SPEECH OF

HON. WILLIAM A. WALLACE.

The Senate, as in Committee of the Whole, 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. WALLACE said:

Mr. President, this bill comes from the Committee on Appropriations of this body. It does not come as has been asserted in this Chamber, from a secret conclave or caucus. It comes from the authorized organization of this Chamber, the Senate Committee on Appropriations; and I rise now to speak simply because I am one of its members charged with that duty. As one of that committee, I rise to speak to the purposes, the causes, the reasons that prompted that committee to agree to the insertion of the clause which is contested by the Senator from Maine. This bill came through the Senate door by the usual channel of communication with the House of Representatives, in the hands of its Clerk, to this body. It went to the President's desk, and thence to the Committee on Appropriations, and it came back to this Chamber from that committee in the usual manner. Nay, more, sir, it is the bill almost in word and letter that was adopted by the committees of conference at the last session of Congress, agreed upon by the committees of conference of the two Houses, and which but for the disagreement between these committees upon this single section would have been passed by that Congress. This bill, so far from having been treated as measures that come from a committee of conference usually are, has been debated and contested again and again in committee, in the House and in the Senate Chamber. The declaration that it is the effect of caucus is mere idle wind; such a statement has nothing whatever to base it. This is the bill upon which the two Houses disagreed in the last Congress; it is the bill that came from the House, that went to the committee, that came back to this Chamber through the regular committees of this body, and it is now put upon its passage with the forms and in the customary mode adopted in such cases.

This bill contains but a single disputed section. To that the Senator from Maine addressed himself; that we address ourselves. There is but a single issue presented by this bill, to that I shall try to confine myself. All that hear me and the country know that the convulsive throes of a great people in a tremendous civil war have caused many departures from those vital principles that lie at the base of all civil liberty. The history of our race and the precedents of the past point them out as essential elements in the preservation of our own freedom, and its most earnest struggles ever have been and ever will be made for their safety. The necessities of the hour may cause a free people to bear for a time the subjection of the civil to the military power, the suspension of the writ of *habeas corpus* or the presence of armed troops at election polls, but these must pass away with the necessity that gave them birth. They can never be crystallized upon the necks of Anglo-Saxons.

The single issue involved in this bill is, shall the executive arm of the Government longer possess the power to place troops at the election polls? Their presence there or the power to place them there is equally a menace to the people and a departure from the right of free elections. That is the issue, the sole, the only issue that is in this bill. We make no other; we will be diverted not from this.

The mere presence of armed troops at the polls is a menace to individual liberty. The shadow of the power of armed men is in itself a threat, and no free people will bear it. It was one of the struggles between Charles I and his first three Parliaments that he should yield to them the right he claimed to quarter troops upon the people. Parliament refused to give him money and he was accustomed to send troops into the country districts and compel them to be quartered and supported by the people without authority of law. The Commons placed it in their bills; they formulated and crystallized it in the petition of right, and they made the king yield to their just demands in behalf of the people. This right and privilege is registered in the bill of rights of nearly every constitution in all this iand. The power to quarter troops upon the people was wrung from the kingly power of Great Britain by placing it upon bills under which he was voted supplies to carry on a war for the Palatinate with Spain. Before they would yield him those supplies they compelled him to agree to a concession of this great right, and the right to be free from such intrusion became fixed and certain. The correlative right in regard to free elections and the absence of troops from the polls is found still farther back in English history. The menace of armed troops at the polls was prohibited by statute in the reign of George II, and it recites the existence of the right to be free from this menace as old as the time of Edward I. In the thirteenth century, nearly six hundred years ago, the race from which we obtain our liberty and law, from whose loins we mainly sprang, asserted the doctrine that this right of free election belonged to the people and ought not to be jeopardized. It was a right wrung, absolutely wrung, from the hand of power in the time of Edward I. It was resurrected in the time of George II, and then enacted into law in 1835. Let us see what was done. I shall not read the statute. A law was past in 1735, which forbade the presence of armed troops within two miles of the election polls. Subsequently, in 1741, the executive power (forgetting the existence of this statute)—

