THE
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oct. 9, '78-tf.

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January 30, 1878.

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(OSTEND P. O.)
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May 8, 1878-1y*

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Office in Masonic building, Second street, opposite the Court House. je26,'78-tf.

W. C. ARNOLD,
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Clearfield County, Penn'a. 7by

S. T. BROCKBANK,
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Office in Pie's Opera House. June 26, '78tf.

WALLACE & KREBS,
(Successors to Wallace & Fielding,)
ATTORNEYS-AT-LAW,
WILLIAM A. WALLACE. DAVID L. KREBS.
HARRY F. WALLACE. JOHN W. WHISLEY.
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,
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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. 9:26'74

JOSEPH S. M'ENALLY. DANIEL W. M'CURDY.
McENALLY & McCURDY
ATTORNEYS-AT-LAW,
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ATTORNEY-AT-LAW,
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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,
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All legal business entrusted to his care will receive prompt attention.
Office opposite Court House, in Masonic Building, second floor. aug14,'78-1y.

DR. B. 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. aug19'76

DR. T. J. BOYER,
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Office on Market Street, Clearfield, Pa.
Office hours: 8 to 12 a. m., and 1 to 3 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.
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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,'68-tf

HARRY SNYDER,
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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, '75.

CLEARFIELD REPUBLICAN.

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

VOL. 53—WHOLE NO. 2,627. CLEARFIELD, PA., WEDNESDAY, JUNE 25, 1879. NEW SERIES—VOL. 20, NO. 25.

FEDERALISM REVIVED.

NATIONAL ELECTIONS HAVE NO NATIONAL VOTERS.

TROOPS AT THE POLLS, TROOPS AT THE RETURNING BOARDS AND TROOPS AT THE CAPITAL ARE THE ELEMENTS OF NATIONAL ELECTIONS.

Extracts from the speech of Hon. Wm. A. Wallace, of Pennsylvania, in the Senate of the United States, Thursday May 29, 1879, on the veto messages:

Mr. WALLACE said:

Mr. President: I hold in my hand the veto message of the President of the United States, sent to the House of Representatives this morning. In it he thus discusses the subject of "national elections:"

If this bill is approved, only the shadow of the authority of the United States or the national elections will remain—the substance will be gone. The supervision of the election will be reduced to a mere inspection, without authority on the part of the supervisors to do any act whatever to make the election a fair one.

[Other quotations from the same and from the two other veto messages and from Senator Edmund's speech were made, covering the same idea.]

Here are the words "national elections." With the import given to these words I propose to take issue. With the doctrines enunciated in this in this veto message I propose to take direct issue, and to assert and prove if I can that there is under the Constitution of this country no such thing as "national elections."

NATIONAL ELECTIONS—FEDERALISM REVIVED.

I quote these passages to show that there is now again asserted the power and the right of the Federal Government to control and dominate the people while they exercise the privilege of voting. *"National duties without exceptions as to days, places, or occasions."* *"The security of equal suffrage,"* are now proclaimed as vigorously as these doctrines were in 1799, when Matthew Lyon was prosecuted and a consolidated government and the abasement of the foreign born citizen where the ends sought. The enemies of a people's government then tried to make the Federal Government the vehicle of oppression and wrong, to wrest it from its mission as a Republican Democracy and convert it into a consolidated aristocracy. Mr. Otis, of Massachusetts, a Federalist, in the House of Representatives, on the passage of the sedition law in June, 1798, summarized the whole issue that divides your teachings from ours when he said: "The whole question resolved itself into this inquiry, *Has Congress the power to provide for the common defense and welfare of the government. And if so, do we* deem it essential to this end that the proposed power should be given to the President or to some other department of the government?" Robert Goodloe Harper, of South Carolina, the Federal leader in the House, also grasped the tenets you enforce through John I. Davenport when he said, May 2, 1798, on the passage of the law which fixed fourteen years as the period of residence before naturalization, this:

Mr. Harper believed that it was high time we should recover from the mistake which this country fell into when it first began to form its Constitutions, of admitting foreigners to citizenship. This mistake, he believed, had been productive of very great evils to this country, and unless corrected he was apprehensive these evils would greatly increase. He believed the time was now come when it would be proper to declare that nothing but birth should entitle a man to citizenship in this country.

