## XXXIXth Congress—First Session.

[CLOSE OF YESTERDAY'S PROCEEDINGS.]

SENATE.—Mr. Sumner (Mass.), from the Committee on Foreign Affairs, reported the following resolution, which was laid on the table and ordered to be printed:

*Whereas*, It appears from official correspondence that the authorities of Basle, a canton in Switzerland, have recently undertaken to pardon a person convicted of murder, on the condition that he would emigrate to America, meaning thereby the United States, and there is reason to believe that similar pardons of persons convicted of infamous offences have been granted in other countries; now, therefore,

*Resolved*, That the Congress of the United States protests against such acts, as unfriendly and inconsistent with the comity of nations, and hereby requests the President of the United States to cause a copy of this protest to be communicated to the representatives of the United States in foreign countries, with instructions to present it to the government where they are accredited respectively, and to insist that no such acts shall, under any circumstances, be repeated.

Mr. Riddle (Del.), from the Printing Committee, reported a resolution to print ten thousand copies of the report of the Joint Committee on Reconstruction, with the accompanying testimony, for the use of the Senate. The Committee recommended the printing of six thousand instead of ten thousand.

Mr. Wade hoped the amendment of the committee would not be adopted. This was an important document and ought to be circulated.

Mr. Riddle inquired if Mr. Wade knew the cost of the printing.

Mr. Wade said it would only be the difference between six thousand and ten thousand.

Mr. Davis—I would like to know upon what principal of justice and impartiality the evidence is taken. One gentleman, of North Carolina, one of the truest and most honorable patriots in the land, gave me this information in relation to the State of North Carolina. He informed me that the evidence of some men connected with the Freedmen's Bureau had been taken. He addressed a letter to a member of the committee, requesting that witnesses whose names had been suggested by those who claimed seats in the Senate and House should be allowed to give their evidence before the committee. When I last conversed with him he had received no such privilege as that. If a just and intelligent and impartial committee would seek for the truth, the whole truth, and nothing but the truth, in relation to this matter, the inquiry would be a subject of deep interest to the country, and the result of their labors should be presented to the country; but if that committee proceeds upon the principle of suppressing evidence, suppressing the truth and silencing, or at least refusing to hear evidence in behalf of the gentlemen who claim seats in the two Houses from the eleven excluded States, I, for one, am opposed to publishing, at the public expense, the results of their labors. I do not believe, at least I have very little faith, in the various letters and information read to the Senate by the honorable Senator from Massachusetts presented to this body. I have no confidence whatever, or very little, in the testimony which the men in the employment of the Freedmen's Bureau give in relation to the state of public sentiment in the Southern States.

Mr. Davis then said that as a sample of the kind of evidence furnished by those employed by the Freedmen's Bureau, he would read from a speech made a few weeks ago by Gen. Clinton B. Fisk, in Cincinnati, and published in the Cincinnati *Commercial*. He characterized the statement in it in relation to tha treatment of negroes in Kentucky as false and calumnious.

Mr. Wilson said that since the Senator from Kentucky had risen, he had cut out of a paper a speech made by Colonel W. P. Thomasen, now at the head of the Freedmen's Bureau in Louisville, Kentucky, who was formerly a member of the House of Representatives from Kentucky. Colonel Thomason says in his speech, "It is said there is no necessity for the Bureau in Kentucky. Our Senators in Congress have asserted that all the rights of the Freedmen are protected by State laws. Now, my position enables me to say that neither General Palmer's letter nor General Fisk's speech in Cincinnati has told more than a fraction of the truth upon that subject. Our State laws do not protect colored people."

I have simply to say, in regard to General Fisk, that he is a gentleman of talent and character, and a Christian man, whose word will go further in this nation than the assertion of every rebel sympathizer in Kentucky. As to General Palmer, the country knows that he is an eminent citizen of Illinois. He is a native of Kentucky, a man of capacity and high character. He knows what is going on in that State. Mr. Wilson then referred to the fact that military tribunals had repeatedly convicted men of cruel and inhuman treatment of negroes in Kentucky, and the evidence taken before these tribunals could not be controverted.

Mr. Grimes said that, as a member of the Reconstruction Committee, having charge of the investigation of the condition of affairs in one of the rebel States, he felt called upon to say that there had not been a single instance of the name being presented to the committee, by any man claiming a seat in Congress from the rebel States, in which the individual had not been sent for and examined. As to General Fisk he would say that he came here at the request of the committee, having been sent for by the Secretary of War. He did not come here of his own accord, as was charged by Mr. Davis.