During the corrupt administration of Sir Robert Walpole, at an election held for the city of Westminister, under an order signed by three magistrates of the county, a body of armed soldiers was marched up and stationed in the church-yard of St. Paul, Convent Garden, in the vicinity of the poll; and on this being shown to the House of Commons, they passed a resolution affirming "that the presence of a regular body of armed soldiers at an election of members to serve in Parliament is a high infringement of the liberties of the subject, a manifest violation of the freedom of elections, and an open defiance of the laws and constitution of this kingdom." The high bailiff was taken into custody by order of the House, and the three magistrates who signed the order was brought to the bar and reprimanded by the Speaker, upon their knees, as the House had directed; and after this the House passed a vote of thanks to the Speaker for his reprimand of the dilinquents, and directed the same to be printed—*Brightly's Leading Cases on Elections*, 603, 604.

Sir, this right, thus vindicated, is a part of our system. These privileges are a part of our own free liberties. They come to us with the system of laws under which we live. They belong to us as an integral part of our system of free elections, and we would be false to our highest duty if we should fail to protect them and assert their existence. I now quote from McCrary on Elections, section 418. He says:

There can, however, be no doubt but that the law looks with great disfavor upon anything like an interference by the military with the freedom of an election. An armed force in the neighborhood of the polls is almost of necessity a menace to the voters, and an interference with their freedom and independence, and if such armed force be in the hands of or under the control of the partisan friends of any particular candidate or set of candidates, the prebability of improper influence becomes still stronger.

This proposition does not stand alone on the thought of taking out of this section the authority for the presence of armed troops at the polls under Federal law, but it goes beyond this and finds its reason and its root in the right of the States to control this subject entirely. The control of free elections, the guarantee of their existence, does not belong to the Federal Government; it belongs to the States themselves and always has belonged there. The constitution of almost every State in this country contains in its bill of rights a guarantee of free elections. The Sates controlled the franchise. With them, both before and since the formation of the Constitution, was vested the power and the right to guard the purity and the freedom of elections.

Let the Senators from New England, and the Senators from the great West, and the Senators from the Middle States and the South take up the bills of right of their respective States and see what is guaranteed. In nearly all of them the guarantee is that all elections shall be free. Here is the crystallization of the doctrine that comes to us from the time of Edward I, which found voice in the time of Charles I and George II, and is now one of the privileges and rights of this people. In Pennsylvania, as long since at 1803 its rulers enacted this statute:

No body of troops, being regularly employed in the Army of the United States or of this State, shall appear and be present, either armed or unarmed, at any place of election within this State, during the time of said election.

This wholesome provision was re-enacted in 1839, and it is now a part of the law of that Commonwealth. The enactment of this law followed the time of the alien and sedition law. The necessity had come for the people to enact it. Jefferson was in power here, his party was in control in that great State, and public sentiment found vent in the statute that protected at the polls the citizen from armed interference or control in any way by Federal or other troops. New York crystallized this right in her statutes as early as 1818, and prohibited the military from appearing or exercising on election day, or during ten days preceding it; and the same is the law in Wisconsin, Massachusetts, Maine, New Jersey, and Rhode Island forbid their militia from parading on election day, and imposed penalties for its violation. Virginia, by her constitution, exempted the voter from military service on election day, and denied the franchise to every non-commissioned officer and private in the United States Army or seaman or marine in the United States Navy, while Maryland prescribed that no officer should muster or march any troops in view of the polls on election day.

I take the constitution of Pennsylvania of 1873 and I read from the bill of rights:

Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the rights of suffrage.

This is embodied, too, in the constitutions of Colorado and Missouri, enacted since, almost in word and letter.

