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The Missouri Contested Election.

SPEECH

HON. BENJAMIN G. HARRIS,
OF MARYLAND,

Delivered in the House of Representatives
of the United States, May 9, 1864.

The House having under consideration the report of the Committee on Elections in the case of Bruce vs. Loan from the seventh congressional district of Missouri—

Mr. HARRIS said:

Mr. Speaker: I should not have considered it my duty to have interposed any remarks upon the question before the House, especially after the able argument of the chairman of the Committee on Elections, [Mr. Dawes,] followed by the clear exposition of the gentleman from Wisconsin, [Mr. Brown,] if it were not for the allusion which has been made by the member from Baltimore city [Mr. Davis] to the past elections in Maryland, and especially for the allusion made by him to one of my constituents, ex-Governor Thomas Watkins Ligon.

I cannot avoid saying, however, just here, that Massachusetts, whom the chairman of the Committee on Elections [Mr. Dawes] in part represents, has but little right to cast a slur upon Baltimore city for her Plug Ugly enormities. As long as the charred remains of Mount Benedict look on Bunker Hill—so long as the memory of that crime shall remain—so long as the memory of her "Hiss" committee entitles her to the scorn and contempt of the world—while these exist, Massachusetts should be quiet; she should take care never to throw the first stone. In carrying out these outrages, however, she was but acting upon principles which the member from Baltimore city [Mr. Davis] was prominent in inaugurating in Maryland, and of which he reaped the personal benefit which it was calculated through force and violence to confer. But, sir, before I proceed further, allow me to ask the attention of the member from Baltimore city, if he will yield me his ear, upon what evidence he charges Thomas Watkins Ligon with being a traitor.

Mr. DAVIS of Maryland. I did not hear the remark of the gentleman.

Mr. HARRIS of Maryland. You did not want to hear.

Mr. DAVIS of Maryland. That is false. Mr. HARRIS of Maryland. Very well. I want to know if the member from Baltimore city will produce the evidence on which he has undertaken to pronounce Governor Ligon a traitor publicly upon this floor. Mr. Ligon is a resident of Maryland, is now in Howard county at large, and if the member from Baltimore city has any evidence to sustain the charge he has made against this constituent of mine, I would like to hear it. I wait for a reply.

Mr. DAVIS of Maryland. I respectfully decline to make any reply to the "unworthy member" from Maryland.

Mr. HARRIS of Maryland. That is very convenient. I do not want the member's reply because of any opinion he may entertain of my worthiness or unworthiness; that should have nothing to do with it; but I want his reply as relating to justice or injustice to a citizen who is not here to defend himself. The member thus sees fit to avail himself of the impunity he enjoys here to charge against a constituent of mine the highest crime known to the law, but will not condescend to produce a particle of proof to sustain it. Now, sir, when a man makes such a charge and will not give any proof to sustain it when called on; when he avoids an answer to the demand for proof by equivocating upon another issue, I cannot and will not say that he is anything but a slanderer. I am ready to withdraw that charge whenever the member shall think proper to prove that Thomas Watkins Ligon is guilty of the charge he has made against him.

The SPEAKER. If the gentleman makes that charge against his colleague he is out of order.

Mr. HARRIS of Maryland. What charge? The SPEAKER. That he is a slanderer; it is contrary to the rules of the House.

Mr. HARRIS of Maryland. I think he was allowed to say that I was an "unworthy member." But I should like to know how to characterize the conduct of the member from Baltimore city. If it is not slander, what is it? I do not want to offend against rules of order; but I have a right to infer, and do infer, from the course of that member that the charge is utterly false, and that the member has no proof whatever to sustain it.

Mr. L. MYERS rose.

Mr. HARRIS of Maryland. I do not give way.