Mr. Fessenden said that so far as he knew there had not been a single application made by any one claiming a seat in which the individual suggested had not been examined; but one application had been made to him personally, and that came by letter, and was a request to introduce testimony, and it was granted, as all others were.

Mr. Williams said that as a member of the Reconstruction Committee and of a sub-committee having in charge the investigation of the condition of Louisiana, Texas and Florida, he felt called upon to deny the assertions of Mr. Davis that there had been partiality in the selection of witnesses. No application had been denied, and every witness named by persons claiming seats in Congress had been examined.

Mr. Johnson, as a member of the Reconstruction Committee, also felt called upon to say that every witness whose name had been suggested by any one claiming a seat in Congress had been examined. On the sub-committee of which he (Mr. Johnson) was a member, out of fifteen persons examined, thirteen had been suggested by persons claiming seats from the lately rebellious States.

Mr. Davis said that a North Carolina gentleman of known character and reputation had told him he had been denied the privilege of introducing testimony before the committee.

Mr. Conness replied to Mr. Davis, favoring the printing of a larger number of copies than the original resolution provided for.

Mr. Davis rose, but gave way to Mr. Trumbull, who said that he observed a disposition to debate this resolution, and he therefore moved to postpone the subject for the present.

Mr. Fessenden—Oh! let us take a vote on this.

Mr. Trumbull—I would like to see the Senate come to a vote, but the Senator from Kentucky has just risen, and when he rises there is no telling when he will take his seat. [Laughter.]

Mr. Davis said the Senator from Illinois must admit that the provocation was very great for a long speech just now, but he would promise to occupy only a few minutes.

Mr. Trumbull—I will give way to the Senator from Kentucky if he will get through in a few minutes. [Laughter.]

Mr. Davis took the floor and spoke of the mal-administration of military affairs in Kentucky.

Mr. Hendricks said that as a matter of economy it was worth while to reflect that the printing expenses of the government had gone up from a few hundred thousand to over two millions per annum. He would vote for the printing of the report, however, believing it important for the country to know the proceedings of the committee, whose appointment he considered unfortunate. In the course of debate he (Mr. Hendricks) had heard it asked whether rebels dripping with the blood of loyal men should be admitted to Congress. That was not the question; there was an oath which it was not proposed to repeal, which would keep voluntary rebels out. He was only in favor of the admission of men whose loyalty could not be questioned, and he believed all such should be admitted.

The question was then taken on the amendment to strike out ten thousand and insert six thousand.

The amendment was disagreed to, and the original resolution was passed.

Mr. Trumbull called up the Civil Rights bill. The question being upon concurrence in the House amendments.

Mr. Davis moved to lay the bill upon the table, and rose to address the Senate.

The Chair (Mr. Foster)—A motion to lay the bill on the table is not debatable. [Laughter.]

Mr. Davis—Then I move to postpone it until December next. Is that debatable?

The Chair—It is debatable in so far as it elates to the merits of postponement.

Mr. Davis proceeded with some remarks on the general merits of the bill, and was about to read some sections of it, when

Mr. Trumbull rose to a point of order. He said the bill is not before the Senate for discussion. It passed the Senate, and it has passed the House of Representatives with certain amendments. The question now is will the Senate concur with the House in its amendments. We cannot vote on the bill again, but only on these amendments, and of course we cannot discuss a question upon which we cannot vote, all the amendments have been adopted except the last one, which is now pending. The Senator from Kentucky moves to postpone the bill until next December. That does not bring up a discussion upon the merits of the bill, which the Senator purposes to read, because we cannot vote on the bill. It has passed the Senate, and I insist, as he proposes to read the bill and discuss it, that it is out of order to discuss a bill upon which the Senate cannot vote.

The Chair gave the opinion that the merits of a bill could not be discussed on a motion to postpone; reasons might be given for postponement and against postponement, but the general merits of the bill must not be discussed.

Mr. Davis inquired if it would be in order for him to show that Congress had no right to pass such a bill at all.

The Chair said the only question that could be discussed by Mr Davis was the postponement until next December.

Mr. Davis said if that were so, he would withdraw that motion and move to postpone indefinitely.

The Chair stated that the motion to postpone indefinitely would not allow of discussion any more than the motion to postpone till December.

Mr. Davis—Well, if I don't make anything by the change, I will adhere to my original motion. [Laughter].

Mr. Trumbull said he would not object to the Senator from Kentucky attempting to show that the last amendment proposed by the House was unconstitutional.