But, sir, the Federal Constitution has not a syllable on this subject. Neither in its main provisions nor in the original amendments which secured the liberties of the people is there one word upon the subject of free elections. The Federal Government had no control over the subject; and they did not attempt to assert anyright in reference to it. The control of elections and the guarantee for them belonged to States; there it was vested and there it is to remain. Prior to 1864 the only attempt at its control here was when John Marshall, in the House of Representatives, in the year 1800, under the elder Adams, reported a statute giving to the Federal Government control of elections so far as to prevent armed interference at the polls; but when the measure came to the Senate it was defeated. It failed because the Federal Government had no control over it. There was no dream, no thought, of exercising this right by the Federal Government until it was done under the war power in the border States in 1862-'63-'64. Troops were then placed at the polls for the alleged protection of what was claimed to be the rights of so-called loyal men there. The first exercise of this right by the Federal Government was under the war power. It did not come from any grant from the people or the States, but solely and exclusively from what was claimed as a war power, and like many others of the same character, force was its essential element. To escape from this and to restor to the people that which they had never parted from with their own consent, the act of 1865 was introduced at the close of the war by Senator Powell, of Kentucky. In its original form it gave security from intrusion and re-enacted what was the undoubted law of every State. It was not permitted to pass until it was amended by Republican Senators by the insertion of the words that are now proposed to be taken out and the guarantee of free elections claimed from the Federal Government thus became a means for intruding its mailed hand at the polls. Nothing but the abnormal condition of the country in 1865 and since could have produced the excrescence that we now propose to remove.

The bill as originally introduced (I have it before me) had no words authorizing troops to be present either to repel the armed enemies of the United States or to keep the peace at the polls. As introduced the bill was a guarantee of the right that existed in the States, and a restriction upon the power of the Federal Government, which was then being used wrongfully and oppressively upon the people of the border States. The bill was sent to the Committee on the Judiciary of this body, a Republican committee. It slumbered there for a number of months, and then came back with a report by Mr. Howard with a negative recommendation. He holds that that the right to exercise the war power in 1864 to prevent men who were not loyal from voting was a just and proper exercise of power. Senator Powell, desiring to relieve his people from wrongful oppression, pressed the bill again and again, until June, 1864, it was put upon its passage, and then he agreed to the amendment that troops might be used to repel the armed enemies of the United States. This was adopted without dissent.

Then Mr. Pomeroy, of Kansas, a Republican Senator moved to add the words "or to keep the peace at the polls." Upon that amendment the yeas and nays were called. Every "yea" vote was given by a Republican and every Democrat voted "nay." Reverdy Johnson, John P. Hale, and Senator Hicks, of Maryland, voted with Democrats. This provision which is now proposed to be eliminated, "or to keep the peace at the polls," was adopted by a vote of 16 Republicans against 15 Democrats and others. Then the question came upon the passage of the bill as thus amended, and the Senator from Kentucky, desiring to protect his people, was willing to take anything to save them from the pressure that was upon them, and accepted the bill in that form; but even then they were scarcely willing to pass it. Nowhere else in all the history of this Government had this claim of power appeared. Here, and here alone, the only instance of the iron-clad arm of the Federal power appearing at the ballot-box.

MR. BLAINE. Will the Senator permit me to interrupt him just at that point?

MR. WALLACE. Yes, sir.

MR. BLAINE. Does the Senator present the idea that the amendment put on that bill by the Republican Senators was to control voting at the elections in Kentucky by Democrats who had a right to vote; or will the Senator accept the suggestion that it was to keep the rebel army that had gone from Kentucky to fight in the confederate ranks from coming back and controlling the elections? In other words they were confederate soldiers when the fighting was going on, and they voted in a Union State when elections were held. That was the whole of the provision.

MR. HOAR. They were Democratic voters.

MR. BLAINE. They were Democratic voters who were fighting against the Union under Jeff. Davis and who came back to control the elections of the State of Kentucky.

MR. WALLACE. The Senator from Maine has interjected a speech into the body of what I was saying. He has not asked a question, but in his usual manner he has injected his thought into the midst of my argument. He may have that opinion or not, just as he pleases. My assertion was, and it is, that the use of this power by the Federal Government was simply the exercise of the war power, and that Senators, including himself, who undertake to sustain it follow legitimately to its conclusion the argument that the war power fifteen years after the end of the war ought still to control the rights and liberties of this people. That is my answer to the Senator's injected speech. [Manifestations of applause in the galleries.]

