THE
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H. W. SMITH, ATTORNEY-AT-LAW, Clearfield, Pa. 11:1:73

J. J. LINGLE, ATTORNEY-AT-LAW, 1:18 Philipsburg, Centre Co., Pa. y:pd

ROLAND D. SWOOPE, ATTORNEY AT LAW, Curwensville, Clearfield county, Pa. oct. 9, '78-tf.

OSCAR MITCHELL, ATTORNEY AT LAW, CLEARFIELD, PA. Office in the Opera House. oct9, '78-tf.

G. R. & W. BARRETT, ATTORNEYS AND COUNSELORS AT LAW, CLEARFIELD, PA. January 30, 1878.

ISRAEL TEST, ATTORNEY AT LAW, Clearfield, Pa. Office in the Court House. [jy11,'67

HENRY BRETH, (OSTEND P. O.) JUSTICE OF THE PEACE FOR BELL TOWNSHIP. May 8, 1878-1y*

WM. M. McCULLOUGH, ATTORNEY AT LAW, CLEARFIELD, PA. Office in Masonic building, Second street, opposite the Court House. je26,'78-tf.

W. C. ARNOLD, LAW & COLLECTION OFFICE, CURWENSVILLE, Clearfield County, Penn'a. 75y

S. T. BROCKBANK, ATTORNEY AT LAW, CLEARFIELD, PA. Office in Opera House. ap 25,'77-1y

JAMES MITCHELL, DEALER IN Square Timber & Timber Lands, jel1'73 CLEARFIELD, PA.

J. F. SNYDER, ATTORNEY AT LAW, CLEARFIELD, PA. Office in Pie's Opera House. June 26, '78tf.

WILLIAM A. WALLACE. DAVID L. KREBS. HARRY F. WALLACE. JOHN W. WRIGLEY.
WALLACE & KREBS, (Successors to Wallace & Fielding,) ATTORNEYS-AT-LAW, jan1'77 Clearfield, Pa.

A. A. GRAHAM, ATTORNEY-AT-LAW, CLEARFIELD, PA. All legal business promptly attended to. Office in Graham's Row—rooms formerly occupied by H. B. Swoope. july24, '78-tf.

Frank Fielding... W. D. Bigler... S. V. Wilson.
FIELDING, BIGLER & WILSON, ATTORNEYS-AT-LAW, CLEARFIELD, PA. Office in Pie's Opera House.

THOS. H. MURRAY. CYRUS GORDON.
MURRAY & GORDON, ATTORNEYS AT LAW, CLEARFIELD, PA. Office in Pie's Opera House, second floor. 9:30'74

JOSEPH B. M'ENALLY. DANIEL W. M'CURDY.
McENALLY & McCURDY ATTORNEYS-AT-LAW, Clearfield, Pa. Legal business attended to promptly with fidelity. Office on Second street, above the First National Bank. jan:1:76

A. G. KRAMER, ATTORNEY-AT-LAW, Real Estate and Collection Agent, CLEARFIELD, PA., Will promptly attend to all legal business entrusted to his care. Office in Pie's Opera House. jan1'76.

J. F. McKENRICK, ATTORNEY AT LAW, CLEARFIELD, PA. All legal business entrusted to his care will receive prompt attention. Office opposite Court House, in Masonic Building, second floor. aug14,'78-1y.

DR. E. M. SCHEURER, HOMŒOPATHIC PHYSICIAN, Office in residence on First st. April 24, 1872. Clearfield, Pa.

DR. W. A. MEANS, PHYSICIAN & SURGEON, LUTHERSBURG, PA. Will attend professional calls promptly. aug10'70

DR. T. J. BOYER, PHYSICIAN AND SURGEON, Office on Market Street, Clearfield, Pa. Office hours: 8 to 12 a. m., and 1 to 6 p. m.

DR. J. KAY WRIGLEY, HOMŒOPATHIC PHYSICIAN, Office adjoining the residence of James Wrigley, Esq., on Second St., Clearfield, Pa. july31,'78-tf.

DR. H. B. VAN VALZAH, CLEARFIELD, PENN'A. OFFICE IN RESIDENCE, CORNER OF FIRST AND PINE STREETS. Office hours—From 12 to 2 P. M. May 12, 1875.

DR. J. P. BURCHFIELD, Late Surgeon of the 83d Regiment, Pennsylvania Volunteers, having returned from the Army, offers his professional services to the citizens of Clearfield county. Professional calls promptly attended to. Office on Second street, formerly occupied by Dr. Woods. [apr4,'66-tf

HARRY SNYDER, BARBER AND HAIRDRESSER. Shop on Market St., opposite Court House. A clean towel for every customer. Also manufacturer of All Kinds of Articles in Human Hair. Clearfield, Pa. may 19, '76.

CLEARFIELD REPUBLICAN.

GEO. B. GOODLANDER, Editor & Proprietor. PRINCIPLES, NOT MEN. TERMS—$2 per annum in Advance.

VOL. 53—WHOLE NO. 2,624. CLEARFIELD, PA., WEDNESDAY, JUNE 4, 1879. NEW SERIES—VOL. 20, NO. 22.

ARMY APPROPRIATION BILL.

SPEECH OF HON. A. H. GARLAND, OF ARKANSAS,

IN THE SENATE OF THE UNITED STATES, TUESDAY, APRIL 22, 1879.

