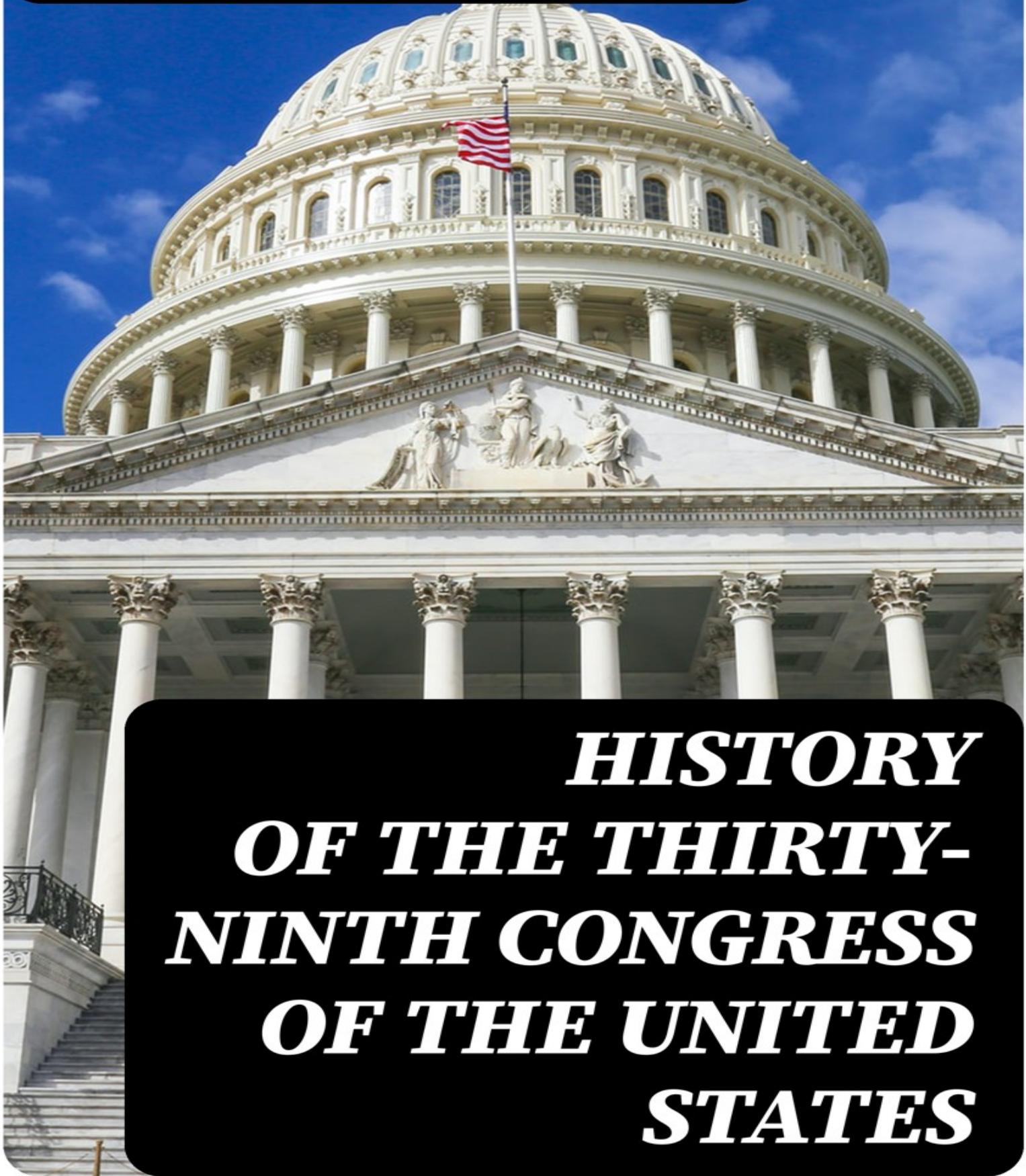


**WILLIAM
HORATIO BARNES**



***HISTORY
OF THE THIRTY-
NINTH CONGRESS
OF THE UNITED
STATES***

William Horatio Barnes

History of the Thirty-Ninth Congress of the United States

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The history of the Thirty-Ninth Congress is a sequel to that of the Rebellion. This having been overthrown, it remained for Congress to administer upon its effects. It depended upon the decisions of Congress whether the expected results of our victories should be realized or lost.

Now that the work of the Thirty-Ninth Congress stands forth complete, people naturally desire to know something of the manner in which the rough material was shaped into order, and the workmanship by which the whole was "fitly joined together." It can not be said of this fabric of legislation that it went up without "the sound of the hammer." The rap of the gavel was often heard enforcing order or limiting the length of speeches.

Discussion is the process by which legislation is achieved; hence no history of legislation would be complete without presenting the progress of debate preparatory to the adoption of important measures. The explanation of what our legislators did is found in what they said. Debates, as presented in the following pages, are by necessity much abridged. No attempt has been made to give a summary or synopsis of speeches. That which seemed to be the most striking or characteristic passage in a speech is given, in the words of the orator.

