissick farmed, and when the war broke out was possessed of many slaves, herds and fertile acres of land. A bachelor, he led a frugal life, and was known to possess considerable money. The reputation of M'Kissick's wealth proved his death, for one night in 1865, just before the close of the war, he was murdered. Suspicion fell upon members of a battalion of roving cavalrymen, under command of one Colonel Beard, who were then quartered on the Brazos, doing no good for the Confederacy or the country. In fact, they were said to be in reality jayhawkers and thieves. How much money, if any, the murderers secured, was never known, but Mr. M'Kissick's slaves always insisted that the bulk of their master's wealth was not found. Mr. M'Kissick left a brother, William M'Kissick, and a sister, who are now residing near Mount Calm, in Limestone county. Near Rock dam stands an old tumble-down hut, that once belonged to M'Kissick, being on his land. It had not been used for years. Last Friday morning a colored man who cultivates a field near the Rock dam, concluded he would go to the river to fish. He entered the dilapidated, floorless shanty and began to dig in one corner for earthworms, to use as bait. He presently unearthed an iron pot, covered with a lid. The darky was surprised. Taking the lid off, his surprise was turned to amazement, for there in the pot lay a heap of gold coin, American gold, in ten and twenty-dollar pieces. The whole sum was eight thousand and sixty-five dollars, all in gold. The negro secured the gold, and next day went to Marlin, where he got to drinking. His lavish expenditure of money excited suspicion. Whisky had loosened his tongue, and the whole story leaked out."

The Khedive and the Two Powers.

LONDON, April 28.—The *Times's* Paris dispatch says the English and French agents in Egypt have been instructed to represent their governments regard good administration in Egypt as indispensable to their interests, and they therefore invite the khedive to comply as promptly and as far as possible with their demand, and to hand the portfolios of finance and public works to the English and French ministers. The communication does not forbid the khedive changing his European ministers without the consent of the two governments.

The Journal des Debats says the English and French governments have notified the khedive that they have reserved their liberty of action on the sultan's offer to depose him on account of his (the khedive's) violation of agreements.

The *Times's* correspondent adds that it is thought that the khedive will yield.

An Important Railway Bridge to be Replaced.

ST. LOUIS, April 28.—H. S. Hopkins, bridge builder of the St. Louis, Iron Mountain and Southern railway, left here to-day with sixty mechanics and laborers, and material for a new bridge to cross Red river, in place of the one swept away last night. The new structure will be in place on Wednesday. In the meantime passengers and freight will be transferred by steamer with very little delay.

New Hampshire Savings on the Wane

CONCORD, April 28.—The number of depositors in the savings institutions of this State has decreased 4294 in the past year. The deposits have decreased $2,507,412. The number of depositors in 1878 was 87,387, and the amount of deposits $26,282,136.

Determined to Shoulder.

PROVIDENCE, R. I., April 28.—Mrs. Pearce, wife of the postmaster of Bristol, who was mysteriously shot in bed last week, made two attempts at suicide this morning. Her husband will recover.

Death of General J. P. Brownlow.

KNOXVILLE, April 28.—General James P. Brownlow, late a cavalry officer in the Federal army, and a son of Ex-Senator Brownlow, died, at his mother's residence in this city, Saturday night.

HAYES

Really Thought the Rads were in Earnest when they Charged the Democratic Members with Threats to Starve out the Government, and Vetoes the Army Bill.

WASHINGTON, April 29.—The following is the message of the President of the United States, returning to the house of representatives the bill entitled "An act making appropriations for the support of the army for the fiscal year ending June 30, 1880, and for other purposes."

To the House of Representatives:

I have maturely considered the important questions presented by the bill entitled, "An Act making appropriations for the support of the army for the fiscal year ending June 30, 1880, and for other purposes," and I now return it to the house of representatives, in which it originated, with my objections to its approval. The bill provides in the usual form for appropriations required for the support of the army during the next fiscal year. It it contained no other provisions it would receive my prompt approval. It includes, however, further legislation which, attached as it is to appropriations which are requisite for the efficient performance of some of the most necessary duties of the government, involves

QUESTIONS OF THE GRAVEST CHARACTER.

