

XXXIXth CONGRESS—FIRST SESSION

LOGS OF YESTERDAY'S PROCEEDINGS

SENATE.—Mr. Nye called up a bill for the relief of Paymaster Rittenhouse, of the Pacific Squadron, and the Secretary of the Treasury.

In the discussion of the above measure, Mr. Wilson, who opposed it, stated that a million of dollars through the negligence of paymasters since the commencement of the war. He thought it best to hold every one set a bad precedent at this time, when there were so many settlements with paymasters being made.

Reading discussion in the above, Mr. President rose and said, "I give notice that on Monday I should ask the Senate to proceed to the consideration of the joint resolution for an amendment to the Constitution respecting the Committee on Reconstruction, and as I understand that the Senator from Massachusetts is prepared to speak on that measure, and other gentlemen understand that he is to do so to-day, I shall make a motion that all further consideration of the bill be postponed until Tuesday, and that we proceed to the consideration of the joint resolution."

Mr. Stuart spoke of the necessity of taking action on the bill for the admission of Colorado.

Several Senators replied that the bill for the admission of Colorado could be taken up at any time.

The joint resolution was then read, proposing the following amendment to the Constitution:

ARTICLE.—Representatives shall be apportioned among the several States which may be included in this Union according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed; Provided, that whenever the election of representatives or the right of any elector shall be determined on account of race or color, all persons of such race or color shall be excluded from the basis of representation.

Mr. Sumner took the floor, and after a few introductory remarks, called for the reading of the following proposition, offered by him as a substitute for the above joint resolution:

Whereas, It is provided that the Constitution of the United States shall guarantee to every State in the Union a republican form of government; and

Whereas, By reason of the failure of certain States to conform to the guaranties which Congress can recognize, it has become the duty of the United States, standing in the place of guarantor, where the principal has made a lapse to correct such States, according to the requirement of the guaranty, governments, republican in form; and

Whereas, further, It is provided in a recent constitutional amendment that Congress may enforce the prohibition of slavery by appropriate legislation, and it is important, to the end that the same guaranties should be removed, including all distinctions of rights on account of color; now, therefore, to carry out the guaranty of a republican form of government and to enforce the prohibition of slavery, be it

Resolved, by the Senate and House of Representatives, &c., That in all the States lately declared to be in rebellion there shall be no oligarchy, aristocracy, caste or monopoly, invested with peculiar privileges and powers; and there shall be no denial of rights, civil or political, on account of color or race, but all persons shall be equal before the law, whether in the court room or at the ballot box; and this statute, made in pursuance of the Constitution shall be the supreme law of the land, anything in the Constitution or laws of any State to the contrary notwithstanding.

Mr. Sumner remarked that it was wrong to admit that man could hold property in man; and so no one should have a monopoly in equality in race, and thus openly set at naught the first principles of the Declaration of Independence, and the guarantee of a republican form of government.

Mr. Trimble (Ky.) opposed the bill for reasons set forth at length, regarding it as striking down the very foundation on which liberty rests, and obliterating the rights of the citizens of all the States.

Mr. Grinnell (Iowa) while supporting the bill, took occasion to reply to the gentleman who had just addressed the Senate, denouncing the wrong, oppression and crime which had been perpetrated in Kentucky, and which the gentleman had defended.

Mr. Grinnell replied, he applied them to the State which the gentleman had defended, and while proceeding with his speech made use of the term, "your President."

Mr. Randall (Pa.) asked what the gentleman meant by saying your President. Mr. Grinnell replied, "The President of the great Union man who, at Nashville, said he would be the Moses to lead out of the land of Israel."

Mr. Randall (Pa.) desired to say he esteemed the President as the President of the whole country. He supported his policy because it was calculated to restore to the Union as a whole, while the agency in electing him, he required from the other side the respect and support which he himself accorded him.

Mr. Grinnell replied he had the honor of giving the President his vote, while the gentleman from Pennsylvania had voted for him he knew not whom. He (Mr. Grinnell) said he was the President's friend, and he said he was the Secretary of the Convention of protecting the negro, and securing him an honorable and useful employment.

Not only the President, but several Grant and Howard and the Secretary of War, he asked the freedmen be protected. He asked Mr. Randall whether he approved of the Freedmen's Bureau.

Mr. Randall (Pa.) replied he did not know what those gentlemen had said, but he endorsed the policy of the President; who was actuated by patriotic motives alone in his endeavor to restore the Union of the States. The President did not compromise such a bill as this, which was in violation of the letter and spirit of the constitution, and alluded to the receipt of memorial from friends in Maryland asking for protection, and saying their school houses had been burned, near enough to Washington that the flames might light up the Capital and the school teachers driven away. It would be worse than barbarism to leave the freedmen where they now are.

