XXXIXTH CONGRESS—FIRST SESSION WASHINGTON, Dec. 21. SENATE.-Mr. Howard (Mich.) offered a

resolution calling upon the President to inform the Senate upon what charges Jefferson Davis is confined, and why he is not brought to trial. Adopted. The Chair announced the following as the

Committee on Reconstruction on the part of the Senate: Messrs. Fessenden, Grimes, Harris, Howard, Johnson and Williams. Mr. Sumner (Mass.) presented the petition of colored citizens of Tennessee asking that that the Congressional delegation from Tennessee be not received until that State shall have recognized the civil rights of its colored

Mr. Sumner said he indorsed the petition. No State, he said, ought to be recognized in Congress which withheld civil rights from two hundred and eighty thousand of its

The petition was referred. Mr. Sumner presented the petition of white citizens of the District of Columbia, asking for the extension of the right of suffrage to colored people.

Mr. Sumner said—I am glad to present

this petition from citizens of the District of Columbia, because it shows that there are good people here who are not indifferent to the great cause of equal rights. I am more disposed to make this remark because I see e notice of a public meeting of whites in this city, in the hope of arresting this cause. Of course the whites can meet if they please, but any vote on their part will be, under the circumstances, little better than an absurdity. Of course, such a meeting, called un-der such auspices, will vote to continue their unjust pretensions. Squatters, who for generations have squatted on the rights of others, do not quietly give up their claim. But the whites of the District of Columbia, in respect to the colored people, are no better than squatters, and it is our duty to disposses them. Hereafter no one should be allowed to squat on the rights of others,

civil or political. Mr. Howard (Mich.) presented the petition of three thousand seven hundred and forty colored citizens of South Carolina, asking for such legislation in Congress as will insure them their political rights. Referred to the special Committee on Recon-

Mr. Davis (Ken.) offered a resolution calling upon the heads of departments for a list of persons indebted to the United

Objected to, and laid over under the rule. Mr. Lane (Ind.) offered a resolution, which was adopted, instructing the Committee of Post-offices and Post-roads to inquire into and report upon the expediency f abolishing the franking privilege, except upon written communications

Mr. Wilson (Mass.) introduced the following, which was referred to the Judiciary Committee:
A bill to maintain and enforce the free

dom of the inhabitants of the United States: Whereas, The Congress of the United States did, on the first day of February, 1865, submit to the Legislatures of the sev eral States an amendment to the Constitu-tion, declaring that neither slavery nor involuntary servitude, except as a punish-ment for crime, should exist in the United States, and that Congress should have power to enforce the same by appropriate legislation; and, whereas, the Secretary of State, did on the 19th day of December, 1865, make official proclamation that the said amendment has been ratified by three-fourths of the Legislatures of said States, therefore be it enacted, etc.

That all laws, statutes, acts, ordinances. rules and regulations heretofore in force, or held valid in any State or territory of the United States, whereby or wherein any inequality of civil rights and immunities among the inhabitants of the United States, or any territory thereof is recognized, authorized, or established, or maintained by reason of, or founded upon distinction difference of race, color, or descent, or upon a previous condition in the status of slavery or involuntary servitude, be and they are hereby declared null and void, and it shall hereafter be unlawful to make, institute, ordain, or establish any such law, statute, act, or ordinance rule or regulation, or to enforce or to attempt to enforce the same.

SEC. 2. And be it further enacted, That all inhabitants of any State or territory of the United States, without distinction of color or race, shall be entitled to make and enforce contracts, to sue, be parties and give evidence in all courts and causes, to lease, purchase, hold or sell, and convey real and personal property, and to have full and equal benefit of all laws and proceedings for the security of person and estate.

SEC. 3. And be it further enacted, That any

person who shall, under the cover of any law or regulation, attempt to subject or cause to be subjected, any inhabitant of any State or territory to privation of any right of person or property received or protected by this act, or shall otherwise violate the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction in any District or Circuit Court of the United States, be punished by a fine not exceeding one thousand dollars, or by imprisomment not exceeding three years, or both, at the discretion of the Court. Provided That in the States declared in insurrection by the proclamation of the President, of the first of July, 1862, proceedings for the conviction and punishment of any violation of this act may be had in proper military courts, until Congress shall by law provide for the re-establishment of the constitutional relations of said State to the United States. SEC. 4. And be it further enacted, That in SEC. 4. And of a further enacted, and in all cases where any defendant, in any suit or proceeding in any Court of a State or territory, shall claim any right under the provisions of this act by way of defence, such defendant may remove, by petition, such suit or proceedings into the proper district or circuit Court of the United States.

or circuit Court of the United States.