The presiding officer, (MR. MCMILLAN in the chair.) Will the Senator from Pennsylvania suspend a moment? The galleries must not applaud under any circumstances. The Sergeant-at-Arms will see that the rules of the Senate are enforced.

MR. WALLACE. We are done with the abnormal condition that came from the war. This people ask to be restored to their normal rights, whether it be in the South or in the North. Just here I will tell the Senator from Maine that at the election in 1869 for governor of Pennsylvania, in the third precinct of the fifth ward of the city of Philadelphia, an armed body of marines were brought to the polls; that they took possession thereof and closed and kept them closed for an hour until they saw fit to open them and permit those to vote whom they thought ought to vote. Sir, the mail-clad arm of the Federal Government has shown itself in Broad street, Philadelphia, within three years. The people of our State want no more of this. I speak for my own people. They want free elections, without either the shadow or the substance of military power, either State or Federal. They want the very essence of the provisions of our own Constitution recognized in practice as it is in truth as the law of the land. I am here representing so far as I can that people in asking at the hands of the Senate of the United States that this menace, this threat, this assumption of right that does not belong to the Federal Government may be eliminated from her statutes and that the States and the people of the States may control this question as they ought and of right are entitled to do. In Mexico, even the poor down-trodden Mexico, when our troops were at the city of Mexico in the war of 1846-'47, because there was a provision in their laws that troops should not be present at the election polls the Federal army was withdrawn therefrom in order that there might seem to be no menace or control, and Pena Penay was elected in the room of Santa Anna. The Federal troops obeyed the law of Mexico because it was a part of the Meican guarantee of civil liberty, and because our Army, its officers, and its soldiers, in those days recognized the doctrine which we contend for now, that the menace for armed men at the polls is utterly incompatible with elections.

We propose to take out the words "or to keep the peace at the polls," and the statute will then stand as is the law of Pennsylvania to-day. Of the necessity for this action, arising from practical experience, I shall not now speak. I content myself with the assertion of the broad principle that free elections with troops at the polls are impossible. The right and the power in the executive arm of either State or Federal Government to place troops at the polls on election day is an utter deniai of what is vital to the free exercise of the elective franchise. I care not whether there be but one soldier to ten thousand square miles or one soldier to every acre in this broad country. Behind the power of one soldier acting under the authority of the executive command of military power at the polls stand forty million people. It is the obedience of this people to law, it is the recognition that law is mighty and that the man with his blue coat and his bayonet is a representative of forty million of people that gives potency and majesty to his presence. When you place him there as that representative the effect is as it was in the precinct I have named in our own State in 1869. Then all men bowed their heads in forced obedience, for the Federal power was there to intimidate and control them; they dare not attack it; they must acquiesce; the law unlawfully asserted coerced obedience.

This sentiment of obedience to law actuates all of our people, and it is because law and the power of law brings troops to the polls without necessity and in derogation of one of our great rights that we seek to repeal this statute. In my own experience I have had to send an unarmed sheriff to arrest a crowd of men acting in violation law. When it was suggested that we should have troops to aid the officer, I said no, a true and brave man acting in the performance of his duty under the command of law is worth a thousand troops; and it so proved. The feeble assertion that there is no danger of intimidation because there is only one soldier to the thousand square miles is simply begging the question. Behind that one soldier stands the power of a great people. At the polls he is under the control of his officer and he may be directed to do what partisan aims or malignity may find for him to do. Such a possible use of power is the deprivation of that great right that finds its existence in every bill of rights in this country, that belongs to the people, is a part of their ancient liberties, and to be protected and preserved even at the sacrifice of the blood of Anglo-Saxons.

There has been in the past nothing of the kind, and its enforcement now takes away one of the greatest and dearest rights that belongs to this people.