The Senate having under consideration the bill (H. R. No. 1,) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes—

Mr. GARLAND said:

MR. PRESIDENT: As I intimated yesterday, I desire to submit some remarks on the pending question and I will proceed now by the kindness of the Senator from Iowa to do so, not indulging the hope that I shall be able to say anything new at this late hour of the debate, nor even entertaining the belief that I shall be able to interest the Senate by any remarks I shall address to it. The question has been as thoroughly sifted and discussed as any question I have ever heard debated, or any one of which I have ever read the debates; and really I feel like apologizing to the Senate for attempting to discuss it at this time; but I feel it my duty under the circumstances to submit some general ideas on a few phases of the question to the Senate. The reasons for that course will appear as I progress in the remarks I shall make.

The point immediately in hand is, that in the Army appropriation bill the committee reporting it seek to amend section 2002 of the Revised Statutes, which section was passed, the Senate will bear in mind, on the 25th day of February, 1865. That section is only altered in the amendment presented by leaving out after the words "United States" the following words:

"Or to keep the peace at the polls."

This bill then proceeds:

"That nothing contained in this section, as now amended, shall be held or deemed to abridge or effect the duty or power of the President of the United States, under section 5297 of the Revised Statutes, enacted under and to enable the United States to comply with section 4 of article IV of the Constitution of the United States, on application of the Legislature or Executive, as provided for in said section."

Thus holding, under the proviso, what we claim on this side is the only contingency in which, under the Constitution, according to section 4, article IV, the President of the United States can call forth the force of the Army of the United States to be used in the respective States. To this amendment the Senator from Maine [Mr. Blaine] offers an amendment in reference to bearing arms. That amendment is objectionable for the same reason that I will offer to keeping the words "or to keep the peace at the polls" in the original statute; but that amendment was so thoroughly disposed of by the convincing and lucid argument of the Senator from Texas [Mr. Maxey] yesterday, that it needs nothing more at my hands or those of anybody else, in my opinion.

There are two questions now presented: first, should these eight words be stricken from the statute book:—should they in justice and in right go from the book of laws? second, if they should go, is it right and proper that they should make their disappearance by and through an appropriation bill?

These are the two questions in this debate presented by this amendment. Twelve or fifteen years ago this would not have been a debatable question in either House of Congress; twelve or fifteen years ago it would not have been presented in either branch of Congress; and when we look at the country across the water from which we gather, in the main, our institutions, and the sensitive feeling in this country always in regard to the use of this power in any shape or form except in actual war, it is certainly astonishing, and it must strike the public mind so, that any one should contend that these words should be kept in the statute-book at this time.

I will now give only some few references to the feeling in England upon the use of the army, especially in towns in time of peace, at elections. Many have already been produced, and where I touch upon them it will be only incidentally for the purpose of enforcing some objection I wish to make. I read from Clode on the Military Forces of the Crown, which, by the way, starts out with the following splendid motto taken from Burke, which it will not be out of place to read here:

"An armed disciplined body is in its essence dangerous to liberty; undisciplined, it is ruinous to society."

That is the starting point to Clode's work on the Military Forces of the Crown, taken from Burke, volume 5, page 17.

"So far as the land forces were needed, upon alarm all the fortresses of the kingdom had been manned by the militia. When for the first time soldiers of the King's army, instead of the hamlet-men—

Which means, in our language, our militia—

were placed in the tower of London, the people petitioned Parliament, and both Houses thought themselves betrayed. An examination of the Lieutenant of the tower as to this exceptional proceeding was at once taken and an assurance obtained from him that no guard should come into the tower save of the hamlet-men."

And we see breathing through our own Constitution parallel in the first article, in the fifteenth paragraph of section 8, that Congress may make rules for calling out the militia to suppress "insurrections and repel invasions," but it does not call out the regular Army of the United States. Those are the hamlet-men, according to the author here, as named and known in England.

"In after years, when the troops were admitted to the tower, they went there under an old established rule—

What is that rule?—

by the order of a parliamentary minister, the Secretary of War, and not of a military officer or the Commander-in-Chief."

See how this spirit runs again and is made to live and speak in our own Constitution by one of the amendments that subordinates the military all the time to the civil power. The Secretary at War acts not as a war officer, but as a civil officer. It is as a parliamentary minister that he makes that order, and in no other capacity. Now proceed to page 192 of the same volume:

"14. As to the presence of soldiery in and about the Houses of Parliament, or rather the House of Commons, the rule, until the Crimean war, was that no soldier should be admitted therein, unless sent there as a representative of the people, or called for as a witness by the House.

* * * * * * *

13. The exclusion of soldiers (not being members) from the House probably originated in the prohibition issued by Parliament against the entrance of the guards sent by Charles I. for their protection of surveillance. Charles I. came to the House with guards, and the Commons protested against it as their journals show. When Charles II., in February, 1669, was accompanied by his guards, the incident called forth the remark from Ralph 'that it was the first instance we meet with in history of a sovereign entering upon the exercise of legislative power under the awe and influence of the sort.' But whatever might have been the reason of their exclusion it is clear beyond controversy that they were excluded, and that the rule was not relaxed until August, 1855, when they were permitted for the future to enter the House unarmed.

14. As to the presence of soldiers at the election of members for the House of Commons, the rule still is that of exclusion from the places of election save as to those having votes and who come to exercise their elective franchise. The right to vote and to proceed to the election without leave from the crown or the commanding officer is secured to the soldier by statute; and when summoned to Parliament by order of either House the soldier must, as some contend, obey the summons without leave or order."

On page 197 the celebrated statute 8 George II. is referred to:

"The preamble lays down the constitutional rule on the this subject in these words"—

I shall not read the statute, but simply the preamble, because that has not, according to my recollection, been read in this debate:

"Whereas by the ancient common law of this land all elections ought to be free; and whereas by an act passed in the third year of the reign of King Edward the First, of famous memory, it is commanded, upon great forfeiture, that no man, by force of arms nor by malice or menacing, shall disturb any to make free elections."

