

## REAPING.

We shape ourselves the joy or fear  
Of which the coming life is made,  
And fill our future's atmosphere  
With sunshine or with shade.  
The tissues of the life to be  
We weave with colors all our own,  
And in the field of destiny  
We reap as we have sown.

Whittier.

## HEAVEN.

Light after darkness,  
Gain after loss,  
Strength after suffering,  
Crown after cross,  
Sweet after bitter,  
Song after sigh,  
Home after wandering,  
Praise after cry.

Sheaves after sowing,  
Sun after rain,  
Light after mystery,  
Peace after pain,  
Joy after sorrow,  
Calm after blast,  
Rest after weariness,  
Sweet rest at last.

Near after distant,  
Gleam after gloom,  
Love after loneliness,  
Life after tomb,  
After long agony,  
Rapture of bliss!  
Right was the pathway  
Leading to this!

Frances Ridley Havergal.

## REMARKS

By Senators Bayard, Vickers, Casserly and Trumbull, on the Utah Bill, in the Senate, Feb. 26, 1873.

Mr. Bayard.—I propose on page 23, section 13, in line two, to strike out the words "or threatened with resistance."

Mr. Frelinghuysen.—What is the connection?

Mr. Bayard.—The words are, "that if the United States marshal or any of his deputies, shall be resisted or threatened with resistance," &c. I suggest to the Senate that that is too easily done to make it a cause for calling out the army of the United States as a *posse comitatus*.

Mr. President, I deprecate this hasty recourse, this convenient and frequent recourse, to military power for the purpose of sustaining our civil jurisdictions. I do not propose to say anything more than to suggest the objection in the present case. When you have the power vested in the United States marshal to demand the aid of the Army in the lawful execution of any writ in case he shall be resisted, surely you have enough, and you do not wish to give such a power in case of mere threats of resistance made it does not say by whom; they may be made to order. I suggest, therefore, that those words be stricken from this section.

Mr. President, I am so sick and tired of bayonet rule and bayonet threats in this country that although this enactment is applied to a people whom I shall never see in all human probability, a people separated from me and my home by many long miles, with whom in many ways I have no sympathy more than the sympathy that comes from their being men like myself, that I do not wish to see this ready application of the bayonet upon every suggestion that there is to be an interference in any way with the law. I have seen too much of it; I have known too much of it; our laws are too full of it; and I tell you, sir, that this country is to-day passing away from the theory of being supported by the hearts of the people, and it is becoming a mere Government of coercion, and this bill is a suggestion of it. It has only been of late years that you have had such laws. It has only been since civil war was a familiar sound to our people's ear that you have had this constant presence of the military to back up what should be the moral force of the law, that finds its best place and its best intrenchment in the hearts of your people.

Willing obedience to law makes the strength of the American Government. If you must have your marshals without number, and in this case have the application of troops to back them, do not let it rest upon something so intangible as a threatened resistance, without saying in

what form or what positive shape that threat shall come. Upon the story of one of these deputy marshals, to be named without your assent, chosen at the free will and discretion of his chief, may come the threat that every writ of the Government of the United States shall reach the home of the citizen backed by military. I pass over the contemptible question of the expense, although that may be somewhat great in these times, but it is ever present, and made to be ever present, that our people obey their Government because they fear it, and not because they love it. That is what your laws now-a-days are constantly filled with; and I wish I could see the whole of this theory reversed.

It may be that my amendment may be considered immaterial, but I consider that the presence of a soldier for the purpose of coercion, is an insult to the people of this country until it has been proven that they have been unfaithful to the law, and that they mean improperly to resist it. I hope, sir, that the amendment may be adopted. Resistance may be threatened idly and foolishly, and with no intent actually to resist. It is time enough to bring in mere force and the force of our Army when there has been resistance. If a man is resisted in the service of process, all he can do is to retire from the execution of it; he is not bound to put himself in peril. When he finds himself face to face with actual peril from resistance, he may retire and ask this aid. Perhaps in that quarter of the country it may be necessary, I trust it may not be; but here is the idea that every deputy marshal throughout the country shall travel through the land, under what he may term the threat of resistance, with an armed military force at his back. I say, Mr. President, the laws of this country need amendment the other way, and we need rather penalties imposed upon those who bring soldiers to aid civil process when there is no need for it than we do to apply armies to execute your civil process, which you should rely upon peaceful methods for the execution of alone.