Constitutional amendments authorizing Congress to alter the Union.

The demand which he made stands on necessity.

The Senate must grant it or peril the peace of the Republic, and possibly indefinitely the great day of security and reconstruction. Therefore, in the name of that national safety, which is the supreme law, he begged his honor to give his assent to the bill for the national safety is constitutional.

Not only it may be done, but it must be done. Not to do it is to fall in our duty. This Republic must be saved. Disasters must be defined by Mr. Sumner as the establishment of the equal rights of all, so that there will be no exclusion of any kind, civil or political, founded on color, but the promise of our fathers shall be fulfilled. Such an act will be, in the words of President Lincoln, an act of justice warranted by the Constitution, a military necessity.

The national safety positively requires the enfranchisement thus promised shall be performed.

The freedman, though forbearing and slow to anger, will not stand to be trampled on. He will resist, resistance will be organized, and here will begin the terrible war of races foreseen by Jefferson, where God, in all his attributes, has none without the principle of equal rights, and where the tragedy of St. Domingo will be renewed on a wiser theatre, with bloodier incidents.

Mr. Sumner proceeded to consider the guarantee of a republican form of government by the Constitution. Assuming that there has been a lapse of government in any State so as to impose upon the United States the duty of executing this guarantee, he would insist that it is the bounden duty of the United States to see that each State has a republican form of government; and in the discharge of this bounden duty, he must declare that State which, in the foundation of its government, sets aside the consent of the governed, which imposes taxation without representation, which denies the principle of equal rights, and which lodges power exclusively with an oligarchy, aristocracy, caste or monopoly, cannot be recognized as a republican government, according to the requirements of the Constitution. Even if it may satisfy some definition handed down from antiquity, or invented in monarchical Europe, it cannot satisfy the solemn injunction of the Constitution. For this question I now ask a hearing. Nothing in the present debate can equal it in importance. Its correct determination will be an epoch for our country and for mankind.

Mr. Sumner elaborately reviewed the principles asserted by James Otis, John Adams, Patrick Henry, by the colonies, Massachusetts, Pennsylvania and Virginia, and finally by the Continental Congress. Conclusively demonstrated, he said, the issue of principles, and that in the controversy with another country, until at last the watchword, taxation without representation is tyranny, of our fathers, so obnoxious across the sea, gave way to their other defiant watchword, independence.

But in seeking independence they did not turn their backs upon the principles asserted throughout to the end. That which was equally as a republic, with liberty and equality as the animating principles, where the government should stand on the consent of the governed, as their representative, and here was the distinctive feature of American institutions.

At three forty-five P. M., the Senate went into executive session, Mr. Sumner having concluded his speech, and subsequently adjourned.

House.—The House resumed the consideration of the Senate bill to enlarge the powers of the Freedmen's Bureau.

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how as they ought to be, in order that just rights might be given to their fellow men. The time had gone by when human beings could be treated as brutes by their former masters.

Mr. Eliot, from the Committee on Freedmen's Affairs, offered several amendments to the pending bill, so as to provide that the act establishing the Bureau shall extend to all colored freedmen in all parts of the United States, and authorizing the President to divide the section of country having reference to the order of the day of February, 1865, containing such refugees and freedmen, into districts, each containing one or more States, not to exceed twenty in number. He said this amendment limited the jurisdiction of the Bureau, and confined it to States where the writ is now suspended.

Mr. Raymond (N. Y.) rose to a personal explanation. He said he was not in the House when the debate closed (last Friday), and until he saw the Globe he was not aware that any remarks were made concerning the bill. He found that while alluding to the letter of General Sherman to the President, concerning the appropriation of negroes of the Sea Islands, he had taken the letter as referring to the order of the day, as it was in his (Mr. Raymond's) hands for presentation, and that it had been given to him for that purpose. He then proceeded to explain the transaction, or that the letter was placed in the hands of his colleague, or of his having a claim to present such a letter. He never intended to refer to the order of the day, and he regretted for the presentation of a letter or anything else.

He was told in conversation by a gentleman in the Chamber of Commerce, who had been written and asked him whether he had any objection to giving a copy of it for publication in his (Mr. Raymond's) newspaper. The gentleman assured him that he had no objection to its being in his hands. As to the bill under consideration, the original proposition seemed to be that Congress has no right to refuse to take some of the responsibilities of the nation upon itself. He had no objection as to the practical working of this measure. He found that this law, like most of the laws of the United States, has been interpreted, and this would depend on the character of the agents in whose hands it was placed. He did not fear that agents would be appointed who would not exercise their powers for the best object of harmony, conciliation and protection to all classes of citizens in the Southern States. He was quite sure it would work well.

