

**H. R. 1815.**

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IN THE HOUSE OF REPRESENTATIVES.

APRIL 18, 1870.

Read twice, referred to the Committee on the Judiciary, and ordered to be printed.

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Mr. SARGENT, on leave, introduced the following bill:

**A BILL**

To enforce the fifteenth amendment to the Constitution of the United States.

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 citizens of the United States, without distinction of  
4       race, color, or previous condition of servitude, who are other-  
5       wise qualified by law to vote, shall be entitled to vote at all  
6       elections for electors of President and Vice-President of the  
7       United States, and for members of the House of Representa-  
8       tives of the United States, and at all State, county, parish,  
9       township, and municipal elections held under the authority of  
10      any law of the United States, or of any State.

1       SEC. 2. *And be it further enacted,* That if by the con-  
2       stitution or laws of any State any act is required to be done

3 as a requisite for voting, such as the assessment of taxes, the  
4 registration of electors, or any other act or thing, and by such  
5 constitution or laws, persons or officers are charged with the  
6 performance of duties in furnishing to citizens an opportunity  
7 to become qualified to vote, it shall be the duty of all such  
8 persons or officers to give to colored citizens the same oppor-  
9 tunity to become qualified to vote as is by law provided for white  
10 citizens, and if any such person or officer by any act or omission  
11 shall fail to give full effect to this section, he shall for every  
12 such offense forfeit and pay the sum of five hundred dollars  
13 to any person injured who will sue for the same, and shall for  
14 every such offense be deemed guilty of a misdemeanor, and  
15 shall be fined not less than five hundred dollars and be impris-  
16 oned not less than one month or more than one year.

1       SEC. 3. *And be it further enacted,* That where by any  
2 State constitution or law any act is required by any citizen to  
3 be done to qualify him to vote, such as enrollment, payment  
4 of taxes, or any other act or thing, the offer of any colored cit-  
5 izen to perform the act required to be done as aforesaid shall  
6 be deemed and held as a performance of such act, and the  
7 person so offering to qualify himself and being otherwise qual-  
8 ified, shall be as fully entitled to vote at all elections specified  
9 in the first section of this act as other citizens who have com-  
10 plied with all the requirements of law ; and any judge, inspec-  
11 tor, or other officer of election, whose duty it is to receive or

12 count the vote of such colored citizen who shall refuse or  
13 omit to receive or count the vote of such citizen, shall for  
14 every such offense forfeit and pay the sum of five hundred  
15 dollars to any person injured who will sue for the same, and  
16 shall for every such offense be guilty of a misdemeanor  
17 and shall be fined not less than five hundred dollars, and be  
18 imprisoned not less than one month or more than one year.

1       SEC. 4. *And be it further enacted,* That any person  
2 who is deprived of any office by reason of the violation of  
3 any of the provisions of this act, may bring his action in the  
4 district or circuit court of the United States for the restoration  
5 of his rights and the possession of his office, with damages for  
6 exclusion therefrom, and the said courts shall have full juris-  
7 diction to hear and decide the same, and on the trial of any  
8 such action the person so deprived of his office shall have the  
9 full benefit of all votes which he can prove he would have re-  
10 ceived without such violation of law.

1       SEC. 5. *And be it further enacted,* That if any  
2 person by force, bribery, threats, intimidation, or threats  
3 of depriving any person of employment, or occupa-  
4 tion, or of ejecting any person from rented house, lands,  
5 or other property, or by threats of refusing to renew  
6 leases or contracts for labor, or by threats of vio-  
7 lence to himself or family, shall hinder, delay, prevent, or  
8 obstruct, or shall by any such means attempt to hinder, delay,

9 prevent, or obstruct, any person from registering, paying tax,  
10 or from doing any other act necessary to qualify a citizen to  
11 exercise the elective franchise, or from voting at any presi-  
12 dential, congressional, State, county, parish, township, or  
13 municipal election in any State, Territory, or district, on ac-  
14 count of race, color, or previous condition of servitude, such  
15 person shall for every such offense forfeit and pay the sum of  
16 five hundred dollars to any person injured who will sue  
17 for the same, and shall for every such offense be guilty of a  
18 misdemeanor, and shall be fined not less than five hundred  
19 dollars, and be imprisoned not less than one month or more  
20 than one year.

1       SEC. 6. *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 offenses committed against the  
5 provisions of this act, and also concurrently with the  
6 circuit courts of the United States, of all causes, civil  
7 and criminal, arising under this act, and the jurisdiction hereby  
8 conferred shall be exercised in conformity with the laws and  
9 practice governing United States courts.