Many things said and done in the Thirty-Ninth Congress, of great importance to the nation, are by necessity omitted. The reader, in forming his opinion of Congressional character and ability, will bear in mind that those who speak most frequently are not always the most useful legislators. Men from whom no quotation is made, and to whom no measure is attributed in the following pages, may be among the foremost in watchfulness for their constituents, and faithfulness to the country.

If it should seem that one subject — the negro question — occupied too much of the time and attention of Congress, it must be borne in mind that this subject was thrust upon Congress and the country by the issue of the Rebellion, and must be definitely and finally settled before the nation can be at rest. "Unsettled questions have no pity on the repose of mankind."

No attempt has been made to present a journal of Congressional proceedings, giving a detail of what was said and done from day to day in the Senate and the House. There was always some great national question under consideration in one or the other House, forming an uninterrupted series of discussions and transactions. To present these in review is to give a history of the Thirty-Ninth Congress, since they distinguish it from all its predecessors, and make it historical.

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INTRODUCTORY.

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By HON. SCHUYLER COLFAX,

SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The Congress that has just passed away has written a record that will be long remembered by the poor and friendless, whom it did not forget. Misrepresented or misunderstood by those who denounced it as enemies, harshly and unjustly criticised by some who should have been its friends, it proved itself more faithful to human progress and liberty than any of its predecessors. The outraged and oppressed found in these congressional halls

champions and friends. Its key-note of policy was protection to the downtrodden. It quailed not before the mightiest, and neglected not the obscurest. It lifted the slave, whom the nation had freed, to the full stature of manhood. It placed on our statute-book the Civil Rights Bill as our nation's magna charta, grander than all the enactments that honor the American code; and in all the region whose civil governments had been destroyed by a vanquished rebellion, it declared as a guarantee of defense to the weakest that the freeman's hand should wield the freeman's ballot; and that none but loyal men should govern a land which loyal sacrifices had saved. Taught by inspiration that new wine could not be safely put in old bottles, it proclaimed that there could be no safe or loyal reconstruction on a foundation of unrepentant treason and disloyalty.

The first session of the Thirty-ninth Congress proposed, as their plan of Reconstruction, a Constitutional Amendment. It was a bond of public justice and public safety combined, to be embodied in our national Constitution, to show to our posterity that patriotism is a virtue and rebellion is a crime. These terms were more magnanimous than were ever offered in any country under like circumstances. They were kind, they were forbearing, they were less than we had a right to demand; but in our anxiety, in our desire to close up this question, we made the proposition. How was it received? They trampled upon it, they spat upon it, they repudiated it, and said they would have nothing to do with it. They were determined to have more power after the rebellion than they had before.

When this proposition was repudiated, we came together again, at the second session of the same Congress, to devise some other plan of reconstruction in place of the proffer that had been spurned. We put the basis of our reconstruction, first, upon every loyal man in the South, and then we gave the ballot also to every man who had only been a traitor. The persons we excluded, for the present, from suffrage in the South, were not the thousands who struggled in the rebel army, not the millions who had given their adhesion to it, but only those men who had sworn allegiance to the Constitution and then added to treason the crime of perjury.

Though we demand no indemnity for the past, no banishment, no confiscations, no penalties for the offended law, there is one thing we do demand, there is one thing we have the power to demand, and that is security for the future, and that we intend to have, not only in legislation, but imbedded in the imperishable bulwarks of our national Constitution, against which the waves of secession may dash in future but in vain. We intend to have those States reconstructed on such enduring corner-stones that posterity shall realize that our fallen heroes have not died in vain.

CHAPTER I.

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The Thirty-ninth Congress of the United States, convened in the Capitol at Washington on the fourth of December, 1865. Since the adjournment of the Thirty-eighth Congress, events of the greatest moment had transpired—events which invested its successor with responsibilities unparalleled in the history of any preceding legislative body.

Abraham Lincoln, sixteenth President of the United States, had been slain by the hand of the assassin. The crime had filled the land with horror. The loss of its illustrious victim had veiled the nation in unaffected grief.

By this great national calamity, Andrew Johnson, who on the fourth of March preceding had taken his seat simply to

preside over the deliberations of the Senate, became President of the United States.

Meanwhile the civil war, which had been waged with such terrible violence and bloodshed for four years preceding, came to a sudden termination. The rebel armies, under Generals Lee and Johnston, had surrendered to the victorious soldiers of the United States, who in their generosity had granted to the vanquished terms so mild and easy as to excite universal surprise.

Jefferson Davis, Alexander H. Stephens, and some other leaders in the rebellion, had been captured and held for a time as State prisoners; but, at length, all save the "President of the Confederate States" were released on parole, and finally pardoned by the President.

The President had issued a proclamation granting amnesty and pardon to "all who directly or indirectly participated in the rebellion, with restoration of all rights of property, except as to slaves," on condition of their subscribing to a prescribed oath. By the provisions of this proclamation, fourteen classes of persons were excepted from the benefits of the amnesty offered therein, and yet "any person belonging to the excepted classes" was encouraged to make special application to the President for pardon, to whom clemency, it was declared, would "be liberally extended." In compliance with this invitation, multitudes had obtained certificates of pardon from the President, some of whom were at once elected by the Southern people, to represent them, as Senators and Representatives, in the Thirty-ninth Congress.