The sixth section of the bill is amendatory of the statute now in force in regard to the authority of persons in the civil, military and naval service of the United States, at the place where any general or special election is held in any State. This statute was adopted February 25, 1865, after a protracted debate in the senate, and almost without opposition in the house of representatives by the concurrent votes of both of the leading political parties of the country, and became a law by the approval of President Lincoln. It was reenacted in 1874, in the revised statutes of the United States, sections 2002 and 5528, which are as follows:

Section 2002—No military or naval officer, or other person engaged in the civil, military or naval service of the United States shall order, bring, keep or have under his authority or control any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel armed enemies of the United States, or to keep peace at the polls.

Section 5528—Every officer of the army or navy, or other person in the civil, military or naval service of the United States, who orders troops, keeps, or has under his authority or control any troops or armed men at any place where general or special elections are held in any State, unless such force be necessary to repel armed enemies of the United States, or to keep peace at the polls, shall be fined not more than five thousand dollars, and suffer imprisonment at hard labor not less than three months nor more than five years.

The amendment proposed in this statute in the bill before me omits from the bulk of the foregoing sections the words

"OR TO KEEP THE PEACE AT THE POLLS."

The effect of the adoption of this amendment may be considered, first, upon the right of the United States government to use the military force to keep peace at election s for members of congress, and, second, upon the right of the government, by civil authority, to protect those elections from violence and fraud. In addition to the sections of the statute above quoted, the following provisions of the law relating to the

USE OF MILITARY POWER AT ELECTIONS

are now in force:

Section 2003. No officer of the army or navy of the United States shall prescribe or fix or attempt to prescribe or fix by proclamation, order or otherwise, the qualifications of voters in any State or in any manner interfere with the freedom of any election in any State or with the exercise of free rights of suffrage in any State.

Section 5529. Every officer or other person in the military or naval service who, by force, threats, intimidation or advice or command, prevents or attempts to prevent any qualified voter of any State from freely exercising the right of suffrage at any general or special election in such State, shall be fined not more than five thousand dollars and imprisoned at hard labor for not more than five years.

Section 5530. Every officer of the army or navy who prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, qualifications of votes at any election in any State, shall be punished as provided in the preceding section.

Section 5531. Every officer or other person in the military or naval service who, by force, threats, intimidation or otherwise compels or attempts to compel any officer holding an election in any State to receive the vote from a person not legally qualified to vote, or who imposes or attempts to impose any regulations for conducting any general or special election in a State inconsistent with those prescribed by law, or who interferes in any manner with any officer of election in the discharge of his duty, shall be punished as prescribed in section 5529.

Section 5532. Every person convicted of any of the offenses specified in the five preceding sections, shall, in addition to the punishments therein severally prescribed, be disqualified from holding any office of honor, profit or trust under the United States, but nothing in those sections shall be construed so as to prevent any officer, soldier, sailor or marine from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote.

The foregoing enactments would seem to be sufficient

TO PREVENT MILITARY INTERFERENCE

with elections, but the last congress, to remove all apprehension of such interference, added to this body of the law section 15 of an act entitled an act making appropriations for the support of the army for the fiscal year ending June 30, 1879, and for other purposes, approved June 18, 1878, which is as follows: "Section 15. From and after the passage of this act it shall not be lawful to employ any part of the army of the United States as a posse comitatus, or otherwise, for the purpose of executing laws, except in such cases and under such circumstances as may hereafter be expressly provided for by law, or unless such employment shall be expressly authorized by the constitution or by act of congress, and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section, and any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding two years, or both such fine and imprisonment." This act passed the senate after full consideration without a single vote recorded against it on its final passage, and, by a majority of more than two-thirds, it was concurred in by the house of representatives. The purpose of the section quoted was stated in the senate by one of its supporters, as follows: "Therefore, I hope, without getting into any controversy about the past, but acting upon the future, that we shall take away the idea that the army can be used by the general, or special deputy marshal, or any marshal, merely for election purposes, or *posse*, or doing them about the polls, or ordering them anywhere else where there is no election going on, to prevent disorders or suppress disturbances that should be suppressed by peace officers of the States; or if they must bring others to their aid, they should