By the ancient common law of the land, one of the greatest and, in my judgment, I am ready to say the greatest system of laws yet known to civilized man, all elections ought to be free. That is what our State Constitutions say, every one of them, in so many words.

On pages 202 and 203 the same author says:

"The 10 Victoria, chapter 21, carries out the same arrangements for the troops at elections that, as will be shown in this chapter, Mr. Windham made for them at assizes in 1798. Thus, by section 2, on days appointed for nomination, elections, or taking the polls no soldier within two miles of any city or place where such shall take place shall be allowed to go out of the barracks or quarters unless for the purpose of mounting or relieving guard or of giving his vote at such election.

"In the year 1861 exception was taken in the House of Commons to the presence of volunteers in military array at the unopposed election of the late Lord Palmerston, and they were prohibited on all future occasions from assembling at drill or any other purpose between the issue of the writ and the termination of the election, or during the progress of any municipal election.

* * * * * * *

"The exclusion of the military forces from assize towns during the holding of the assizes dated from an earlier period than the Revolution, and the first order is probably that of Charles II., given in the appendix."

Then, upon page 125 and following, the opinions of the law officers are given concerning these different statutes. In the second volume of the same work, under the title "The action of the military in aid of the civil power," I find:

"After the establishment of guards and garrisons in the reign of Charles II. the immediate sequence was their employment under the orders of the Crown in the discharge of police duties. The introduction into our civil policy of such an instrument of coercion was calculated to create—as it failed not to do—a spirit of aversion towards the army, and of suspicion towards the dynasty resting its authority upon such support."

Then he proceeds to tell how that was disposed of and set aside. On page 134:

"From the entries in the war office letter-books, the bread riots in the west of England in 1766 appear to have been the first occasion upon which the Secretary at War issued anything like a general order for the troops to act in aid of the civil power without a previous reference to him. The terms in which these instructions were framed show that the course adopted by the Secretary at War was novel; but certainly, from the debates, first, on Mr. Burke's motion in 1769 for an inquiry 'as to the employment of the military in St George's field,' and then on Mr. Pownall's motion in 1770 'to introduce a clause into the munity bill that the justice should make his requisition in writing,' it is evident that the authority of the justice was then fully recognized as a sufficient justification to a military officer for using his men in the aid of the civil power."

We shall come to see after a while in a celebrated case in New York that they did not even protect a subordinate officer under an order given to him to have his troops on election day and exhibit them around there.

"In the period which intervened before the employment of the military in aid of the civil magistrate again came under discussion, the legislature had restrained the Crown from employing the militia as a military force except in case of rebellion, and then only upon a *previous* communication to Parliament, if sitting, or by order of council. Moreover, the power of the Lord-Lieutenant to search for arms to secure the public peace was withdrawn. The restriction still remains, and there is at the present time no statutory authority for the *disembodied* militia to act in aid of the civil power, while, on the other hand, an opinion of some weight has been expressed in Parliament that the force should never be used in that service."

That concludes the references I wish to make in Clode's book, and I produce them for the purpose of showing, in addition to the authorities already offered to the Senate by other Senators who have spoken on this subject, what a concurrence of opinion and what a uniformity of sentiment exist in the country from which we take our institutions in great part, the country alluded to so well yesterday by the Senator from Delaware [Mr. Bayard] as differing in so few respects from our constitution of government.

Now, if the Senate will go with me for a while in tracing that sentiment from that country to this, we shall find it embodied in the Constitution and laws of the United States as well as those of the different States. There is not a varying feature, there is not dissenting expression, there is not a difference of opinion anywhere to be found until this statute of 1865 became a law, as to the mere presence of the military, whether for drill or for exercise or for any other purpose, not merely at elections, but at the time of holding court, at the time of dispensing justice on the day of election.

Let us come to our own country. I wish to read where this law is summarized by Judge Cooley, in his work on constitutional limitations. On page 614, under the title of "freedom of elections," he says:

"To keep election free of all the influences and surroundings which might bear improperly upon it, or might impel the electors to cast their suffrages otherwise than as their judgments would dictate, has always been a prominent object in American legislation. We have referred to fundamental principles which protect the secrecy of the ballot, but, in addition to these, there are express constitutional and statutory provisions looking to the accomplishment of the same general purpose. It is provided by the constitutions of several of the States that bribery of an elector shall constitute a disqualification of the right to vote or to hold office. The treating of an elector, with a view to influence his vote, is in some States made an indictable offense. Courts are not allowed to be held, for the two reasons that the electors ought to be left free to devote their attention to the exercise of this high trust, and that suits, if allowed on that day, might be used as a means of intimidation."

He refers there to two cases of some prominence in the New York reports.

"Legal process in some States, and for the same reasons, is not permitted to be served on that day; intimidation of voters by threats or otherwise is made punishable, and generally all such precautions as the people in framing their organic law, or the Legislature afterwards, have thought might be made available for the purpose have been provided with a view to secure the most completely free and unbiased expression of opinion that shall be possible."

Now we come to the point here:

"And with a just sense of the danger of military interference, where a trust is to be exercised, the highest as well as the most delicate in the whole machinery of government, it has not been thought unwise to prohibit the militia being called out on election days, even though for no other purpose than for enrolling and organizing them."

He refers there to a New York case, which I shall take occasion to cite after a while.