Mr. Speaker, the member from Baltimore city seems to enjoy a great opinion of himself. His whole hour was nearly consumed in giving the history—if statements so false can properly be called history—of the great and glorious achievements of himself and his Plug Uglies who enlisted under his banner. He would make us believe that the pillars of the Constitution rested upon his and their shoulders. He was the great defender of the rights of the people of his city, and worthy of, as he had received,

their unbounded confidence. Sir, I assert here that he never enjoyed any public trust or honor except by violence and fraud combined. Three times has he come to this House by the aid of the bludgeon and dagger of the Plug Uglies; and he now occupies his place here by favor of the bayonets of brutal tyrants. These are the honorable instances which he can point to as displaying the confidence of a free and untrifled constituency.

But, Mr. Speaker, I commenced with saying that it was ungracious in Massachusetts to cast a slur at Maryland for practicing a crime of which she was herself part and parcel. True, Maryland should suffer a greater shame, for she had before her the example and guidance of the noble pilgrims who landed on the shores of St. Mary's while degraded Massachusetts sucked in fanaticism and intolerance from the rock of Plymouth. Sir, the man who will be guilty of the blasphemy of persecuting and proscribing his fellow-man for his religious opinions, especially in this country where the Constitution guarantees their free exercise, is unworthy of a place on this footstool of God. It leads, necessarily, to resistance and bloodshed, and he who inaugurates such a system knows it, and is wickedly and basely willing to enjoy the emoluments and honors of this world, if he honors they can be called, though stained by the blood of his fellow-man. Ah, sir, the very first blood that was shed upon earth flowed from this cause; and, sir, a brand as indelible as that imprinted by God upon the brow of Cain should be placed upon the brow of him who proscribes a brother because he worships the living God with a sacrifice which he thinks acceptable.

Now, Mr. Speaker, let us animadvert a little further upon the elections in Maryland and the violence which has attended them. I have myself been a sufferer in that respect. In 1861 I was a candidate for Congress in my district, but I was then defeated by the calm, genteel, but effective tyranny of General John A. Dix, a renegade Democrat and a tyrant. [A voice, "Hit him again;"] a tyrant with a smooth exterior, a little worse, if possible, than those who look the bulldog and the cur. The same general with the bloodless sword effectually brought down the curtain of insurrection upon the State by insolent violence, arresting candidates for the Senate and driving the people from the polls, because he knew that an untrifled free election would have given the opponents of the Administration a majority in that body, and would thus have preserved the dignity, the rights, and interests of Maryland from the complete overthrow which they are now suffering. The subjugation of Maryland may be traced to the conduct of this infamous tyrant, for the inevitable majority in her Senate would have saved her the agony she is now enduring.

At the last election in which I was a candidate there was another attempt to thwart my success, but the people were too wise this time. They had become acquainted with the operations and movements of the tyrants, and determined to flank them—the Order No. 53 was issued by the commander of the middle department for the express purpose of affecting the result of the last fall's election in Maryland; and, sir, not only did I contend with the military tyrants, but even a Cabinet minister so far descended from the dignity of his position as to go into Montgomery county—a county in my district—with the pledge that there should be no military interference in their election if the people would only agree not to have my name printed on the ticket. Everything else should be free provided they were willing to make this sacrifice of one who undoubtedly had their confidence. What was the motive of this interference I cannot imagine, except that he hoped thereby to get an additional vote to aid Frank, as the President so affectionately calls him, in stepping into the chair you so effectively and impartially fill. Sufficient it is for me to say that I am here to-day somewhat proud that I have by the aid of my glorious constituents been able to overcome all those enemies of my rights and their rights. I beat the great commander of the middle department with his Order No. 53 and all his military aids, [laughter,] and I have the satisfaction of being his equal on this floor. I beat the Cabinet minister in Montgomery county triumphantly, [laughter,] and I am here to aid in sending orders to him; and I beat my two opponents with all their ingenious management; and I am in the enjoyment of health and spirits notwithstanding your censure. [Renewed laughter.]

