

XXXIXTH CONGRESS—FIRST SESSION.

HOUSE OF REPRESENTATIVES—PROCEEDINGS.

SENATE.—Mr. Wilson (Mass.) called up the Senate bill to restrict the expenses of collecting soldiers' claims, making it a penal offense to charge more than ten dollars for the collection of a soldier's claim for back pay or bounty.

Mr. Wilson explained that the bill had been amended in the Committee on Claims. It applied only to the claims of soldiers. Officers, he said, were better capable of protecting themselves than soldiers; besides, many officers had accounts to settle with the department, which might involve a good deal of labor.

Mr. Saulsbury (Del.) denied the right of Congress to regulate the compensation between clients and attorneys, or between employers and employed. It might as well regulate the rate of wages to be paid to discharged soldiers. He moved the reference of the bill to the Judiciary Committee.

Mr. Wilson said the fees for collecting pensions were regulated by law, and why not the fees for collecting bounties and back pay? He had received a letter from a soldier who had been charged one hundred and fifty dollars for collecting a claim of three hundred dollars, and other letters showing that the widows and orphans of soldiers were being defrauded in the collection of back pay, &c.

Mr. Clark (R. I.) did not think Mr. Wilson's bill covered the whole subject. He spoke of the difficulty experienced by soldiers in collecting their claims from the agents after they had been paid by the Department. He thought the effect of the bill would be that agents would undertake the collection of no claims that were not easily collected.

Mr. Wilson said that the objections urged by Mr. Clark against the bill, inasmuch as it might with equal propriety be applied to the collection of claims, but there was no trouble about pensions, and there would be none against claims for bounty.

Pending the consideration of this bill the morning hour expired, and the Chair announced that the bill to enlarge the powers of the Freedmen's Bureau, as reported by the Senate, and that Mr. Davis (Ky.) was entitled to the floor.

Mr. Davis spoke against the bill. He objected to it because a majority of the Freedmen's Bureau had been appointed from their seats in the Senate, for the purpose of securing the passage of this and other unconstitutional measures.

Mr. Wilson said that the bill was not unconstitutional, because it authorized the President to assign to army officers the exercise of judicial powers, because it broadened the partition of the powers of the government made by the Constitution; because it deprived the citizens of the right of trial by jury; because it authorized a scheme devised to practise injustice and oppression upon the white people of the late slave States for the benefit of the freed negroes, and to expend the public money in a wasteful and unnecessary expenditure of the public treasure, and because it was one of the reckless and unconstitutional schemes of the late administration to enable it to hold power and place.

Mr. Sherman (Ohio) said the Governor of South Carolina had written a long letter on the subject of the section confirming land titles under General Sherman's orders. The people of South Carolina, black or white, had no objection to the bill, and he submitted whether the Senate had not better postpone final action until the letter referred to was laid before it, which would be to-morrow.

Mr. Trumbull said the Senate could not alter or amend the bill now that it had been read three times, without a reconsideration of votes, and perhaps a reconsideration of the bill in the House, and he thought it had better be sent there as speedily as possible. If the letter of the Governor of South Carolina contained any good reasons why the section referred to should not be adopted, it would be struck out in the House, and come back to the Senate so amended.

Mr. Johnson favored a postponement of the vote for the reason stated by Mr. Sherman. It may be, he said, that there are matters stated in the letter of the Governor of South Carolina with which the Senate is not familiar.

Mr. Trumbull said Mr. Johnson could move to reconsider the vote on the passage of the bill.

Mr. Johnson inquired if Mr. Trumbull would vote for a reconsideration to-morrow; as he was going to vote against the bill he could not do so.

Mr. Conness said he would move a reconsideration.

Mr. Saulsbury demanded the yeas and nays on the passage of the bill, and they were ordered.

Yeas—Messrs. Anthony, Brown, Chandler, Clark, Comess, Cragin, Creswell, Dixon, Colville, Fassett, Foster, Fox, Gales, Hays, Hendon, Howard, Howe, Kirkwood, Lane (Ind.), Lane (Ky.), Morgan, Morrill, Norton, Yess, Pollard, Pomeroy, Sherman, Sherman, Sprague, Tilden, Williams, Wilson, and Yates—37.