Mr. Davis said he would show that the whole bill, including the last section, was unconstitutional, and he addressed the Senate at length on this subject.

At the conclusion of Mr. Davis' remarks the last amendment of the House was agreed to.

The bill, as it has passed both houses, and will be presented to the President for his signature, is as follows:

SEC. 1. That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States, and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as punishment for crime, whereof the party shall have been duly convicted, shall have the same right in every State and Territory to make and enforce contracts, to sue and to be sued, and give evidence, to inherit purchase, lease, sell, hold and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subjected to like punishment, pains and penalties, and to none other, any law, statute, ordinance, regulation or custom to the contrary notwithstanding.

SEC. 2. That any person who, under color of any law, statute, ordinance, regulation or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to punishment, pains and penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the Court.

SEC. 3. That the district Courts of the United States within their respective districts shall have, exclusively of the Courts of the several States, cognizance of all crimes and offences committed against the provisions of this act, and also concurrently with the Circuit Courts of the United States, of all causes, civil and criminal, affecting persons who are denied or cannot enforce in the Courts of judicial tribunals of the State or locality where they may be, any of the rights secured to them by the first section of this act; and if any suit or prosecution, civil or criminal, has been or shall be commenced in any State Court against any such person for any cause whatever, civil or military, or other person, for any arrest or imprisonment, trespasses or wrongs done or committed by virtue or under color of authority derived from this act, or the act establishing a Bureau for the relief of Freedmen and Refugees, and all acts amendatory thereof, or for refusing to do any act upon the ground that it would be inconsistent with this act, such defendant shall have the right to remove such cause for trial to the proper District or Circuit Court, in the manner prescribed by the act relating to habeas corpus and regulating judicial preceedings in certain cases, approved March 3d, 1863, and all acts amendatory thereto. The jurisdiction in civil and criminal matters hereby conferred on the District and Circuit Courts of the United States shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where such laws are not adapted to the object or are deficient in the provisions necessary to furnish suitable remedies and punish offences against law, the common law, as modified and changed by the Constitution and statutes of the State wherein the Court having jurisdiction of the cause, civil or criminal, is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern said Courts in the trial and disposition of such cause, and if of a criminal nature, in the infliction of punishment on the party found guilty.

SEC. 4. That the district attorneys, marshals and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning or bailing offenders against the laws of the United States, the officers and agents of the Freedmen's Bureau, and every other officer who may be specially empowered by the President of the United States, shall be and they are hereby specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial before such Court of the United States or territorial court, as by this act has cognizance of the offence; and with a view to affording reasonable protection to all persons in their constitutional rights of equality before the law, without distinction of race or color, or previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, and to the prompt discharge of the duties of this act, it shall be the duty of the Circuit Courts of the United States, and the superior Courts of the territories of the United States, from time to time, to increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examinations of persons charged with a violation of this act.

SEC. 5. That said commissioners shall have concurrent jurisdiction with the Judges of the Circuit and District Courts of the United States, and the Judges of the superior courts of the territories, severally and collectively, in term time and vacation, upon satisfactory proof being made, to issue warrants and precepts for arresting and bringing before them all offenders against the provisions of this act, and, on examination, to discharge, admit to bail or commit for trial, as the facts may warrant.

SEC. 6. That such commissioners are hereby authorized and required to exercise and discharge all the powers and duties conferred on them by this act, and the same duties with regard to offences created by this act as they are authorized by law to exercise with regard to other offences against the laws of the United States; that it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars, to the use of the person upon whom the accused is alleged to have committed the offence; and the better to enable the said commissioners to execute their duties faithfully and efficiently, in conformity with the Constitution of the United States and the requirements of this act, they are hereby authorized and empowered, within their counties respectively, to appoint, in writing under their hands, any one or more suitable persons, from time to time, to execute such warrants and other process as may be issued by them in the lawful performance of their respective duties; and the persons so appointed to execute any warrant or process as aforesaid, shall have authority to summon and call to their aid the the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged; and to insure a faithful observance of the clause of the Constitution which prohibits slavery, in conformity with the provisions of this act; and said warrants shall run and be executed by said officers anywhere in the State or territory within which they are issued.

