

Miscellaneous.

THE RECONSTRUCTION COMMITTEE'S REPORT.

(CONCLUDED.)

REBEL SPIRIT UNCHANGED.

Hardly has the war closed before the people of these insurrectionary States come forward and haughtily claim, as a right, the privilege of participating at once in that Government which they had for four years been fighting to destroy.

Other rebels, of scarcely less note or notoriety, were selected from other quarters—professing no repentance, glorying apparently in the crime they had committed, avowing still, as the uncontradicted testimony of Mr. Stephens and others proves, an adherence to the pernicious doctrine of secession, and declaring that they only yielded to necessity.

Examining the evidence taken by your Committee still further, in connection with facts too notorious to be disputed, it appears that the Southern press, with few exceptions, and those mainly of newspapers recently established by Northern men, abounds with weekly and daily abuse of the institutions of the people of the loyal States, defends the men who led, and the principles which incited, the rebellion, denounces and reviles Southern men who adhered to the Union, and strives, constantly and unscrupulously, by any means in its power, to keep alive the fire of hate and discord between the two sections.

Looking still further at the evidence taken by your Committee, it is found to be clearly shown by witnesses of the highest character and having the best means of information, that the Freedmen's Bureau, instituted for the relief and protection of the freedmen and refugees, is almost universally opposed by the mass of the population, and in an efficient condition only under military protection, while the Union men of the South are earnest in its defence, declaring in one voice that without its protection the colored people would be unable to obtain labor at fair prices, and could hardly live in safety.

The witnesses examined as to the willingness of the people of the South to contribute under existing laws, to the payment of the National debt, prove that the taxes levied by the United States will be paid only on compulsion and with great reluctance, while there prevails to a considerable extent, the idea that compensation will be made for slaves emancipated and property destroyed during the war.

While there is scarcely any hope or desire among leading men to renew the attempt at secession at any future time, there is still, according to a large number of witnesses, including A. H. Stephens, who may be regarded as good authority on that

point, a generally prevailing opinion which defends the legal right of secession, and upholds the doctrine that the first allegiance of the people is due to the States, and not to the United States.

The evidence of an intense hostility to the Federal Union and an equally intense love of the late Confederacy, nurtured by the war, is decisive. While it appears that nearly all are willing to submit, at least for the time being, to Federal authority, it is equally clear that the ruling motive is a desire to obtain the advantages which will be derived from a representation in Congress.

FEELING AT THE CLOSE OF THE WAR. The testimony is conclusive that after the collapse of the Confederacy the feeling of the people of the rebellious States was that of abject submission. Having appealed to the tribunal of arms, they had no hope except that, by the magnanimity of their conquerors, their lives and possibly their property might be preserved.

Second: The States thus confederated prosecuted their war against the United States to final abandonment, and did not cease until their armies were captured, their military power destroyed, their civil officers, States and Confederate, taken prisoners or put to flight, every vestige of State and Confederate Government obliterated, their territory overrun and occupied by the Federal armies, and their people reduced to the condition of enemies conquered in war, entitled only, by public law, to such rights, privileges, and conditions as might be vouchsafed by the conqueror.

Third: Having voluntarily deprived themselves of representation in Congress, for the criminal purpose of destroying the Federal Union, and having reduced themselves by the act of levying war, to the condition of public enemies they have no right to complain of temporary exclusion from Congress; but, on the contrary, having voluntarily renounced the right to representation, and disqualified themselves by crime from participating in the Government, the burden now rests upon them, before claiming to be reinstated in their former condition, to show that they are qualified to resume Federal relations.

COMMITTEE'S CONCLUSIONS. With such evidence before them, it is the opinion of your Committee: I. That the States lately in rebellion were, at the close of the war, disorganized communities, without civil government, and without constitutions or other forms by virtue of which political relations could legally exist between them and the Federal Government.

II. That Congress cannot be expected to recognize as valid the election of men from disorganized communities, which, from the very nature of the case, were unable to present their claim to representation under those established and recognized rules, the observance of which has been hitherto required.

III. That Congress would not be justified in admitting such communities to a participation in the Government of the country without first providing such constitutional or other guarantees as will tend to secure the civil rights of all citizens of the Republic, a just equality of representation, protection against claims founded in rebellion and crime, and, at least, a temporary restriction of the right of suffrage to those who have not actively participated in the effort to destroy the Union, and the exclusion from positions of public trust of at least a portion of those whose crimes have proved them enemies of the Union and unworthy of public confidence.

