THE NEW YORK HERALD.

WHOLE NO. 10,746. NEW YORK, TUESDAY, JANUARY 30, 1866.—WITH SUPPLEMENT. PRICE FOUR CENTS.

THE NATIONAL CAPITAL.

The Official Correspondence Regarding Affairs on the Rio Grande.

President Johnson Thinks It Should Not be Made Public at Present.

Interesting Proceedings of Congress Yesterday.

Debate in the Senate on the Bill to Guarantee the Rights of the Freedmen.

Address of Senator Trumbull in Its Support.

Passage of the Bill Limiting Fees for Collection of Soldiers' Claims.

Consideration Resumed in the House of the Proposed Representation and Taxation Constitutional Amendment.

Speech of Mr. Raymond Against It and in Support of the President.

Adoption of the Resolution Commending the President's Refusal of the New York Equipage.

Enthusiastic Reception of General Sherman on the Floor of the House.

&c. &c. &c.

WASHINGTON, Jan. 29, 1866.

AFFAIRS ON THE RIO GRANDE—OUR ARMIES IN THAT LOCALITY.

The President, in a communication to the Senate, enclosed the opinion of the Secretary of War, that it is inconsistent with the public interests to give an answer to the resolution of the 17th inst., regarding the letters of General Sheridan and other officers of the Department of Texas, with regard to the present condition of affairs on the Southern frontier, and especially in relation to any violation of neutrality on the part of the armies now occupying the right bank of the Rio Grande.

THE CONFERENCE OF MILITARY CHIEFTAINS.

Generals Sherman, Meade and Thomas made a call of a couple of hours at General Grant's headquarters this morning. It is rumored that General Sheridan has been ordered by telegraph to be present at the conference of generals being held in Washington.

PROCEEDINGS OF THE SENATE.

The Senate has been almost exclusively occupied to-day in the consideration of the bill for protecting all citizens of the United States in their civil rights. Mr. Trumbull led off with the radical refrain upon justice, inborn rights and the down trodden race for the space of about half an hour, when Mr. Saulsbury finished the debate in a two hours' speech, tinctured with the strongest essence of the State rights doctrine.

SPEECH OF MR. RAYMOND ON THE NEW REPRESENTATION SCHEME.

Mr. Raymond made his promised speech on the constitutional amendment question to a well filled house this afternoon. Prefacing his remarks by stating that he could not exactly see what connection the amendment to the constitution resolution has with the purposes for which the Reconstruction Committee was formed, he very properly ignored the amendment in particular and talked on reconstruction generally. He distrusts all propositions for the amendment of the constitution and is opposed to them. Thad. Stevens' proposition to pass one between meridian and twilight, a few days ago, especially shocked Mr. Raymond. He repeated his former argument that the Southern States are in the Union, and ever have been so since the Union was formed, and quoted Wheaton to prove that a State subsists even though her people temporarily disobey the laws. Mr. Raymond eloquently defended the President's manner of putting the machinery of government in motion in the South. Mr. Johnson appointed Provisional Governors in the South in pursuance of his power as Commander-in-chief as his agents, in fact, and then gave them some good advice. Raymond thinks the President has performed his work splendidly, and there is no cause for Congress to exercise any functions in the case. In answering the objection which has been urged by radicals that Southern representatives will not vote right if they are admitted, the coming man contended that Congress should not attempt to control the votes of any of its members, although it is proper to make tests of loyalty before admission. Better have intelligent Southern members on the floor of the House to represent Southern sentiment than to rely on anonymous extracts and prejudiced reports. Mr. Raymond desires the overthrow of the Reconstruction Committee, and argue it in the happiest way. The members owe it to themselves to become emancipated from the domination of that committee. Mr. Raymond spoke two hours in this conservative strain, Stevens, Bingham, Julian and the rest working about nervously in their chairs meanwhile. His closing paragraphs were particularly fine and commanded the closest attention of all.

GENERAL SHERMAN IN THE HOUSE.

General Sherman appeared on the floor of the House to-day, and as soon as his presence became known the most astonishing demonstration of modern times took place. Business was suspended, the Speaker invited the distinguished chief to the desk, where he was greeted with the most extravagant, perhaps undignified, manifestations of delight. The General retired to a seat after being introduced to the members, and good naturedly wrote autographs for members, doorkeepers and pages while listening to Mr. Raymond's speech. Subsequently he emphatically endorsed the sentiments of that speech in conversation with a friend.

General Sherman was also on the floor of the Senate for a short time to-day, and again had an impromptu love thrust upon him. As on Friday last, the occupants of the galleries continually stretched their necks to see him.

THE RECIPROCITY TREATY.