The President had further carried on the work of reconstruction by appointing Provisional Governors for many of the States lately in rebellion. He had recognized and entered into communication with the Legislatures of these States, prescribing certain terms on which they might secure representation in Congress, and recognition of "all their rights under the Constitution."

By these and many other events which had transpired since the expiration of the preceding Congress, the legislation pertaining to reconstruction had become a work of vast complexity, involving principles more profound, and questions more difficult, than ever before presented for the consideration and solution of men assembled in a legislative capacity.

At twelve o'clock on the day designated in the Constitution for the meeting of Congress, the Senate assembled, and was called to order by Hon. Lafayette S. Foster, President pro tempore. Senators from twenty-five States were in their seats, and answered to their names. Rev. E. H. Gray, Chaplain of the Senate, invoked the blessing of Almighty God upon Congress, and prayed "that all their deliberations and enactments might be such as to secure the Divine approval, and insure the unanimous acquiescence of the people, and command the respect of the nations of the earth."

Soon after the preliminary formalities of opening the Senate had transpired, Benjamin F. Wade, Senator from Ohio, inaugurated the labors of the Thirty-ninth Congress, and significantly foreshadowed one of its most memorable

acts by introducing "a bill to regulate the elective franchise in the District of Columbia."

The Senate signified its willingness to enter at once upon active duty by giving unanimous consent to Mr. Sumner, Senator from Massachusetts, to introduce a number of important bills. The measures thus brought before the Senate were clearly indicative of the line of policy which Congress would pursue. The bills introduced were designed "to carry out the principles of a republican form of government in the District of Columbia;" "to present an oath to maintain a republican form of government in the rebel States;" "to enforce the amendment to the Constitution abolishing slavery;" "to enforce the guarantee of a republican form of government in certain States where governments have been usurped or overthrown."

Senator Wilson, of Massachusetts, was not behind his distinguished colleague in his readiness to enter upon the most laborious legislation of the session. He introduced "a bill to maintain the freedom of the inhabitants in the States declared in insurrection by the proclamation of the President on the first of July, 1862."

Senator Harris, of New York, long known as one of the ablest jurists of his State, and recently an eminent member of the Senate's Judiciary Committee, directed attention to his favorite field of legislative labor by introducing "a bill to reorganize the Judiciary of the United States."

While the Senate was thus actively entering upon the labors of the session, a somewhat different scene was transpiring in the other end of the Capitol.

Long before the hour for the assembling of Congress, the halls, the galleries, and corridors of the House of Representatives were thronged with such crowds as had never before been seen at the opening of a session. The absorbing interest felt throughout the entire country in the great questions to be decided by Congress had drawn great numbers to the Capitol from every quarter of the Union. Eligible positions, usually held in reserve for certain privileged or official persons, and rarely occupied by a spectator, were now filled to their utmost capacity. The Diplomatic Gallery was occupied by many unskilled in the mysteries of diplomacy; the Reporters' Gallery held many listeners and lookers on who had no connection with newspapers, save as readers. The "floor" was held not only by the "members," who made the hall vocal with their greetings and congratulations, but by a great crowd of pages, office-seekers, office-holders, and unambitious citizens, who thronged over the new carpet and among the desks.

The hour having arrived for the assembling of Congress, Edward McPherson, Clerk of the last House of Representatives, brought down the gavel on the Speaker's desk, and called the House to order. The members found their seats, and the crowd surged back up the aisles, and stood in a compact mass in the rear of the last row of desks.

Edward McPherson, who at that moment occupied the most prominent and responsible place in the nation, had come to his position through a series of steps, which afforded the country an opportunity of knowing his material and capacity. A graduate of Pennsylvania College in 1848,

editor, author, twice a Congressman, and Clerk of the House of Representatives in the Thirty-eighth Congress, he had given evidence that he was reliable. Having shown himself a thoroughly conscientious man in the performance of all his public duties, the great interests of the nation were safe in his hands.

The country had been greatly concerned to know how the Clerk would make up the Roll of the House, and whether the names of members elect from the late rebellious States would be called at the opening of the session. If this should be done, the first step would be gained by the Representatives of those States toward holding seats in Congress to which the majority at the North considered them not entitled. It had even been intimated that the color of constitutionality which they would gain from recognition by the Clerk would be used to justify an assertion of their claims by force. What the Clerk would do, as master of the rolls and presiding officer of the House, was not long in doubt.

The Clerk proceeded to call the roll of Representatives elect, while the subordinates at the desk took note of the responses. He called the names of Congressmen from the States of Maine, New Hampshire, Vermont, Massachusetts, and so forth, in a certain order which had been customary time immemorial in naming the States. In this order Tennessee had place after Kentucky and before Indiana. When the name of the last Representative from Kentucky had been called, the decisive moment arrived. The delegation from Tennessee were on the floor, ready to answer to their names. The Clerk passed over Tennessee