SEC. 7. That any person who shall knowingly and wilfully obstruct, hinder or prevent any officer or other person charged with the execution of any warrant or process issued under the provisions of this act, or any person or persons lawfully assisting him or them, from arresting any person for whose apprehension such warrant or process may have been insued, or shall rescue or attempt to rescue such person from the custody of the officer, other person or persons, or those lawfully assisting as aforesaid, when so arrested pursuant to the authority herein given and declared, or shall aid, abet or assist any person so arrested as aforesaid, directly or indirectly, to escape from the custody of the officer or other person legally authorized as aforesaid, or shall harbor or conceal any person for whose arrest a warrant or process shall have been issued as aforesaid, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars and imprisonment not exceeding six months, by indictment and conviction before the District Court of the United States for the district in which said offence may have been committed, or before the proper court or criminal jurisdiction if committed within any one of the organized territories of the United States.

SEC. 8. That the district attorneys, the marshals, their deputies, and the clerks of the said district and territorial courts shall be paid for their services the like fees as may be allowed to them for similar services in other cases, and in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars, in full for his services in each case, inclusive of all services incident to such arrest and examination. The person or persons authorized to execute the process to be issued by such commissioners for the arrest of offenders against the provisions of this act shall be entitled to a fee of five dollars for each person he or they may arrest and take before any such commissioner as aforesaid, with such other fees as may be deemed reasonable by such commissioners for such other additional services as may be necessarily performed by him or them, such as attending at the examination, keeping the prisoner in custody and providing with food and lodging during his detention, and until the final determination of such commissioner, and in general for performing such other duties as may be required in the premises, such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the Treasury of the United States, on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction.

SEC. 9. That whenever the President of the United States shall have reason to believe that offences have been or are likely to be committed against the provisions of this act within any judicial district, it shall be lawful for him, in his discretion, to direct the Judge, Marshal, and District Attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons charged with a violation of this act, and it shall be the duty of every judge, or other officer, when any such requisition shall be received by him to attend at the time and place, and for the time therein designated.

SEC. 10. That it shall be lawful for the President of the United States, or such persons as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act.

SEC. 11. That upon all questions of law arising in any cause under the provisions of this act a final appeal may be taken to the Supreme Court of the United States.

Mr. Trumbull gave notice that on Monday next he would ask the Senate to take up the case of the Senator from New Jersey, Mr. Stockton, which had been referred on a protest from the Legislature of that State to the Committee on the Judiciary.

Mr. Fessenden (Me.) called up the Deficiency bill, which contains among other items the following: For completing the dome of the Capitol, $50,000; for defraying expenses of Mr. Lincoln's funeral, $30,000; for purchasing files of leading American newspapers for the Library of Congress, $1,500; to enable the Joint Committee on the Library to pay the first installment due on a contract with William H. Powell for a naval picture to be placed in the Capitol, in pursuance of a joint resolution, approved March 2d, 1865, $2,000; to supply a deficiency in the fund for the relief of sick and disabled seamen; $170,000; for the purchase of the property in Washington city, known as Ford's theatre, for the deposit and safe keeping of documentary papers relating to the soldiers of the army of the United States, and of the museum of the Medical and Surgical Departments of the army, $100,000; for plates, engraving, printing and paper for national currency notes, $250,000.

The Finance Committee recommended the striking out of the following proviso, inserted by the House, in connection with the foregoing appropriation.

Provided, That hereafter no portrait or likeness of any living person shall be engraved or placed upon any of the bonds, securities, or postal currency of the United States.

The proviso was stricken out.

For facilitating communication between the Atlantic and Pacific coast by telegraph, $40,000.

SEC. 5 authorizes the President to expend during the fiscal year ending the 30th day of June, 1866, so much of the appropriation of March 2, 1861, as he may deem expedient and proper, not exceeding in the whole $10,000, for compensation to United States Marshals, District Attorneys, and other persons employed in enforcing the laws for the suppression of the African slave trade, for any service they may render, and for which no allowance is otherwise provided by law; and also so much of said appropriation as may be necessary to pay the salaries of the Judges and Arbitrators appointed by him, pursuant to the act of Congress approved July 11, 1862, entitled an act to carry into effect the treaty between the United States and her Britannic Majesty for the suppression of the African slave trade, and for the expenses of the mixed courts of justice provided for by said treaty.

Pending the consideration of the bill, the Senate adjourned.

HOUSE.—Mr. Stevens, from the Committee on Appropriations, reported the Indian Appropriation bill, which was read twice and referred to the Committee of the Whole on the State of the Union, and made the special order for next Thursday.

The House resumed the consideration of the bill to amend the act relating to the habeas corpus, and regulating judicial proceedings in certain cases, approved March, 1863.