"SUMMON UNORGANIZED CITIZENS,

"and not summon officers and men of the army as *posse comitatus* to quell disorders, and thus get up a feeling which will be disastrous to peace among the people of the country." In the house of representatives the object of the act of 1878 was stated by the gentlemen who had it in charge in similar terms. He said: "But these are all minor and insignificant points compared with the great principle which was incorporated by the house in the bill in reference to the use of armed men in peace. The senate had striken out almost what they called, and what we might call principle, but they had stricken out the penalty, and had stricken out the word "expressly," so that the army might be used in all cases where implied authority might be inferred. The house committee planted themselves firmly upon the doctrine that rather than yield this fundamental principle, for which for three years they had struggled, they would allow the bill to fail, notwithstanding the great reforms that we had secured, regarding these great reforms of but little consequence alongside the great principle that the army of the United States, in time of peace, should be under the control of congress and obedient to its law. After long and protracted negotiation the senate committee have conceded that principle in all its length and breadth, including the penalty, which the senate had stricken out. We bring you back, therefore, a report with the alteration of a single word, which lawyers assure us is proper to be made, restoring to this bill the principle for which we have contended so long, and which is so vital

TO SECURE THE RIGHTS AND LIBERTIES OF THE PEOPLE.

Thus have we this day secured to the people of this country a great protection against a standing army, which cost the subjects of two hundred years for the commons of England to secure for the British people. From this brief review of the subject, it sufficiently appears to me that, under the existing laws, there can be no military interference with the elections. No case of such interference has, in fact, occurred since the passage of the act last referred to. No officer of the United States has appeared under orders at any place of election in any State. No complaint even of the presence of United States troops has been made in any quarter. It may be, therefore, confidently stated that there is no necessity for the enactment of section 6 of the bill before me to prevent military interference at elections. The laws already in force are all that is required for that end; but that part of section 6 of this bill which is significant and vitally important, is a clause which, if adopted, will deprive the civil authorities of the United States of all power to keep the peace at congressional elections.

CONGRESSIONAL ELECTIONS

in ever district, in every important sense, are justly matter of political interest and concern throughout the whole country. Each State, each political party, is entitled to a share of the political power which is conferred by legal and constitutional suffrage. It is the right of every citizen possessing the qualifications prescribed by law, to cast one unintimidated ballot, and to have his ballot honestly counted. So long as the exercise of this power and the enjoyment of this right are common and equal, practically as well as formally, submission to authority will be accorded loyally and cheerfully, and the departments of the governments will feel the true vigor of the popular will thus expressed. Two provisions of the constitution authorize legislation by congress for the regulation of congressional elections. Section 4 of article 1 of the constitution declares that the times, places and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof, but congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

THE FIFTEENTH AMENDMENT

of the constitution is as follows:

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude.

Sec. 2. The congress shall have power to enforce this article by appropriate legislation.