Copies of the preliminary report on the treaty of reciprocity with Great Britain, to regulate trade between the United States and the provinces of British North America, prepared by E. H. Derby at the request of the Secretary of the Treasury, were to-day laid on the desks of the members of Congress. He appends the draft of a bill to extend the present treaty for the further term of one year from the 17th of March next, on the condition that Canada shall repeal all duties and taxes on salt, cars, locomotives, vehicles of all kinds, machinery, furniture, tools, implements, soap, starch, boots, shoes, leather, horseshoes and horseshoe nails, harness, bricks, brads, watches, music and musical instruments, cotton, tin and wooden ware, muslin delaines, coarse shirting, satinets, and sheetings and shirtings, worth less than one dollar a pound, and raised her internal tax and duty on spirits to at least seventy-five cents per gallon, wine measure, and discontinued her free ports on Lakes Huron and Superior. The said treaty for extension shall also provide that the United States may impose any internal taxes on the productions of the provinces which they levy upon their own products of the same kind. The President is authorized to appoint two commissioners or envoys to negotiate a treaty with the United Kingdom and the provinces, either jointly or severally, to regulate the commerce and navigation between the respective Territories and people of said provinces and the United States, on terms reciprocally beneficial. It is to be made the duty of the commissioners to provide, if possible, for the permanent security of the fisheries of the United States, to secure the free interchange of the chief products of art and manufacture as well as the products of the forest and agriculture and other products, between the provinces and the United States; to secure, if possible, the discontinuance of any free ports that may endanger revenue, and the assimilation of duties on articles taxed by the two countries, and the removal of all charges for lights and compulsory pilotage, and all discriminating tolls and duties; and for improved navigation between Lake Michigan and the Mississippi, around the Falls of Niagara, and between Lake Ontario, Montreal and Lake Champlain. All articles produced in any of the provinces, which under the provisions of the treaty for extension, if made, shall be freely admitted into Canada from the United States, shall during the year of extension be freely admitted to the United States from Canada, if produced in that country.

The Ways and Means Committee intend to discuss the matter of the Reciprocity treaty at their meeting on Wednesday. Some half dozen wealthy representatives of the commercial interests of Canada are now in the city, and it is understood they will be present with the committee at the above time, and submit certain propositions for a continuance of reciprocal trade and intercourse.

DECISION IN THE PHILADELPHIA CHESTNUT STREET BRIDGE CASE.

The United States Supreme Court to-day decided the Philadelphia Chestnut street bridge case. Mr. Justice Wayne delivered the opinion, asserting the principle that the power under the constitution to regulate commerce, extends to all navigable waters, and does not stop at State lines. Bridges are in the character of ferries. He referred to the Delaware Blackbird Creek case in which Chief Justice Marshall held that the dam authorized there to be erected stopped a navigable stream, but unless it came in conflict with a law of Congress it was a matter for Delaware herself, of which the United States had no jurisdiction. The Court could see no difference between those and the Chestnut street case, and could not amend the law of Pennsylvania authorizing its erection. The public good is to be consulted, and Congress may, whenever it becomes necessary, interfere, as it did in the Wheeling bridge case, by special or general law within the sphere of its constitutional authority. The Delaware river being within the limits of Pennsylvania, the Court could not say she exceeded her powers, which could not be made a subject of review by the Supreme Court, which discovered nothing to disturb the decree of the Circuit Court of the Eastern district of Pennsylvania, which is affirmed with cost.

DISFRANCHISEMENT OF ALL PERSONS WHO SERVED IN THE REBEL ARMY.

The Committee on the District of Columbia are engaged framing a bill which will, so far as the District of Columbia is concerned, disfranchise all persons who served in the rebel army. Such a bill would undoubtedly pass both houses, and become a law.

GENERAL GRANT'S RECEPTION

this evening was attended by hundreds of invited and uninvited guests, who were graciously received, treated to music, dancing and an elegant collation, and "all went merry as a marriage bell." Among the distinguished guests were Secretary Stanton, Secretary Welles, General Meade, General Logan and many honorable Senators and members of Congress.

PERSONAL.

A brother of General Grant, formerly his partner in business, is now in this city, and submitting to considerable lionizing at the hands of the military and civic authorities.

General Gibbon, and Hon. Lyman Tremain, of New York, are in the city.

THIRTY-NINTH CONGRESS.

First Session.

SENATE.

WASHINGTON, Jan. 29, 1866.

IMPROVEMENT OF THE UPPER MISSISSIPPI.

Mr. RAMSEY, (rep.) of Minn., presented a memorial from the St. Paul Board of Trade, asking for the improvement of the Upper Mississippi river, and such commercial arrangements with the British provinces as will secure the freedom of the Welland and St. Lawrence canals to American vessels; and the enlargement of those canals by the Canadian government to a capacity sufficient to pass vessels of one thousand tons burthen from Lake Superior or Chicago to the Ocean; and, also, that a joint commission, representing the governments of the States and Provinces, shall be authorized, with a view to a liberal and satisfactory system of reciprocal trade.

The memorial was referred to the Committee on Commerce.

PROHIBITION OF ALL DISTINCTIONS ON ACCOUNT OF RACE, COLOR OR CONDITION.

