

ment from the head of the Bureau and the head of the department giving their opinions on the subject as to whether it should be passed or not.

Mr. WILSON. I am anxious to get through with as many bills as I can to-night, and if gentlemen desire time to think of this matter I will let this bill lie over.

Mr. GRIMES. That is the right way.

Mr. WILSON. As I have a great many other bills that I wish to dispose of this evening if possible, I will let this bill go over for the present.

The PRESIDENT *pro tempore*. The bill will be laid aside if there be no objection.

ABOLITION OF PEONAGE.

Mr. WILSON. I now call up the bill (S. No. 543) to abolish and forever prohibit the system of peonage in the Territory of New Mexico and other parts of the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WILSON. I have an amendment to offer to the bill in two sections, as a substitute for the entire bill. I do not think it necessary, therefore, to read the original bill, but merely the amendment, which is more carefully drawn.

The PRESIDENT *pro tempore*. The reading of the original bill will be dispensed with if there be no objection.

Mr. WILSON. I move to strike out all of the bill after the enacting clause, and to insert the following in lieu thereof:

That the holding of any person to service or labor under the system known as peonage is hereby declared to be unlawful, and the same is hereby abolished and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States; and all laws, resolutions, orders, regulations, or usages of the Territory of New Mexico, or of any other Territory or State of the United States, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, be, and the same are hereby, declared null and void; and any person or persons who shall hold, arrest, or return, or cause to be held, arrested, or returned, or in any manner aid in the arrest or return of any person or persons to a condition of peonage, shall, upon conviction, be punished by fine not less than \$1,000 nor more than \$5,000, and by imprisonment not less than one nor more than five years, or both, at the discretion of the court.

SEC. 2. And be it further enacted, That it shall be the duty of all persons in the military or civil service in the Territory of New Mexico to aid in the enforcement of the foregoing section of this act; and any person or persons who shall obstruct or attempt to obstruct, or in any way interfere with or prevent the enforcement of this act, shall be liable to the pains and penalties hereby provided; and any officer or other person in the military service of the United States who shall so offend, directly or indirectly, shall, on conviction before a court-martial, be dishonorably dismissed the service of the United States, and shall thereafter be ineligible to reappointment to any office of trust, honor, or profit under the Government.

Mr. DAVIS. I will thank the mover of this bill to inform the Senate what this thing called peonage is; to give us a clear, succinct, and comprehensible definition of the term.

Mr. WILSON. It is a condition of modified servitude, which we have inherited from Mexico. It exists in New Mexico at this time, the only part of the country where I know it does exist. In some cases it is voluntary, but in most cases forcible. In the larger towns it is disappearing, but in a portion of the country it still exists; and what is more, officers of the United States, military and civil, have been carrying it out. The object of this bill is to arrest it, to make it the duty of the civil and military officers of the United States in the Territory to put an end to the system and not support it. A report was made by one of the officers of the Government, one of the Indian agents, to the Indian Bureau, showing how persons were held in service; that officers of the United States held these persons in service; and that Colonel Davis, under the direction of General Carleton, had undertaken to enforce this law or custom in New Mexico. We intend by this bill to put an end to the system. It is a system of modified servitude which is carried on to a great extent in New

Mexico, and especially to a lamentable extent with the Indians. A great many Indians are captured and forcibly held in servitude.

Mr. DAVIS. The Senator says that it is a system of modified servitude, sometimes voluntary and sometimes involuntary. I suppose that to the extent that it is voluntary there is no necessity and no power on the part of Congress to interfere with it. But how far and to what extent is it voluntary? The system of apprenticeship is a servitude, and an involuntary servitude. I have seen a great deal of general statement about peonage in Mexico, but I have never yet met with any precise definition of it giving me a fair idea of what it was. I admit that my want of information on the subject has not been supplied much by the explanation of the Senator. In what form is it involuntary to what extent; what are the rights of the peon, and what are the rights of the man who claims his services? How can it be terminated? I suppose all these are matters that are governed by the system itself. I think we are about to legislate on a subject that we know very little about; at least that is my case.

Mr. LANE. By the laws of Mexico which were existing in New Mexico at the time of the conquest peonage was established. The system was simply this, as I understand it: that where a Mexican owed a debt his creditor had a right to his labor and services until that debt was paid. The debtor became a domestic servant, and he and his family were supported by the creditor, and the peonage never ended until the debt was discharged. It was a kind of servitude for debt, which the committee thought was inconsistent with our institutions. We simply say by this bill that peonage shall be abolished, and the creditor shall be left to all his legal means of collecting his debt, but he shall not hold the peon in slavery. I understand also that by this system the creditor not only had a right by an involuntary process to the labor of the peon, but the debtor if he chose might become the servant of the creditor and serve until the debt was paid. A very small debt with the interest, where the peon has a family to support and the creditor supports him, amounts to a servitude for life. We now simply say that the creditor in New Mexico shall have all the means of collecting their debts known to the law, but that peonage or servitude for debt shall cease. That is the whole of it.