We propose to take away this power. We propose to stand by the American system of free elections. That is our doctrine in this bill. We propose to stand by the American system as it exists in the bills of rights of the States and as it was found all over this country until this exercise of war power in 1862, 1863, and 1864. We propose to separate the ballot from the bayonet. We propose to restore to the civil power its absolute control over all the machinery of government. A free system of laws cannot tolerate even the possible use of force at the fountain-head of power. It is a standing menace, a perpetual threat. In the interest of the people, in the light of the plainest principles of civil liberty, the performance of a plain duty, in the exercise of the legislative power of this people, we propose to restore to the American people their own system of free elections.

The Congress of the United States makes appropriations for but two years. The President of the United States cannot enlist a man or pay a dollar without an appropriation by Congress. Congress makes rules for the government of the land and naval forces, and these short appropriations and this limited authority of the Executive over them are the very basis of our system. We propose, as I have said, in the execution of a plain purpose, following precedents and practice and law and organic law to their legitimate results, to restore by this bill to the American people their own system of free elections. Why should we not do this? Who denies the right to free elections? Has the Senator from Maine denied this right? Will any Senator deny this right? Will any gentleman attempt to argue that the right to free elections does not belong to this people as one of their great cardinal rights? If so, why not restore it? The answer is much narrower than the concealed but real argument. Are the people not entitled to free elections? Why is it that Senators do not rise in their places and assert that the people have not a right to be free from Executive interference? The argument of the Senator from Maine is that you will not be interfered with, no troops will interfere with you; there are only so many troops here and so many there; you are not being interfered with. But the Senator forgets that upon the statute-books of this country there stands a law which gives to the Executive the power, the right to do this thing, and that in partisan bitterness, in the control of elections by one party or the other, a standing menace may become an actual, a terrible fact in the future as it has been in the past.

Are we met with a frank denial of the value of this right or of the right of this people to be freed at the polls from the menace of armed force? I venture to say that no Senator will put his argument upon that ground. None so bold as to assert that in the heated partisan contests that occur in the elections of this country the presence of armed troops, controlled by the one or the other political party, conduces to free elections. Either the substance or the shadow of military power at the polls is destructive of the essential element contemplated by almost every State constitution in this country in its express guarantee of free elections.

Another argument is used. Let us see what it is. First, we are denied the power to mold legislation. That is the first argument. The two Houses of Congress, the legislative power, is denied the right to mold legislation in its own way. Second, it is said to be a revolutionary practice and coercive of the Executive; and third, that our intent is (that is the drift of the argument made by the Senator from Maine) to break down the Government. My colleague in the House, the oldest in service there, who trains with the other side, who does not belong to the democratic party, treated this talk about revolution and coercion very well when he said it was "revolutionary in a Pickwickian sense." There is no revolution nor coercion here. This is an attempt to play upon words and upon passion in order to get a response from the people in antagonism to the assertion of the people's plain right.

The form of this legislation is sustained by precedents without number. The processes that we pursue are the modes of the Constitution. We neither seek to coerce the Executive nor submit to be coerced by him. We follow the line of precedent and the modes pointed out by the Constitution in every particular; there is no departure. The labored argument of the Senator from Maine that this is the dictate of a democratic caucus is an entire error. No democratic caucus ever saw this bill, no agency but that of the Senate and the House and the committees of the Senate and the House ever saw this bill and passed upon it. It is here as a result of the right of the representatives of this people to mold legislation through the recognized constitutional bodies.

MR. BLAINE. I said, if the Senator will permit me, that the Senator from Kentucky [Mr. Beck] stated on the floor that a committee of the democratic caucus was preparing these measures. That is what I said. If there is an issue of fact it is between the Senator from Pennsylvania and the Senator from Kentucky, not between the Senator from Pennsylvania and myself. I have it here:

MR. BECK. As he is chairman of a committee—

That is, the Senator from Ohio, [Mr. Thurman,]—

that is considering all these questions, and as we believe the democratic party will act wisely, &c.

Then follows:

MR. CONKLING. Will the Senator allow me to understand him? To what committee does he refer as one of which the Senator from Ohio is chairman?