The question being taken by yeas and nays, resulted—yeas 11, nays 26.

So the amendment was rejected. Mr. Vickers.—I move to amend section thirteen by striking out all after the word "*comitatus*," in line six, and inserting, etc.

The only change that my amendment makes is this: this bill gives to a deputy marshal the right to call upon a military officer for troops. I do not think that such a power should be given to any one in that capacity. The bill says he is first to summon the *posse comitatus*, "or"—here is the disjunctive—he may call upon a military officer for aid. Now he may not summon a *posse comitatus*; he may not call upon the power of the people at all to assist him in the execution of any process. He ought not to have the power to call upon the military first before he calls upon the people to assist him. It may be civil process or criminal process. Whatever it may be, he should first call upon the power of the people to assist him in the execution of it, and if that power be insufficient, then in the last resort, according to my amendment, he is to call upon the district judge, who, if satisfied upon a report made to him that the aid of the military is necessary, shall call out the military to enforce the process of the court. But I submit to the Senate that no such power to call upon the military first should be given to a mere deputy marshal. He ought first to call out the people and then to apply to the judge, who will exercise a sound discretion, and if he deems it necessary he will call in writing on the military officer for aid, and then it will be given and the process executed.

Mr. Casserly.—I do not know that it is of the slightest use upon this bill, as it has not been upon many other bills of any use, to endeavor to do something to restore this Government to its original character as a civil Government in civil matters; and yet, sir, I look with so much abhorrence upon the growing tendency of the times (not more than four or five years old) to thrust the military into the civil administration of the country upon all occasions, in season and out of season, that I never can refrain upon any proper occasion from lifting up my voice against it.

Mr. President, the amendment of the Senator from Maryland, drawn up by him with evident

care, is an amendment that ought to be adopted. It is an amendment that never ought to have been necessary in an American Senate in regard to the execution of process by a United States marshal. The American Senate never should have seen the day when upon the mere question of the execution of civil process a bill was brought forward and favored by the majority of it for arming a special deputy or any one of a hundred or two hundred special deputies with the tremendous power of calling out the Army of the United States. The President of the United States has no higher power. It is one of the distinctive marks of his great executive authority that he, in his duty to enforce the laws and by virtue of his office as commander-in-chief of the Army and Navy, may call out the land and naval forces of the country upon a proper occasion; but even he, I fancy, does that only under the express provisions of some act of Congress. But here is a case where any hanger-on of the marshal's office, any idler, any good-for-nothing fellow, inflamed with passion or with drink, or terrified out of his wits wherever a woman would not be alarmed, or pretending to be terrified, or threatened, as my friend at my right [Mr. Bayard] says, by some Mormon virago, may from any cause call out the Army of the United States. The amendment proposes that a civil magistrate, and that magistrate a Federal judge of an important rank, shall first make an order permitting the military to be called out. What is the objection to that? Is there any country which has free institutions, a representative government, a government of limited power anything like our own, in which the order of some civil authority is not requisite to permit the army of the government to be set in motion against its people?

Why, sir, it seems to me it is always time enough to commence shooting your own citizens when the necessity arises; but I am sorry to see that there is a considerable body of men in this country, some of them in high place, too, whose idea seems to be that you never can commence too soon that bloody business. I look with abhorrence upon all such ideas and all such tendencies, and if we were not steeled by use and habit to the employment of the military force of the country upon the most idle occasions there would be no necessity for any one at this late hour of the night either to offer an amendment for the purpose of bringing this bill to something like a proper condition on the subject or for me or any one to make a single remark in favor of the amendment.

I trust, sir, that we shall not leave in this bill such an excrescence. With the Senator from Delaware, I feel heart-sick and very tired and disgusted with this policy which seems to have grown so habitual that it is irresistible on every occasion to thrust bayonets into the front during the four years of the present Administration. I undertake to say there are more bayonets in the civil laws of this country than there were in all the days of peace that preceded the war. I do not know that apart from the statutes for the purposes of suppressing the civil war during the civil war, the bayonets was so constantly obtruded into the civil administration of the Government as it has been during the last four years; and if the American people had not lost much of their ancient spirit and all their old sensitiveness which took alarm at the first sight or sound of arbitrary power, they would long ago have awakened to the enormity of this policy. Does any man hope to govern the American people against their will by bayonets? What would your little standing Army do if that idea was ever brought to a test? You may ride over and trample down a settlement of people in this remote territory; I have no idea that they will give any cause or even any excuse for the exercise of this power. It would be the worst thing for them if they did. I should deprecate it myself, most heartily. I do not know that any particular point is made against them; indeed I acquit the author of this bill from any such purpose; he did not mean to single them out for any such invidious distinction, because we have had the same bayonets all through several other bills running through the country at large. The "bayonet bill," so-called, bristles with them from the first line to the last—a bill that, as we were taunted here in this Cham-