"The ordinary police force is the peace of the State, and its presence suggests order, individual safety, and public security; but when the militia appear upon the stage, even though composed of citizen militia, the circumstances must be assumed to be extraordinary, and there is always an appearance of threatening and dangerous compulsion which might easily interfere seriously with that calm and unpassioned discharge of the elector's duty which the law so justly favors. The soldier in organized ranks can know no law but such as is given him by his commanding officer, and when he appears at the polls there is necessarily a suggestion of the presence of an enemy, against whom he may be compelled to exercise the most extreme and destructive force, and that enemy must generally be the party out of power, while the authority that commands the force directed against them will be the executive authority of the State for the time being wielded by their oppopents."

The very sentiment which, in another form General Grant himself published, that was read so timely the other day by the Senator from Maryland, [Mr. Groome] and I may also take occasion to refer to it before I finish:

"It is consequently of the highest importance that the presence of a military force at the polls be not suffered except in serious emergencies, when disorders exist or are threatened for the suppression or prevention of which the ordinary peace force is insufficient; and any statute which should provide for or permit such presence as an unusual occurrence or except in the last resort, though it might not be void, would nevertheless be a serious invasion of constitutional right and should not be submitted to in a free government without vigorous remonstrance."

That is the result of the authorities summarized by Judge Cooley in a book that we all read with pleasure and interest and, I hope, with profit. Now, I wish to call attention to the New York case here referred to, 11 Johnson 521. A subordinate officer brought his company out on the day of election simply for the purpose of enrolling and organizing, not to drill them, not to make any demonstration. He was sued for that, and he pleaded two matters; first, that it was merely for the purpose of enrolling; and, second, that he acted under the orders of his superior officers. The court held both pleas insufficient, and said:

"Under the twenty-fifth section of the act to regulate elections, (sess. 36, c. 31,) no officer can order out any part of the militia during any election, or ten days previous thereto, even for the purpose of enrolling or organizing them, and not to exercise."

Merely for the purpose of putting their names on the books and organizing them and then sending them home; but the court said, "No, they had no business there." Their very appearance, in the language of Judge Cooley, suggested menace, gave suspicion of intimidation, which was not to be tolerated at a free election; and an election is not an election when it is not free. I read this to show the jealousy existing all over this country at the exercise of any such power as this, and that it is discountenanced by all the authorities, the highest as well as the lowest. I could quote other cases (but I do not care to detain the Senate) that are referred to by Judge Cooley. Why is this, Mr. President? The very preamble to the Constitution of the United States, among other things, says it was formed for the purpose of securing "liberty to ourselves and our posterity." The personal right, the personal liberty of the voter is to be secured. That is what it is, to secure his liberty in all that is guaranteed to him, and there is nothing more sacred than the right of voting at a free election. Mr. Jefferson and Luther Martin both opposed with all the violence and all the power of their nature and their intellect the adoption of the Constitution, because, among other things, it did not have in it what is called a bill of rights. Mr. Hamilton and others answered that the Constitution itself was a bill of rights. But the people were not satisfied with that answer, and the clamor rose so high that at the very first session of Congress the first ten amendments were proposed, nearly all of which looked to the personal liberty and personal rights of the citizens. So sensitive now has this feeling become, not with our side but with the other side also, that even in the testimony taken before a committee of which I have the honor to be a member, great efforts have been made to show, noticeably at Columbus, Mississippi, that a cannon was fired on election morning just before the opening of the polls. For what purpose? Evidently for the purpose of showing that there was intimidation through the belching of tais cannon. If they can have on a fit of indignation for that act, what must we who oppose this whole business say as to the companies and platoons and regiments mustering around on the day of election with bayonets in their hands? The feeling is well founded, I admit; but the firing of a cannon is mere child's play, more nonsense, compared with the mustering of companies by sections and platoons on the day of election. At the arsenals they have been firing a cannon, and probably do it yet, late in the evening and early in the morning, for the purpose of indicating the rising and setting of the sun, and to make it more binding. What the people in Columbus and other places fired cannon for I do not know, but I share this feeling with the other side. They have no business to be firing cannon on election day; and if they have not, they have no business mustering companies with bayonets in the presence of the voters and the ballot-box on the day of election in the States to keep the peace of the States.

Mr. President, what peace are they there to keep; whose peace is it? It is not the peace of the United States, for I say there is no such thing as the peace of the United Sates under our Constitution and our laws, except possibly it is in the forts, arsenals, and dock-yards. There is no such thing. It is evidently the peace of the State of Indiana, or the State of Arkansas, or the State of Ohio as the case may be, where the election is held. Judge Cooley says, so do the English authorities, that the police power is sufficient for that. At all events, if it is not sufficient the United States cannot supply it with its militia, if it has any, or with its regular troops. Suppose a United States soldier arrests me for violating the peace, as it is called on election day, and I am voting at Indianapolis, Indiana, whose peace have I violated? Who is to try me? The United States courts? Not at all. Suppose I am convicted, who is to pardon me? The President cannot pardon me for I have offended against no peace of the United States. I hold, under the course of the argument I am attempting to make, strenghtened by that taken by the Senator from Texas yesterday, [Mr. Maxey,] that you had just as well send down the troops to guard and watch the city of New Orleans and the city of Mobile, to do their patrol and policy duty, as to send down soldiers there on the day of election. The police powers belong to the States and, as the Supreme Court has often said, they cannot be surrendered. But, says the Senator from Maine, there are only fifty-seven in Arkansas, twenty-nine in Georgia, and none in Missouri. Those fifty-seven in Arkansas I know, and it gives me great pleasure to attest their good sense and their patriotism and their great conservatism. The commanding officer at that post is a gentleman of intelligence and culture in any society, and in any circle; and I take occasion to say here, that I do not believe from General Sherman to the lowest soldier of the American Army they want this power or that they care to have it, and they would rather be rid of it.

