
IN THE SENATE OF THE UNITED STATES.

MARCH 13, 1866.

Ordered, That the bill (S. 61) "to protect all persons in the United States in their civil rights, and furnish the means of their vindication," be printed, together with the amendments of the House of Representatives thereto, and that the same be referred to the Committee on the Judiciary.

AN ACT

To protect all persons in the United States in their civil rights,
and furnish the means of their vindication.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That all persons born in the United States and not subject to
4 any foreign power, excluding Indians, not taxed, are hereby
5 declared to be citizens of the United States, without distinc-
6 tion of color, and there shall be no discrimination in civil
7 rights or immunities among the inhabitants of any State or
8 Territory of the United States on account of race, color, or
9 previous condition of slavery; but the inhabitants of every
10 race and color, without regard to any previous condition of
11 slavery or involuntary servitude, except as a punishment for
12 crime whereof the party shall have been duly convicted, shall
13 have the same right to make and enforce contracts, to sue, be

14 parties, and give evidence, to inherit, purchase, lease, sell,
15 hold, and convey real and personal property, and to full and
16 equal benefit of all laws and proceedings for the security of
17 person and property, and shall be subject to like punishment,
18 pains, and penalties, and to none other, any law, statute,
19 ordinance, regulation, or custom, to the contrary notwith-
20 standing.

1 SEC. 2. *And be it further enacted,* That any person
2 who, under color of any law, statute, ordinance, regulation, or
3 custom, shall subject, or cause to be subjected, any inhabitant
4 of any State or Territory to the deprivation of any right
5 secured or protected by this act, or to different punishment,
6 pains, or penalties on account of such person having at any
7 time been held in a condition of slavery or involuntary servi-
8 tude, except as a punishment for crime whereof the party
9 shall have been duly convicted, or by reason of his color or
10 race, than is prescribed for the punishment of white persons,
11 shall be deemed guilty of a misdemeanor, and, on conviction,
12 shall be punished by fine not exceeding one thousand dollars,
13 or imprisonment not exceeding one year, or both, in the dis-
14 cretion of the court.

1 SEC. 3. *And be it further enacted,* That the district
2 courts of the United States, within their respective districts,
3 shall have, exclusively of the courts of the several States,
4 cognizance of all crimes and offences committed against the

5 provisions of this act, and also, concurrently with the circuit
6 courts of the United States, of all causes, civil and criminal,
7 affecting persons who are denied or cannot enforce in the
8 courts or judicial tribunals of the State or locality where they
9 may be any of the rights secured to them by the first section
10 of this act; and if any suit or prosecution, civil or criminal,
11 has been or shall be commenced in any State court against
12 any such person, or against any officer, civil or military, or
13 other person, for any arrest or imprisonment, trespasses, or
14 wrongs done or committed by virtue or under color of author-
15 ity derived from this act or the act to enlarge the powers of
16 the Freedmen's Bureau, such defendant shall have the right
17 to remove such cause for trial to the proper district or circuit
18 court in the manner prescribed by the " Act relating to habeas
19 corpus and regulating judicial proceedings in certain cases,"
20 approved March three, eighteen hundred and sixty-three.
21 The jurisdiction in civil and criminal matters hereby conferred
22 on the district and circuit courts of the United States shall be
23 exercised and enforced in conformity with the laws of the
24 United States, so far as such laws are suitable to carry the
25 same into effect; but in all cases where such laws are not
26 adapted to the object, or are deficient in the provisions neces-
27 sary to furnish suitable remedies and punish offences against
28 law, the common law, as modified and changed by the con-
29 stitution and statutes of the State wherein the court having

30 jurisdiction of the cause, civil or criminal, is held, so far as
31 the same is not inconsistent with the Constitution and laws of
32 the United States, shall be extended to and govern said courts
33 in the trial and disposition of such cause, and, if of a criminal
34 nature, in the infliction of punishment on the party found
35 guilty.