Mr. Stewart called up the Senate bill to secure the freedom of citizens of States lately in rebellion, and proceeded to address the Senate in reply to Mr. Sumner's argument of yesterday. He maintained that the message of the President on the condition of the Southern States was a patriotic and truthful document. He controverted the theory that the Southern States are out of the Union, and that they had been re-duced to a territorial condition. We had the assurance of the President and Lieutenant General that good order was being restored in the Southern States. There was no necessity for treating the Southern States

as conquered provinces Mr. Stewart denied the right of the General Government to interfere in defining the qualification of electors in the Southern states. The Constitution leaves that to the States themselves. If this is not a white man's Government, it must be remembered that neither the black man nor the red man ever formed such Government as this. He

ever formed such Government as this. He argued that the people of the North were not justified in forcing negro suffrage upon the South, while they withheld political rights from negroes in the Northern States. Mr. Wilson replied to the argument of Mr. Stewart, stating the necessity that existed for the passage of the bill before the Senate. The testimony of the leading officers of the army in the South went to prove that great atrocities and cruelties were being that great atrocities and cruelties were being perpetrated upon the freedmen of the South.
Mr. Stewart had questioned the truth of
reports respecting these cruelties, but he
might as well doubt the cruelties of Andersonville, where eighty-three per cent. of the men who entered the hospitals died, ere more American soldiers lie buried that fell in the whole Mexican war. More American soldiers lie buried than fell in Wellington's four great battles in Spain-more than fell at Waterloo, Inkermann, the Alma and Sebastopol, altogether of British soldiers. Speaking of political topics, Mr. Wilson said: I desire

to say a single word further. We were told by the Senator from Delaware. Mr. Saulsry, yesterday, that there was an apprehensions here that the Democratic party was to come back again to power through the agency of the President of the United States. Sir, I think the Senator from Delaware was altogether mistaken in regard to any such proposition. I do not apprehend that the democratic party is coming into power through the agency of the President of the United States, or through the agency of anybody else. A party that has main-tained the attitude of the Democratic party during this great rebellion, and that has allied itself with a sinking and lost cause, is not likely hereafter to get control of the government of the United States. It needs reconstruction and reorganization quite as much as the rebel State of this Union, and must have reconstruction and reorganization before it can govern through anybody. As to the President, I know there has been a studied attempt, a systematic attempt, during the last few months to separate him from the great party that elected him. I have never entertained any fears in regard to that matter. The President is bound to the men who elected him by honor, by principle and by interest. His fame is to rest upon the great fact that he is able to complete the work which Abraham Lincoln commenced—the work of restoring a broken Union, and preserving the cause of human liberty in America. That the President of the United States is as conscientious as any man living: that his reputation now and his fame with posterity depends upon moving right straight forward in the restoration of the Union and in the security of the living that the living and the security of the living and the security of the living and the li the liberty of all men, the securing equal and impartial and universal liberty, I do not entertain a doubt. He found the rebel States last spring broken, shivered, con-

quered and subjugated.

No people, since the morning of creation ever fought a braver battle than the rebels; and no men were ever so defeated, so subjugated, so conquered in the field. Their ideas annihilated forever, many of them ruined in fortune, no body of men have ever been so conquered and so punished. Sir, I have it not in my heart to seek their lives or their blood, but I believe it to be he sentiment of the country that we mand guarantees for the future; but that while we demand these guarantees we shall say nothing and do nothing to humiliate or legrade any body of men in this country. believe it to be in our power to secure all that the patriotic and liberty-loving men of

the country require.

I believe the President of the United States has labored according to his sense of public duty to prepare the rebel States for admission into the Union, and to secure the liberties of the people of the country. In some things I would have done differently to what he has done, but he has done nothing inconsistent with the Congress of the United States moving right straight forward and onward. In pressing the necessary legisla-tion to complete the great work begun, he has made no issue with Congress, and Con-gress has made no issue with him. He does not undertake to dictate to us, but he has pursued his own line of policy, and we ought to pursue ours. If we believe we should go further than he has gone, why et us pass the needed legislation; and if then the President takes issue with us, why then the issue will be made and met. But do not think any issue will be made. I have an nudoubting faith. So that if we enact the needed legislation to secure the liberties of all men in this country, and bring these States into Congress in a proper manner, it will receive the sanction and approval of the Executive of the country. know that it has been and is the policy of the Democratic party to represent that a great and inevitable conflict is to come between the President and Congress. It was so represented before the country last autumn. We met it in New Jersey, in Pennsylvania, and in the great State of twenty-five loyal States that have stood by the country, twenty-three of them are in harmony with us upon the floor stronger to-day in sentiments and opinions than any other day the sun ever shone upon, and will be stron ger to-morrow. There are some men, it seems to me, who profess to be more devoted to the President than the mass of the men