Nays—Messrs. Buckalew, Davis, Guthrie, Hendricks, Johnson, McComb, Riddle, Seabury, Stockton, and Wright—10.

So the bill was passed.

Mr. Davis moved to amend the title of the bill, so as to name it a bill to appropriate a portion of the public lands in the Southern States, and to authorize the Government of the United States to purchase lands and supply farms, and build houses for the support of the Freedmen's Bureau with unconstitutional laws.

The Chair (Mr. Foster) decided the amendment out of order.

Mr. Davis asked for the grounds upon which this decision was made.

The Chair said it was so inconsistent to amend the title of the bill after it had passed, that it was a measure to promote strife, etc., that it was derogatory to the Senate, and therefore out of order.

Mr. Davis did not believe it was for the Chair to decide that question.

The Chair replied that it was in the power of Mr. Davis to appeal from the decision of the Chair.

Mr. Davis said the decision was so manifestly wrong that he would not take an appeal.

The bill passed provides: Sec. 1. That the act to establish a Bureau for the Relief of Freedmen and Refugees, approved March 3, 1865, shall continue in force until otherwise provided by law, and in addition to the powers and duties of the Freedmen and Refugees in parts of the United States, and the President may divide the section of country containing such refugees and freedmen into districts, each containing one or more States, not to exceed twelve in number, and by and with the advice and consent of the Senate, appoint an assistant commissioner for each such district, who shall give like bonds, receive the same compensation and perform the same duties prescribed by this and the act to which this is an amendment, or said Bureau may, in the discretion of the President, be placed under a commissioner and assistant commissioner, to be detailed from the army, in which event each district into a number of sub-districts, not to exceed the number of counties or parishes in each State, and shall assign to each sub-district at least one agent, each a citizen, officer of the army, or enlisted man, who, if

an officer, shall serve without additional compensation or allowance, and if a citizen or enlisted man, shall receive and receive no exceeding fifteen hundred dollars per annum and such agent shall, before entering on the duties of his office, take the oath prescribed in the first section of the act, to which this is an amendment. Each assistant commissioner may employ not exceeding six clerks, one of the third class and five of the first class, and each agent of a sub-district may employ two clerks, one of the third class and five of the first class, and each agent of a sub-district may employ two clerks of the first class. And the President of the United States, through the War Department, and the commissioner, shall extend military jurisdiction and protection over all employees, agents and officers of this Bureau in the exercise of their duties, or authorized by this act or the act to which this act is supplementary.

Sec. 2. That the Secretary of War may issue such provisions of clothing, fuel and other supplies, including medicines, stores and transportation, and afford such aid, medical or otherwise, as he may deem needful for the support of the destitute, and suffering refugees and freedmen, their wives and children; under such rules and regulations as he may direct.

Sec. 3. That the President is hereby authorized to reserve from sale, or from settlement under the homestead or preemption laws, and set apart for the use of freedmen and loyal refugees, all public lands in Florida, Mississippi and Arkansas, not exceeding in all three millions of acres of good land; and the Commissioner under the direction of the President, shall cause the same from time to time to be allotted and assigned in parcels, not exceeding forty acres each, to the loyal refugees and freedmen who shall be selected in the use and enjoyment thereof for such term of time, and at such annual rate as may be agreed upon between the Commissioner and such refugees, and the allotment shall be based upon a valuation of the land, to be ascertained in such manner as the Commissioner may, under the direction of the President, by regulation, prescribe. At the expiration of the term, if the Commissioner shall assent thereto, the occupants of parcels so assigned may purchase the land and receive a title therefor from the United States, in fee, upon paying therefor the value of the land ascertained as aforesaid.

Sec. 4. That the occupants of land under the Freedmen's Bureau, as specified in the order, dated at Savannah, January 14, 1865, are hereby confirmed in their possessions for the period of three years from the date of this order, and no person shall be disturbed in or ousted from said possessions during said three years, unless a settlement shall be made with said occupant by the owner satisfactory to the Commissioner of the Freedmen's Bureau.