The supreme court has held that this amendment invests citizens of the United States with a new constitutional right, which is within the protecting power of congress; that right, the court declares, to be exemption from discrimination in the exercise of the elective franchise on account of race, color or previous condition of servitude. The power of congress to protect this right by appropriate legislation is expressly affirmed by the court. National legislation to provide safeguards for free and honest elections is necessary, as experience has shown, not only to secure the right to vote to the enfranchised race at the south, but also to prevent fraudulent voting in the large cities at the north. Congress has, therefore, exercised the power conferred by the constitution and has enacted certain laws to prevent discrimination on account of race, color, or previous condition of servitude, and to punish fraud, violence and intimidation at Federal elections. Attention is called to the following sections of the revised statutes of the United States, viz.: Section 2004, which guarantees all citizens the right

TO VOTE WITHOUT DISTINCTION

on account of race, color, or previous condition of servitude. Sections 2005 and 2006, which guarantee to all citizens equal opportunity, without discrimination, to perform all acts required by law as a prerequisite or qualification for voting. Section 2022, which authorizes the United States marshal and his deputies to keep the peace and preserve order at Federal elections. Section 2024, which expressly authorizes the United States marshal and deputies to summon a *posse comitatus* whenever they or any of them are forcibly resisted in the execution of their duties under the law and prevented from executing their duties by violation of section 5522, which provides for the punishment of the crime of interfering with supervisors of elections and deputy marshals in the discharge of their duties at the elections of representatives in congress. These are some of the laws on this subject which it is the duty of the executive department of the government to execute. The intent and effect of the sixth section of this bill is to prohibit all civil officers of the United States, under penalty of fine and imprisonment, from employing adequate and efficient force for this purpose at the place where their enforcement is most necessary, namely: at places where congressmen and electors are held. Among the most valuable enactments to which I have referred are those which protect

SUPERVISORS OF FEDERAL ELECTIONS

in the discharge of their duties at the polls. If the pending legislation should become a law, there is no power vested in any officer of the government to protect from violence the officers of the United States engaged in the discharge of their duties. Their rights and duties under the law will remain, but the national government will be powerless to enforce its own statutes. The State may employ both military and civil power to keep peace and to enforce laws at State elections. It is now proposed to deny to the United States even the necessary civil authority to protect the national elections. No sufficient reason has been given for this discrimination in favor of State and against national authority. If well founded objections exist against the present national election laws, all good citizens should unite in their amendment. The laws providing safeguards of elections should be impartial, just and efficient. They should, if they be so non-partisan and fair in their operation that the minority party out of power will have no just grounds to complain. The present laws have, in practice, unquestionably conduced to the prevention of fraud and violence at elections. In several of the States members of the different political parties have applied for the safeguards which they furnish. It is the right and duty of the national government to enact and enforce laws which will secure free and fair congressional elections.

THE LAW NOW IN FORCE

should not be repealed except in connection with the enactment of measures which will better accomplish that important end. Believing that section 6 of the bill before me will weaken, if it does not altogether take away, the power of the national government to protect the Federal elections by the civil authorities, I am forced to the conclusion that it ought not to receive my approval. That section is, however, not presented to me as a separate and independent measure, but is, as has been stated, attached to the bill making the usual annual appropriations. In the election laws of the country, which is in no way connected with the use of the army, it prohibits, under heavy penalties, any person engaged in the civil service of the United States from having any force at the place of any election prepared to preserve order, to make arrests, to keep the peace, or in any manner to enforce the laws. This is altogether foreign to the purpose of any appropriation bill. The practice of tacking to the army appropriation bill measures not pertinent to such bill, did not prevail until more than forty years after the adoption of the constitution. It has become a common practice, and all parties when in power have adopted it. Many abuses and

AN GREAT WASTE OF PUBLIC MONEY

has in this way crept into the appropriation bills. The public opinion of the country is against it. The States which have recently adopted constitutions have generally provided

A REMEDY FOR THE EVIL,

by enacting that no law shall contain more than one subject, which shall be plainly expressed in its title. The constitutions of more than half of the States contain substantially this provision. The public welfare will be promoted in many ways by a return to the early practice of government and true principle of legislation, which requires that every measure shall stand or fall according to its own merits. If it were understood that to attach to an appropriation a measure irrelevant to the general object of the bill, would imperil and probably prevent its final passage and approval, a valuable reform in the parliamentary practice of congress would be accomplished. The best justification that has been offered for attaching irrelevant riders to appropriation bills is that it is