I think it to be our duty to give the President a manly, generous support, to look on with confidence, but to be as inflexible as destiny itself with the cause of impartial and universal liberty in the country—a cause for which 325,000 Union soldiers sleep in their bloody graves to-day-a cause which more than 400,000 scarred and maimed heroes tread the soil of the country. They have done their duty, their whole duty. They have trampled this rebellion down under their iron heel of war, and it is committed not to the President alone, not to Congress alone, but to the Administration put into power by the American people, to restore this Union, and so to restore it that there shall be no oppression, and no rules or regulations that shall oppress a single man we have made free. They are our wards, to use the language of the President of the United States. Abraham Lincoln pledged himself to his country and to his God for their emancipation and to maintain their liberties, and that pledge, I believe, every

department of the Government, execu-tive, legislative and judicial, will maintain. Measured by what existed last April, we have made progress. In some sections a great deal, in others less, and in some, perhaps, we have gone backward, but there has been general progress. During the last nine months, measured by what existed when the President of the United States entered upon his duties and what he entered upon his duties, and what now exists in the country, taking the whole rebel portion into account, we have made progress; but we have not made so much as ] wish we had made, and as I think we could have made, but if we made less progress than we desired to make we must make manifest in the future that progress has been made only by fidelity to the great cause which we have stood by during the ast four years of bloody war.

We have had a conflict of twenty-five years of ideas and of thoughts-words and thoughts stronger than cannon balls; and thoughts stronger than cannon balls; and we have had four years of bloody war. Slavery, and everything that belongs to or pertains to it, lies prostrate before us to day, and the foot of a regenerated nation is apon it. Sir, I hope no words are to be intered and no steps to be taken of a reactionary character. I hope nothing that goes by the name of the worst word in the English language, conservatism, is to be allowed lish language, conservatism, is to be allowed here. If there is a word in the English here. If there is a word in the English language that means twenty years of servility, it is that word conservative. It ought not to be on the lips of an American citizen. I hope too, sir; that we are not to make apologies here. The way to settle the question is to say to the rebels, "We don't want to degrade you; we have resisted you twenty years—your aggressive policy of slavery and your barbarian robberies. We bore the dishonor and disgrace of your policy. You plunged us into four years policy. You plunged us into four years of bloody civil war to perpetuate slavery, to make the ideas of slavery dominant in Christian and republican America. We resisted your agressions before the people. We sharely

republican America. We resisted your aggressions before the people. We shrank not from civil war. We met the contest. You fought brayely, worthy of a better cause, but you were defeated, crushed, annihilated, ground to powder. Not a flag of yours waves between the capital and the yours waves between the capital and the Rio Grande. Not a rebel soldier bears a Rio Grande. Not a repel solder pears a rebel bayonet anywhere. We do not seek your lives or your blood, and you have but little property for us to seek if we would. All we ask is this, and this we shall ask, as sure as God rules the world-the men emancipated by war, emancipated by legi lation, emancipated by the proclamation the martyred President, emancipated b

that grand amendment of the Constitution, we shall have these men as free as you are, to tread proudly their native hills. I want every rebel and every rebel sympathizer, every repentant and unrepentant rebel in the land, to understand that the loyal men of this country who voted their blood and reasure, and who gave their sons for he preservation of the Union and the cause of liberty, have sworn it. They have written it on the lids of their bibles; they have engraved it on their door posts, that these men shall be free indeed—not serfs, not slaves—and that no black laws or unfriendly legislation shall live on the statute books of any community in America. Mr. Wilson continued his argument that

the loyal people had a right to the guarantees he had indicated. There was no difference, except in the main points, as to some of the modes of action in the great Union party. There had been these differences for twenty-five years in the Union party, and out of this had grown a free and manly discussion of great public questions. The Senator from Deleware, when he spoke of divisions in this great party, did not know the men who had fought the great battle for the country and for liberty if he supposed that men accustomed to speak their minds freely as brothers and American citizens upon all great questions were to break up and sever and be disrupted for the beneat of men who had linked their names forever with the cause of human slavery on this continent, and some of them with the cause of the rebellion itself.