Mr. Eliot wanted to set himself right, but Mr. Chandler declined further to yield the floor, and then proceeded to defend the bill. The objection he said, which had been urged, that this bill referred to the whole country, was removed by his amendment, and the objection to the expense had been given in his former remarks. He proposed by the Committee on Freedmen's Affairs, the objections applied to the Senate bill, and not to the substitute now given in his report, and that the objections relating to freedmen had been removed, and as an argument for their protection, and from others to show how many white refugees had been relieved. In Atlanta three hundred families of white refugees, it was stated, would suffer greatly this winter unless they were assisted by government agents. To these the latter had given transportation and rations. He demurred the previous question.

Mr. Stevens said the bill, as it stood, contemplated the turning off of negroes at the end of three years from the lands on which they had been located by the government. He moved to strike out this objectionable clause. The bill said that the rental shall be based upon an valuation of the land, and that the occupants thereof shall be required to pay therefor the ascertained value of the land. What advantage was that? There were no public lands except the territories, and the occupants thereof were not to give the lands now occupied on the principle of the Homestead law, forty acres to each occupant. The President, he said, was not to be understood as referring to the lands returned to their former owners, and the freedmen were to be removed from them, notwithstanding their erection of churches and schoolhouses, and the lands so removed could not restore these lands to the rebels. None but Congress could prescribe such disposition of them. The freedmen on the Sea Islands who had built their habitations, and schools and churches there, had a right to retain the same forever.

It would be a burning shame to turn away these poor creatures. Sixteen thousand negroes, and two hundred and fifty thousand more, were occupying lands ceded to them by our government under the Confiscation act. Having been in neither case tried and punished, it could not, he repeated, be reached by the pardoning power of the President. These sixteen thousand persons have built houses, churches, and schools, and have expended two hundred thousand dollars in savings banks. They were now to be turned out, and the seeking rebels brought back to take their places. God would not do that, and he would not like this. The Emperor of Russia set a good example when the serfs were proclaimed free. That monarch said they had earned the land and are entitled to it, and were to retain the same. These lands at a price not less than the government price, or rent them at a price they could pay?

Mr. Stevens said so far from that being the case, he had information from the head of the Bureau that all the rights of the colored men would be cared for with satisfaction to themselves. That is all they ask and all they want.

Mr. Stevens said if the freedmen were turned out it would be robbery.

Mr. Randall (Pa.) said that one of the provisions of this act shall extend to or be enforced in the State of Kentucky.

The bill and the amendment will be voted on tomorrow.

Mr. Stevens offered a resolution, which was adopted, setting apart the evenings for the purpose of general debate, and in pursuance of this, the House took a recess till half-past seven o'clock for that purpose.

Evening Session.—Mr. Hubbell (Ohio) made a speech to show that Abraham Lincoln, in his promotion and under official act, contemplated the re-establishment of loyal State governments in the South at the earliest possible moment. The path of duty of Andrew Johnson, his successor, was plain, supported by a unanimous Cabinet. The policy inaugurated had received the sanction of the American people in the most authoritative manner, and by departure from it would have been a betrayal of his party and the country.

He referred to the proclamation of President Johnson, in reference to the restoration of the State of North Carolina, declaring that in all its features it was precisely the same plan as that inaugurated by President Lincoln, and that he, Mr. Hubbell, adhered until the day of his death. He had acted wisely and done well, and his policy was magnanimous and conciliatory.

Mr. Hubbell maintained that it was the duty of Congress, by its own legislation, to legalize the validity of what had been done, and to restore the States to their proper political relations to the General Government. He said he would support the Constitution changing the basis of representation from population to voters, or something equivalent, so as to conform to the result of the rebellion.

Mr. Samuel J. Randall (Pa.) affirmed that the rebel States have never been out of the Union. To say so is to admit the right of secession, which we have been at war to prevent.

He sustained the President in his declaration that the States cannot be treated as individuals. He inquired how it is compared with the wrong of insurrection and the late rebellion, excepting in the numbers engaged in the former. Gen. Washington having subdued the rebels gave to the loyal States all the rights of the people all their civil rights. He reviewed the entire history of the Republic, showing that they, as a party, by their acts and legislation, had provided for the well-being of the loyal States. He said that these States have never been out of the Union, and they have permitted them to exercise the highest powers known to the Constitution.

He referred to various acts of the Executive, Legislative and Judicial Departments of the Government, admitting Tennessee, Virginia, Louisiana and other rebel States were in the Union, and that the Republican National and various State Conventions had endorsed Mr. Johnson's government as a citizen of the State of Tennessee. The Houses of Congress, in joint convention, when assembled to count the electoral votes, declared Tennessee a State that had never been out of the Union, and Western Virginia into a State, and affirmed that the legislation with reference thereto proved that Virginia, after secession, was not deemed a free State in the Union, but a cede territory; that Congress recognized that right without limitation when West Virginia was admitted to the Union. West Virginia therefore stands as all the States in the Union formed from the thirteen colonial States. Decisions of the Supreme Court were then cited to sustain the judicial authority of the Government, and Mr. Sumner stated that he assumed that these States were in the Union. In response to Mr. Spaulding's view of the States being in the Union as a portion of the Government, taking part in the exercise of governing power, he said it was the phrase of what South Carolina attempted to demand in her nullification Convention of 1832.