But the Senator from Maine ignores the principle and confines himself to the mere matter of the size of the agent that inflicts the evil or the size of the result. It is told in some old books by the malicious opposers of the Catholic religion, that the priests in forgiving sins make parties, who come before them and confess that they have stolen goods, divide the profits with them before they forgive them; and in one instance, as a stray member of the church happened to steal a very large black hog, the priest said to him that was a sin of more than ordinary capacity and he should have to charge him three-fourths of that hog to forgive him. [Laughter.] Marryatt exhausted the force of that argument in his "Midshipman Easy" when Mrs. Easy's nurse was found to have been the mother of an illegitimate child. He tells the story thus:

"Dr. Middleton, who sat between the bed and Mr. Easy's chair, rubbed his hands and laughed."

"In the mean time Mr. Easy had untied the string and taken off the cap of the young woman, and was very busy in putting his fingers through her hair, during which the face of the young woman expressed fear and astonishment."

"I am glad to perceive that you have a large portion of benevolence."

"Yes," replied the young woman, dropping a courtesy."

"And veneration, also."

"Thanky, sir."

"And the organ of modesty is strongly developed."

"Yes, sir," replied the girl, with a smile.

"That's quite a new organ," thought Dr. Middleton.

"Philoprogenitiveness very powerful."

"If you please, sir, I don't know what that is," answered Satah, with a courtesy.

"Nevertheless, you have given us a practical illustration. Mrs. Easy, I am satisfied. Have you any questions to ask? But it is quite unnecessary."

"To be sure I have, Mr. Easy. Pray, young woman, what is your name?"

"Sarah, if you please, ma'am."

"How long have you been married?"

"Married, ma'am?"

"Yes, married."

"If you please, ma'am, I had a misfortune, ma'am," replied the girl, casting down her eyes.

"What, have you not been married?"

"No ma'am, not yet."

"Good heavens! Dr. Middleton, what can you mean by bringing this person here?" exclaimed Mrs. Easy. "Not a married woman, and she has a child!"

"If you please, ma'am," interrupted the young woman, dropping a courtesy, "it was a very little one."

"A very little one!" exclaimed Mrs. Easy.

"Yes, ma'am, very small indeed, and died soon after it was born."

That is the argument now of the Senator from Maine. Now I care not if there is but one soldier in Arkansas, or if there is none there, the authority existing at the White House is the terror at last. We all know it is not the commander of the forces or the forces themselves, but it is the authority that lies back of them which is to be feared. The flag of the United States on a piece of land, though there be no soldier there, is what strikes terror to the person who would molest the property of the Union. It is not the poor disabled soldiers out at the Soldiers' Home whom the people fear who may go there to commit depredations and destroy that property, but it is what lies behind them. The few shillings that brought Charles' neck to the block would not have paid for a coffin to bury him. The tax upon the tea that brought the Revolution about was not worth the life of the meanest soldier that died in the cause. Away with such arguments about the size of the Army! It could almost in the twinkling of an eye be made twenty thousand to choke the liberties of a State to death and trample it under foot forever.

Mr. President, I wish to read, before I quit that branch of the subject, from a letter of the present Secretary of State when he was Attorney General in 1868. It was addressed to Alexander Magruder, a United States Marshal, by William M. Evarts, Attorney-General, and at that time Mr. Evarts, as the papers had it, was confined in his room living on bread and water by way of physical diet, and on Hawkins' Pleas of the Crown and Howell's State Trials and York on Forfeiture by way of mental diet to prosecute Mr. Davis and the leaders of the rebellion for treason. Here is his letter:

"The special duty and authority in the execution of process issued to you must not be confounded with the duty and authority of suppressing disorder and preserving the peace, which under our Government, belongs to the civil authorities of the States, and not the civil authorities of the United States."

That was common school-boy learning until the statute of 1865 was passed. That is what Judge Cooley says; that is what all the authorities say. After stating the Marshal's duties under the law, Attorney-General Evarts proceeds:

"I have thus called your attention to the general consideration bearing upon the subject to which your letter refers, for the purpose of securing a due observance of the limits of your duty and authority in connection there with. Nothing can be less in accordance with the nature of our Government or the disposition of our people than a frequent or ready resort in military aid in the execution of the duties confided to civil officers. Courage, vigor, and intrepidity are appropriate qualities for the civil service which the Marshals of the United States are expected to perform, and a reinforcement of their power by extraordinary means is permitted by the law only in extraordinary emergencies."

Using the very language of Judge Cooley. I will not read the letter of General Grant. It is fresh in the memory of the Senate, having been read by the Senator from Maryland [Mr. Groome] the other day. It preceded this. Written in 1866, it came before the letter of Mr. Evarts. In it he said that he hoped that it would never be, particularly in his official career, necessary to use military force at the elections, and he used substantially the language that Judge Cooley does. He deprecated the use of military force then, as every patriot must deprecate it. There must be no two ideas on that subject.

But, says the Senator from Maine, this was a war measure, a measure ingrafted upon the statute-book in time of war. We have been told by one of the best decisions ever delivered by the Supreme Court of the United States that we had a Constitution for peace and for war as well—the same Constitution for both. I propose to read, as familiar as that is, one or two sections from that decision. I refer to the celebrated Milligan case, one of the opinions that were made not to die:

"The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times," not merely in peace, "and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the Government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority."