Mr. Otis said he would propose an amendment which he believed would be in order, which was as follows, "And that no alien born, who is not at present a citizen of the United States, shall hereafter be capable of holding any office of honor, trust, or profit under the United States."

Mr. Harper then moved to amend by adding:

Or of voting at the election of any member of the Legislature of the United States or of any State.

THE FEDERALISTS INSISTED ON TROOPS IN 1880.

It was Michael Leib, of Pennsylvania, a German Republican, a friend of Jefferson, who, on the 13th of February, 1800, introduced a resolution into the House of Representatives in these words:

Resolved, That a committee be appointed to prepare and report a bill containing such Legislative provisions as may be judged expedient either for removing any military force of the United States from any place of holding elections or for preventing their interference in such elections.

This resolution after amendment by the House, which was then controlled by the Federalists, was referred to a committee which consisted of John Marshall, Leib, and Otis of Massachusetts, two Federalists and one Republican. It was reported back by Marshall, March 14, 1800, and passed the House as follows:

An Act to prevent the interference of any military force in certain elections.

SECTION 1. *Be it enacted, etc.*, That it shall be unlawful for any military force of the United States to appear around or be embodied at the place and on the day of holding an election for electors of the President and Vice President of the United States, or of any member of Congress, or of the Governor or member of the Legislature of any State, or in any manner to interfere with such election.

Sections 2 and 3 enforces this duty by penalties.

The yeas and nays were not called, for the wisdom of the measure seemed plain. It went to the Senate, was debated, amended, and voted down, April 4, 1800, by the Federalists, who then had a majority in the Senate, which they lost in that year when Jefferson was elected. The yeas and nayes were as follows:

For the Bill—Anderson of Tennessee, Baldwin of Georgia, Bloodworth of North Carolina, Brown of Kentucky, Cooke of Tennessee, Foster of Rhode Island, Franklin of North Carolina, Langdon of New Hampshire, Marshall of Kentucky, Mason of Virginia, Nicholas of Virginia, Pinckney of South Carolina—12. All Republicans or Jefferson men.

Against the Bill—Bingham of Pennsylvania, Chipman of Vermont, Dayton of New Jersey, Dexter of Massachusetts, Goodhue of Massachusetts, Greene of Rhode Island, Gunn of Georgia, Hillhouse of Connecticut, Latimer of Delaware, Laurance of New York, Livermore of New Hampshire, Lloyd of Maryland, Paine of Vermont, Read of South Carolina, Ross of Pennsylvania, Tracy of Connecticut, Wells of Delaware—17. All Federalists or Adams men.

The Federalists of those days were for troops at the polls, as the friends of consolidated government who call themselves Republicans in these days now are. What a commentary on names it is for a party wearing the name of "Republican" to contend for the employment of troops in connection with elections. It was the "Federal" party under John Adams that sent United States troops riding through Pennsylvania on political errands, and it was the "Republican" party under Thomas Jefferson that arrested this crime against liberty. It was "Federal" troops that cut down "liberty poles" in Pennsylvania in the year 1799, and it was Pennsylvania "Republicans" that rose in wrath against this abuse of power and swept Adams out of office and the Federal party out of existence. Now we see the principles and the practices of the Federalists revived by men who call themselves Republicans!

The General Advertiser (*Aurora*) of Philadelphia, under date of April 9, 1800, says of this soldier bill:

The Senate have rejected the bill passed by the House of Representatives to prevent the interference of the military in our elections. This bill was referred to a committee of which James Ross, the late candidate for Governor of Pennsylvania, was one. This committee reported against passing the bill, and it was consequently rejected. Thus we see that the military are designed for *domestic use*, and that instead of employment against a foreign enemy they can be so managed as to direct elections. James Ross may hope through such instrumentality on a future occasion to become Governor of Pennsylvania if the foul weather should continue.

OLD ISSUES REVIVED.