Your Committee will, perhaps, hardly be deemed excusable for extending this report further; but inasmuch as immediate and unconditional representation of the States lately in rebellion is demanded as a matter of right, and delay and even hesitation is denounced as grossly oppressive and unjust, as well as unwise and impolitic, it may not be amiss again to call attention to a few undisputed and notorious facts, and the principles of public law applicable thereto, in order that the propriety of that claim may be fully considered and well understood.

To ascertain whether all the so-called Confederate States "are entitled to be represented in either House of Congress," the essential inquiry is, whether there is in any one of them a constituency qualified to be represented in Congress.

possible the general facts and principles applicable to the States recently in rebellion. First: The seats of the Senators and Representatives from the so-called Confederate States became vacant in the year 1861, during the second session of the XXXVth Congress, by the voluntary withdrawal of their incumbents with the sanction and by the direction of the legislatures or conventions of their respective States.

Second: The States thus confederated prosecuted their war against the United States to final abandonment, and did not cease until their armies were captured, their military power destroyed, their civil officers, States and Confederate, taken prisoners or put to flight, every vestige of State and Confederate Government obliterated, their territory overrun and occupied by the Federal armies, and their people reduced to the condition of enemies conquered in war, entitled only, by public law, to such rights, privileges, and conditions as might be vouchsafed by the conqueror.

Third: Having voluntarily deprived themselves of representation in Congress, for the criminal purpose of destroying the Federal Union, and having reduced themselves by the act of levying war, to the condition of public enemies they have no right to complain of temporary exclusion from Congress; but, on the contrary, having voluntarily renounced the right to representation, and disqualified themselves by crime from participating in the Government, the burden now rests upon them, before claiming to be reinstated in their former condition, to show that they are qualified to resume Federal relations.

Fourth: Having by this treasonable withdrawal from Congress, and by flagrant rebellion and crime forfeited all civil and political rights and privileges under the Federal Constitution, they can only be restored thereto by the permission and authority of that constitutional power against which they rebelled, and by whom their rights were subverted.

Fifth: These rebellious armies were conquered by the people of the United States, acting through all the coordinate branches of the Government, and not by the Executive Department alone.

Sixth: The question before Congress is, then, whether conquered enemies have the right, and shall be permitted at their own pleasure and own terms, to participate in making laws for their conquerors? Whether conquered rebels may change their theatre of operations from the battle-fields, where they were defeated and overthrown, to the halls of Congress, and their representatives seize upon the Government, which they fought to destroy?

Seventh: The history of mankind exhibits no example of such madness and folly. The instinct of self-preservation protests against it. The surrender by Gen. Grant to Lee, and by Sherman to Johnston, would have been disasters of less magnitude, for new armies could have been raised, battles fought, and the Government saved.

The anti-coercive policy, under pretext of avoiding bloodshed, allowed the rebellion to take form and gather force, but it would be surpassed in infamy by the matchless wickedness that would surrender the halls of Congress to those so recently in rebellion, until proper precautions shall have been

taken to secure the National faith and the National safety. Eighth: As has been shown in this report and in the evidence submitted, no proof has been afforded to Congress of a constituency in any one of the so-called Confederate States, unless we except the State of Tennessee, qualified to elect Senators and Representatives to Congress.

Ninth: The necessity of providing adequate safeguards for the future, before restoring the insurrectionary States to a participation in the direction of public affairs is apparent from the bitter hostility to the Government and people of the United States yet existing throughout the conquered territory, as proved incontestably by the testimony of many witnesses and undisputed facts.

Tenth: The conclusion of your Committee, therefore, is that the so-called Confederate States are not, at present, entitled to representation in the Congress of the United States; that before allowing such representation, adequate security for future peace and safety should be required; that this can only be found in such changes of the organic law as shall determine the civil rights and privileges of all citizens in all parts of the Republic, shall place representation on an equitable basis, shall fix a stigma upon treason, and protect the loyal people against future claims for the expenses incurred in support of rebellion and for manumitted slaves, together with an express grant in Congress to enforce these provisions.

Before closing this report, your Committee beg leave to state that the specific recommendations submitted by them are the result of mutual concession, after a long and careful comparison of conflicting opinions. Upon a question of such magnitude, infinitely important as it is to the future of the Republic, it was not to be expected that all should think alike.

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