In conclusion, Mr. Wilson said he hoped it at no distant day these seats would be filled by men who, whatever might have been their errors in the past, would support the cause of the country and of liberty man, and that these freedmen, degraded by two centuries of slavery, would in all respects be free, and that they would go on with us in a career of elevation and im-

mr. Saulsbury (Delaware) said that Mr. Wilson was laboring under a very great mistake. He seemed to have understood me as saying that the Democratic party in this country was to come into power through the agency of the President. I said noth-ing of the kind. Since the commencement of this session the Democratic members have sat in their seats in perfect silence, without saying one word in reference to any issues that were made to distract the councils of the Republican party. I did say, however, that an apprehension seemed to exist in the minds of some in the other end of the Capitol, and in this Chamber, that the Democratic party of the country was about to come into power through the agency of the present Executive. I was expressing no opinion, but stating a simple fact that such an apprehension seemed to exist. Was I justified in that remark?

I recollect reading a speech made in this city by Mr. Thaddeus Stevens, a distinguished citizen of Pennsylvania, in which he advocated the exclusion of the Southern States from representation in Congress, on the ground that such representation would be destructive of the Republican party. He is high authority in that political church, I believe. I appeal to the honorable Senator from Massachusetts to know whether in a speech made by his colleague yesterday, and extracts from private letters read, the same apprehensions did not seem to exist? Sir, I do not rise to express any opinions of my own, Whether that apprehension was well or ill founded, I am in no position to know. I only know the President of the United States as a distinguished Senator on this floor, having served with him for everal years. Our personal relations were always of the most friendly and kindly haracter, and I will take occasion to say that although not of his party now, tertain a high personal regard for him. Though he may have strayed into wrong company, still for him personally I entertain great respect and kindness, and for one so far as his action shall conform to the Conitution of the country and the just rights of the States of the Union, I shall render

him my hearty support.

Mr. Saulsbury said the Democratic party was not in such a bad condition as Mr. Wilson thought. It did not need reconstruction or reorganization. As to the subject of reconstruction, he believed that the plan of General Sherman was the best yet presented to the country, and he was sorry it was not

Mr. Wade moved that the Senate adjourn. Mr. Trumbull said it was necessary to have a brief Executive session. So the doors were closed, an Executive session was held, and the Senate, at 3 o'clock, adjourned to meet on Friday, January 5th, 1866, at 12 House.-Mr. Dolos R. Ashley appeared,

and was qualified as a Representative from the State of Nevada, The speaker announced the following named gentlemen as the regents of the Smithsonian Institution on the part of the House: Messrs. Patterson (N. H.) Farusworth (Ill.), and Garfield, (O.)
The Speaker also announced the following

on the Committee on Mines and Mining recently authorized to be appointed: Messrs Higby (Cal.), D. R. Asnley (Nevada), Cobb (Wis.), Strouse (Pa.), Driggs Mich.), J. M. Ashley (Ohio), Henderson (Oregon), Allison (Iowa), and Noell (Mo.):

On motion of Mr. Phelps (Md.), it was On motion of Mr. Phelps (Md.), it was Resolved. That the Secretary of the Treasury be directed to report for the information of the House, what amount of prioney has been expended for the establishment and support of the Naval Academy at Annapolis from its foundation to the present time.

On motion Mr. Schenck Obion it was Resolved, That five thousand copies of the Army Register for the year 1865 be printed for the use of the House. Mr. Hubbard (Conn.) offered the following

esolution, which was referred to the Committee on Foreign Affairs: Resolved, That the Government of the United States ought never to recognize any government imposed upon any nation on his continent by the arms of any European

Mr. Conkling (N. Y.) asked leave to offer a resolution requesting the President of the United States, if not incompatible with the public interests, to communicate to the House any report or reports made by the Judge Advocate General, or any other officer of the government, as to the grounds, facts or accusations by which Jefferson Davis, C. C. Clay, Stephen R. Mallory and David Yulee, or either of them, are held in confinement. Mr. Johnson (Pa.) asked wby the gentle-

man did not call on the President for the reasons why these persons are held in confinement, and not on the Judge Advocate Mr. Conkling replied that the resolution

simply called for facts.

Mr. Johnson objected to the reception of the resolution.

On motion of Mr Alley (Mass.), it was Besolved, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of establishing a national system of telegraphing, by which all telegrams shall be forwarded under a similar system to our present postal service, within the exclusive jurisdiction of the Post/

Office Department.
Mr. Henderson (Oregon) introduced a bill which was referred to the Committee on Claims, making an appropriation to feim-

burse Oregon for expenses incurred in the suppression of Indian hostility in 1854.