That is the decision made almost immediately after the first hush of arms on the soil of this country at the close of the late war. I can imagine, and so I suppose can the eminent and distinguished jurist who delivered this opinion, that in case of war there might be no election at all; it might tie up the whole election machinery and put it away; but if there is an election it must be free, because he stultifies himself who says an election is an election when it is not free.

But grant that the war power, if you please, like charity that covers a multitude of sins, justifies all these acts, what war is going on now in this country? Where is there any war; The Senator from Massachusetts [Mr. Hoar] when he introduced his roving resolution some days ago—I mean no disrespect by calling it by that name—prefaced his remarks by saying that there was no war, that it was a time of profound peace, when the tramp of the soldier was not heard, or words that effect. Now, where is the war? All the States are back in this Government, or, to use the happy expression of Mr. Lincoln, are in practical relations with the General Government, and the bare fact of the smallness of the Army, that the Senator from Maine planted himself upon so squarely, is a fact sufficient to prove that there is no war, and the pretense of keeping the peace at the polls is a sheer pretense in fact.

Now, the "extraordinary emergency," to use the language of Mr. Evarts and of Judge Cooley, does not exist for the exercise of this power. We are as peaceful to-day in every part of the South (so far as that is attempted to be made the Ireland of this country) as in Massachusetts or in Maine or any other portion of the Union; and the complaint that we have against the gentleman on the other side and their party—and I am not much of a complaining man; I am as accepting a man as you will ever find, I expect—is that they are shedding or attempting to shed at this time, as David accused Joab, the blood of war in time of peace. You cannot run this country in time of peace in a war harness; the country will not permit it. If there was a necessity for it in 1865, which I say legally and constitutionally there was not, that necessity no longer exists. It is a maxim of the old system of the old law that the reason of the law ceasing, the law should cease. If the necessity that brought forth this law existed, but has departed, let this law depart with it. That is the common sense, that is the plain, unvarnished English of this matter.

Now, a few words as to the appropriation bill; for I have finished the other branch of the argument. Complaint has been made that repealing these sections in an appropriation bill is not to be permitted. Mr. President, this has become sanctioned by a practice now nearly as old as I am in this Government. It has become so completely interwoven in the very web and woof of the Government in its parliamentary course that there can be no going behind it, no disputing it. Men of all parties have done this thing. The Senator from West Virginia [Mr. Hereford] the other day, the Senator from Indiana, [Mr. Voorhees,] and the Senator from Kentucky, [Mr. Beck,] showed various acts of this kind on the part of the party that opposes the bill. I do not wish to refer to any of them for the purpose of showing their shortcomings.

The power of the House of Representatives to originate money bills and as the power of Congress to raise and to support armies are unlimited except the duration of the appropriation. They are the judges of how it shall be done and what disposition shall be made of it: can they find an Army appropriation bill in which some provision providing how the Army shall be commanded, where it shall be, and when it shall go, is not to be found?

The appropriations for building bridges, for erecting public buildings, and so on, contain provisions of that character. For symmetry and propriety of legislation, I admit with the Senator from Delaware [Mr. Bayard] that it is proper and right in itself, but nothing short of a constitutional amendment can ever get it out of our system of legislation. There is one statute of this sort that I shall be pardoned for referring to, because my memory loves fondly to linger upon it. That is to be found in sixteenth Statutes at Large, page, 235. In the general legislative, executive, and judicial appropriation bill, there I find the following:

"For payment of judgments which may be rendered by the court in favor of claimants. $100,000: *Provided*.

Here comes a long proviso—I shall not read it all, but it is what is known as the celebrated Drake amendment—in which the whole law and the whole system of pardons by the President was attempted to be preserved and the doctrine lying at the bottom of it turned back on the country. For example, instead of the pardon when it was produced in the Court of Claims showing that the man was loyal, it was to be taken as evidence that he was disloyal, and the Supreme Court was denied jurisdiction of a case which had been dismissed on a plea of that sort. But the safety-valve of the Government had not yet been expelled from this country, and when Klein's case (reported in 13 Wallace) went to the Supreme Court they said to these gentlemen, "Stand aside, the Supreme Court has already said in a case in 4 Wallace that the pardon was as broad as the offense and necessarily the grace must be as broad as the sin; and when the man is pardoned he is restored as though he had never committed the offense." I myself received from Andrew Johnson a pardon as big as a Dutch blanket. I pleaded that in the Supreme Court, and they announced the doctrine there that I was as fully good a man, if not somewhat better, than I was before I committed treason; and in the case of Klein, in 13 Wallace, the Supreme Court said this celebrated Drake amendment could not stand; it was unconstitutional—I will not use the word revolutionary, but that came as near being a revolution by legislation as any I have been able to find on the statute-book—it subverted the whole doctrine of pardons and the power of the President to grant them and the operation of a pardon when granted; and therefore this act must stand as if it never had been passed. After providing $100,000 for the Court of Claims, that act went on to say:

"*Provided*, That no pardon or amnesty granted by the President, whether general or special, by proclamation or otherwise, nor any acceptance of such pardon or amnesty, nor oath taken, or other act performed in pursuance or as a condition thereof, shall be admissible in evidence on the part of any claimant in the Court of Claims as evidence in support of any claim against the United States, or to establish the standing of any claimant in said court, or his right to bring or maintain suit therein; nor shall any such pardon, amnesty, acceptance, or other act as aforesaid, heretofore offered or put in evidence on behalf of any claimant in said court, be used or considered by said court, or by the appellate court on appeal from said court, in deciding upon the claim of said claimant, or any appeal therefrom, as any part of the proof to sustain the claim of the claimant, or to entitle him to maintain his action in said Court of Claims, or on appeal therefrom; but the proof of loyalty required by the twelfth section of the act of March 3, 1863, entitled "An act to amend an act to establish a court for the investigation of claims against the United States," approved February 24, 1865, and by the third section of the act entitled "An act to provide for the collection of abandoned property, and for the prevention of frauds in insurrectionary districts within the United States," approved March 12, 1863, and by the third section of the act entitled "An act to provide for the appeals from the Court of Claims, and for other purposes," approved June 25, 1868, shall be made by proof of the matters required by said sections, respectively, irrespective of the effect of any executive proclamation, pardon, amnesty, or other act of condonation or oblivion. And in all cases where judgment shall have been heretofore rendered in the Court of Claims in favor of any claimant on any other proof of loyalty than such as is above required and provided, and which is hereby declared to have been and to be the true intent and meaning of said respective acts, the Supreme Court shall, on appeal, have no further jurisdiction of the cause, and shall dismiss the same for want of jurisdiction: *And provided further*, That whenever any pardon shall have heretofore been granted by the President of the United States to any person bringing suit in the Court of Claims for the proceeds of abandoned or captured property under the said act approved March 12, 1863, and the acts amendatory of the same, and such pardon shall recite, in substance, that such person took part in the late rebellion against the Government of the United States, or was guilty of any act of rebellion against or disloyal to the United States, and such pardon shall have been accepted in writing, by the person to whom the same issued, without an express disclaimer of and protestation against such fact of guilt contained in such acceptance, such pardon and acceptance shall be taken and deemed in such suit in the said Court of Claims, and on appeal therefrom, conclusive evidence that such person did take part in and give aid and comfort to the late rebellion, and did not maintain true allegiance or consistently adhere to the United States; and on proof of such pardon and acceptance, which proof may be heard summarily on motion or otherwise, the jurisdiction of the court in the case shall cease, and the court shall forthwith dismiss the suit of such claimant.

It was decided in England and followed in this country on the question of pardon, that after a man had received his pardon, an action of slander would lie against a person for accusing him of committing the offence of which he was pardoned. That doctrine has been repeated here in this country. Now they reverse the engine completely, and say when he exhibits his pardon it is proof that he is disloyal. The Court of Claims dismissed Klein on that, and he appealed to the Supreme Court. That is the statute which it would be well for the people to remember and not forget. It is one of those unfortunate things that occur in time of high partisan feeling, but which I for one hope has passed away never to return, the last semblance of which being the matter we now have in hand.

I will not say all these acts were passed with a view to coercive purposes, but all these acts tended to this—and let the student of the philosophy of the history of our Government and its nature think of that a moment—tended to make what I believe Mr. Thaddeus Stevens claimed openly in the other House, that this was a Congressional Government as distinguished from a constitutional government; that Congress was the government of this country as Parliament was of England. But soon after the passage of these acts, of course not for the purpose of coercing Andrew Johnson—nobody would say that—failing to secure what they sought was in hand through Congress, Cæsar came and with the coming of Cæsar that supposed all things else would come that was desirable should come, and it was believed that through the President, General Grant, all things could be accomplished with or without the Legislation of this character, notwithstanding the grand letter he had written in 1866 when he was General-in-Chief of the army. If such statutes as this can find themselves on an appropriation bill let no man, woman, or child in this country complain of that mode of proceeding so that we take care that there shall not be unconstitutional provisions incorporated.

But further, when we met in December under the law, our term was limited to the 4th of March. In the great clash of business requiring the passage of bills and the pressure for investigating different measures, these provisions of the statute which the country demands shall be repealed had little or no opportunity for consideration in separate bills. They would have perished either in one House or the other, or between the two, as it turned out they did at the last hours of the session. Now mark. Immediately upon that the Congress is called together, for what purpose? For the purpose of considering appropriation bills alone. How else are you to get off these provisions that, if I am not mistaken, the country is loudly clamoring for the repeal of? The President's message is not longer than the blade of an ordinary penknife, calling us together. He calls us for two appropriation bills. He says virtually, "consider them, and go home." We propose to consider them with all other measures necessary to protect the rights of citizens in this country.

The Senator from Maine the other day undertook to frighten us by telling us this fine Capitol would have to go down and not be kept up, and our commerce would be suspended, and our Supreme Court and other courts. That there may be no misunderstanding on that proposition, so far as I am concerned, I have to say that I would see this building crumble and given up to the owls and bats and rats, and every ship of ours rot in its moorings, and the Supreme Court and all the balance of them suspended before I would see, without attempting to protect them, the rights of the humblest citizen shackled by legislation of Congress, or the humblest citizen of this country deprived of his right in any way. The twelve Cæsars, when they punished men for what they thought, boasted of the splendor and grandeur of their great city, when their legions were trampling their citizens under foot as so many leaves in the forest. They had their blazing avenues; they had their grand domes and their magnificent palaces; but the personal liberty of the citizen was gone. Give me that first, and I will then help build your fine temples and your commerce and all that. The boast of the English government is that its humblest citizen will receive its protection, if it be at the mouth of their cannon, whether he is on their own soil or foreign distant soil, and that is the secret of the strength and power of that government to-day. I concur with the eloquent words of the senator from Indiana, that the people are not going to stand upon the order in which these vicious measures shall be taken from the statute-book; they want them off. We have asked to have them taken off, and if we cannot get them out of the way by any other means than through appropriation bills, bring on your appropriation bill and let us have them there.