Sec. 5. That the Commissioner shall, under the direction of the President, procure, in the name of the United States, by grant or purchase, such lands, including the lands aforesaid, as may be required for refugees and freedmen dependent on the government for support; and he shall provide or cause to be provided suitable dwellings and other accommodations for such refugees, but no such purchase shall be made nor contract for the same entered into nor other expense incurred until after appropriations shall have been provided by Congress for the general purposes of this act, out of which payments for said lands shall be made; and the commissioner shall cause such lands from time to time to be valued, and the value thereof shall be ascertained in the manner provided in the preceding section, provided, always, that the said lands shall not be sold for less than the cost thereof to the Government.

Sec. 6. That whenever in any State or district in which the ordinary course of judicial proceedings has been interrupted by the rebellion, and wherein, in consequence of any State or local law, ordinance, police, or other regulation, custom or prejudice, any of the civil rights or immunities belonging to white persons, including the right to make and enforce contracts to sue, be parties, and give evidence to inherit, purchase, lease, sell, hold, and convey real and personal property, and to have full and complete benefit of all laws and proceedings for the security of person and estate, are refused or denied to negroes, mulattoes, freedmen, refugees, or any other persons on account of race or color, or any previous condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, wherein there has been denial of the right of any other or different punishment, pains or penalties, for the commission of any act or offense than are prescribed for white persons committing like acts or offenses, it shall be the duty of the President of the United States, through the commissioner, to extend military protection and jurisdiction over all cases affecting such persons so discriminated against.

Sec. 7. That any person who, under cover of any State or local law, ordinance, police or other regulation or custom shall, in any State or district in which the ordinary course of judicial proceedings has been interrupted by the rebellion, subject or cause to be subjected to any punishment, pains or penalties, or any previous condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, or for any other cause, to the deprivation of any civil right secured to white persons, or to any other or different punishment than white persons are subject for the commission of like acts or offenses, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both; and shall be the duty of the officers and agents of this Bureau to take jurisdiction on and bear and determine all offences committed against the provisions of this section, and also of all cases affecting negroes, mulattoes, freedmen, refugees, or other persons who are discriminated against in any of the particulars mentioned in the preceding section, as the President of the United States, through the War Department, shall prescribe. The jurisdiction conferred by this section on the officers and agents of this Bureau to cease and determine whenever the discrimination on account of which it is conferred ceases, and in no event exercised in any State in which the ordinary course of judicial proceedings has not been interrupted by the rebellion, nor in any such State after said State shall have been fully restored in all its constitutional relations to the United States and the courts of the State and of the United States within the same area of justice.

Mr. Broomall (Pa.) rose to indicate an amendment which he proposed to offer at the proper time. At an early period of the session he proposed to apportion representatives on the basis of the actual voters.

He was in favor of that principle now, but his resolution to offer amendments, objections and take that which would nearest approach to what he desired. He sent up to the clerk's table, which was read, a substitute for the act to apportion representatives among the States which shall be in the number, according to their respective populations, such States excluding Indians not taxed. Provided, whenever the elective franchise shall be denied by the Constitution or laws of any State to any portion of male citizens of such State, or to any portion of the same proportion shall be excluded from the basis of representation. He claimed that the proposition thus amended would remove objections which had been urged against the original resolution.

Mr. Davis (New York) said that this government was formed in the spirit of concession, and conflicting opinions of the States were reconciled, and he believed

that this spirit should control the present deliberation. That a great evil existed, every one conceded, because there was an inequality of representation. He would ask nothing for himself, as a Northern man, which, if he were a Southern man, he would do for the sake of the Union. They all ought to sacrifice something to individual and local prejudices. He was ready to support any proposition to effect the object, although it might not accomplish all he desired. He expressed the hope that the resolution would be recommitted to the Committee, in order that some plan may be devised which will commend it, not only to gentlemen here, but to the judgment of the entire people of the country.

Mr. Ward (N. Y.) was not satisfied with the original proposition, or with the amendment proposed. The whitewashed traitors—with infernal ingenuity, would evade the object and still deprive of their rights those who they have oppressed for so many years; therefore, he intended to offer an amendment that all persons who shall be deprived of the elective franchise in any State by reason of a tax or property qualification, or any other thing which was not in force on the first of January, 1866, in any State where the same is applied, shall be excluded from the basis of representation. In his opinion, the States in relation to the rights of the individual of the criminal who pleads to the judge for mercy. It was the duty of Union members of Congress to inaugurate a course of legislation which should remove existing evils, and if no other amendment could be agreed upon than the one reported by the Committee, he would adopt it, but he hoped that the amendment he had suggested would prevail.