1 SEC. 4. *And be it further enacted,* That the district
2 attorneys, marshals, and deputy marshals of the United
3 States, the commissioners appointed by the circuit and terri-
4 torial courts of the United States, with powers of arresting,
5 imprisoning, or bailing offenders against the laws of the
6 United States, the officers and agents of the Freedmen's
7 Bureau, and every other officer who may be specially em-
8 powered by the President of the United States, shall be,
9 and they are hereby, specially authorized and required, at the
10 expense of the United States, to institute proceedings against
11 all and every person who shall violate the provisions of this
12 act, and cause him or them to be arrested and imprisoned, or
13 bailed, as the case may be, for trial before such court of the
14 United States or territorial court as by this act has cognizance
15 of the offence. And with a view to affording reasonable
16 protection to all persons in their constitutional rights of
17 equality before the law, without distinction of race or color,
18 or previous condition of slavery or involuntary servitude, ex-
19 cept as a punishment for crime, whereof the party shall have

20 been duly convicted, and to the prompt discharge of the
21 duties of this act, it shall be the duty of the circuit courts of
22 the United States and the superior courts of the Territories of
23 the United States, from time to time, to increase the number
24 of commissioners, so as to afford a speedy and convenient
25 means for the arrest and examination of persons charged
26 with a violation of this act.

1 SEC. 5. *And be it further enacted,* That said commis-
2 sioners shall have concurrent jurisdiction with the judges of
3 the circuit and district courts of the United States, and the
4 judges of the superior courts of the Territories, severally and
5 collectively, in term time and vacation, upon satisfactory
6 proof being made, to issue warrants and precepts for arresting
7 and bringing before them all offenders against the provisions
8 of this act, and on examination to discharge, admit to bail,
9 or commit them for trial, as the facts may warrant.

1 SEC. 6. *And be it further enacted,* That it shall be the
2 duty of all marshals and deputy marshals to obey and ex-
3 ecute all warrants and precepts issued under the provisions of
4 this act, when to them directed; and should any marshal or
5 deputy marshal refuse to receive such warrant or other pro-
6 cess when tendered, or to use all proper means diligently to
7 execute the same, he shall, on conviction thereof, be fined
8 in the sum of one thousand dollars, to the use of the person
9 upon whom the accused is alleged to have committed the

10 offence. And the better to enable the said commissioners to
11 execute their duties faithfully and efficiently, in conformity
12 with the Constitution of the United States and the require-
13 ments of this act, they are hereby authorized and empowered,
14 within their counties respectively, to appoint, in writing,
15 under their hands, any one or more suitable persons, from
16 time to time, to execute all such warrants and other process
17 as may be issued by them in the lawful performance of their
18 respective duties; and the persons so appointed to execute
19 any warrant or process as aforesaid shall have authority to
20 summon and call to their aid the bystanders or posse comi-
21 tatus of the proper county, or such portion of the land or
22 naval forces of the United States, or of the militia, as may be
23 necessary to the performance of the duty with which they
24 are charged, and to insure a faithful observance of the clause
25 of the Constitution which prohibits slavery, in conformity
26 with the provisions of this act; and said warrants shall run
27 and be executed by said officers anywhere in the State or
28 Territory within which they are issued.

1 SEC. 7. *And be it further enacted,* That any person who
2 shall knowingly and wilfully obstruct, hinder, or prevent any
3 officer, or other person charged with the execution of any
4 warrant or process issued under the provisions of this act, or
5 any person or persons lawfully assisting him or them, from ar-
6 resting any person for whose apprehension such warrant or pro-

7 cess may have been issued, or shall rescue or attempt to rescue
8 such person from the custody of the officer, other person or per-
9 sons, or those lawfully assisting as aforesaid, when so arrested
10 pursuant to the authority herein given and declared, or shall aid,
11 abet, or assist any person so arrested as aforesaid, directly or
12 indirectly, to escape from the custody of the officer or other
13 person legally authorized as aforesaid, or shall harbor or con-
14 ceal any person for whose arrest a warrant or process shall
15 have been issued as aforesaid, so as to prevent his discovery
16 and arrest after notice or knowledge of the fact that a war-
17 rant has been issued for the apprehension of such person,
18 shall, for either of said offences, be subject to a fine not
19 exceeding one thousand dollars, and imprisonment not exceed-
20 ing six months, by indictment and conviction before the dis-
21 trict court of the United States for the district in which said
22 offence may have been committed, or before the proper court
23 of criminal jurisdiction, if committed within any one of the
24 organized Territories of the United States.