Mr. Raymond (N. Y.) asked leave to introduce a bill providing for the appointment of a committee to purchase a site and erect a building for a post office in the city of New York; but objection was made. York; but objection was made. Mr. Voorhees (Ind.) submitted the follow-

Resolved, That the message of the President of the United States, delivered at the opening of the present Congress, is regarded

by this body as an able, judicious and patriotic State paper.

Resolved, That the principles therein averred for the restoration of the Union, averred for the restoration of the Union, are the safest and most practicable that can now be applied to our disordered, domestic

Resolved, That no State or number of States confederated together, can in any manner sunder their connection, with the Federal Union, except by a total subversion of our present system of government, and that the President, in enunciating this doctrine in his late message, has but given expression to the sentiments of all those who deny the right or power of a State to secode.

Resolved, That the President is entitled to the thanks of Congress and the country for his faithful, wise, and successful efforts to restore civil government, law and order to the States whose citizens were lately in in-surrection against the Federal authority, and we hereby pledge ourselves to aid, assist and uphold him in the policy which he has adopted to give harmony, peace and

union to the country.

Mr. Voorhees moved and the House postponed the consideration of the resolutions until the ninth of January.
On motion of Mr. Niblack (Ind.) the Com-

mittee for the District of Columbia was instructed to inquire into the expediency of providing for the election and admission into this House of a delegate from this District, with power and privileges similar to those from the present organized territories, and to report by bill or otherwise. Mr. Smith (ky.) offered the following re-

solution: Resolved. That James M. Johnson, claiming a seat as member of the Thirty-ninth Congress from the State of Arkansas, be admitted to the privileges of the floor pending his claim as a member thereof.

Mr. Stevens said if the gentleman would amend the resolution so as to leave out that part which claimed Mr. Johnson to be a member of this House he would not object Mr. Smith replied that Mr. Johnson had

rendered three or four years of military service to his country, and it would be a relection upon him to deny him the privileges Mr. Kelley (Pa.) inquired whether anybody else was here claiming to be a mem-

per elect from Arkansas. Mr. Smith replied that he did not know Mr. Ingersoll (Ill.) said he was acquainted with Mr. Johnson, and was happy to say that that gentleman was a devoted loyalist. having fought three years or more in our army, and did as much to sustain the Union cause in Arkansas as any one. It was a reflection upon him, as well as on the House, to; refuse him the privilege of the floor. Mr. Smith was willing to amend the reso-

ution by striking from it the words "whose credentials have been presented."
Mr. Schenck (Ohio) could not understand why this gentleman should be selected for such privileges from others equally as

oyal Mr. Smith replied that he had no objection to any other loyal man being admitted. He had informed Mr. Johnson that he would offer this resolution, and he did so because, at the first session of the Thirty eighth Congress, he was admitted to the privileges of he floor, and so, at the last session, the question was submitted to the Committee of Elections, and he drew pay and mileage for both sessions. He now came here again as a member elect, bearing his credentials with the great seal, having, as a loyal man, fought for three years for the interest and salvation of the government. He merely asked to be recognized as a gentleman claiming a sent on this floor Objection being made to the resolution,

Mr. Smith withdrew it. Mr. Kerr (Ind.) introduced a bill, which was referred, for the relief of loyal and innocent part owners of personal property cap-tured on account of the criminal acts of

other part owners of it.

Mr. O'Neill (Pa.) introduced: a bill relative to the payment of the one hundred dollars bounty, provided by the act of July 22d, 1861, to the legal representatives of the men who enlisted during that year, and who left their commands without authority but who subsequently returned and were killed in battle or died from wounds re-ceived in the service. Referred to the Committee on Military Affairs. Mr. Ingersoil (Ill.) introduced the follow-

ing, which was agreed to:

Whereas, By the late explosion at the United States Arsenal in the District of Columbia, several government employes were killed, and others terribly mutilated; and whereas, it is alleged that one or more of the killed left large families in destitute

circumstances, therefore, be it Resolved, That the Committee on the District of Columbia be directed to inquire into the matter and report to the House what relief, if any, should be rendered by the United States Government. Several other resolutions of inquiry were adopted, when the House resolved itself into Committee of the Whole on the State of