1       SEC. 7. *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 arrest-

5 ing, imprisoning, or bailing offenders against the laws of the  
6 United States, and every other officer who may be specially  
7 empowered by the President of the United States, shall be,  
8 and they are hereby specially authorized and required, at the  
9 expense of the United States, to institute proceedings against  
10 all and every person who shall violate the provisions of this  
11 act, and cause him or them to be arrested and imprisoned, or  
12 bailed as the case may be for trial, before such court of the  
13 United States or territorial court, as by this act has cogni-  
14 zance of the offense. And with a view to afford reasonable  
15 protection to all persons in their constitutional right to vote  
16 without distinction of race, color, or previous condition  
17 of servitude, and to the prompt discharge of the duties  
18 of this act, it shall be the duty of the circuit courts  
19 of the United States, and the superior courts of the Territo-  
20 ries of the United States, from time to time, to increase the  
21 number of commissioners, so as to afford a speedy and con-  
22 venient means for the arrest and examination of persons  
23 charged with a violation of this act; and such commissioners  
24 are hereby authorized and required to exercise and discharge all  
25 the powers and duties conferred on them by this act, and the  
26 same duties with regard to offenses created by this act as they  
27 are authorized by law to exercise with regard to other offen-  
28 ses against the laws of the United States.

1       SEC. 8. *And be it further enacted,* That it shall be the

2 duty of all marshals and deputy marshals to obey and execute  
3 all warrants and precepts issued under the provisions of this  
4 act, when to them directed ; and should any marshal or deputy  
5 marshal refuse to receive such warrant or other process when  
6 tendered, or to use all proper means diligently to execute the  
7 same, he shall, on conviction thereof, be fined in the sum of one  
8 thousand dollars, to the use of the person deprived of his rights  
9 conferred by this act. And the better to enable the said com-  
10 missioners to execute their duties faithfully and efficiently, in  
11 conformity with the Constitution of the United States and  
12 the requirements of this act, they are hereby authorized and  
13 empowered, within their counties respectively, to appoint, in  
14 writing, under their hands, any one or more suitable persons,  
15 from time to time, to execute all such warrants and other pro-  
16 cess as may be issued by them in the lawful performance of  
17 their respective duties, and the persons so appointed to exe-  
18 cute any warrant or process as aforesaid shall have authority  
19 to summon and call to their aid the by-standers or posse com-  
20 itatus of the proper county, or such portion of the land or  
21 naval forces of the United States, or of the militia, as may be  
22 necessary to the performance of the duty with which they are  
23 charged, and to insure a faithful observance of the fifteenth  
24 amendment to the Constitution of the United States ; and  
25 such warrants shall run and be executed by said officers any-  
26 where in the State or Territory within which they are issued.

1        *SEC. 9. And be it further enacted,* That any person who  
2 shall knowingly and willfully obstruct, hinder, or prevent any  
3 officer or other person charged with the execution of any warrant  
4 or process issued under the provisions of this act, or any person or  
5 persons lawfully assisting him or them, from arresting any  
6 person for whose apprehension such warrant or process may  
7 have been issued, or shall rescue or attempt to rescue such  
8 person from the custody of the officer, or 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  
11 aid, abet, or assist any person so arrested as aforesaid, directly  
12 or 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 warrant  
17 has been issued for the apprehension of such person, shall, for  
18 either of said offenses, be subject to a fine not exceeding one  
19 thousand dollars, and imprisonment not exceeding six months,  
20 by indictment and conviction before the district or circuit court  
21 of the United States for the district or circuit in which said  
22 offense 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. 10. And be it further enacted,* That the commis-

2 sioners, district attorneys, the marshals, their deputies, and  
3 the clerks of the said district, circuit, and territorial courts  
4 shall be paid for their services the like fees as may be allowed  
5 to them for similar services in other cases. The person or  
6 persons authorized to execute the process to be issued by such  
7 commissioners for the arrest of offenders against the provisions  
8 of this act, shall be entitled to a fee of ten dollars for each  
9 person he or they may arrest and take before any such com-  
10 missioner as aforesaid, with such other fees as may be deemed  
11 reasonable by such commissioner for such other additional  
12 services as may be necessarily performed by him or them,  
13 such as attending at the examination, keeping the prisoner in  
14 custody, and providing him with food and lodging during his  
15 detention, and until the final determination of such comis-  
16 sioner, and in general for performing such other duties as may  
17 be required in the premises ; such fees to be made up in con-  
18 formity with the fees usually charged by the officers of the  
19 courts of justice within the proper district or county,  
20 as near as may be practicable, and paid out of the  
21 treasury of the United States on the certificate of the judge  
22 of the district within which the arrest is made, and to be re-  
23 coverable from the defendant as part of the judgment in case  
24 of conviction.

1       SEC. 11. *And be it further enacted,* That whenever the  
2 President of the United States shall have reason to believe that of-



3 fenses have been or are likely to be committed against the pro-  
4] [visions of this act within any judicial district, it shall be law-  
5 ful for him, in his discretion, to direct the judge, marshal,  
6 and district attorney of such district to attend at such place  
7 within the district, and for such time as he may designate,  
8 for the purpose of the more speedy arrest and trial of persons  
9 charged with a violation of this act ; and it shall be the duty  
10 of every judge or other officer, when any such requisition shall  
11 be received by him to attend at the place and for the time  
12 therein designated.

1       SEC. 12. *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 deemed necessary to prevent the violation and en-  
6 force the due execution of this act.

**H. R. 1914**

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