1 SEC. 8. *And be it further enacted,* That the district
2 attorneys, the marshals, their deputies, and the clerks of the
3 said district and territorial courts shall be paid for their ser-
4 vices the like fees as may be allowed to them for similar ser-
5 vices in other cases; and in all cases where the proceedings
6 are before a commissioner, he shall be entitled to a fee of ten

7 dollars in full for his services in each case, inclusive of all
8 services incident to such arrest and examination. The per-
9 son or persons authorized to execute the process to be issued
10 by such commissioners for the arrest of offenders against the
11 provisions of this act shall be entitled to a fee of five dollars
12 for each person he or they may arrest and take before any
13 such commissioner as aforesaid, with such other fees as may be
14 deemed reasonable by such commissioner for such other ad-
15 ditional services as may be necessarily performed by him or
16 them, such as attending at the examination, keeping the
17 prisoner in custody, and providing him with food and lodg-
18 ing during his detention, and until the final determination of
19 such commissioner, and in general for performing such other
20 duties as may be required in the premises; such fees to be
21 made up in conformity with the fees usually charged by the
22 officers of the courts of justice within the proper district or
23 county, as near as may be practicable, and paid out of the
24 treasury of the United States on the certificate of the judge
25 of the district within which the arrest is made, and to be
26 recoverable from the defendant as part of the judgment in
27 case of conviction.

1 SEC. 9. *And be it further enacted,* That whenever the
2 President of the United States shall have reason to believe
3 that offences have been or are likely to be committed against

4 the provisions of this act within any judicial district, it shall
5 be lawful for him, in his discretion, to direct the judge, mar-
6 shal, and district attorney of such district to attend at such
7 place within the district, and for such time as he may desig-
8 nate, for the purpose of the more speedy arrest and trial of
9 persons charged with a violation of this act; and it shall be
10 the duty of every judge or other officer, when any such
11 requisition shall be received by him, to attend at the place
12 and for the time therein designated.

1 SEC. 10. *And be it further enacted,* That it shall be
2 lawful for the President of the United States, or such person
3 as he may empower for that purpose, to employ such part of
4 the land or naval forces of the United States, or of the militia,
5 as shall be necessary to prevent the violation and enforce
6 the due execution of this act.

Passed the Senate February 2, 1866.

Attest:

J. W. FORNEY, *Secretary.*

IN THE HOUSE OF REPRESENTATIVES.

MARCH 13, 1866.

Resolved, That the bill from the Senate (No. 61) entitled "An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication," do pass with the following

AMENDMENTS.

1 After the word "States," in line 5, page 1, strike out all
2 to and including the word "inhabitants," in line 9, and
3 insert the words "*and such citizens.*"

4 After the word "right," in line 13, same page, insert
5 the words "*in every State and Territory in the United*
6 *States.*"

7 Second page, in line 17, after the word "property,"
8 insert the words "*as is enjoyed by white citizens.*"

9 Page 3, line 12, section 3, after the word "person,"
10 insert the words "*for any cause whatsoever.*"

11 Same section, in lines 15 and 16, strike out the words
12 "to enlarge the powers of the Freedmen's Bureau," and insert
13 "*establishing a Bureau for the relief of Freedmen and*
14 *Refugees, and all acts amendatory thereof, or for refusing to*
15 *do any act upon the ground that it would be inconsistent with*
16 *this act.*"

17 Same page and section, line 20, after the word "sixty-
18 three," insert the words "*and all acts amendatory thereof.*"

19 Page 5, at the end of section 4, add “*and such commis-*
20 *sioners are hereby authorized and required to exercise and*
21 *discharge all the powers and duties conferred on them by this*
22 *act, and the same duties with regard to offences created by this*
23 *act, as they are authorized by law to exercise with regard to*
24 *other offences against the laws of the United States.*”

25 Same page, strike out section 5.

26 At the end of the bill add—

1 “SEC. —. *And be it further enacted, That upon all ques-*
2 *tions of law arising in any cause under the provisions of this*
3 *act a final appeal may be taken to the Supreme Court of the*
4 *United States.*”

Attest:

EDWARD McPHERSON, *Clerk.*

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