Mr. YATES, (rep.) of Ill., introduced the following, which was referred to the joint Committee on Reconstruction:—

Whereas the constitution of the United States abolishes slavery in all the States and Territories of the United States, whereby all constitutions, laws or regulations of any State or Territory to aid of slavery or growing out of the same, are null and void; and whereas by virtue of said abolition of slavery, all men, in all the States and Territories, are citizens entitled to all the rights and privileges of citizens, subject only to legal disabilities applicable to white persons; and whereas also, it is expressly provided that Congress shall have power to enforce, by appropriate legislation, the aforesaid power, abolishing slavery, which cannot be done without protecting all citizens against all restrictions, penalties or deprivations of right resulting from slavery, and securing to them all their civil and political rights, including the elective franchise;

Therefore be it enacted, &c., That no State or Territory of the United States shall, by any constitution, law or other regulation whatever, heretofore in force, or hereafter to be adopted, make or enforce, or in any manner recognize any distinction between citizens of the United States or of any State or Territory on account of race or color or condition; and that hereafter all citizens, without distinction of race, color or condition, shall be protected in the full and equal enjoyment and exercise of all their civil and political rights, including the right of suffrage.

REORGANIZATION OF THE JUDICIARY.

Mr. HARRIS, (rep.) of N. Y., introduced a bill to reorganize the Judiciary of the United States, which was referred to the Judiciary Committee.

This bill is a remodification of the bill introduced by Mr. Harris at the beginning of the session.

INCREASE OF THE NUMBER OF CADETS, AND ADMISSION TO THE MILITARY ACADEMY.

Mr. WILSON, (rep.) of Mass., also introduced a bill to increase the number of cadets, and to raise the standard of admission to the Military Academy.

It authorizes the President to appoint two additional cadets for each State represented in Congress, and seventy-five who shall be selected from sons of officers or privates who have died in the military service of the United States, apportioned to the several States according to the number of troops furnished during the war. It also requires for admission after July 1867, examinations in spelling, reading, writing, grammar, political and physical geography of the United States, United States history and arithmetic. Algebra and geometry are stricken out.

BILL TO PROMOTE MILITARY EDUCATION.

Mr. SHERMAN, (Rep.) of Ohio, offered a bill to promote military education, which was referred to the Military Committee.

It provides that for the purpose of promoting knowledge of military science among the young men of the United States, the President may, upon the application of an established college or university within the United States, with sufficient capacity to educate at one time not less than one hundred and fifty male students, detail an officer of the army to act as president or superintendent of such college or university. The number of officers so detailed shall not exceed twenty at any time, and shall be apportioned through the United States as nearly as practicable according to population, and shall be governed by general rules to be prescribed from time to time by the President.

THE RECIPROCITY TREATY.

Mr. HARRIS presented a remonstrance against the renewal of the Reciprocity treaty, which was referred to the Committee on Foreign Relations.

PROHIBITION OF DISTINCTION IN CIVIL RIGHTS ON ACCOUNT OF COLOR.

Mr. SUMNER, (rep.) of Mass., presented a petition from the citizens of Pennsylvania, asking for an amendment to the constitution prohibiting distinction in civil rights on account of color; which was referred to the special Committee of fifteen on Reconstruction.

PUBLIC LAND FOR THE BENEFIT OF THE DISTRICT SCHOOLS.

Mr. WILSON, from the Committee on Public Lands, reported favorably on the bill to grant a million acres of the public land for the benefit of the public schools in the District of Columbia.

GRANT FOR RAILROAD PURPOSES.

Mr. WILSON, from the Military Committee, reported a joint resolution authorizing the Secretary to grant the use of a portion of the Military Reserve, on the St. Clair river, in the State of Michigan, for railroad purposes, which was passed.

IMPROVEMENT OF THE PUBLIC GROUNDS IN WASHINGTON.

Mr. FOOT, (rep.) of Vt., introduced a resolution, which was adopted, instructing the Committee on Public Buildings and Grounds to inquire into the expediency of making appropriation for the improvement of the public grounds in Washington city.

FEES FOR COLLECTING SOLDIERS' CLAIMS.

Mr. WILSON called up the bill to reduce the amount of fees for collecting the claims of soldiers to ten dollars each.

Mr. CLARK, (rep.) of N. H., offered an amendment to except cases in which the accounting officers shall certify that the services rendered are worth more than ten dollars, which was adopted. The bill was then passed—Yeas, 33; nays, 7.

THANKS TO THE NAVAL OFFICERS AND MEN ENGAGED AT MOBILE BAY.

Mr. GRIMES, (rep.) of Iowa, offered a resolution giving the thanks of Congress to Rear Admiral Farragut and his officers and men, for gallant conduct in the engagement in Mobile bay, August 5, 1864; which was referred to the Naval Committee.

PROTECTION OF CIVIL RIGHTS.

Mr. TRUMBULL, (rep.) of Ill., called up the bill to protect all in the enjoyment of their civil rights, and to furnish the means of their vindication.