DONE FOR CONVENIENCE SAKE,

to facilitate the passage of measures which are deemed expedient by all branches of the government which participate in legislation. It cannot be claimed that there is any such reason for attaching this amendment of the election laws to the army appropriation bill. The history of the measure contradicts this assumption. A majority of the house of representatives in the last congress was in favor of the section to this bill. It was known that a majority of the senate was opposed to it, and that as a seperate measure it could not be adopted. It was attached to the army appropriation bill to compel the senate to assent to it. It was plainly announced to the senate that the army appropriation bill would not be allowed to pass unless the proposed amendments to the election laws were adopted with it. The section in question was thus forced upon congress as the only means of obtaining the passage of the army appropriation bill. Congress thereupon adjourned without passing an appropriation bill for the army, and the present extra session of the forty-sixth congress became necessary to furnish means to carry on the government. The ground upon which the action of the house of representatives is defended has been distinctly stated by many of its advocates. A week before the close of the last session of congress the doctrine in question was stated by one of its ablest defenders, as follows: "It is our duty to repeal these measures. It is not worth while to repeal them except unless the appropriation bills, as the Republican senate would not agree to nor the Republican President sign the bills for such repeal. Whatever objection to legislation upon the appropriation bills may be made in ordinary cases does not apply where the free election and liberty of the citizen are concerned. We have the power to vote money. Let us annex conditions to it and insist upon the redress of this grievance." By another distinguished member of the house it was said: "The right of the representatives of the people to withhold supplies is as sacred as any liberty. History records numerous instances where the house of commons, feeling that the

"PEOPLE WERE OPPRESSED BY LAWS

"that the house of lords would not consent to repeal by ordinary methods of legislation, would refuse at last by refusing appropriations unless accompanied by the relief demanded. Instances of the gravest magnitude and new in this country, was raised by this course of proceeding, and was fully justified also by its defenders in the house. If I was said by a distinguished senator, that perhaps no greater question, in the form we are brought to consider it, was ever considered by the American congress in time of peace, for it involves not merely the merits and demerits of the laws which the house bill proposes to repeal, but it involves the rights, the privileges, the powers and the duties of the two branches of congress, and of the President of the United States. It is a question whose importance can scarcely be estimated; it is a question that never yet has been brought so sharply before the American congress and the American people as it may be now; it is a question which, sooner or later, must be decided, and that decision must determine what are the powers of the house of representatives under the constitution, and what is the duty of that house, in view of the framers of that constitution, according to its letter and its spirit. Mr. President, I shall not approach this question, if I were in the best possible condition to speak and to argue to it, with very great diffidence, and certainly with the utmost anxiety, for on cannot think of it as long and as carefully as I have thought of it, without seeing that we are at the beginning, perhaps, of a

STRUGGLE THAT MAY LAST AS LONG IN THIS COUNTRY

as a similar struggle lasted in what we are accustomed to call the motherland. This struggle lasted for two centuries before it was ultimately decided. It is not likely to last so long here, but it may last until every man in this chamber is in his grave. It is a question as to whether or not the house of representatives has the right to say: "We will grant supplies only upon condition that grievances are redressed. We are the representatives of the people of the republic; we, the house of representatives, alone have the right to originate money bills; we, the house of representatives, have alone the right to originate bills which grant the money of the people. The senate represents the States—we represent the taxpayers of the republic. We, therefore, by the very terms of the constitution, are charged with the duty of originating bills which grant the money of the people. We claim the right which the house of commons of England established after two centuries of contest, to say we will not grant the money of the people unless there is a redress of grievances." Upon the assembling of this congress, in pursuance of the call for the extra session, which was made necessary by the failure of the forty-fifth congress to