There is no coercion in this; I mean no coercion to the President. He is as independent in his sphere as we are in ours; and we are as independent in ours as he is in his. Did we when we passed the Chinese bill send over to him to know whether he would veto it or not? Did we when we passed the silver bill? Are we reduced to this that we must send to him as it were in the old code of practice a "letter missive" requesting him to hold up his hand? Let him do his duty and let us do our duty, and then all will go on well. I have no fault to find with these gentlemen if they conscientiously believe this, but I repudiate the idea that any person on this side wants to coerce the President. No intimation of that character has been given out. We heard floating around us rumors that he would veto the Chinese bill, and it fell with his veto. We heard then as now that he would veto the silver bill; which he did, and it was passed almost before his veto was dry on the table. With a general sentiment here at this session evidenced by the resolution introduced by the Senator from Vermont [Mr. Edmunds] that we should consider no general legislation during the session, how are we to approach and get this second bill of rights for the American citizen except through the medium of the appropriation bills? If the Senators on the other side give us a plan, I am perfectly willing to adopt it.

So, Mr. President, this measure in itself is unjust, and it should go out of the statute-book. That I do not believe any man can doubt. Is it proper that the repeal should be in an appropriation bill? It is supported by precedent so long back that the memory of man runneth not to the contrary; and if it was not, there is no other means to get at it but through an appropriation bill.

I have discussed the question as it suggested itself to me, and I have done it in good feeling to all. I believe yet, notwithstanding the threat of coercion and revolution and all that, the country will still live. Somehow or other it manages to get along and live. I believe yet a bright destiny is before us, but that destiny is best secured by adhering to the Constitution, never going away from it; and adhering to that, I believe that yet, like the hand on the sun-dial, we shall count only the hours that are bright.

He entered the grocery store, said not a word, but allowed his can to swing to and fro exactly as the pendulum of a clock. The grocer only said, "No, we sell nothing on tick," and the man with the can passed sadly and silently out.

EDUCATIONAL.

BY M. L. McQUOWN.

Joseph Showers and Samuel Bell were chosen Directors for West Clearfield school district, at the late election.

Miss M. C. Weld, of Beccaria township, is attending the National School of Elocution and Oratory, at Philadelphia.

Mr. John McLarren, of West Decatur, and Miss Ada M. Ale, of Clearfield, passed the necessary examination before the committee on permanent certificates, and received from the State Superintendent the Teachers' State Certificate.

In the death of Mr. Samuel Widemire, of Penn township, the people of that district lose a devoted and efficient School Director. He had served as Secretary of the Board for years, discharging the duties of that position with fidelity.

In the year 1870, the growing State of Nebraska employed 536 teachers for her schools. In 1879, she employed 3,730, and expended for the maintenance of her public schools, six hundred and twenty-nine thousand dollars.

The State appropriations to the school districts of the county are gradually being paid. The delay of these payments has embarrassed our school officers greatly. No blame, however, can be attached to the manager of our system, as the condition of the State finances has rendered the State Superintendent powerless in this matter. We think, however, such a "dead lock" will not occur soon again.

The Committee of Examiners for the Lock Haven State Normal School will commence the examination of the graduating class, on Monday, the 7th day of July. The class numbers thirty, three of which are from this county. The Board of Examiners consists of Hon. J. P. Wickersham, Hon. Henry Houck, Dr. Edward Brooks, N. H. Schenck, Superintendent of Cameron county, and the Superintendent of Clearfield county.

From the statistical report sent from this office to the State Superintendent, showing the workings of the system in this County, we glean the following figures: Number of male teachers employed in the County in 1878-9, 118; female, 98. Average age of teachers, 25; number who have had no experience, 60; number who have attended a State Normal School, 33; number of Normal School graduates, 7; College graduates, 4; number of partial failures, 11; total failures, 7. Average grade of provisional certificates, 2; number of graded schools needed in the County, 10; number already graded, 33; number in which the Bible is read, 141; number in which vocal music is taught, 88; number in which some of the higher branches are taught, 36; estimated number of children of the proper age not in school, 705.

The substance of a Supreme Court decision is that the rights of the teachers are to be respected; the law confides to school masters and teachers a discretionary power in the infliction of punishment upon the pupils, and will not hold them responsible, criminally, unless the punishment be such as to cause permanent injury to the child, or be inflicted merely to gratify their own evil passions. This is not only important to school teachers, but to the parents who think their children abused when punished in school.

REPORT OF PORTERS' RUN SCHOOL.—This School was taught by Miss Lila C. Shoff. Edith Wright attended every day of term. Per cent. of attendance for term, 78; number of visits from directors, 4; from parents, 4; unclassified visits, 10.

CIVILIZATION.—When, according to Darwin, men were apes, they threw cocoanuts. When apes became men they threw bricks. This is a sign of civilization.

THOUGHTS FOR TEACHERS.

"In the general, appeal not to the fear, but to the reason and the manhood of pupils."

"Begin each recitation with a brief review of the previous day's lesson."

"Let the aim be thoroughness. Leave nothing behind which the class has not absolutely mastered."

"Our best teachers punish least. When it can not be avoided, punish; but exhibit no anger, nor practice unreasonable severity in doing so."

"When the lesson is assigned, explain somewhat its more difficult features, and show pupils how to study it to advantage. Lacking this preliminary aid, they will needlessly waste much time and energy and perhaps come to the recitation discouraged."

"Unless the teacher takes care to furnish his own mind, he will soon find his present stock of knowledge, however liberal that may be, failing from his memory and becoming unavailable. To prevent this, and to keep abreast with the improvement of the day, he should regularly pursue some course of study."