It provides that there shall be no discrimination in civil rights or immunities among the inhabitants of any State or Territory of the United States on account of race, color or previous condition of slavery; but the inhabitants of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall have the same 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 full and equal benefit of all laws and proceedings for the security of person and property, and shall be subject to like punishment, fines and penalties, and to none other, any law, statute, ordinance, regulation or custom to the contrary notwithstanding. The remainder of the bill prescribes punishments for the violation of the above provisions by fine and imprisonment.

Mr. TRUMBULL offered the following amendment, to be inserted immediately after the existing clause in the first section:—

That all persons of African descent, born in the United States, are hereby declared to be citizens of the United States.

Mr. TRUMBULL proceeded to address the Senate on the above, which, he said, was a measure necessary to the enforcement of the constitutional amendment, and called for by the second clause of that amendment. Since the adoption of the constitutional amendment which had declared all the inhabitants of the United States free, he said no more important measure had engaged the attention of Congress than this one. This proposes to give practical effect to that declaration. The announcement of great fundamental laws are of little consequence while they who are to be affected by them are denied the means of availing themselves of their benefit. Of what avail was the immortal declaration that all men are created free and equal—that they are endowed by their Creator with certain inalienable rights—that among these are life, liberty and the pursuit of happiness, and that to secure these rights governments are instituted among men—to the millions of African descent in this land who for generations were subjected to a bondage the most abject and cruel the world has ever known? Of what avail was that other declaration that the citizens of each State shall be entitled to all privileges and immunities of citizens of the several States to a citizen of Massachusetts, who, for undertaking to assert a constitutional right in the courts, had to flee from South Carolina to escape personal violence? Of what avail will be the great act abolishing slavery if the late slaveholding States, by unequal, oppressive and tyrannical legislation, shall still be permitted to deny these persons of African descent the great essentials of freedom? In some of the States—Mississippi, for instance—free negroes are not permitted to enter the State under penalty of being sold into slavery for life. Those residing in the State are not permitted to travel from one county to another without a pass; and for exercising the functions of a minister of the Gospel for negroes are furnished with any number of lashes not exceeding thirty-nine. All such acts are inconsistent with the freedom of the colored race and are badges of servitude made in the interests of slavery, and became null and void when slavery was abolished. The measure under consideration was intended to protect colored persons against such legislation and all others which discriminate against them in civil rights on account of color. The first section declares that all persons of African descent born in the United States are citizens of the United States; that no discrimination in civil rights shall be made against them, nor in punishment for offences on account of color. This section is the basis of the whole bill, its provisions being designed to give practical effect to the rights therein declared. Has Congress the right to enact it? I contend that it has, and that the section is nothing more than a amplification of the constitutional provisions abolishing slavery and securing to the citizens of each State the privileges and immunities of citizens in the several States. Liberty and slavery are opposite terms, and it is difficult to define either with exactness. Natural and absolute liberty cannot exist in civil government; nor is such a thing known in any government as absolute slavery. Every person, as a member of society and civil government, necessarily gives up some of his natural rights. And so the most abject slave is permitted to enjoy some rights under every known form of government. Civil liberty is no other than natural liberty, so far restrained by human laws which are equal to all, and no further than is necessary and expedient for the general advantage of the public. Every wanton and causeless restraint is a degree of tyranny and destruction of liberty. The bill under consideration declares all persons born in the United States to be citizens, and as citizens they are entitled to certain fundamental rights, among which are protection by the government, the enjoyment of life and liberty, with the right to acquire, possess and obtain happiness and safety, subject, nevertheless, to such restraints as the government may justly prescribe for the general good of the whole. Congress, being vested by the constitution with powers by appropriate legislation to abolish and prohibit slavery, has as a consequence power to abolish slave laws which deprive a freeman of his rights as such and which lead to slavery. The power to pass the measure being established, the remaining question is, will the bill, if enacted into a law, be effective for the purpose? It is designed to accomplish its power for punishing all persons who deny colored persons equality in civil rights, no matter under what pretension, and for this purpose makes use of the same machinery formerly used for the recapture of the fugitive slave and the punishment of those aiding him to escape. Surely it cannot be unconstitutional, now that slavery is abolished, to enact as severe penalties against those who attempt to reduce freedmen to slavery as, when slavery existed, were enacted against those who should attempt to make them free. The details of the bill are believed to be all that is necessary to secure equality in civil rights through the federal courts to all persons in the United States.

Mr. VAN WINKLE, (rep.) of W. Va., asked Mr. Trumbull if persons of African descent were not now citizens, under what authority could Congress make them citizens?

Mr. TRUMBULL said that Congress could do so under the constitutional authority to establish uniform laws of naturalization.

Mr. SAULSBURY, (dem.) of Del., looked upon this bill as more dangerous to civil liberty than any one ever introduced in the Senate. He denied the power under the constitutional amendment to pass such a law. The second clause of that amendment never intended such an invasion of the rights of citizens and of States. If the amendment, instead of abolishing slavery, had abolished all distinction of color, then such a bill might be justified. But there was now no resemblance whatever between the amendment and the provisions of this bill.