MAKE NEEDFUL APPROPRIATIONS

for the support of the government, the question was presented whether the attempt made in the last congress to engraft, by the construction of a new principle upon the constitution, should be persisted in or not. This congress has ample opportunity and time to pass appropriation bills, and also to enact any political measures which may be determined upon by separate bills in the usual and orderly methods of proceedings. But the majority of both houses have deemed it wise to adhere to the principle asserted and maintained in the last congress by a majority of the house of representatives. That principle is that the house of representatives has the sole right to originate bills for the raising of revenue; and, therefore, has a right to withhold appropriations upon which the existence of the government may depend, unless the senate and President shall give their assent to any legislation which the house of representatives may see fit to attach to the appropriation bills. To establish this principle is to make radical,

DANGEROUS AND UNCONSTITUTIONAL CHANGES

in the character of our institutions. The various departments of the government, navy and army, are established by the constitution or by laws passed in pursuance thereof. Their duties are clearly defined and their support is carefully provided for by law. The money required for this purpose has been collected from the people, and is now in the treasury ready to be paid out as soon as the appropriation bills are passed. Whether the appropriations are made or not, the collection of taxes will go on. The public money will accumulate in the treasury. It was not the intention of the framers of the constitution that any single branch of the government should have the power to dictate the conditions upon which this treasure should be applied to the purposes for which it was collected. The intention, if it had been entertained, would have been plainly expressed in the constitution. That a majority of the senate now concurs in the claim of the house adds to the gravity of the situation, but does not alter the question at issue.

THE NEW DOCTRINE,

if maintained, will result in the consolidation of unchecked and despotic power in the house of representatives. A bare majority of the house will become the government. The Executive will no longer be what the framers of the constitution intended, an equal and independent branch of the government. It is clearly the constitutional duty of the President to exercise his discretion and judgment upon all bills presented to him, without constraint or duress from any other branch of the government. To say that a majority of either or both houses of congress may insist on the approval of a bill under penalty of stopping all of the operations of the government for the want of the necessary supplies, is to deny to the Executive that share of the legislative power which is plainly conferred by the second section of the seventh article of the constitution. It strikes from the constitution the qualified negative of the President. It is said that this should be done because it is the peculiar function of the house of representatives to represent

THE WILL OF THE PEOPLE;

but no single branch or department of the government has exclusive authority to speak for the American people. The most authoritative and solemn expression of their will is contained in the constitution of the United States. By that constitution they have ordained and established a government whose powers are distributed among co-ordinate branches, which as far as possible, consistently with harmonious co-operation, are absolutely independent of each other. The people of the country are unwilling to see the supremacy of the constitution replaced by the omnipotence of any department of the government. The enactment of this bill into a law will establish a precedent which will tend to destroy the equal independence of the several branches of the government. Its principle places not merely the senate and the executive, but the judiciary also, under the exercise direction of the house. The house alone will be the judge of what constitutes

A GRIEVANCE,

and also of the means and measures of redress. An act of congress to protect elections is now the grievance complained of, but the house may, on the same principle, determine that any other act of congress, a treaty made by the President with the advice and consent of the senate, a nomination or appointment to office; or that a decision or opinion of the supreme court is a grievance, and the measure of redress is to withhold the appropriations required for the support of the offending branch of the government. Believing that this bill is a dangerous violation of the spirit and meaning of the constitution, I am compelled to return it to the house in which it originated without my approval. The qualified negative with which the constitution invests the President is a trust that involves a duty which I cannot decline to perform. With a firm and conscientious purpose to do what I can to preserve unimpaired the constitutional powers and

EQUAL INDEPENDENCE

not merely of the executive, but of every branch of the government which will be imperilled by the adoption of the principle of this bill. I desire earnestly to urge upon the house of representatives to return to the wise and wholesome usage of the earlier days of the republic, which excluded from an appropriation bill all irrelevant legislation. By this course you will inaugurate an important reform in the method of congressional legislation; your action will be in harmony with the fundamental principles of the constitution, and the patriotic sentiment of the nationality which is their firm support, and you will restore to the country that feeling of security and security and repose which are so essential to the prosperity of all our fellow-citizens.