Mr. Nicholson (Del.) briefly expressed his views. He should vote not only against this bill, but against the proposition to amend the Constitution. The temper and disposition of the House was such as not to authorize such an important change in the organic law. He protested against taking away the rights of the States, and especially the potential one as to who shall exercise the sovereign power of voting. The object of the majority was, he said, to give suffrage to the traitors, in order that they might become their allies.

The House, without taking any vote on the question, adjourned.

Mr. High (Cal.) said a very important proposition was reported a few days ago by the chairman on reconstruction, comprising an amendment to the Constitution, second only to that so recently passed. At the time it was reported that gentleman seemed to think the House was ready to pass it, and he had no doubt that all other members of the committee were satisfied, truly and sincerely, that it was the best provision which could be produced. To him the object of the resolution was to give a voice to the colored people of the United States, and to give them a share in the government. When Congress could so express the amendment that it would not infringe on the powers of the States, and that it would not be a discrimination as to who should exercise the elective franchise. He believed, however, the proposition, as it was reported, was not in the spirit of the Constitution. He could not vote for the resolution in its present form, and with the amendments proposed.

Mr. Bingham (Ohio), a member of the Committee on Reconstruction, advocated the resolution reported from it, and which he said was demanded by the necessities of the case. Unless the Congress, charged as it was, like the first Continental Congress, with the interests and liberties of all, should perform the duty enjoined upon it by the Constitution, and should amend the Constitution, he apprehended men now within this hall would learn when it too late that the hall they were in was no longer the United States, but the republic had been bayonetted.

The resolution reported from the committee, and which he said was demanded by the necessities of the case, was to amend the Constitution so that the safety of the republic imperatively demanded not simply that the amendment should be passed, but that there should be an additional provision that no State in the Union should ever be subjected to an onerous tax or any other penalty or punishment for life to those engaged in and carried on the atrocious rebellion, and that they should be held liable to indemnify, in whole or in part, men in rebellion for losses or damages incurred by the citizens of the United States, in consequence of the Constitution stands there was no power to restrain taxation for such purposes. The joint committee of fifteen did not report on this subject, and they have discharged their duty by reporting this amendment. They have under consideration another amendment to the Constitution, which looked to giving the right of suffrage to every citizen in every State and territory the rights which were granted to him from the beginning, and which unhappily had been regarded, since the late war, as a privilege to be granted to him. If the Committee should present such an amendment in fit and proper terms, it would, he thought, receive the sanction of almost every member of this House. By the amendment pending, we take but one step in the attainment of the end to secure to each State equal rights in the Union, and the rights of every citizen no longer existing. Every slave by the act of emancipation became a free citizen or free person, and equal before the law with every other citizen.

He believed that the point made by the pending proposed amendment to the Constitution was whether the original declaration of independence of our fathers when all are free by the amendment to the Constitution, recently ratified, and whether a minority should disfranchise the majority of the States. The proposition he said it gave equal political power to every State in the Union, provided its requirements shall be obeyed, and would not accomplish all that was desired, but would be one step toward the attainment of the end. No question of more importance could come before the House, save the Constitution, and this should be amended so as to enforce the guarantees in aid of this same provision.

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and sixteen-wheel passenger car, one hundred and twenty-wheel passenger car, one hundred and twenty-four-wheel passenger car, one hundred and thirty-wheel passenger car, one hundred and thirty-six-wheel passenger car, one hundred and forty-wheel passenger car, one hundred and forty-eight-wheel passenger car, one hundred and fifty-wheel passenger car, one hundred and fifty-four-wheel passenger car, one hundred and sixty-wheel passenger car, one hundred and sixty-eight-wheel passenger car, one hundred and seventy-wheel passenger car, one hundred and seventy-four-wheel passenger car, one hundred and eighty-wheel passenger car, one hundred and eighty-eight-wheel passenger car, one hundred and ninety-wheel passenger car, one hundred and ninety-four-wheel passenger car, one hundred and twenty-wheel passenger car, one hundred and twenty-four-wheel passenger car, one hundred and thirty-wheel passenger car, one hundred and thirty-six-wheel passenger car, one hundred and forty-wheel passenger 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