Mr. HOWARD, (rep.) of Mich., asked Mr. Saulsbury whether the intention and meaning of the constitutional amendment was not to render him who was formerly a slave a freeman.

Mr. SAULSBURY replied that the amendment did nothing to the slave but remove the burden of servitude from him. It was about time, he said, that we heard no more about tears from the poor slave. He had seen more cause in the last few years to shed tears for the poor white man. He believed that if the bill was passed it would be construed to grant the right of suffrage to negroes in the States. Such might not be the intention of the friends of the bill, but such would certainly be the result of its passage. If the President signed this bill and the bill for the enlargement of the power of the Freedmen's Bureau he would sign two sets more dangerous to the liberty of his countrymen and more disastrous to the citizens of the country than all the acts that have been passed from the foundation of the government to the present hour.

EXECUTIVE SESSION.

At half-past three o'clock the Senate, on motion of Mr. SUMNER, went into executive session, and soon after adjourned.

HOUSE OF REPRESENTATIVES.

WASHINGTON, Jan. 29, 1866.

THE REFUSAL OF PRESIDENT JOHNSON TO ACCEPT THE PRESENT OF A CARRIAGE AND HORSES.

The House proceeded to the consideration of the resolutions introduced by Mr. Niblack, of Indiana, last Monday, declaring:—

First—That the conduct of his Excellency, Andrew Johnson, in refusing the present of a carriage and horses from some of his friends in New York was, under the circumstances, eminently prudent, commendable and patriotic, and affords a valuable example to all others similarly situated, and meets the unqualified approbation of this House.

Second—That as the sense of this House, the practice now so common of subordinates under the government giving presents to their superior officers, dependent upon them for appointments and promotion to office, is demoralizing in its tendency, destructive to public morals, and ought to be prohibited.

Mr. FARNSWORTH, (rep.) of Ill., moved to lay the first resolution upon the table; but the question was decided in the negative—13 against 120.

The two resolutions were then separately agreed to.

THE HALL OF REPRESENTATIVES FOR LEGISLATIVE PURPOSES ONLY.

Mr. HILL, (rep.) of Ind., offered a resolution, which was agreed to, that the Committee on the Rules be instructed to inquire into the expediency of reporting a rule prohibiting the use of the hall of the House of Representatives for any other purpose than the legislative purposes of Congress.

DEMAND FOR THE TRIAL OF JEFF. DAVIS

Mr. JULIAN, (rep.) of Ind., offered a resolution declaring that, in the deliberate judgement of the House the speedy trial of Jeff. Davis for the crime of treason, and his prompt execution, if found guilty, are imperatively demanded by the people of the United States in order that treason may be adequately branded by the nation, traitors made infamous and the repitition of their crimes, as far as possible, be prevented.

Mr. SCHENCK, (rep.) of Ohio, suggested an amendment, which Mr. Julian accepted, to provide for the trial either by a civil or military tribunal.

Mr. JULIAN also accepted a modification proposed by Mr. Bingham, adding "or the other crimes of which he stands charged."

The House refused to second the demand for the previous question, when, debate arising, the resolution went over.

THE PENNSYLVANIA INSTITUTION FOR THE BLIND.

Mr. MILLER, (rep.) of Pa., introduced a bill to exempt from taxation the Pennsylvania Institution for the Instruction of the Blind.

THE DISTRICT ELECTION LAWS.

Mr. FARQUHAR, (rep.) of Ind., offered a resolution, which was agreed to, instructing the Committee on the District of Columbia to report a bill to amend the election laws of the District so as to exclude from the exercise of the right of suffrage therein all persons who have willingly borne arms against the United States or have accepted office from the rebels during the late rebellion.

THE ARSENAL EXPLOSION.

Mr. INGERSOLL, (rep.) of Ill., from the Committee on the District of Colombia, reported a bill appropriating twenty-five hundred dollars for the relief of the sufferers by the late explosion at the Arsenal.

Mr. WASHBURNE, (rep.) of Ill., objected, saying that a general bill would be best to meet all such cases.

TRANSFER OF CASES FROM STATE COURTS TO UNITED STATES COURTS.

Mr. KELLY, (rep.) of Penn., introduced a bill which was referred to the Judiciary Committee, providing for transferring all cases now pending in the State courts, wherein non-residents are parties, plaintiffs or defendants, to the United States Courts.

APPORTIONMENT OF REPRESENTATION, AND DIRECT TAXES—GENERAL SHERMAN IN THE HOUSE.

The House resumed the consideration of the amendment to the constitution apportioning direct taxation and representation, as reported from the select Committee on Reconstruction.

Mr. RAYMOND, (rep.) of N. Y., commenced a speech upon the subject, but had not proceeded far before he yielded the floor, at the request of Mr. Farnsworth, who stated that Major General Sherman was in the Hall, and in order that gentlemen might have an opportunity of greeting him, he moved that the House take a recess of five minutes. The motion was unanimously agreed to.

