

XXXIITH CONGRESS—FIRST SESSION.

HOUSE OF REPRESENTATIVES.

SENATE.—The Chair announced that the bill to protect all persons in the United States in the enjoyment of their civil rights and to furnish the means for their vindication was before the Senate.

The question was upon the adoption of Mr. Trumbull's amendment, to insert after the enacting clause the words "that all persons of African descent born in this country are hereby declared citizens of the United States."

Mr. Saulsbury (Del.) called for the yeas and nays.

Mr. Van Winkle (W. Va.) spoke against the amendment. He did not think it wise or constitutional to adopt it.

Mr. Trumbull withdrew the amendment above stated, and offered, instead, the following: "That all persons born in the United States, not subject to any foreign power, are hereby declared to be citizens of the United States, without any distinction of color, &c."

Mr. Guthrie (Ky.) inquired if Mr. Trumbull intended to naturalize Indians?

Mr. Trumbull—We deal with Indians by treaty and not by law, unless in reference to those who are incorporated into the United States, and are subject to taxation.

Mr. Cowan (Pa.) called attention to the fact that this amendment would naturalize a great number of Chinese children in California.

Mr. Trumbull said the children of Chinese parents born in this country were citizens. It was not true, there were many children in Pennsylvania who were the children of Germans that there were very few children in them.

Mr. Cowan said it must be remembered that the German is not a Chinaman. [Laughter.]

Mr. Lane (Kansas) said there were Indians in Kansas who owned lands, but were not citizens.

Mr. Henderson (Mo.) asked Mr. Lane if he did not a year ago say the best race of men he ever saw was a mixture of negroes and Indians in Kansas?

Mr. Lane said the mixed race lived south of Kansas. He still adhered to the assertion quoted by Mr. Henderson.

Mr. Cowan inquired if it was the intention of the framers of this government to provide for the naturalization of Asiatics. Speaking of the merits of the bill, Mr. Cowan said a second section of the constitution, amendment to do this. That bill will pass such a measure. The amendment was intended simply to strike the shackles from the slave. The second clause only contemplated legislation to do this. That bill, in consideration, he said, repealed some of the laws of Pennsylvania, and rendered judges of the State Courts liable to prosecution.

Mr. Stewart inquired if Mr. Cowan if the Fugitive Slave Law of 1850 did not provide the same punishment for State judges.

Mr. Cowan replied that it did. He was always opposed to the Fugitive Slave law, however. Mr. Cowan, in the course of his remarks, said the government of the United States did not do its duty to the people of the South until before the war. It afforded no protection to the Union men in the South, and there was at one time a majority of Union men in every Southern State.

Mr. Fessenden put the question whether if a majority of the whole people of the Southern States had been in favor of secession, would that fact have altered the status of the rebellion?

Mr. Cowan said that question was not before him. He would answer it when it came up. He asked Mr. Fessenden what the United States sent an army South for.

Mr. Fessenden replied, to suppress the rebellion, restore the Union, and certainly to conquer the rebels.

Mr. Howard (Mich.) called on Mr. Cowan to say whether if one of the ringleaders of the rebellion were tried for treason, he would be guilty of treason.

Mr. Cowan said that would be a justifiable plea that he only carried the laws of his State in enforcing the treason?

Mr. Cowan said certainly not.

Mr. Howard asked Mr. Cowan to state where, in his opinion, the crime of treason against the United States commenced?

Mr. Cowan said it commenced with making war against the United States when the United States could protect its citizens.

Mr. Howard inquired if Mr. Cowan meant to say that treason depended on the ability of the United States to protect its citizens?

Mr. Cowan said he would illustrate. Suppose the Michigan State government passed an ordinance of secession taking that State out of the Union, did Mr. Howard think that in obeying that government he (Mr. Howard) would be guilty of treason?

Mr. Howard said he unquestionably would be guilty of treason. In that case it would be for the courts to decide on the extent of his guilt and punishment, but there is no doubt that he would be subject to trial for treason.

Mr. Sherman (Ohio) introduced a resolution, which was referred to the Committee on Printing, providing for the printing of five thousand copies of the report of the Revenue Commission.

Mr. Howard took the floor on the bill before the Senate. He had recently seen a letter from one of our generals in Texas, in which the writer said that some time ago a Union man was discovered in Texas who was so impudent as to raise the Federal flag over his house after the close of the war. It was said by citizens and that the flag must be hauled down and that the people of Texas might accept the situation of the defeat, they could not submit to anything of the kind. The man refused to take down the flag, and he paid for his refusal with his life. This was the spirit of these same reconstructed rebels of the South—they accepted the situation and that was all.

Mr. Howard said that when the constitutional amendment was before the Judiciary Committee he was a member of that committee, and the second clause of the amendment, he knew to be intended for precisely the kind of legislation now before the Senate. He denied that the only effect of the amendment was to relieve the slaves from compulsory service. Such was not the construction intended by the friends of the amendment, nor by the bar of the United States, nor by the liberty-loving people of the United States. Without a law of this kind, he said, the people of the Southern States would have a right to expatriate the freed negro, or to compel him to labor for pay him, thus reducing him to a state infinitely worse than slavery.

Mr. Lane (Kansas) offered an amendment to the amendment of Mr. Trumbull, to insert after the words "foreign power" the words "tribal authority."

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The Dred Scott decision, however, had decided that the right to determine whether born in the United States could not be citizens under the Constitution, and that decision had not been set aside. It was his opinion that the only way to accomplish the end proposed was by constitutional amendment. Legislation of the kind proposed, he thought, would leave the authority of Congress to the amendment of Congress, to insert after the words "foreign power" the words "tribal authority."

Mr. Donnelly (Minn.) suggested an amendment as to providing a common school education for all who may apply therefor.

Mr. Eliot said that the original plan was legislation without precedent in any nation, but which was rendered necessary by the result of the rebellion and the liberation of four million of persons, whose unpaid labor had enriched their relentless masters. He entered at large into the history of the Bureau, saying that if it should be with-

drawn there would be no protection to the freedmen; but he had no fears that this would be done.

The House took a recess till half-past 7 this evening, for the purpose of affording gentlemen an opportunity to speak on the subject of the President's annual message.

Evening Session.—At half-past seven o'clock Mr. Grinnell (Iowa) called the House to order, when

Mr. Hinchell (Ohio) moved that the House do order, when

the speaker pro tempore (Mr. Grinnell) gave the casting vote in the affirmative, and declared the House adjourned.

[This evening had especially been set apart for speech-making, nearly seventy gentlemen having made preparation for that purpose.]

Coal Statement.—The following is a statement of the amount of coal mined in the Lehigh Valley Railroad, for the year ending in 1865, and previously since December, 1864, compared with same time last year.

Table with columns: Month, Tons, Cwt., Tons, Cwt. Rows include Hazelton, East Sugar Loaf, Jedd, etc.

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