How the history of eighty years ago repeats itself! The old questions are presented, the old issue revived. You preach a consolidated government. You hate and persecute the foreign born citizen. You debase your States, prostitute your people, and invite the hand of the Federal trooper to supervise the ballots of your electors. Contrast the political condition of the country now with that of the Republic then as described by Jefferson in his letter to Mazzei, thus:

The aspect of our politics has wonderfully changed since you left us. In place of that noble love of liberty and Republican Government which carried us through the war, an Anglican monarchical aristocratical party has sprung up, whose avowed object is to draw over us the substance, as they have already done the forms, of the British Government. The main body of our citizens, however, remain true to their Republican principles, the whole landed interest is Republican, and so is a great mass of talents. Against us are the Executive Judiciary, two out of three branches of the Legislature, all the officers of the Government, all who want to be officers, all timid men who prefer the calm of despotism to the boisterous sea of liberty, British merchants, and Americans trading on British capital, speculators and holders in the banks and public funds, a contrivance invented for the purposes of corruption and for assimilating us in all things to the rotten as well as the sound parts of the British model.

It would give you a fever were I to name to you the apostates who have gone over to these heresies—men who were Samsons in the field and Solomons in the councils, but who have had their head shaved by the harlot England. In short, we are likely to preserve the liberty we have obtained only by unremitting labors and perils. But we shall preserve it; and our mass of weight and wealth on the good side is so great, as to leave no danger that force will ever be attempted against us. We have only to awake and snap the Lilliputian cords with which they have been entangling us during the first sleep which succeeded our labors.

Contrast the doctrines then denounced by Jefferson with the condition of things to-day. Against us are the executive and the judiciary. We have the two Legislative branches of the government, but all the officers of the government are against us, ninety thousand in number. All who want to be officers in that field are against us. All sorts of men who prefer the calm of despotism to the boisterous sea of liberty are against us. Speculators and holders in the banks and public funds, all these are against us, and these to-day are, as they were then, used as a contrivance for the purpose of corruption and for assimilating us in all things to a strong government. Sir, the history of eighty years ago repeats itself to-day.

Packed juries, partial marshals and distrusted judges were the agencies feared then as the outgrowth of national power, consolidated authority and Federal pressure, while home rule, our own tribunals, honest judges and impartial juries were the desired alteratives. The latter are the results of Democratic-Republican rule, the former the fruits of consolidated Federalism, of a strong government, of national rule in the field that belongs to the States.

STATE RIGHTS OUR DEFENSE.

In the crusade which Mr. Hayes and the stalwarts now initiates and the States and the rights of the people secured by State law and State Constitutions are desired or forgotten. It is not the policy of the antagonists of the Democratic party now to permit the people to remember that in all the older States the titles to our homes spring from the colonial or State authority, and that our persons, our property, our lives and our personal liberty, all find their safe guards there. The States existed before the Federal Government, and they and the people created it. Each yielded to it some of their power, and plainly and clearly defined in the Constitution what they had granted. All other powers were reserved to the States and the people.

Secession was revolution, but the rights of the States as plainly embodied in our Constitution are an entirely different matter, and these and their legitimate fruits are as vital to the whole, as necessary to our might, our perpetuity, and our expansion, as the former were destructive of the whole. The consolidation of all power in the Federal Government, the centralization of authority here at the expense of the State governments, the government of the people of Pennsylvania in their local affairs by Representatives elected in Oregon and Florida, or the regulation of suffrage for our election by those who neither know our wants nor understand our system, is utterly subversive of the essential elements in our growth and prosperity. It is in its consequences as injurious to the government as secession. The Federal Government is supreme within its sphere, and State govenments are equally so in their sphere.

DESTOY THE STATE YOU DESTROY THE GOVERNMENT.

The States were in existence long before the Union, and the latter took its birth from their power. Without them the machinery of the Federal Government would cease to act, and without the people as voters of the States the whole system would tumble into chaos. The Federal Government has no voters, it can make none, it can constitutionally control none. It cannot add to or take from the qualifications of a voter as prescribed by the State, save in protecting him from being discriminated against on account of race. When it asserts the power to create and hold *"national elections"* or to regulate the conduct of the voter *on election day*, or to maintain *equal suffrage*, it tramples under foot the very basis of the Federal system, and seeks to build a consolidated government from a Democratic Republic. This is the plain purpose of the men now in control of the Federal Government, and to this end the teachings of leading Republicans now are shaped.