Now, sir, I come more particularly to the election under consideration. What I have said has some bearing upon it because of late there seems to be a great sameness in all elections. I have not read the report of the committee, nor have I looked over the evidence accompanying it. My remarks will be based upon what has been asserted and conceded here. It is not denied that there was military interference to a great extent in this election. Not only was it actual, but threatened and dreaded to so great a degree as to keep a great number, an indefinite number, of the voters from the polls. I contend, under such circumstances, that unless the claimant of the seat can show by

proof that he has a clear majority of all the voting population of the district he claims to represent, it is the duty of this House to decide against his claim and to send back both him and his contestant, and to continue to do so until the free and untrifled action of the people of the district had unequivocally declared who should be their servant and Representative. The principle I have announced shall regulate my vote, and if the claimant shall be able to make his facts conform to that principle, then I will support his right to his seat upon this floor.—There can be no other intelligible mode of coming to a just and honorable conclusion. I shall presume, sir, that the claimant will undertake to establish his claim, because I will not presume that he would accept a seat procured by violence and not as a free gift of his people. The honor would be plucked from the place, and self-respect would cease to be his possession. Distant I hope is the day when many of our prominent and leading men shall be so selfish, so unpatriotic, so destitute of honorable sentiment, as to seek posts of trust and honor by the aid of the bludgeon and the club, or by an appeal from the "bullet to the bullet."

But, sir, notwithstanding his eloquent exhortation here in favor of free ballot, I was surprised to find the chairman of the Committee on Elections [Mr. Dawes] claim for the Executive of this country the tremendous power and right of interfering by military force or other contrivances with the elections in the States. I know there are some prominent gentlemen who will concede or contend for any power for the Executive, no matter how dangerous to the liberties and rights of the people, provided it will aid in advancing their ambitious prospects or in gratifying their mercenary hearts. I feel confident that the gentleman from Massachusetts [Mr. Dawes] takes counsel from no such motives, but I must meet his assertions of such a power as I have mentioned for the Executive with a most emphatic denial. He considers it the duty and right of the President to enter the States on election days with military power exhibited at the polls to see that a pure, fair, and honest result is obtained, and also to keep traitors from the ballot-box. Now, sir, though both of these things are extremely desirable, the Executive of the United States is the last agency that should be adopted to accomplish them. The remedy is worse than the disease, or rather would generate a new disease more dangerous than the one which it is attempted to cure. Sir, I deny his right to enter the States from any such purpose of interference, and whenever he does, he is not only a traitor to the constitution of the State, but a violator of the great principle which lays at the foundation of our common Government. Can any one suppose that our forefathers, as jealous as they were of Executive power, would ever think of conferring upon the President a power so easily abused, and when abused so difficult of amendment and control? Never, sir, never! They designed to leave the entire management of elections with the State authorities; and with them, if the people of this country are wise, they will insist upon its being left.

But, sir, the President must see that traitors do not contaminate the polls with their presence. Why is it that traitors are allowed to go at large until the day of election? This is an astonishing fact, or the "Order No. 53" from the headquarters of the Middle Department, dated October 27, 1863, contains a falsehood. I read it: "It is known that there are many evil-disposed persons, now at large in the State of Maryland, who have been engaged in rebellion against the lawful Government, or have given aid and comfort or encouragement to others so engaged, who do not recognize their allegiance to the United States, and who may avail themselves of the indulgence of the authority which tolerates their presence to embarrass the approaching election, or through it to list enemies of the United States into power. It is therefore ordered:—

"1. That all provost marshals and other military officers do arrest all such persons found at or hanging about, or approaching any poll or place of election on the 4th of November, 1863, and report such arrest to these headquarters."

Why is it, I ask again, that known traitors are at large, and that, too, by the indulgence of the authority which tolerates their presence, and that all that indulgence is to be suddenly withdrawn on election day? Can traitors do no mischief to the country except in the matter of elections, and on that particular day? And why is it there are so many "traitors" arrested on the morning of the election, before the polls are opened, and most unaccountably released after the election is over? This looks a little mysterious. Sir, it is all a false pretense; it is the trick of the tyrant, adopted in order to involve those who honestly differ with them in political opinions in the pretended net of suspicion, so that by arrests, by various annoyances which a tyrant knows so well how to manufacture, he may keep the honest voters from the polls, and thus secure the election of a brother conspirator. Thus it is that this great right of free ballot, which is the protector of all other rights, and that, too, when all other rights, are nearly crushed to the earth, has been brutally assailed by brutal military tyranny.