ber, was made for the whole country, as well for the States of the North as the States of the South.

I have spoken, sir, in the discharge of my duty here, and I never shall omit while I remain here on every proper occasion to censure and to condemn and to resist by my vote and my voice this bayonet policy, of which the administration party of this country seems to be so much enamored.

Mr. Trumbull.—Mr. President, the Senators from Delaware and California are quite right when they say that this introduction of bayonets into the civil administration of the government is of modern origin. I think the first law ever passed whereby the military authority could be brought into requisition to aid the marshal to enforce a law of the United States was in nullification times, about 1832. A law was passed in 1792 which is entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." In that act it is provided:

"When the laws of the United States shall be opposed or the execution thereof obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, the same being notified to the President of the United States by an associate justice or the district judge, it shall be lawful for the President of the United States to call forth the militia of such State to suppress such combinations, and to cause the laws to be duly executed."

Observe with how much care this statute was drafted. Before even the President of the United States could call forth the militia to aid in the execution of a law of the United States, it was necessary that the marshal should be resisted, so that he could not with the ordinary powers vested in him execute process, and it was necessary then that that fact should be certified to the district or circuit judge, and he should notify the President, and then the President was authorized to call forth the militia to aid in the execution of the United States law, and not till then. And even then, before the President could act, the law provided "that whenever it may be necessary in the judgment of the President to use the military force hereby directed to be called forth, the President shall forthwith and previous thereto, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes" within a limited time. This statute exhibits the care which the men who framed the government took against using the military power to execute civil process.

This act was made in 1807, so as to authorize the President of the United States to use the Army and Navy in cases where he had before been authorized to call forth the militia to aid in the execution of the laws of the United States.

See, sir, how careful our fathers were in placing the Army even under the control of the President to be used to execute process when it was resisted. It was not until he made proclamation, and until he had been informed by a judge that the marshal had been actually resisted.

When was it that these provisions were first incorporated into our statutes authorizing every marshal in the land to have at his disposal the Army of the United States? It is of very recent origin, and the first case that has ever come under my observation was when the Army in the State of Louisiana was placed subject to the order of a United States marshal in order to set up a government of usurpers over that people. It is the first instance that I remember where such a power has been exercised.

I recollect, sir, when the civil rights bill was passed in 1866, there was incorporated into that bill a provision authorizing the military power to be used in aid of its execution, and it was denounced, fiercely assailed as an improper provision; but who thought then of placing the Army under the control of a marshal? Why, sir, the civil rights bill which was complained of at that time contained this provision:

"That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation, and enforce the due execution of this act."

That provision was copied from a similar provision in what was known as the force act, which was passed in 1862; I think, in nullification times, and it was that extraordinary occasion when the State of South Carolina was arming and drilling her troops and preparing to resist by force of arms the collection of your revenue that Congress ventured to pass a law authorizing the President of the United States, or such person as he should empower, to make use of the army and navy to collect your revenue. But now, sir, it is proposed to incorporate into a statute a provision that your marshal, not the President, should exercise this delicate and dangerous power, and be the marshal of a Territory.

Mr. Casserly.—Any deputy marshal of a Territory is to have control over the army; and when? Not when the laws are obstructed and he reports the fact to a United States judge and the judge certifies it to the President and the President makes proclamation; but when the marshal is threatened or somebody threatens that the process shall not be executed, then the marshal is to take command of your army to execute his process. Why, sir, this is going on very rapidly. We are making very rapid strides

to the time when the military power shall take charge of the civil administration of the Government.

I am glad that the Senator from Indiana has called attention to this provision in the bill, and so far from undertaking to amend it I hope he will move to strike it out, or at all events make it necessary that the troops may be used only on the order of the President and not in the discretion of the marshals and deputy marshals.