As was said by Judge Wilson in the Pennsylvania convention, the Federal Government "instead of placing the State Governments in jeopardy is founded on their existence. On this principle its organization depends; it must stand or fall as the State Governments are secured or ruined."

Let us take the Constitution and read from it. Article 5 provides, and in the vital power of amendment, that which makes the law, which cements fabric, that the States can compel Congress to act whenever two thirds thereof unite. The words are as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States.

The State governments are supreme by inherent power originally conceded to them by the people as to the control of local legislation and administration. The Federal Government has no part or lot in this vast mass of inherent sovereign power, and its interference therewith is utterly unwarrantable.

They are supreme, too, in many matters relating to the Union itself. They elect the members of this body. Article 1, section 3, clause 1, is in these words:

The Senate of the United States shall be composed of *two Senators from each State, chosen by the Legislature thereof*, (for six years) and each Senator shall have one vote.

The power is exclusive and irresponsible. They should act, but it is for them to judge whether they will or not. The executive of the State issues writs of election to fill vacancies in the House of Representatives. He is responsible for his action to his State alone. I read from article 1, section 2, clause 4:

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The States appoint the officers of national militia and provide for their training. Article 1, section 8, clause 16, is in these words: Congress shall have power to—

Provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

It is for the State to say whether the Federal Government shall erect forts or navy yards within their limits. Article 1, section 8, clause 17, declares that Congress shall have power—

To exercise like authority over all places purchased by the consent of the *Legislature of the State* in which the same shall be, for the erection of forts, magazines, arsenals, dock yards and other needful buildings.

No new State can be erected out of parts of another without the consent of the original State. Article 4, section 3, is in these words:

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States or parts of States, without the consent of the Legislature of the States concerned as well as of Congress.

So, too, the people in their State capacity are supreme as to choosing electors for President of the United States. Article 2, section 1, provides:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

This argument may be pushed much further. Let us see. It may seem futile and unnecessary to bring to the mind of the people or the Senate the doctrines that lie at the base of the Constitution, but I shall venture somewhat upon that recently untrodden field.

The existence of the Federal Government depends upon the existence of the State governments. Without their existence in their entirety it absolutely tumbles into chaos. It cannot continue itself for an hour. There are three great parts of the Federal Government, the Legislative, the Executive and the Judiciary. The Legislative has two branches, the House and the Senate. There can be no House of Representatives of the United States after the State Governments have ended. The Governments of the States must exist or the popular branch of Congress fails to exist. This is as certain as it is that there is a Constitution of the United States. Besides this there is no machinery to compel the State Legislatures to act in regard to this subject matter. It must be a voluntary action, action by the State, independent action by the State Legislatures. Now, how do we prove this? By simply quoting from the Constitution of the United States the regulation as to suffrage. I read again from article 1, section 2, of the Constitution, which is in these words:

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and *the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.*

The electors of the House of Representatives of the United States are those who are qualified electors or voters for the Legislatures of the States. Qualified how? Qualified by whom? Qualified by the Federal Government? A qualification created in an act Congress enforced by the marshals at the point of the bayonet? No, sir; but qualified by the States. The electors for the members of the Legislatures of the States are the electors for members of the House of Representatives, and they are to be qualified by and under the Constitutions of the States. If you have no qualifications of electors for the members of Legislatures of the States, you have under the Constitution no criterion to determine who are to be the electors for members of Congress. Where are your qualified electors then? They have vanished and gone. There can be no electors for members of the Lower House if there be no electors for the State Legislatures. There is no measure or criterion of qualification except as it is found in the clause quoted, which provides that the electors for members of the United States House of Representatives are the electors of the State who are qualified by State Constitutions and State laws to vote for members of the Legislature. If there be none of these, there can be none for members of the Federal House, and it logically follows that the existence of the State Legislatures is vital to the existence of that branch of the Federal Government, for in their absence you have no criterion, on qualification under the Constitution itself. Do we presume to exercise that power here? Do we assert that we can grasp that power and regulate by Federal statutes the qualifications of voters? If we do, we make a consolidated Government from a Democratic Republic.