MR. BECK. A democratic committee now considering how it is best for this side of the House, who have the responsibility, to act to determine how we can best present the measures fairly and properly.

And then before any House committee was appointed, before there was any instrumentality of a parliamentary character through which they could be launched, these measures came out full fledged from a democratic caucus.

MR. WALLACE. Mr. President, I repeat my statement. The Senator from Maine and the Senator from Kentucky will settle that issue between themselves. I repeat that these bills came through constitutional processes in the mode and through the channels that the Constitution and the precedents point out, and that no democratic caucus or committee of a democratic caucus ever considered this bill or ever agreed that it should be reported.

It is said that we are trying to coerce the Executive. There is no attempt here at coercion. Where do you find it in this bill? It exists only in the lively imagination of the gentlemen who assert it. Sir, we will not coerce, nor will we submit to coercion, notwithstanding the finely rounded periods with which the Senator from Maine concluded his remarks a few miuutes ago in the effort to produce coercion.

We have our rights under the Constitution, and we propose to follow them to their legitimate conclusions. The Executive has his rights, and our performance of our duty will not be by one jot or tittle in the way of his performance of his duty as he thinks right to perform it under his oath and the Constitution. In the exercise of a plain duty imposed upon the legislative power, which is vested with the power to raise armies, to make rules for their government, and to enact all laws necessary to carry into execution the powers granted to it, these bodies are about to pass this bill in accordance with law and precedent. There is no provision of the bill violating the Constitution, and no pretense will be made that any does. Its disputed clause relates to the employment of the troops whose pay we vote. We have no issue with any other branch of the Government. We seek to make none. In the exercise of the rule of the majority we follow practice, precedent, law, and organic law to their legitimate result, as we judge our duty calls us. We will not be driven into any issue with any other power. Each of these bodies must perform for itself, under the oath that it has taken to support the Constitution, its clear and plain duty. When the Senator taunts us with the exercise of the negative of the Executive he undertakes to coerce the representatives of the people and of the States, the bodies vested by the Constitution with the legislative power.

The right to place legislation upon money bills belongs to the legislative power. It is nowhere denied in the Constitution. The propriety of the exercise of this right is to be judged of by the two Houses, and by them alone. No other branch of the Government can object to the bill for this reason. We are the sole and exclusive judges of this question, and when we act our judgment cannot be impugned by either the executive or the judiciary. The subject matter of the legislation may be criticised, but the form of its enactment is solely within our own discretion.

The bill of last year conceded all that is asked by this bill. In conceding the *posse comitatus* clause everything that is in this bill was conceded, and yet we have this "tempest in a tea-pot" about nothing, so far as the power goes, at least. It is the removal of a menace, a threat upon the people, and the objection to its form was utterly and absolutely conceded away in the legislation of last year.

I affirm then, *first*, that the right to place legislation on money bills for the protection of the civil liberties of the people belongs to the legislative power and cannot be denied to it by any other branch of the Government; *second*, that the exercise of this right is sanctioned by practice; *third*, that it is sustained by precedents as old as the time of Charles I; and, *fourth*, that this legislation is constitutional and necessary and violates no provision of the Feders.

Let us see. This power ha very frequently exercised by Con, s, and the precedents are numerous and well known.

In order to ascertain what proportion of legislation concerning the Army of a general and permanent nature had been enacted previous to 1874 upon appropriation bills I made an examination of the Revised Statutes of the United States, passed at the first session of the Forty-third Congress—1873-4—which "embrace the Statutes of the United States, general and permanent in their nature, in force on the 1st day of December, 1873, as revised and consolidated by commissioners appointed under an act of Congress." These laws are found under title 14, "The Army," and include sections 1094 to 1361, both inclusive, of the Revised Statutes. The number of sections under the title of "Army" is two hundred and sixty-eight. Of these ninety-two were derived directly from appropriation acts, including acts appropriating for the support of the Army, sundry civil, consular and diplomatic, Military Academy, and fortifications. Thus it appears that more than one-third of the general and permanent provisions of law regarding the Army were enacted upon appropriation bills prior to 1874. But, in fact, the proportion was much more than one-half, because many other sections were derived from acts consolidating the statutes in relation to the Army, passed from time to time, beginning at an early day in our legislation, which statutes were derived in great part from provisions attached to previous appropriation bills. These permanent and general provisions of law derived from appropriation bills were passed upon such in the years 1832, 1840, 1843, 1346, 1851, 1852, 1853, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1865, 1866, 1867, 1868, 1869, 1870, 1872, and 1873, and the greater part of such legislation on appropaiation bills concerning the Army was enacted during the rule of the republican party.