The SPEAKER. The Chair would remind the gentleman from Maryland that he must address the Chair. He has not been doing so for some time past. [Mr. Harris stood immediately in front of the Chair, and had been speaking for several minutes with his back to the Speaker.]

Mr. HARRIS of Maryland. I am addressing the Chair, and hope the Chair has heard me.

The SPEAKER. The Chair has not. Mr. JOHNSON of Pennsylvania. He is addressing the Chair. He is not required to look at the Speaker all the time.

The SPEAKER. Does the gentleman from Pennsylvania raise that point of order?

Mr. JOHNSON of Pennsylvania. It is the Chair that makes the point of order.

The SPEAKER. The Chair States that it is the usage for the person occupying the chair to remind gentlemen when they are addressing members of the House that it is their duty to address the Chair.

Mr. RANDALL of Pennsylvania. I hope the Chair will not come down again. It is a long lane that has no turning.

The SPEAKER. The Chair does not understand the gentleman from Pennsylvania.

Mr. HARRIS of Maryland. I do not yield to my friend from Pennsylvania; I can take care of myself. This is my business, and I object to any interruption. I did not intend offence to the Chair in turning my back, but it is very important, as I have a weak voice, that those whom I intend to have the benefit of my counsel shall hear me. [Laughter.] I do not intend any disrespect to the Chair; as I said before, I have never seen a more impartial presiding officer than the one who presides over this House. I should not have known to which side of the House he belonged politically from his action in the Chair. I say this in all sincerity and truth.

I was saying, sir, that the great privilege of freedom of elections and of the ballot is one which the people will not yield, and with which all executive interference must be withheld. The people have been suffering in every other respect, and much in this. Right after right has been taken from us; the temple of liberty has, as it were, been stripped. The shingles have been taken off at one time, the weather boarding at another. The great granite of the great constitution stone in order to bring rafter, joist, and all the timbers of the noble edifice in irreparable ruin to the earth. I tell you, sir, we will not stand it much longer. The men who, by the exercise of assumed tyrannical power, shall further assail that great right, will see ere long the ballot boxes baptized in blood—a baptism that may be necessary to wash away the foul stains of tyranny and oppression.

Mr. Speaker, the President himself, in his letter addressed to citizens of Springfield, Illinois, declared that "he who appeals from the ballot to the bullet shall lose his case and pay the costs;" and, sir, he is the first man who has a judgment for costs against him. He himself, by the instrumentality of his vicious tools, has violated the solemn pledge which he indicated in that letter, and this, too, upon the ridiculous and frivolous ground that treason may possibly contaminate the ballot-box. If a man is known to be a traitor, the place of election would, I think, be the last place at which he would make his personal appearance. He would know well that the risk he runs would not be compensated for by the privilege he sought. It is futile to talk to intelligent people about traitors being at large in justification of the President or any of his subordinates parading around the polls for purposes of intimidation with military array. It is done because they wish to thwart the free and honest expression of the people's will, when they have reason to apprehend that the result would be against their selfish and tyrannical schemes. Grant this power to the Executive, and he would be able to select your candidates and to secure their elections, and thus to pack this House with his tools. Grant him that power, and the gentleman from Massachusetts [Mr. Dawes] would not be here to talk so eloquently about the freedom of the ballot, and to rebuke the tyranny by which it was struck down. His occupation and that of the committee of which he is the able chairman would be gone. Nothing more would be necessary than for the President to issue a proclamation (which of course could be obtained at any time by a squad of fanatical preachers) announcing who he considers entitled to the places on this floor. He could, too, and would secure, by effectual interference with elections of the members of the Legislatures of the different States, a full supply of cringing tools in the other branch of Congress. The process would produce the very definition of despotism.

The SPEAKER. The hour of the gentleman from Wisconsin [Mr. Brown] has expired.

Mr. HARRIS of Maryland. I had nothing to do with the time to which the gentleman from Wisconsin was entitled.