the Union, Mr. Boutwel Mass, in the chair, on the President's annual message. Mr. Finck (Ohio) said the reason why the Southern representatives were not admitted to seats in Congress was that there was a body of menopposed to the Union of the States unless they could mould its policy to suit their own views. He protested against this attempt to subvert the true principles of our Government, to preserve which four years of war was waged. In reply to Mr. stevens, he argued, that the Southern States were never out of the Union, and states were never out of the chind, and that by insurrection they placed themselves beyond the limits of the Constitution; therefore, the law of nations was not applicable to them as a conquered people. He was in favor of the Southern States being now represented. The people in that section had acomissed with great unanimity now represented. The people in that section had acquiesced with great unanimity in the result of the war, and shown a disposition to be forever loyal and to sustain the Government which they had vainly striven to overthrow. He denied the right of Congress to legislate with reference to suffrage in the Southern States. This could not be done unless on the theory of the gentleman from Pennsylvania (Mr. Stevens), that they are out of the Union. We should endeavor o made more permanent than heretofore the bond of Union. In the main, approved the course and policy of the President on the question of the restoration of these States; to give them their just rights, and to heal the wounds which the war had inflicted. The people would insist that these States shall be represented, and would sustain the President in every honest effort to maintain his position. The honorable gentleman proceeded, at some length, to show the disastrons effects of what he characterized as the radical movements.

Mr. Raymond (N. Y.)—Mr. Chairman, I should be glad, if it meet the sense of those members who are present, to make some remarks upon the general question now before the House; but I do not wish to trespass at all upon the disposition of those who may be present in regard to this matter. I do not know, however, that there will be a beiter opportunity to say what little I have to say than is now offered; and if the House shall indicate no other wish I will proceed to say it. [Cries of "Go on!"] I need not say that I have been gratified to hear many things which have fallen from the lips of the gentleman of Ohio (Mr. Finck), who has ust taken his seat.

I have no party feeling nor any other feeling which would prevent me from rejoicing in the indications apparent on that side of the House of a purpose to concur with the loyal people of the country and with the loyal administration of the government, and with the loyal majorities in both Houses of Congress, in restoring peace and order to our common country. I cannot, perhaps, help wishing, sir, that these indications of an interest in the preservation of our government had come some what sooner.

I cannot help feeling that such expressions cannot now be of as much service to the country as they might have been. If we could have had from that side of the House such indications of an interest in the pre-servation of the Union; such heart-felt sympathy with the efforts of the government for the preservation of that Union such hearty denunciation of those who were seeking its destruction while the war wa raging, I am sure we might have been spared some years of war, some millions of

money, and rivers of blood and tears. sir, I am not disposed to fight over again battles now happily ended. I feel and I am rejoiced to find that members or the other side of the House feel, that the great question now before us is to restore the Union to its old integrity, purified from everything that interferes with the full development of the spirit of liberty which it was made to enshrine. I trust that we shall have a general concurrence of the members of this House and of the Congress in such measures as may be deemed most fit and proper for the accomplishment of that result. I am glad to assume and to believe that there is not a man in this country who does not wish, from the bottom of his heart to see the day speedily come when we shall have this nation—the great American republic-again united, more harmonious in its action than it has ever been, and forever one and indivisible. We, in this Congress, are to devise the means to restore its union and its harmony, to perfect its institutions, and to make it, in all its parts and in all its action, through all time to come, too wise and too free ever to invite or ever to permit the hand of rebellion to be raised against it.

Now, sir, in devising those ways and means to accomplish that great result, the first thing we have to do is to know the point from which we start—to understand the nature of the material with which we have to work, the condition of the territory, and the States with which we are concerned. had supposed at the outset of this session that it was the purpose of this House to proceed to that work without discussion, and to commit it almost exclusively, if not entirely, to the joint committee raised by the two Houses for the consideration of that subject But, sir, I must say that I was glad when I perceived the distinguished gentleman from Pennsylvania (Mr. Stevens), himself the chairman on the part of this House of the great Committee on Reconstruction, lead off discussion of this general subject, and thus invite all the rest of us who choose to follow

him in the debate.

In the remarks which he made to this body a few days since, he laid down with the clearness and the force which characterize everything he says and does, his point departure in commencing this great I had hoped that the ground he work. would lay down would be such that we could all of us stand upon it, and co-operate with him in our common object. constrained to say, sir, and I do it without the slightest disposition to create or to exaggerate differences, that there were points in his exposition of the state of the country with which I connot concur-I cannot, for myself, start from pre isely the point which he assumes.

In his remarks on that occasion he assumed that the States lately in rebellion were and are out of the Union. Throughout his speech (I will not trouble you with reading passages from it) I find him speaking of these States as "outside of the Union, "dead States," as having forfeited all their rights and terminated their State existence. I find expressions still more definite and distinct-I find him stating that they "are and for four years have been out of the Union for all legal purposes," as having been for four years "a separate power" and "a separate nation." His position, therefore, is that these States having been in rebellion are now out of the Union, and simply within the jurisdiction of the Constitution of the United States as so much will of the conqueror—to use his own lan-guaga—"may dictate."