The Speaker immediately left the chair, and joining General Sherman, conducted him to the stand amid general applause both on the floor and in the galleries.

The SPEAKER said—Gentlemen of the House of Representatives, I have the honor of introducing to you this day by your unanimous order Major General Sherman, so well known to you and to the whole civilized world as one of our most gallant and heroic defenders in the contest for the Union which has so happily closed. Of the brilliancy of his achievements for our beloved country—imperilled but, thank God, preserved—I need not speak to you, as I know they will live forever in the gratitude of every heart.

Mr. WASHBURNE, of Ill., proposed three cheers for Major General Sherman.

They were enthusiastically given amid the waving of hats and handkerchiefs in the galleries.

General SHERMAN acknowledged the compliment by saying:—Gentlemen of the House of Representatives—I am more accustomed to cheering such as has been given by you than to pitching my voice to reach all parts of this room, which I never entered before save in those galleries. I can simply say I thank you from my heart for the reception you have given me. I hope I may continue to deserve the good wishes you express, and I shall endeavor to do all I can to that end.

The Speaker then introduced to General Sherman the members who thronged around him. The five minutes' recess having expired the House resumed its business.

Mr. RAYMOND said the original resolution before the House came from the joint committee appointed to inquire into the political condition of the States lately in rebellion in order to determine whether those States were or were not entitled to representation in Congress. The House could judge how much information the resolution embraced on that subject, and what connection it had with the object for which the committee was appointed. The committee had reported without explanation or reasons a naked proposition to amend the constitution. He was afraid that he should fail under the censure expressed the other day by the gentleman from Ohio (Mr. Bingham) upon those who were unwilling to tamper with the constitution of the United States. He acknowledged freely that he distrusted all propositions for its amendment. The history of the country had proved that the constitution was the most wonderful instrument ever framed by the wisdom of man for the government of a great nation. It was fully adequate to all emergencies of peace or war. A triumphant carrying out of the war afforded the highest possible testimony of its adequacy to all contingencies. In the distribution of powers between the general government and the several States that document proved that it was made not for a day, but for all time. Still he recognized the justice and propriety of amending it to meet changed circumstances and an altered condition of facts. The question of slavery, for instance, had undergone such a total change as to make an amendment of the constitution wise and proper. The evil proposed to be remedied by the pending amendment was also one that probably might well demand attention. The Southern States had been entitled to a three-fifths representation for their slaves. That was an inequality which demanded a remedy, if one could be found not worse than the evil itself. He thought there were very serious objections to the proposed amendment. One was that it changed the basis of representation from population to something else. It was a fundamental principle of free governments that the inhabitants—all who are subjects of law—should be represented in the enactment and execution of the law. Another objectionable feature was that noticed by the gentleman from Pennsylvania (Mr. Broomall) in regard to the meaning of the words "race" and "color." Another was that it disfranchised a whole race, if a portion of that race was disfranchised by a State. That was not a wise proposition. It held out no encouragement for enfranchising any portion of the colored race. He could not help feeling that its enactment would be disastrous to the relations between the Union and the Southern States and to the welfare of those States. The gentleman from Ohio (Mr. Bingham), a member of the committee, had said the other day that this was the first of a series of amendments and propositions which that committee would submit for the action of the House; that he regarded them all as essential to the safety of the country, and that he trembled when he thought that the whole series of propositions might not be adopted.

Mr. BINGHAM, (rep.) of Ohio—The remark I made was that I would tremble for my country if I thought that this proposition was all that the House would pass and send out to the country.

Mr. RAYMOND accepted the correction. This, then, was the first of a series of propositions to amend the constitution. The House was entitled to know the whole programme before acting on any one feature of it. They should know particularly whether the powers of the general government were to be so enlarged as to destroy the rights which these States now actually hold under the constitution. He could not help believing that this proposition was part of a scheme for reconstructing the government of the United States on the basis so frequently announced here: that the rebellious had ceased to have any of the rights or powers of States; that they no longer existed as States of and in the Union, but only as so much unorganized waste, ungoverned territory; and that the people thereof were simply vanquished enemies, at the sovereign will and discretion of the conqueror. That was the tone of much of the debate here. The gentleman from Ohio (Mr. Shellabarger) had taken that ground, holding that the United States must and ought to assume and exercise local powers in the Southern States and control the readmission of such States. The gentleman from Connecticut (Mr. Deming) had declared that the people of the late rebellious States were now vanquished enemies whose lives, rights and property were at our sovereign disposal, and he had taken some credit because this government had not enforced the *strictissimum jus*, which such a condition gave it. His (Mr. Raymond's) position was the exact opposite of that. He denied in fact the fact of any subjugation. He held that the Southern States had never ceased to be States of the Union; that they were to-day States of the Union, entitled to all the rights conferred upon them by the constitution, and that the general government had no more power over them, not granted by the constitution, than it had over the States of New England or of the West.

