

XXXIXth CONGRESS—FIRST SESSION
(HOUSE OF REPRESENTATIVES—PROCEEDINGS)

SENATE.—Mr. Sherman (Ohio) introduced a bill to incorporate the National Telegraph Company, which was referred to the Select Committee of Five, and is as follows: SECTION 1. That George B. Senter, E. M. Keyes, George B. Walter, Frederick Prentice, Charles A. Russell, R. H. Sloan, A. H. Markland, J. R. Jones, Henry L. Burnett, Edwin Crum, Benjamin E. Smith, Robert Squires, E. S. Hamblin and Jonathan S. Dull, and their associates and successors, are hereby constituted and created a body politic and corporate, by the name of the National Telegraph Company, with the usual powers and privileges incident to corporations, and with the right and privilege to construct and operate lines of telegraph over any and all of the post routes that are or may hereafter be established within the United States or Territories.

proposes to change the whole theory of the government. The President, therefore, I think, is right in saying, and I go further than he does, he is right in expressing a doubt whether Congress has the right or power, and I affirm, with all deference to Mr. Johnson, that the Senate is not authorized to vote for this bill, and the honorable chairman of the Judiciary Committee, that it is perfectly clear that no such power exists as attempted to be exercised by the first section.

I hold with Mr. Justice Curtis, and his opinion has never been questioned, that to remain right in the States subsequent upon birth in a State is to depend upon the fact whether the Constitution and laws of the State make the party so born a citizen of the State, and what is the next section or what is the remaining provision of the first section? Not satisfied with declaring, or assuming that they had the power to declare that all persons not subjects of any foreign power born in the United States, and having the right of such persons to depend upon the fact of their being citizens, the bill does not provide what right shall belong to them. Now, what is that? Is that declaratory to citizenship, which, says the Hon. member (Mr. Trumbull), carries with it the right to vote in the election of the Senate from the first of Kent, page 46, a passage which, he will pardon me for saying, has nothing in the world to do with the particular question before us.

1861 I was here, but not a member of the Senate, and I heard many sayings in the midst of those who were plotting to destroy the Union, in words that burned, denounce their attempts at rebellion. After a colloquy between Mr. Johnson and Mr. Wade, the latter said: "I am not disposed to do any arrangement could be made, he proposed to say a few words. He looked upon it as a very dangerous one, but it could not effect all the purposes which his friends desired. The rights conferred by the first section of the bill are without reservation or restriction whatever. It does not confer rights as upon white citizens, but confers them absolutely. They have the right to make and enforce contracts. In some of the States a married woman has not the right to make a contract and in all of them her rights are limited. Now I ask Senators what have the care of States, whether they wish to put into the power of the district courts to set aside all State laws in regard to contracts. The bill confers upon married women, upon the fact of their being citizens, the right to make contracts, and, in some of the States, to prohibit it. The power granted is absolute, and it is not to be limited by any law of the States. Some of the reasons of policy, some for reasons of morality, and for other reasons. In my State (Pennsylvania) a contract is not valid unless made by a man, but this bill steps in and enforces it. Now, Mr. President, I wish to show the attitude manner in which bills are drawn upon this subject, as between the foreign nations and the General Government. It is because that resolution can only in that way subsist. It is the duty of the United States, as it is the duty of every nation, to protect its own citizens. But how can the United States protect a citizen of the United States who is entitled to the same protection of the Government of the United States to be considered a citizen of any one State?

After some further discussion Mr. Hendricks moved for adjournment. Mr. Wade demanded the yeas and nays on the motion. The call being sustained, resulted as follows: Yeas—Messrs. Anthony, Brown, Buckalew, Clark, Cowan, Craig, Davis, Doolittle, Edmonds, Ferguson, Foster, Gillette, Gove, Hendricks, Johnson, Keim, McKim, McMillan, McPherson, Morrill, Phelps, Sherman, Sprague, Trumbull, Van Winkle, Willey. Nays—Messrs. Chandler, Conness, Cresswell, Howland, Johnson, Phelps, Sumner, Tilden, Tipton, Stewart, Wade and Yates—12. So the Senate adjourned.

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FURNITURE AND BEDDING. Rosewood, Chamber and Parlor Suites, at Geo. J. Henkels', Thirteenth and Chestnut Streets, formerly 89 and 911 Chestnut street. FURNITURE. GOLD & CO'S. Celebrated Furniture Establishment is removed from Second and Race streets to the splendid NEW DEPOT, No. 37 and 39 N. Second street, (Opposite Christ Church.)