The members of the Senate of the United States are chosen by the Legislatures of the States. Article 1, section 3, provides:

The Senate of the United States shall be composed of two Senators from each State, chosen by *the Legislature thereof.*

If there is no Legislature there are no Senators. If there are no State electors qualified by State Constitutions or State laws there are no State Legislatures. Thus, it all depends finally on the State qualifications of voters. Thus we have both the Federal House of Representatives and the Federal Senate dependent upon the qualifications of electors by the States; qualifications created by State Constitutions and State laws. The States themselves in their Constitutions fix the qualifications of voters. They are thus an element, an indispensable element, in the Constitution and perpetuity of the Federal Government. So, too, the States themselves are an element in the existence of the Federal Government, and "no State, without its consent," as is provided in article 5 of the Constitution, "shall be deprived of its equal suffrage in the Senate." Here is equal suffrage for the States in this body. Thus we find the electors of the State fill the House of Representatives, and the States through the Legislatures of the States fill the Senate of the United States, all power proceeding originally from the electors of the States, qualified by State Constitutions and State laws. These form the very basis of the organization of this body and of the Federal House of Representatives. Without them the Government of the United States utterly and absolutely fails. Under the Constitution of the United States you must return for ultimate power to the qualifications of electors in the States, to electors created by the States, with qualifications regulated and controlled by the States, else these bodies cease to exist.

The Constitution, in article 2, section 1, clause 2, provides:

Each State shall appoint, in such manner as *the Legislature thereof may direct*, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

These electors choose the President and Vice President of the United States. If there be no State Legislatures there can be no Presidential electors. The electors of the State Legislatures are created and qualified by and under State Constitutions and State laws. The electors in the States are the same men who choose the members of State Legislatures, and if you have no State Legislature, then inevitably the power to create electors of the President of the United States must fail. Thus you have the Senate and the House and the executive department all absolutely failing and breaking down for want of the State Governments. But this is not all. The judiciary department of this Government stands upon the existence of the Executive and the Senate. If the Senate fails through want of electors to create members of the State Legislatures, and if the Executive authority fails for want of power to create electors, then we have neither Executive or Senate to create Judges of the United States. Thus we have every branch of the Federal Government, House, Senate, the Executive and Judiciary departments, standing upon the State Government, and all resting finally upon the people of the States, qualified as voters by State Constitutions and State laws. We now see that the State Governments are vital to the existence of every branch of the Federal Government and that the voters of the States are essential to the vitality of every branch of the Federal Government. They cannot be interfered with by Federal power. The Supreme Court of the United States has expressly decided that suffrage is under State control and so far as it can be settled it is judicially settled.

THERE ARE NO NATIONAL VOTERS.

It is thus settled upon principle and by authority, as well as from the history of our institutions, that the voters under our system are the people qualified by State laws and Constitutions, and that the Federal Government has no voters of its own creation. Suffrage is under State control except in the single case of race, upon which subject the State can make no rule of discrimination. If there be such a thing, then, as a "National election," it wants the first element of an election—a national voter. The Federal Government, or, if (it suits our friends on the other side better,) the Nation, has no voters; it cannot create them, it cannot qualify them. The depositary of absolute sovereignty and power is in the people, the people of the States, *qualified as electors by State Constitutions and State laws*; and all authority of every kind comes from them by representation, and this vital principle of Democracy permeates every part of the Government.

National power over the voter as such, or National elections as such, are new forms of old Federal theories. In the laws we propose to repeal, and in kindred enactments in 1870 and 1871, the revamped doctrines of the Federalism of 1798 first finds statutory existence. The universal practice of the Government since 1801 has been against any such theory as is found in these statutes. National electors would require National citizenship for qualification. How absurd a theory, that a man may be a citizen of the State and not of the United States and yet be a National voter. Yet I propose to show that such would be the legitimate result of this teaching as to National elections. This subject is rightly and absolutely controlled by State law and State Constitutions in almost every State. There are no National voters. Voters who vote for National Representatives are qualified by State Constitutions and State laws, and National citizenship is not required of a voter of the State by any provision of the Federal Constitution nor in practice. Under the Constitutions of Kansas, Nebraska and Colorado an unnaturalized foreigner who has declared his intention to become a citizen may vote for members of Congress and State officers if he has resided six months in the State, and in Indiana, Minnesota, Oregon and Wisconsin after a residence of twelve months, while in Massachusetts he must have resided in the State two years after he has been naturalized. Does the new gospel as to control of election by *National* authority contemplate making the rule of seven years' residence, required by Massachusetts, or that of six months required by Kansas, the test of qualification as a "National" voter for a foreign born citizen? Which is the doctrine? Is it that of Massachusetts or that of Kansas? The foreign born citizen declaring his intention after six months' residence in Kansas is a voter, and may vote for a member of Congress and Governor of the State, while in Massachusetts he must carry a parchment certifying that he is a citizen of the United States and must have resided two years in Massachusetts. The whole difference is the difference between seven years in one State and six months in another as applied to foreign born citizens.