Now, sir, if that position is correct, it

row, sir, it that position is correct, it prescribes for us the cue of a line of policy to be pursued very different from the one that will be proper if is is not correct. His belief is that what we have to do is to create now States out of this territory at the proper time, "many years distant," retaining them time, "many years distant," retaining them in the meantime, in a territorial condition, and subjecting them to precisely such a state of discipline and tutelage as Congress or the government of the United States may

see fit to prescribe.

If I believed in the premises which he assumes, possibly, though I do not think probably, I might agree with the conclusion he reaches. But, sir, I cannot believe that this is our condition. I cannot believe that these States have ever been out of the Union, or that they are now out of the Union. I cannot believe that they ever have been or are now, in any sense, a separate power. If they were, sir, how and when did they become so? They were once States of this Union, that every one concedes—bound to the Union, and made members of the Union, by the Constitution of the United States. If they ever went out of the Union it was at some specific time,

and by some specific act. I regret that the gentleman from Pennsylvania (Mr. Stevens) is not now in his seat. I should have been glad to ask him by what specific act, and at what precise time, any one of those States took itself out of the American Union. Was it by the ordinance of secession? I think we all agree that an ordinance of secession, passed by any State or this Union, is simply a nullity, because it encounters, in its practical operation, the Constitution of the United States, which is the supreme law of the land. It could have no legal actual force or validity. It could nave no legal actual force or validity. It could not operate to effect any actual change in the relation of the State adopting it to the national government, still less to accomplish the removal of that State from the sovereign jurisdiction of the Constitution of the United

Well, sir, did the resolutions of these States, the declaration of their officials, the speeches of members of their Legislatures. or the utterances of their press, accomplish the result? Certainly not. They could not possibly work any change whatever in the relations of these States to the general government. All their ordinances and all their resolutions were simply declarations of a purpose to secede. Their secession, if it ever took place, certainly could not date from the time when their intention to secede was first announced. After declaring that intention, they proceeded to carry effect. How? By war-by sustaining their purpose by arms against the force which the United States brought to bear against it. Did they sustain it? Were their arms victorious? If they were, then their secession was an accomplished fact. If not, it was nothing more than an abortive attempt—a purpose unfulfilled. This, then, is simply a question of fact, and we all know what the fact is. They did not succeed. They failed to maintain their ground by force of arms. In other words, they failed to secede.

But the gentleman from Pennsylvania (Mr. Stevens) insists that they did secede, and that this fact is not in the least affected by the other fact that the Constitution He says that the law forbids secession. forbids murder, but that murders are nevertheless committed. But there is no analogy between the two cases. If sehad been accomplished; if these States had gone out and overcome the armies that tried to prevent their going out, then the prohibition of the Constitution could not have altered the fact. In the case of murder, the man is killed and murder is thus committed in spite of the law. The fact of killing is essential to the committal of the crime, and the fact of going out is essential to secession. But in this case there was

I think I need not argue any further the position that the rebel States have never for

one moment, by any ordinance of secession, or by any successful war, carried them-selves beyond the rightful jurisdiction of the Constitution of the United States. They have interrupted for a time the practical enforcement and exercise of that jurisdiction. They rendered it impossible for a time for this government to enforce obedience to its laws; but there never has been an hour when this government, or this Congress, or this House, or the gentleman from Pennsylvania himself, ever conceded that these States were beyond the jurisdiction of the Congrituing and tion of the Constitution and laws of the

United States. During all these four years of war Congress has been making laws for the government of these very States, and the gentleman from Pennsylvania had voted for them nd voted to raise armies to coerce them. Why was this done, if they were a separate pation? Why, if they were not a part of the United States? Those laws were made for them as States. Members had voted direct taxes, which are apportioned, according to the Constitution, only among the several States, according to their population. In a variety of ways, to some of which the gentleman who preceded me has referred, this Congress has by its action assumed and asserted that they were still States in the Union, though in rebellion, and that it was with the rebellion that we were making war, and not with the States themselves as States, and still less as a separated, as a foreign Power.