Second. I assert that this doctrine is sustained by precedents as old as the time of Charles I. The difficulties, as I have already said, between the first three Parliaments of his reign and the King grew out of efforts on his part to obtain supplies for the war for recovering the palatinate from Spain without concessions of any part of what he regarded as his prerogatives, and on the part of the Commons to make the supplies the conditions of concessions in favor of civil liberty. Now I take frem English history the following:

The Common House of Parliament in the year 1511 (third year of Henry VIII of sanguinary memory) tacked several acts of attainder as "amendments" to simple bills. These, of course, were leveled at certain Lords. The Commons never knew any limitation in that regard except such as they deliberately passed upon in their own right, and these assertions of the petition of right were a mere enforcement of their ancient privileges.

Charles I levied ship-money because Parliament included in "money bills" the guarantee of political rights. Everybody knows that the resistance of the King was not against the association of the items. The puerility of a separation of the items was not thought of—even by a Stuart! It was great cardinal principles upon which the Commons stood, and it was these the King resisted. He was compelled to yield, and his subsequent fatuity lost him his head.

William III, soon after his accession, made large grants to his favorites. These were under the law, and made with the consent of the council. In Parliament they were deemed exorbitant and prejudicial to the public good. Hence the House of Lords made the matter a subject of mild official rebuke by resolution in the year 1700, but the Commons went further and tacked to a "money bill" (for the support of the army and navy) an amendment called the "resumption act," which annulled all the grants, knowing at the time that some of them had been sold by the grantees. The Lords resisted long; the King at first resolved to stand by them, but he finally yielded, and the "money bill" passed with the unpalatable amendment. Yet the Commons of that day were particularly scrupulous in regard to "amendments" and precedents. In the year 1702 the Commons passed an act of attainder against the Pretender (just then recognized by Louis XVI) when war was imminent, arising out of the Spanish succession. The Lords put on an "amendment" including the name of the Pretender's mother, (Mary of Este, widow of James II, who had recently died after declaring Mary as regent,) but the Commons would not allow it, declaring that any amendment was improper on a bill of such importance. They were reminded of precedents in the time of Henry VIII, but the Commons would not yield.

As the right of the Commons to put amendments on "money bills" was unquestionable, the Lords would also exercise their right: so a short time before the death of the King the Lords—

Resolved. Never to pass a money bill with a clause tacked that was foreign to the body of the bill.

This is the case to which the Senator from Massachusetts [Mr. Hoar] referred in his argument of the 20th of March, in reference to legislation on appropriation bills. But see the result. Only a few months earlier foreigners had been disqualified by act of Parliament from holding high office. William III died; Anne succeeded, and in the same year, 1702, the Tory Commons voted her an annual allowance of £100,000, that is, tacking to the bill an "amendment" providing for the retention of Prince George of Denmark, (the Queen's husband,) in his office of lord admiral and generalissmo of the forces, the actual commander being Marlborough. The Lords—they were Tories too—made a stand, but in the end gave way, notwithstanding their solemn "resolve" which was hardly six months old, and that seems to have been the last attempt to limit the Commons in shaping bills.

MR. HOAR. Will the Senator from Pennsylvania state what he means by the Commons of England making an amendment to a money bill?

MR. WALLACE. They placed upon that bill a provision that was foreign to the body of the bill and which had nothing

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