Mr. SHELLABARGER, (rep.) of Ohio, asked why if that were so, he (Mr. Raymond) had stated in debate some days ago that he thought the general government had full power and perfect right to require certain conditions in the nature of guarantees for the future.

Mr. RAYMOND did not consider that question as in the line of his argument, but had no objection to answer it. He considered that the general government had a right to demand guarantees from the rebels in the nature of a surrender. They did surrender not only their arms and munitions of war, but the principles on which the rebellion rested, and they were therefore entitled, with certain limitations, to the rights given them by the constitution. So the government was restrained by the constitution from doing anything toward those States which it might not properly and rightly do toward others. The gentleman (Mr. Shellabarger) had taken the ground that habitual obedience to law was essential to the continued existence of a State in the view of public law, and had quoted Wheaton in support of it, assuming, however, that that habitual obedience must be uninterrupted. This last assumption was at variance with what was laid down by Wheaton, who said that whatever may be the internal constitution or form of a government, even though the State be distracted with anarchy, it still subsists a State in the contemplation of law until its sovereignty is completely extinguished by the final dissolution of the social tie. The mere interruption of obedience did not extinguish a State. There were examples of this all over the world where habitual obedience to law was suspended, sometimes by anarchy, sometimes by usurpation, sometimes by civil war. It was so in the great French Revolution. Some English publicists, Burke among them, had contended that the social tie was dissolved and that France had ceased to be a State; but it was never so regarded by England or the European coalition. The Mexican empire to-day was another illustration. There there was usurpation. There habitual obedience to law had been suspended, and he who was regarded as its rightful owner was a fugitive among the mountains; but when Juarez should come back and take possession of the government of Mexico, would it be contended that the State had ceased to exist? The point in regard to the continued existence of the States of the Union was the same. Suppose that in a war with England she would take possession of the State of Massachusetts and plant her armies all around its borders, and suppose that occupation were prolonged for one, two or three years, would Massachusetts cease to be a State of the Union? Would she not, whenever the usurping Power was expelled, stand in her old place as one of the States?

Mr. SHELLABARGER explained that his position was, that when States ceased for the time being to be States of the Union they could not, under the system, revive to the governing status without the leave of the general government.

Mr. RAYMOND—The Southern States did not cease to be States in the scope of international law. There never had been a time that they had not government and law, and obedience to law. It did not require obedience to any particular form of law to make a State a State. It might be a republic to-day, a monarchy to-morrow, and a despotism the next day; but still it continued to be a State. Was there a time when England or France would not have recognized one of the rebel States as a State in the sense of public law? Not at all. They never ceased to be States. They were States in the sense of public international law and in the contemplation of the United States, because the habitual obedience due from them to the government of the United States was only suspended, not abrogated or destroyed. If they had succeeded in refusing that obedience permanently and forever, then they would have ceased to be States in the Union, not otherwise. During the war of 1812 the British took possession of the territory of Maine, including the town and port of Castine, and held it a year so completely and absolutely that the people were held by the courts to have been absolved from obedience to the government. But had Congress been called on to act when the usurpation was withdrawn? No. The State renewed its functions and went on just as if the usurpation had never existed. That was precisely the position of the rebel States. In the winter of 1860 and spring of 1861 a conspiracy against the government of the United States existed in this city—in this House—aided by agents and co-conspirators in other sections of the country. It was the duty of the government to take precautions against the projected usurpation. The distinguished chieftain then at the head of the army had recommended the stationing of troops in the Southern States to prevent the success of such an attempt at usurpation. The government failed to perform its duty. The President of the United States had a theory which prevented him, and even the Congress of that day would have refused to give him the power to do it effectually. Through the default of the government, therefore, the usurpation acquired force. Who did not believe that if there had been a reasonable force stationed in North Carolina that State would never have fallen into the hands of traitors and usurpers? The same was true of almost all the other States. If the government had performed its solemn obligations to guarantee to each State a republican form of government, the rebellion would have been prevented. If a usurpation does not necessarily, of itself, take a State out of the Union until it proves a success, when does that take place? Unless it holds power permanently it is not a success, and does not achieve the object of taking the State out of the Union. The people of the South had no choice in the matter. If they refused obedience to the usurping power they were punished for their refusal. If they hesitated their goods were confiscated. If the usurpers had been expelled in six months, in one year, or in two years, would anybody have contended that the States were out of the Union? And would any one now point out the precise line in point of time when a State gets out of the Union by the usurpation of its powers? All through the war delegates and representatives from States that were in rebel hands—Louisiana, Tennessee, Kentucky—were admitted to this House. The gentleman from Pennsylvania (Mr. Broomall) had been factious in alluding to the fact that he (Mr. Raymond) curiously coincided in this matter with the gentleman from New Jersey (Mr. Rogers). He (Mr. Raymond) had learned long ago that it was much better to be right with a political opponent than wrong with a political adherent; and he had no hesitation in saying that he would far rather be right with the gentleman from New Jersey than be wrong even in such distinguished company as that of the gentleman from Pennsylvania. He knew nothing but right and wrong in this question, and should act on his own judgment, endeavoring to be right on every point. The gentleman from Pennsylvania would find that this was no [illegible] for him, for he had expressed himself to the effect in a speech at Wilmington, Del., in the [illegible]. If the States had gone out of the Union they must have gone out at a particular time, and in consequence [illegible] specific act, and he asked for a definition of [illegible] and act. It was easy to tell when each State [illegible] member of the Union, and it should be no [illegible] when it ceased to be one, if it ever did. Will [illegible] South Carolina cease to be a member? Was it the [illegible] adopted the ordinance of secession? Did the act of secession make her cease to be a member? Would any gentleman maintain that theory? He did not understand the gentleman from Ohio to maintain that position.