National elections, naturally, necessarily include National voters, and the plain purpose indicated by this action of the Executive is to make the States conform to the Federal authority as to the rule of suffrage. I ask Senators who now have in their States masses of unnaturalized citizens who are voting for members of Congress, whether they seek to disfranchise these voters or whether it is reasonable to hold that the Federal Government can by its laws change the qualifications created and fixed by State Constitutions? If Davenport could reject five thousand citizens in New York because of his allegation of non-naturalization, why shall the 25,000 in the western States who vote without naturalization be permitted to do so? Only because the whole subject is under State control. It is not hard to understand the meaning of the declaration of the Senator from Vermont for "the universality of equal suffrage," if it be read in the light of 1799 and the tenets of Federalism. It means a universal rule of citizenship for suffrage everywhere. The States are to be made to bend their will to the control of universal equal suffrage by the Federal Government, and the control claimed by Kansas, Colorado and Nebraska over the right to prescribe the qualifications of voters is to give place to a statute enacted by the Federal Government, prescribing a rule like that of Massachusetts. What more potent argument as to the fallacy of the existence of national elections can there be than the fact that qualifications for voters differ in every State, and that by universal rule the States have absolute control of the subject?

The laws of the United States require a residence of five years within the country before a foreigner can be naturalized. This makes him a citizen of the United States, but he may be a voter for members of Congress, or for electors for President, or for the members of a State Legislature who elect a United States Senator, after he has resided six months in the country if he lives in Kansas, Nebraska, Colorado or Georgia, or with twelve months' residence in Alabama, Arkansas, Florida, Indiana, Minnesota, Missouri, Oregon, Texas and Wisconsin.

A naturalized foreigner can vote in California after a residence of six months; Connecticut, after a residence of one year and able to read any article of the Constitution or any section of the statutes of the State; Delaware, after one year's residence and having paid taxes; Illinois, after one year's residence; Iowa, six months' residence; Kentucky, two years' residence; Louisiana, one years, residence; Maine, three months; Maryland, one year; Michigan, three months; Mississippi, six months' residence; Nevada, six months; New Hampshire and New Jersey, one year; North Carolina, one year; Ohio, one year; South Carolina, one year; and Virginia, one year; and West Virginia, one year in the State. The same residence is required in those twenty-one States of the native-born citizens.

In these States residence is superadded by State authority as a qualification to voting for all officers, State as well as Federal. In Massachusetts two years, in Pennsylvania thirty days and in New York ten days are added by State authority to the qualification of five years; and in Rhode Island ownership of real estate must be in a naturalized foreigner before he is a voter.

Are all these distinctions, are all these restrictions imposed by State authority and State Constitutions as to residence, naturalization, qualification, registration, age, tax and property to be obliterated in this effort for the "universality of the security of equal suffrage" in this renewed and earnest effort for a consolidated government?

I assume it, then, to be the law of the land that "the Constitution of the United States has not conferred the right of suffrage upon any one and that the United States have no voters of their own in the States; and that the voters of the United States are the people of the States qualified by State Constitutions and laws."

FEDERAL INTERFERENCE WITH STATE DUTY.

We now turn to the sections this bill proposes to repeal and try to learn from them whether the Federal Government leaves the question of suffrage with the States, where it belongs, or imposes qualifications, judges who shall vote, violates its own organic law, and tramples upon the Constitutions of twenty States that are sovereign in this regard.