RUTHERFORD B. HAYES.

A HUGE JOKE.

How the Mexican Excursionists "Established International Trade" between the United States and Mexico—A Lively "Drive" in Chromos and Mexican Relics.

American Exporter: "The party of excursionists who went down to Mexico went to establish trade between the two countries about as much as Noah went up the mountain to take a bath. They went to have a good time, and they had it. Its manager needed money, and he made it out of the excursionists. He had an eye to trade himself, and he came back Mexican consul at Chicago. Some of the excursionists wanted business, but a great many more of them wanted a warm climate in cold weather, a grand time at the expense of the Mexican government, and plenty of Mexican whisky. They got the warm weather and the whisky, but all they got at the expense of the Mexican government you could put in your eye. As a business undertaking, the expedition was not even a colossal fraud—it was a very small humbug. To call it the "American industrial deputation" was enough to make an overworked Mexican laughing smile. I have before me a list of the excursionists; of the eighty persons enrolled I can pick out at a moment's notice forty-four persons who had no business whatever, ostensibly or otherwise. Of the remaining thirty-six, not six actually went to Mexico to extend their trade; and not four of these did anything toward it. The excursionists were after riches, and they found them in half the old idols and decaying skulls in the Mexican republic. I must mention one of the party, one who had no business at all, who would not have hesitated to go into a gentleman's house and ask for a sample of his carpet. This gentleman brought home a car-load of Aztec Indian skulls, and enough roots and plants to set up a second-hand botanical garden. Nothing could satisfy his rapacity; and he was but little worse than a large majority of the party. The unlucky Mexican who brought samples of his wares to the hotel for exhibition soon had to go back to his shop for more samples. The excursionists always met him half way, and always loaded themselves down with his samples. Anything that was free was soon gathered in. Many of the party were from quite rural western towns, and were getting their first taste of rubbing against the outside world. They scattered their satchels and baggage all over the public, leaving one or two in every town they stopped in. The man who did the most flourishing business was a chromo man from Chicago, who sold cheap but gaudy chromos at high prices, just as fast as the Mexicans could make the change. The exhibition in the College of Mines, if it could be looked out upon as an exhibit of American wares, would be a standing disgrace to the country. The goods exhibited were of the cheapest and most ordinary kinds, and there were very few of them. There is a tenfold better display of American goods in any pawnshop's sale store in the Bowery than was exhibited in Mexico."

The Zulu Weapon.

Public Opinion: "There are two principal kinds of assagais, the throwing and the stabbing, the latter with a long and straight blade. To a Kaffir this weapon is literally the staff of life. With it he kills his enemy and his game, slaughters and cuts up his cattle, trains his children, defends his own or his neighbor's head, does his carpentery and furriery, and countless other jobs of various sorts. In its original form the assagai was essentially a missile, but the renowned Chaka, among other military reforms, converted it into a shorter and heavier stabbing spear, unfit for throwing, but very handy and only for close quarters. The shaft, with an average length of nearly five feet, and a diameter equal to a man's little finger, is cut from the assagia tree (*curtisia jaginea*), which is not unlike mahogany. The wood is brittle, yet elastic, the latter quality giving the spear that peculiar vibratory motion on which its accuracy of flight so much depends. On account of the brittleness, a novice will break many shafts before he learns to throw his assagai *secundum artem*. Inaptly cast, the shaft, as soon as it reaches the ground, is liable to whip forward and break off short above the blade. The assagai heads are general, blade-shaped, whether with or without the barb; there is invariably a raised ridge along the center of the blade, which is conical on one side and convex on the other. The reasons assigned for this peculiarity of form are that this blade acts like the feathers of an arrow, and that, as the heads are always made of soft iron, they can more easily sharpened when blunted by use."

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