He concluded by asserting: 1. That the Constitution of the United States was for a perpetual Union, without limitation as to time, and that the rebel States had no right to secede. 2. That the conventions of the rebel States had no right to secede from and deny their allegiance to the Constitution. 3. That the States who thus secede and aid this secession are liable to the judicial and executive powers of the Government, who alone have the power to punish them. 4. That the citizens and inhabitants of the rebel States who remain faithful to the Union retain their rights, which cannot be interfered with by the military or naval powers, and the States remain at the end as before the rebellion commenced. That the rebel States stand upon the same footing in their relations to the Union, excepting as to dates of acts of secession.

Entertaining these sentiments, he should vote for the admission of the representatives, they being coupled with all the communications of President Johnson, and against any act which would delay this national blessing.

Mr. Lawrence (Ohio) vindicated the policy of the government relative to the punishment of traitors. That policy was that some of the great conspirators who inaugurated the rebellion, and were most guilty in connection with it, should be tried in civil courts for treason, but military officers, as those who assassinated military officers and murdered Union prisoners of war, should be tried and punished by military tribunals.

Some objections have been urged to protect traitors. First, that secession is constitutional. Second, the belligerent rights of the rebels. Third, that the Constitution where committed (and there is no legal State where the rebellion existed), and fourth, that a jury trial is impracticable. He stated that it is unnecessary to discuss the right of secession, since it was denied by all the loyal men.

He argued that the belligerent rights of the rebels should not protect the civil courts for treason, because the nation retained not only belligerent but sovereign rights, including the right to try and condemn traitors. He said that this is supported by citations from Vattel, Wheaton, Bell, Bishop, and other authorities. The Constitution, in declaring that treason should be tried in the State where committed, and in the Constitution, can only be tried in civil tribunals, and this has been decided by the Attorney General; but military offences may be tried by military tribunals.

He had confidence in the Courts to condemn treason. A failure in a civil court was no more probable than in a military one, and in neither case did it impede the verdict of war. He might prefer a military trial of Davis first, but that was for the President to decide. The President invited our attention to this subject in his message, and civil trial is practicable; the marshal selects the jury, and there were now thousands of loyal men in Virginia whom he could and would select. An act of Congress excluded them for juries, since it was not deemed just that traitors should try treason. The President will execute the sentence of the Court. Let Davis be put on a gibbet, and let it be in the name of humanity and God let us abolish the gallows forever. With restored loyalty he was ready for consultation.

Mr. Friswell (Ind.) said that from the 14th of April, 1861, when the American flag was fired upon at Fort Sumter, until Lee's surrender, on the 9th of April 1865, there was a civil war, and he said that he was proud, when they were about to out the thread of national life, and sever the bonds of Union, that it was the duty of the government to maintain its rights, enforce the laws and protect its flag over our extended territory, and to make and punish rebellion as a flagrant crime. In order that the public mind might be clearly informed of the issue of the war, Congress, on the 23d of July, 1861, passed a resolution declaring that the object of the war was to preserve the Union, to preserve the rights of the States, and to suppress the rebellion. These objects were attained the contest ought to cease.

This was a binding pledge of the national faith to every one in arms, and that the war was not for secession, but was waged to preserve, not to destroy the government. The system inaugurated by Mr. Lincoln directed the attention of the people to the restoration of the Southern States was perfect in all its details, and its practicable application was about to be made when the head of the nation, the conscientious, wise defender, and the friend of State rights, was stricken down by the hand of a traitor.

That the plan of Mr. Lincoln, as carried out by Mr. Johnson, would ultimately meet the approval of the people, was his earnest belief, and he believed that the restoration of the Union was not a new one. It was proclaimed by John C. Calhoun, and culminated in 1851. The doctrine had been proclaimed here in the rebellion had forfeited their political rights; but we will soon have to meet this great question. His position, known from the resolution of December, mentioned on the 9th of December, has been made plain by Mr. Johnson's words: "He would be ready to admit to take the prescribed course, that they had never seceded from the Union."

If one man's rights cannot be taken away, we certainly cannot deprive Union men of their rights. He believed that the restoration of the Union was the duty of the Government, and that Congress has no right to interfere with it. He expressed himself hopeful for the future, and that all portions of the country should be in harmony, and united to carry out the great purposes for which the Union was founded.

The House at 10 P. M. adjourned.

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