Mr. Harding (Ky.) consumed the remainder of his hour left from yesterday in arguing against the constitutionality and principles of the bill. The bill went over at the expiration of the morning hour.

The House then proceeded as a special order, to the consideration of the Loan Bill.

Mr. Morrill (Vt.), from the Committee on Ways and Means, reported the following amendment to the bill: To strike out the following proviso: "*Provided*, That the bonds which may be disposed of elsewhere than in the United States may be made payable both principal and interest, in the coin or currency of the country in which they are made payable, but shall not bear a rate of interest exceeding five per centum per annum."

After a long debate the House adjourned.


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CURWEN STODDART & BROTHER,
Nos 450, 452 and 454 North Second street,
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NEW STYLE PRINTS
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LIQUORS.
RICHARD PENISTAN'S
Ale, Wine and Liquor Vaults,
439 Chestnut Street,
PHILADELPHIA.
Established for the Sale of Unadulterated Liquors Only.
Special Notice to Families!
Richard Penistan's
Celebrated, Ale, Porter and Brown Stout,
Now so much recommended by the Medical Faculty for Invalids,
$1 25 PER DOZEN,
(These Bottles hold one Pint.)
The above being of the very best quality, it must be admitted the price is exceedingly LOW.
It is delivered to all parts of the city without extra charge.
Brandies, Wines, Gins, Whiskies, &c., &c.
Warranted pure, at the lowest possible rates, by the Bottle, Gallon, or Cask.
CHAMPAGNES of the best brands offered lower than by any other house.
On Draught and in Bottles,
PURE GRAPE JUICE.
This is an excellent article for Invalids. It is a sure cure for Dyspepsia.
HAVANA CIGARS,
OLIVE OIL,
PICKLES, SAUCES,
BAY RUM,
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London and Dublin Porter and Brown Stout—English and Scotch Ales. de12tf

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NO. 180 BROADWAY, N. Y.,
Would respectfully inform the public that our goods may be found in Philadelphia at the following houses
SIMON COLTON & CLARKE,
ROBERT BLACK,
BULLOCK & CRENSHAW,
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CONSTANTINE KAISER,
No. 143 South Front Street,
Importer and Dealer in
RHENISH AND SPARKLING
WINES,
oc9-m,w,f,6m
CLARETS, &c

HER MAJESTY CHAMPAGNE,
J. F. DUNTON,
151 SOUTH FRONT ST., SOLE AGENT.
WINES.—The attention of the trade is solicited to the following very choice Wines, &c., for sale by JOSEPH F. DUNTON, No. 151 South Front street, above Walnut:
MADEIRAS—Old Island, 8 years old.
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CLARETS—Cruse Fils Freres and St. Estephe Chateau Lamiley.
VERMOUTH—G. Jourdan, Brive & Co.
MUSCAT—de Frontignan.
CHAMPAGNES—Ernest Irrony, "Golden Star," de Venoge, Her Majesty and Royal Cabinet and other favorite brands.
CHAMPAGNE—PIPER HEIDSIECK, constantly on hand; for sale by A. MERINO, Sole Agent for this State. mh15-1m* 140 South Front street.
FINE WHISKY.—Choice lots of old Wheat Rye and Bourbon Whisky, for sale by E. F. MIDDLETON, 5 North FRONT Street. ly15

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TIMMINS & LYLE,
COAL YARD,
S. E. cor. Thirteenth and Willow Streets,
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Orders thankfully received and promptly executed.
Blacksmiths' Coal constantly on hand. mh14-1m

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DEALER IN
Schuylkill and Lehigh Coals.
YARD:
1314 WASHINGTON AVENUE.
I keep nothing but a superior quality on hand, and am prepared to deliver to any part of the city at the REDUCED LOW RATES. A trial will make you my customer. Leave your orders at 114 South Third street, and they will be attended to at once. mh13-1m

S. MASON BINES. JOHN J. SHEAFF
THE UNDERSIGNED INVITE ATTENTION TO their stock of
Buck Mountain Company's Coal,
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Locust Mountain,
which they are prepared to sell at the lowest market rates, and to deliver in the best condition.
Orders left with S. MASON BINES, Franklin Institute Building, SEVENTH street, below Market, will be promptly attended to. BINES & SHEAFF,
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COAL.—SUGAR LOAF, BEAVER MEADOW AND Spring Mountain, Lehigh Coal, and best Locust Mountain from Schuylkill, prepared expressly for family use. Depot, N. W. corner EIGHTH and WILLOW streets. Office, No. 112 South SECOND street. mh27 J. WALTON & CO.

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