Mr. Bayard.—Mr. President, the Senator from Illinois evidently was not in the Chamber a little while ago when there was voted down the very moderate proposition that the troops should not be called out even by a deputy marshal, unless there was actual resistance. The amendment then proposed was that the threatening of a deputy marshal with resistance should not suffice to authorize him to use the armed force of the United States Government to enforce civil process.

But, sir, I am very glad that this amendment and some others in the same direction have been offered and have been discussed, and I shall be glad if even now, with these thin benches, even now at this late hour of the night, there can be a suggestion still to reach the ear of any American citizen and show him the direction upon which this Government is so plainly traveling toward the substitution of mere brute force for reason, for love of Government, and for disposition to civil order, which were supposed to be almost inherent, and I believe are inherent in the breasts of a people capable of self-government.—If the time shall come that our Government cannot be conducted without this rude application of brute force, the mere law of coercion instead of voluntary support, then our Government will be incapable of being carried on under our present system.

The Constitution of our Government was for a free people, who adopted it, who supported it because they cared for it, who were supposed to be able to appreciate it. It never was intended for purposes of arbitrary tyranny. And all these efforts to ingraft coercive powers upon the framework and machinery of our Government are utterly uncongenial to it, are altogether forced and wrong.

When, sir, will the idea come back again that this is a self governing people, a people whose motive of government comes from within and not from without, that they are controlled from impulses of their own heart and their own feeling toward their Government, and that their allegiance to it grows out of affection and is not compelled by fear?

I do not wish to arouse old animosities, and I almost fear in the Senate to weaken any attempt at ameliorating the present bill by referring to past passions. Let them go; I will not refer to them; but I only say now, without reference to the past otherwise than to rather wisdom from it, that I do wish the time would come again when our laws might resume their old forms and that civil law might mean that which it was intended to mean, the very antithesis of military power and coercion, that there might be a moral force, that the unarmed marshal who presented his writ, whether of motion or arrest, should be upheld by the feelings and the moral force of the community around him.

Mr. Logan. I should like to ask a question. I ask the Senator if he thinks any posse can be summoned in Utah, of Mormon citizens, for the purpose of arresting a Mormon citizen contrary to the will of their church?

Mr. Bayard.—Mr. President, it may be very doubtful whether even Mormon citizens are to be converted from the error of their ways by simple coercion. If it is successful in their case, it will be the first case in all history where it was successful. There never was a time when force, and simple force without conciliation, without kindly feeling, without holding out an alternative that was better than subjection, was successful. I do not believe it will be successful with these people. I believe to-day that if our legislation as contained in this bill had more breadth of simple humanity, of the law of kindness, of conciliation toward these people, it would have greater success. With all their errors, and they have been many, with all their wrongs, which I doubt not have been many, here must have been something of human earnestness in this band of misguided people that could have wrought the fruits that they have stamped upon the face of nature in that distant region which they have reclaimed. It seems to me now that they are being dealt with more like banditti than like reasonable men. I do not say that they will form the best of our American citizens, but I mean to say that they must be tried as American citizens, and laws that have not their foundation and their best strength in the will of the people to support them are un-American in the strongest sense of the word. If people do not know that, they will be taught after a while.

Mr. Bayard called for the yeas and nays on Mr. Vickers' amendment, and they were ordered; and being taken, resulted—yeas 11, nays 27.—Congressional Globe.

## Domestic Relations of Different Nations.

That monogamy is not the only kind of marriage, we are, indeed, early taught by our Bible lessons. But though the conception of polygamy is thus made somewhat similar, it does not occur to us that polyandry is also a possible arrangement; and we are not surprised on first learning that it not only exists, but was once extremely general. When we contemplate these marital institutions unlike our own, we cannot at first imagine that they can be practiced with a sense of propriety like that with which we practice ours. Yet Livingstone narrates that in a tribe bordering one of the central African lakes the women were quite disgusted on learning that in England a man has only one wife. This is a feeling by no means peculiar to them. An intelligent Kandyan chief, with whom Mr. Bailey visited these Veddahs, was perfectly scandalized at the utter barbarism of living with only one wife; and never parting until separated by death. It was, he said, "just like the wandroos" (monkeys). Again, one would suppose that as a matter of