The SPEAKER. Then the Chair is mistaken. The present occupant of the chair was not in the Hall at the time.

Mr. SLOAN. I rise to a point of order. I am informed that the gentleman from

Wisconsin did yield a portion of his time to the gentleman from Maryland. I call upon my colleague to say whether it was not so.

Mr. HARRIS of Maryland. I can only say that I did not accept of any concession, if he made any, from my friend from Wisconsin. He had finished what he had to say, and I took the floor by my own independent right.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Hickey, one of its clerks, announced that the Senate had passed an act for the settlement, subsistence, and support of the Navajo Indian captives on a reservation in the Territory of New Mexico.

MISSOURI CONTESTED ELECTION—AGAIN.

The SPEAKER. The gentleman from Wisconsin [Mr. Sloan] raised the question of order that the time of the gentleman from Maryland had expired. The Chair is informed that although the gentleman from Wisconsin expressed his willingness to yield the remainder of his hour, the gentleman from Maryland took the floor without any concession and is now entitled to his full hour.

Mr. HARRIS of Maryland. I do not intend to tax the patience of the House by consuming the entire time to which I am entitled. When interrupted (as I have so frequently been) I was carrying out my line of argument to show what the Executive of this country could do by the exercise of such a power as was claimed for him by the gentleman from Massachusetts, [Mr. Dawes] and conceded by the member from Baltimore city, [Mr. Davis] with this tremendous lever he might easily overturn the liberties of this country. As I said before he could fill all the places of trust and honor with the willing tools of his power; men who, being willing slaves themselves, are fit instruments to make slaves of others.—Even an "ism" might be voted up or voted down if advised by the preachers, through the operation of the power now claimed for him. Anti-slaveryism can be elected at any time, as by this process is now in reality being done in the States in which that institution exists. The forms of law may be preserved, while the fraudulent and oppressive realities of tyranny can be enforced. Sir, this pretended design of keeping treason in this crime, punishable at all times, is punished only on election day? It is that patriotic men, who differ with the Administration in its ruinous course, who have the highest regard for their constitutional and legal obligations, may be involved in the loss of their greatest privilege—under the infamous pretense of preserving it. It is an easy thing, as we see, for a heated and selfish partisan to proclaim the charge of treason against a fellow-citizen; but when the charge is made, and is unsustained by proof, there can be no other name for the unjust accuser except the name of slanderer.

Mr. GARFIELD. I rise to a question of order. The member from Maryland is contumaciously disobeying the Chair. He is not addressing the Chair; he is addressing the other part of the House. I call him to order.

Mr. HARRIS of Maryland. I hope I will not be interrupted. I will look at the Chair. The Chair will excuse me if in the warmth of debate I have transgressed the rule of order which the Chair has laid down.

Mr. NOBLE. I have listened with great care to the gentleman from Maryland, and since admonished by the Chair he has made no address to anybody else but the Chair. I do not think he is liable to the point of order made against him by the member from Ohio.

Mr. HARRIS of Maryland. I think my honorable friend from Ohio [Mr. Garfield] should not be so sensitive on this subject. I will not, however, call him my friend, for I do not know him, and am not sure that he would recognize the appellation.—But, sir, I know I have seen him in the ecstasies and contortions of debate so far forget himself on this point as to bring him within the category of those who are not privileged to cast the first stone.

This charge of treason is a wide spread net. It has entered the Halls of Congress and been used for the purpose of arresting free debate and stifling the warning voices which will reach the ears and warm the hearts of the American people. For the bold utterances of my political sentiments, this charge of treason has been called from the "vasty deep" in order to proscribe me. I dare to avow them in this or any other presence, and the defiance refutes the charge. For the avowal of my approbation of the sentiment contained in the celebrated Crittendon resolution, (though in a somewhat different form,) which the gentleman [Mr. Washburne] who drew the resolution of expulsion approved of and voted for, it was declared here in his resolution that I had used "treasonable language and had been guilty of a gross contempt of this House," and should be expelled. As to the charge of gross contempt of the House, the recollection and reflection of the members who voted it must declare it false. Not a single rule of order or parliamentary decorum did I violate on that occasion, and the House will be ashamed when they review their own ruling on that point. But