I hold in my hand the instructions of the United States Marshal of New York upon the subject to his special deputies, in which he expressly authorizes and directs the deputy marshals to arrest people without warrant who may undertake to register contrary to the orders of the United States Supervisor. This power claimed by the Federal government under these laws goes to registration, a registration provided not by federal law, not under the laws or Constitution of the United States, but a registration provided for by State law. The power of the Government is sent to the place of registration and gives to the Marshals of the United States, supplemented by troops to carry out the power thus given, authority to challenge men at the registry, the power to judge who shall or who shall not be registered. The power to judge includes the power to reject. The power to reject is thus absolutely given and may be enforced with every power. When you say a man shall not be registered, and the State requires registration and a prerequisite to voting, it is judging that the qualification imposed by the State does not exist. The Federal Government in doing this keeps its Marshals equipped with its mail-clad arm, at the place of registration, and rejects the voter qualified by the State just as Davenport or the Marshal may determine.

Section 2018 of the Revised Statutes provides that the Supervisors of elections may personally scrutinize, count and canvass ballots. The secret ballot used by Pennsylvania and many other States of the Republic is thrown open to public gaze by the power of the Federal Supervisors. The ballot that is provided by our law is interfered with by the Federal power and State authority is utterly overthrown. "Personally scrutinize the count and canvass." What is the power to count and canvass? It is the power to judge, it is the power to determine under what law? The Federal power may determine under State law. In other words, the power that the State of Iowa or the State of Pennsylvania gives to its election officers shall be interfered with and broken down and the vote rejected by the Marshals and Supervisors if they in their judgment believe it not a proper vote, and thus they may and do add to the qualifications fixed by the Constitution and laws of the State their own judgment. This is an interference plainly and clearly with the rights of the State and with the regulations and qualifications provided by the State.

Section 5,522 is highly penal in its character. The State officer of the election is subordinated to Federal authority. He may be arrested without process; nay, the Federal officers judge of the qualifications of the voters; everything that relates to the qualifications of the voters of the State is within the control of the Federal authority.

THE POWER TO JUDGE AND ARREST—STATE NOT FEDERAL.

If the power of determining who shall be registered by State officials as voters, who shall or who shall not be arrested for voting or attempting to vote, who does or does not vote fraudulently, be not given by these sections to Federal officials, language cannot give those powers. The registration of a voter is the judgment of the law in favor of his qualification for the exercise of the right. The State alone can judge, for her laws have exclusive control over qualifications. If the Federal Government can judge of qualifications she can create them, and we have seen she has no such power. The power to arrest the voter for voting improperly is the power of determining his qualifications to vote. The Federal Government cannot do this, for the control of suffrage is in the States, and the act of the Federal Government in doing so is usurpation of ungranted power. The power of arresting voters and officials without warrant or with warrant is the power to dictate the absolute control of the elections of the States, and as it can only operate upon voters and officials qualified by the States is without authority in the Constitution.

THE CLAIM OF POWER.

The authority for the exercise of this usurped power is claimed to exist in clause 1, section 4, of article 1 of the Constitution of the United States, which is in these words:

The *times, places and manner* of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

It is to be remembered at the outset that this provision is in a Constitution that gives the control of suffrage and of the qualifications of electors for members of Congress and of Senators to the States.

POWER TO FIX MANNER GIVES NO POWER TO REJECT VOTES.

These authorities abundantly prove that there was no intention at the time of the adoption of the Constitution to do aught else by the insertion of this provision than to assert the right of self-preservation in the Federal Government. That the regulation of the manner, places and times of holding Congressional elections was controlled by the State almost exclusively until since the war adds force to the argument. But even if we admit (which we do not) that Congress may exclude the States entirely by its own action as to fixing the times and places and regulating the manner of holding elections for members of Congress, still, in attempting to regulate the manner of election, *it cannot change the qualifications of the electors.*

This is an entirely different proposition. The manner of holding the elections has nothing to do with the regulation of the qualifications of electors. That still remains with the States. The qualifications are regulated, as I have already shown, by State Constitutions and State laws; and the Federal Government, in every branch of it, from the House to the Judiciary, depends upon the criterion found in the Constitution itself; that the electors of the State Legislatures are the strata upon which the Federal Government finds its authority. The qualifications of electors vest with the State Governments. State Constitutions and State laws regulate and control this subject from the bottom to the top. A power to regulate the manner of voting given by one clause surely never was intended to authorize the party doing so to take from another tribunal the right to fix the qualifications of the voter which had in express terms been granted to that other tribunal by other clauses of the same instrument. Such a result would be absurd. Such a legal result no lawyer will contend for. If Congress may, under the power to regulate the manner of election, say who shall register and who shall be arrested for false registry and who shall vote and who shall be arrested for false voting, and assert its rights so to say by arbitrary arrests, it is plain that the exercise of regulating the manner of voting takes from the State and its officials every particle of control over the qualifications of voters.