Mr. DAVIS. Well, Mr. President, I have been for a good many years of my life in about the same state of slavery that my friend from Indiana represents the peons of Mexico to have been; I have owed considerable debts and I have worked mighty hard to pay them. All the proceeds of my labor went to the payment of my debts, and I had not the advantage which the peon has; the creditor was not supporting me during the time I was laboring to discharge my debts; I had to support myself.

I rather think this matter might as well be postponed till the 4th of March. I believe every difficult question is proposed to be referred over to that time. I once heard of an Irishman who stole an old woman's turkey, and he put it under his arm and was traveling off pretty rapidly to make his escape with his booty. She followed him some distance, but he outran her. When she discovered that she could not overtake him, she said, "Oh, you thief, never mind; you will pay for this on the day of judgment." "Well, madam," said he, "if you will trust me that long I will take another." [Laughter.] I think we may as well trust this system of peonage till the 4th of March, when I suppose the honorable Senator from Massachusetts will have time to investigate the whole subject, and to present it just as it exists clearly to the Senate, and inform us what there is in it that deserves correction or reformation, and what there is in it that ought to remain. I think this feature of a man's working to pay the debts that he owes to his creditors, in a modified form at least, ought to exist.

Mr. WILSON. I do not suppose the Senator from Kentucky needs information in regard to what peonage is in New Mexico or Mexico or anywhere else. I do not desire to take up time in defining what it is. It is simply a system of slavery, as I call it, a modified slavery. The creditor cannot sell the peon, but he holds his services. The system has been of the most wretched and degrading character, degrading all that class of population. In the larger towns in New Mexico they are getting emancipated from it, and the peons are being elevated by that emancipation.

Mr. LANE. If the Senator will pardon me one moment, I will say that the creditor cannot sell the peon, but he can transfer him just as he would a mule or a horse and give his services to anybody else. It is a system of servitude worse than the Russian system ever was.

Mr. COWAN. If he assigns him is it not on a consideration?

Mr. LANE. Certainly.

Mr. WILSON. The other day my colleagues read from a report of one of the officers of the Indian Bureau an account of the state of things in New Mexico. That officer pressed upon the Government the importance of prompt action in this matter; that a great number of persons were held in that condition; that the system exists in a large portion of New Mexico, and is in force to-day. It has disappeared in the large towns, and peons who once worked for two or three dollars a month are now able to command respectable wages, to support their families, elevate themselves, and improve their condition. It is certainly a most wretched system. It applies not to negroes, but to white men; and while I have great faith in the negro, I believe a white man is as good as a negro; and while I have been against negro slavery, I am also against slavery of this kind for white men. I hope we shall put the bill on its passage, and I have no doubt good results will grow out of it.

Mr. DOOLITTLE. I will state for the information of the Senate that while extending into the Indian affairs of New Mexico, as a member of the committee on that subject, of which the present Presiding Officer was also a member, we reported some testimony bearing on this state of affairs in the Territory of New Mexico. It appeared, I think, from my best recollection without now reading from the report, that it was believed there were about two thousand of the Navajo and Ute Indians who were held in New Mexico as domestic servants in a state of bondage or slavery. The Navajoes, a large and powerful tribe of Indians, numbering nearly ten thousand, had been almost constantly at war with the Mexicans; and it will be remembered that a majority of the Mexicans are of Indian blood, with some Spanish blood intermixed. These wars had continued for hundreds of years probably. They were raiding upon each other, stealing each other's flocks and herds, and stealing each other's women and children. The Mexicans, it is said, rather got the advantage of the Navajoes in the number of women and children, but the Navajoes got the advantage of the Mexicans in stealing sheep and cattle, and running them off into their fastnesses. The sum and substance of the testimony was that probably there were about two thousand Indians held in New Mexico under this system. But, sir, you will recollect the testimony of Judge Benedict, the chief justice of the Territory. He stated that the question having arisen before the United States court in New Mexico upon a *habeas corpus*, it was decided that these persons were free, and the court had discharged them upon *habeas corpus*. The court had decided that there was no power in the law of New Mexico which would hold a person against his will in servitude; but he stated that as a practical fact these persons remained in the families and in the service of their former masters or employers. Not knowing their rights, not being in a position to go into court to assert their rights, or not having a desire to do so, they were gen-