Mr. SHELLABARGER—I did not maintain that position.

Mr. RAYMOND—If the passage of the ordinance of secession did not effect the severance of the rebel States, what did? Was it the fact that they made war? That fact was nothing in itself. That was a game that two could play at; and unless they made successful war the fact of making war had no relevancy at all, and could make no change in their constitutional relations. Was it the duration of the war that accomplished that result? If so, what was the length of time essential to its accomplishment? Was it the mode of making war? The fact alluded to by the gentleman from Pennsylvania (Mr. Broomall) of their converting the bones of our martyred heroes into ornaments? Of course no one pretended that. Then it was neither the fact of making war, nor the duration of the war, nor the method of carrying it out which effected the severance of the rebel States. What was there left but the result of the war which could accomplish it? If the war had been successful, then that would the purpose of separating from the Union have been accomplished. Mr. Raymond combatted the idea that the decision of the Supreme Court in the prize cases showed that the rebel States were out of the Union, and quoted from Judge Grier's decision, and from Mr. Richard H. Dana's pamphlet on it, to sustain his position. It had been claimed that the rebel States had forfeited their rights and had therefore ceased to have any rights. That was a novel doctrine to him. He did not know how States could forfeit their rights. They certainly could not do it outside of the constitution; and there was no provision in the constitution under which they could do it. They had not done it by the law of nations. We had not waged a war of conquest upon them. We had acquired by our victories over them nothing but what we had before we had put down the rebellion, crushed the usurpation, cleared the rebel States of all the authority that opposed the execution of the laws of the United States, and, when that was done, we were done and the States remained as before. We certainly had not conquered them in any sense of subjugation. There was no provision found in the constitution for the forfeiting of State rights. There were provisions for punishing individuals, but none for punishing States. The acts of the government, in all its departments—executive, legislative and judicial—confirmed that view, and proceeded on the supposition that they were States of the Union when the rebellion broke out; that they continued to be States of the Union during all the war, and that they are now States of the Union. In this connection Mr. Raymond referred to the proclamations of Mr. Lincoln; to his declarations, private and public; to his first inaugural; to his diplomatic correspondence, through the Secretary of State; to Mr. Lincoln's message to Congress; to his letters to Horace Greeley and Fernando Wood, and to the reply made to the French proposals of mediation of the 6th of February, 1863, stating that the Congress of the United States furnished a constitutional forum of debate for the alienated parties; that Senators and Representatives from the loyal portion of the people were there already fully empowered to confer, and that seats were also vacant inviting Senators and Representatives from the discontented part, who might be constitutionally sent there from the States involved in the insurrection. Mr. Raymond also referred to the laws of Congress passed in the same idea to the tariff and revenue laws, to the act for the apportionment of representatives, to a resolution defining the object of the war to be to defend and maintain the supremacy of the constitution and to preserve the Union with all the dignity, equality and rights of the States unimpaired. This resolution, passed in the summer of 1861, had been voted for by all the Union members of the House, including the Speaker, Mr. Kelley and Mr. Shellabarger. The gentleman from Pennsylvania (Mr. Stevens) had not always held the theory that the rebel States were out of the Union; for on the 4th of December, 1862, he introduced a resolution declaring that if any person in the employment of the United States in either the executive or the legislative branch, should propose to make peace or accept or advise the acceptance of any such proposition on any other basis than the integrity and entire unity of the United States and their territory as they existed at the time of the rebellion they would be guilty of a high crime. He (Mr. Raymond) did not propose to be guilty of that high crime. He had heard it said that the rebel States were estopped by their own acts from claiming their rights. But he submitted that the doctrine of estoppage must be mutual; and that, as Congress had declared the object of the war to be to preserve the rights of the States unimpaired, Congress was estopped from putting in any other plea to-day. Mr. Raymond also referred to a speech delivered by Chief Justice Chase nearly a year ago in Dartmouth College, in which he laid down the proposition that the Rebel States remained States of the Union, and that the second process of reorganization was that the government should now revest to the hands of the Southern people. Mr. Raymond referred to the conduct of President Lincoln and President Johnson since the close of the war in issuing amnesty proclamations, and taking other means to reinvest the people of the Southern States with their political rights. He did not know that there was any special call for the interposition of Congress on this subject. The duty had been well performed by the Executive. The States were in