The power asserted by these statutes and these veto messages broadly is, that the Federal Government is a consolidated government; it can regulate the qualifications of voters; it has the right to judge who shall vote, and it will assert this right and power through United States Marshals and Federal troops. The power granted by the fourth section of article 1 is to regulate the manner of holding the elections, not to regulate the qualifications of voters. The jurisdiction over the question of voters is vested elsewhere, and any exercise of power to affect them is unwarranted. Manner means method, way—the way in which his vote shall be given. The method of voting, whether *viva voce* or by ballot, and not the right to say who shall vote, is the plain meaning of the word manner, as used in this clause. By this interpretation both clauses of the Constitution stand, by that interpretation which gives validity to these statutes this clause overrides three others and destroys them.

These laws do not seriously affect the people of the South; their objective points are the cities of the North. They are to be dominated and overridden by Federal power under this machinery in 1880, and New York and Cincinnati are the two focal points. Marshals are to be used as they were in 1878 in Philadelphia to enforce State restrictions and to compel the voter to obey State law as interpreted by Federal power. All of our safeguards are to bow to unconstitutional power in the hands of disreputable Marshals of the United States. A contrast of the number of cities of the class in the North shows plainly the purpose of the law.

Sixty-four cities of the North, with a total population of 7,547,795 and but ten cities of the South, with a total population of 539,500, are subject to "the universality of equal suffrage" as administered in "the National elections" through Marshals, Supervisors and Federal troops.

BILLS OF RIGHTS BROKEN DOWN.

Sixty-four cities in nineteen Northern States are to have the guarantees of the bills of rights and Constitutions of their respective States violated and overthrown by military interference with the freedom of elections on the call of Marshals of the United States; to have their electors and election officials arrested on election day in violation of their guarantee that no one shall be arrested on election day except for treason, felony, or breach of the peace. The power given to these Marshals is to arrest, both with and without warrant, on election day, those whom they see fit; not this alone, but they may take the judge of election duly chosen and sworn from his place on election day, and thus dictate who shall conduct the election. This was in fact done by a Deputy Marshal in Philadelphia, in November, 1878, and yet there is a provision in the Constitution or bill of rights of each of the following named States which is in these or similar words: "Electors shall in all cases except treason, felony and breach of the peace to be privileged from arrest during the attendance on elections and going to and returning therefrom."

This is found in the Constitution of California, Colorado, Delaware, Georgia, Illinois, Indiana, Iowa, Louisiana, Maine, Michigan, Missouri, Nebraska, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Connecticut and Kansas.

The growth of Federal power, the absorption to itself of that which properly belong to local rule, is the vice of this legislation. It is destructive of the system of government created by the Constitution and tends to produce consolidation and imperialism. We have traced "National Elections" and shown their non-existence as a part of our written Constitution. We find them all outgrown [of false construction, of the theory of centralization, and identical in thought with the tenets of 1799, as well as vicious in practice. We find that troops at the polls were voted for by the advocates of a consolidated Government in 1800 as they are by the same party now, and that packed juries and Federal Marshals were the agents then of wrong as they are now of force and fraud. Against these our only defense is in the reserved rights of the States and the people. The Federal Government is not the sovereign, but is the servant of the people, and it has no rights but those delegated to it or necessary to carry out the powers granted, and the States and the Governments of the States are essential to the perfection of the system. Suffrage is under the control of the States; the Federal Government can neither create a voter nor impose qualifications upon one. National elections, if such there be, have no National electors, and the voters of the United States are the people of the States, qualified under the State Constitutions and State laws. The statutes proposed to be repealed judge who shall vote, register voters, reject voters, enforce restrictions and impose penalties, all without authority and in plain violations of the rights reserved to the