my language was "treasonable." This word is used in common parlance, free from the rigid rules of law. But I defy any man to find in American criminal law such a word as "treasonable." Treason needs no adjectives to define or construe its meaning. It has its definition written by the hands of our glorious fathers in the Constitution itself. It is an unqualified substantive, standing forth from the Constitution like a mountain, that all may view its dark outlines. This word, then, used with such hot haste and indorsed by a majority of this House with so little reflection, shows that they would construct a treason to suit what they might consider the demand of the times, without regard to the demands of the Constitution which they are sworn to support, and without regard to the just privilege of defense which they in my case ignored. It is pitiable when such acts are done that they should be hastily done, and inaugurated by that kind of ignorance which knows not the force of language. The rule which our fathers wrote in the Constitution saved me from your expulsion, and saved you from the stern and indignant rebuke which I would have brought back with me from my patriotic and whole-souled constituents.

But you did not stop here; your vengeance was not thus to be thwarted. Another resolution introduced by the member from Ohio, [Mr. Schenck,] and upon which he cut off all debate by the previous question, declared that I had used language "manifestly tending and intended to give aid and comfort to the enemies of this country, and that I was therefore an unworthy member and should receive its censure."—The tendency which he considers so manifest is an absurdity. What a tendency it would have to give the aid and comfort which he speaks of, for one solitary member in this Hall with all others against him to show himself the friend of the enemy! It must cheer the heart of Jefferson Davis to see a core to receive such great and efficient aid.

Mr. UPSON. I call the gentleman to order. He is not discussing the question before the House. The resolution of censure passed by the House on the gentleman has nothing to do with the pending question.

The SPEAKER. The Chair has ruled that the gentleman from Maryland should have been sitting for the fifteen minutes. If he has been referring to the course passed on him by the House he is out of order.

Mr. SMITH. I hope that the gentleman will be allowed to take his own course and not be confined to the pending question.

Mr. HARRIS of Maryland. The member from Maryland was accorded the privilege of referring to other subjects than the one under debate.

Mr. FENTON. I call for a decision on that motion.

Mr. SMITH. The gentleman from Maryland [Mr. Davis] and others have alluded to matters not directly or strictly under consideration. I listened to their remarks with pleasure. I desire that the member from Maryland [Mr. Harris] shall be allowed to proceed in the same direction. If he gets so far out of order that it is necessary to call him to order, no one will be quicker to do it than myself; I do not mean in violation of the rules of the House, but without relevancy to the question under consideration.

Mr. UPSON. I object. The House divided; and there were—ayes 67, noes 37.

So the motion was agreed to.

Mr. HARRIS of Maryland. It is not very agreeable to address those who are unwilling to hear me, although I have nothing to complain of as to the great attention they give me. I have said nothing that should offend them. I alluded to the fact they had not been willing to give me the privilege of defense on the occasion referred to, and it seems they are not very willing to give me an opportunity of defense now. To show how insidious the charge of treason can be made and how willingly sustained is not in my estimation so irrelevant to the issue before the House as the gentleman might suppose. The charge is made in election cases to destroy the freedom of the ballot, and may be used here to abolish the freedom of debate. But, sir, to the other branch of the charge in the resolution of censure of the gentleman from Ohio, [Mr. Schenck,] it declares that my language was manifestly designed to give the aid and comfort spoken of to the enemies of the country. The member when he wrote that could not know it to be true, but I know it to be utterly false. But it would have been as absurd to utter language here under the circumstances, with such a design, as it would be to suppose the language uttered would have the tendency which the resolution charged. Designed! Such a thing never entered my mind. On that day I came into the House unexpectedly and found that the gentleman from Ohio [Mr. Long] had been assailed by a resolution of expulsion for the expression of his sentiments on this floor. The only thought I had was that of indignation at the unwarranted attempt to arrest the freedom of discussion here. The language I used rushed from the indignant heart of a freeman when Freedom was assailed in its very tem-