The gentleman from Penasylvania cited a variety of legal precedents and declarations of principles, nearly all of them, I believe. drawn from the celebrated decision of the Supreme Court, promulga ed by Justice Grier in what are popularly known as "The Prize Cales." His citations were all made for the purpose of proving that these States were in a condition of public war, that they were waging such a war as could only be waged by a separate and independent power. But a careful scrutiny of that decision will show that it lends not the slight-

est countenance to such an inference. Gentlemen who hear me will doubtless recollect that the object of the trial in those cases was to decide whether certain vessels captured in trying to run the blockade were lawful prizes of war or not, and the decision of this point turned on the question whether the war then raging was such a contest as justified a resort to the modes and usages of public war, of which blockade was one.
Justice Grier decided that it was; that so far as the purposes and weapons of war were concerned, the two parties were belligerents, and that the government might blockade the ports and capture the property within the lines of the district in rebellion precisely as if that district were an independent nation engaged in a public war. But he said not one word which could assert or imply that it was an independent nation, that it had a separate existence or had gone out of the sovereign jurisdiction of the United States. On the contrary, everything he said, the very passages quoted by the gentleman from Pennsylvania himself, imply and assert precisely the opposite. He peaks of them not as sovereign, nor as being separate, but as trying to be separate from the United States.

The gentleman from Pennsylvania (Mr. Sievens) spoke of States forfeiting their State existence by the fact of rebellion. Well, I do not see how there can be any such forfeiture involved or implied. The individual citizens of these States went with the rebellion. They thereby insured certain penalties under the laws and Constitution of the United States. What the States did was to endeavor to interpose their State authority between the individual in rebellion and the government of the United States, which assumed and which would carry out the assumption to declare those individuals

traitors for their acts. The individuals in the States wno were In rebell on, it seems to me, were the only par-ties who, under the Constitution and laws of the United States, could incur the penalties of treason. I know of no law, I know of nothing in the Constitution of the United States, I know of nothing in any recognized or established code of international law which can punish a State, as a State, for any act it may perform. It is certain that our Constitution assumes nothing of the kind. It does not deal with States, except in one or two instances, such as the election of members of Congress and the election of electors of the President and Vice President. Indeed the main feature which distinguishes the Union under the Constitution from the old confederation is this, the whereas the old confederation did deal with States directly, making requisition upon them for supplies and relying upon them for the execution of its laws, the Constitution of the United Statss, in order to form a more perfect Union, made its laws binding on the individual citizens of the several States, whether living in one State or another. Congress, as the legislative branch of this Government, enacts a law which shall be operative upon every individual within ins It is binding upon each individual citizen, and if he resists it by force he is guilty of a crime and is punished accordingly, anything in the constitution or laws of his State to the

contrary notwithstanding. But the States themselves are not touched by the laws of the United States or by the Constitution of the United States. A State cannot be indicted—a State cannot be tried. A State cannot be hung for treason. The individual in a State may be so tried and hung, but the State, as an organization, as an organic member of the Union, still exists, whether its individual citizens com-

mit treason or not.

Mr. Kelley (Pa.)—Will the gentleman from New York, Mr. Raymond, yield to me a moment for a question? Mr. Raymond—Certainly.

Mr. Kelley—I desire to ask the gentleman this question. By virtue of what does a Spate exist? Is it by virtue of a constitution and by virtue of its relations to the Union? Does a State of the Union exist first by virtue of a constitution, and secondly by virtue of its practical relations to the government of the United States; and further, I would ask whether those States, acting by conventions of the people, have not overthrown the constitution which made them part of the Union, and thereby destroyed or suspended, phrase it as you will, the practical relations

which made them part of the Union?

Mr. Raymond—I will say in reply to the gentleman from Pennsylvania (Mr. Kelley) that it is not the practical relations of a State at any particular moment make it. a State or a part of the Union. What makes a State a part of the Union is the Constitution of the United States, and the rebel States have

never yet destroyed that.

Mr. Kelley—The question I proposed is whether a State does not exist by virtue of a constitution—its constitution, which is a thing which may be modified or over-

Mr. Raymond-Certainly. Mr. Kelley-And whether these rebellious constitutions or States have not been over-

Mr. Raymond—A State does not exist by virtue of any particular constitution. It always has a constitution, but it need not have a specific constitution at any specified time. A State has certain practical relations to the government of the United States, butthe fact of these relations being practically operative and at any moment does not contitute its relationship to the government, or its membership of the United States. Its practical operation is one thing. The fact of its existence as an organized community, one of the great national community of States, is quite another thing.

Mr. Kelley—Let me interrupt the gen-

tleman one moment longer. I will ask him whether, if the constitution be overthrown or destroyed, and its practical relations cease, there be any State len?

Mr. Raymond—Why sir, if there be no constitution of any sort in a State, no law,